Ordinary Meeting of Council

Thursday 19 June 2025

Attachments Provided Under Separate Cover

- 15.06.25.04A Shire of Brookton Policy Manual with amendments
- 15.06.25.04B Draft Shire of Brookton Policy Manual.

Attachment 15.06.25.04A

Shire of Brookton

POLICY MANUAL

Adopted:
Amended:

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INTRODUCTION

The Council's *Policy Manual* is a set of Policies adopted of the Council, pursuant to Section 2.7 of the Local Government Act 1995 and includes those adopted pursuant to the Planning and Development Act 2005 and the Shire's Local (Town) Planning Scheme.

The Council's aim, although not statutorily required, is to formally review the Policies contained within this document at least once per annum.

The Policy Manual compliments separate documents including the Shire of Brookton Delegation Register, the Shire of Brookton Code of Conduct for Elected Members, Committee Members and Candidates, the Shire of Brookton Employees Code of Conduct and the respective procedure manuals.

1.0 EXECUTIVE POLICIES

1.1 ADMINISTRATION BUILDING AND COUNCIL CHAMBERS

Objective
To provide direction on the use of Council Chambers.

Policy
The Shire President after liaising with the CEO or CEO may authorise the use of the Council Chambers by community or Government organisations for the purpose of conducting meetings during office hours.

The Shire President and/or the CEO may authorise the use of the Council Chambers, outside of office hours, for meetings facilitated by Community or Government organisations where there is an Elected Member or a member of Shire staff as a delegate or representative at the meeting.

Guidelines
Access to the Administration building is only available to current Shire staff.

Keys to the Administration Centre are only available to Administration Staff and shall not be passed on to other committee members.

Resolution No:
Resolution Date:

1.2 MEETING – SCHEDULE DATES

Objective
To detail the timing of the Ordinary Meeting of Council.

Policy
The Ordinary Meeting of Council shall be held at 6.00pm on the third Thursday each month unless otherwise determined by Council.

Resolution No:
Resolution Date:

1.3 COUNCIL BRIEFING FORUMS

Objective
To provide policy to guide the conduct of Council Briefing Forums (CBF) to ensure compliance with the intent of the *Local Government Act 1995*, and the principles of open and accountable decision making.

CBFs will broadly follow the suggested format proposed by the Department of Local Government Operational Guidelines (Number 5 January 2004). The role of such forums is to allow opportunity for elected members and senior officers of the Council to come together outside of the formal meeting process to discuss matters that

- do not require formal decisions,
- might be conceptual (brain storming etc.),

- informative (updates on progress with matters); or
- administrative in nature.

Policy

CBFs are held on the first Thursday of each month (excluding January), normally 2 weeks prior to the Ordinary Council meeting.

CBFs are informal, non-decision-making forums that involve Councillors, the Executive Leadership Team, other Officers as invited by the CEO and, where applicable and invited by the CEO, external consultants or members of the public. They are not open to the public.

CBFs are designed to propose, discuss and formulate philosophies, ideas, strategies and concepts for the future development of the local government and the district.

Matters which may be canvassed at CBFs include:

1. Current matters of a local or regional significance
2. Matters relating to the future development of the Shire
3. Emerging changes to the local government sector and implications for the Shire
4. Cross-agency relationships
5. Significant projects, revenue-raising requirements and expenditure needs
6. The development of strategic, planning, management and financial documents;
7. providing updates and advice on Shire of Brookton operational matters

Such forums often involve projects that are in the early planning stage and are sometime away from being formally presented to Council for a decision.

The CBF will be recorded in CBF Notes that will include including attendance, brief description of matters addressed and any follow up actions required and the declarations of any interest made. Any documents and presentations made at a Concept Forum are for internal purposes only and are not intended for public distribution.

Guidelines

The Agenda for a CBF will be provided to Councillors by the Friday prior to the CBF.

The Shire President is to be the Presiding Member. If the President is unable or unwilling to assume the role of presiding member, then the Deputy President may preside. If the Deputy President is unable or unwilling, Councillors may select one from amongst themselves to preside.

As Council's meeting procedures do not apply for CBFs it is the responsibility of the Presiding Member to ensure the good conduct of the meeting. The Presiding Member shall:

a) Encourage all Councillors present to participate in the sharing and gathering of information;
b) Ensure that all Councillors have a fair and equal opportunity to participate; and
c) Ensure the time available is sufficient enough to allow for all matters of relevance to be identified.

All Councillors and Officers shall disclose their Interests on any item on the agenda at CBF. When disclosing an Interest the following will apply:

1. An Interest is to be disclosed in accordance with the Act and Regulations.

2. Interests declared at Concept Forums will be recorded in the Register of Interests required under Section 5.88 of the Act.

Declarations of interest will be recorded in the CBF Notes.

Councillors have the opportunity to request matters to be included on the CBF Agenda for consideration at a future forum by request to the Chief Executive Officer ~~of by request during the forum~~.

CBF Notes shall be kept during the forum, however, as no decisions are made, the CBF Notes will only be a general record of items covered, including~~,~~ attendance, brief description of matters addressed and any follow up action required. A copy of the CBF Notes will be provided to Councillors.

The CBF Agenda for the Shire of Brookton should compromise of the following sections:

1.0 ATTENDANCE/APOLOGIES
2.0 DISCLOSURES OF INTEREST
3.0 PRESENTATIONS
4.0 COUNCIL CALENDAR – UPCOMING 2025
5.0 MATTERS FOR DISCUSSION
6.0 ELECTED MEMBER REPORTS 39
7.0 OFFICER REPORTS & UPDATES FOR INFORMATION
8.0 COMPLAINTS/FEEDBACK RECEIVED
9.0 MINUTES/NOTES RECEIVED
10.0 CLOSURE

Council Briefing Forums are not decision-making forums and items on the Council Meeting agenda are not to be debated at the forum.

Resolution No:
Resolution Date:

1.4 INDUCTION – ELECTED MEMBERS

Objective

To induct newly elected Councillors to assist them in transitioning into the elected member's role inclusive of a fundamental understanding of their new responsibilities.

Policy

In the first two weeks following their election, new Councillors will be given an induction by the Shire President and CEO. Part of that induction will include information on, but not be limited to:

- Fundamental roles and responsibilities of an Elected Members, Council, Shire President and CEO under the Local Government Act, 1995 and the operational function of the Shire Administration and Works Depot.
- The Shire of Brookton's Code of Conduct for Council Members, Committee Members and Candidates including declaration of Interests and Gifts, and filing of returns.
- Compulsory Elected Member training courses within the first 12 months.
- Overview of the statutory functions and associated array of legislation, and range of services delivered by Council.
- The Shire of Brookton meeting processes including any prescribed meeting procedures.

- The Integrated Planning Framework and associated sweet of IPR documents including:
  - Strategic Community Plan (SCP).
  - Corporate Business Plan (CBP) and Compendium.
  - Innovations Pathway.
  - Long Term Financial Plan.
  - Asset Management Framework (inclusive of Policy, Strategy, Management Plans and Asset Programs).
- Copies and overview of significant Council documents including, but not limited to:
  - Municipal Budget.
  - Policy Manual.
  - Delegations Register.
  - Local Planning Scheme and Strategy.
- Relevant procedures and forms in relation to Elected Member responsibilities and expense claims.
- An understanding of Council matters and projects in progress

Resolution No:
Resolution Date:

1.5 GIFT FOR RETIRING COUNCILLORS

Objective
To detail the protocol to be followed in acknowledging the services of retiring Councillors.

Policy
Upon the retirement of a Councillor, Council will provide:

1) A gift purchased for a retiring Councillor, irrespective of length of service, of a framed certificate of service as an elected member.

2) A dinner or function for a retiring Councillor who has two terms of continuous service (8 years) to the Shire, subject to their agreement.

   The style of dinner or function is to be at the discretion of the Shire President with the parameters of the event being limited to:

   a) The invitation list may consist of:
      - Retiring members that qualify under this section of the policy and their spouse/partner;
      - up to 8 guests of the retiring members that qualify under this section of the policy;
      - Sitting and immediately retiring elected members who do not qualify under this section of the policy and their spouse/partner; and
      - Current Senior Employees and their spouse/partner.
   b) The total cost of the event including all food and refreshments not exceeding $2,250 (GST Exclusive).
   c) Where an elected member is “stood down”, “suspended”, or their term of office expired without completing two terms of office, they shall only be entitled to a gift of a framed certificate of service.

Resolution No:
Resolution Date:

1.6 ELECTED MEMBERS CONTINUING PROFESSIONAL DEVELOPMENT

Objective

To provide all Elected Members of the Shire of Brookton with the necessary professional development and training to support them in the discharge of their responsibilities, obligations and duties as an Elected Member.

Background

Section 5.128 of the Local Government Act 1995 ("the Act") requires Council to adopt a policy in relation to the continuing professional development of Council Members. The Policy must be reviewed after each Ordinary election.

Section 5.127 of the Act requires the Local Government to report on the training completed by Council Members each financial year, and that the report is to be published on the Local Government's website within 1 month after the end of the financial year to which to report relates.

Policy

The Shire of Brookton recognises the importance of providing Elected Members with the knowledge and resources that will enable them to fulfil their role in accordance with statutory obligations and community expectations.

1. Proposed attendance at any training sessions, conferences, meetings or seminars by an Elected Member beyond a 500-kilometre radius of Brookton shall be subject to special request to Council for endorsement. Such request must include an outline of the course and associated benefits to the elected member's role and/or the organisation. Such opportunities are encouraged where tangible benefits can be realised.

2. Elected members are encouraged to undertake mandatory training courses electronically through an on-line platform, where practical. However, if this is not possible a payment of $160 may be claimed for each day (or part thereof) in attending mandatory training sessions in person.

3. For attendance at training sessions, conferences, meetings or seminars Council will pay for registration, travel and accommodation costs including parking, breakfasts, evening meals and non-alcoholic beverages for Councillors. Costs for breakfasts, evening meals and non-alcoholic beverages is capped at $110 per Councillor per day.

4. Council will usually send up to three Elected Members to the WALGA Local Government Convention each year, inclusive of two voting delegates and one other. Preference is given to the Shire President and Deputy Shire President, as the endorsed voting delegates.

5. Council will seek to have all Elected Members attend the WALGA Local Government Convention at least once during their term of Office.

6. The CEO (or delegate) may attend the WALGA state conference as determined between the CEO and Shire President.

7. Each Elected Member is entitled and encouraged to attend the WALGA conference, at least once during their term of appointment. Partners are permitted to accompany Elected Members during the WALGA State Conference, inclusive of accommodation and meals.

8. Council will only pay for alcoholic beverages (excluding spirits) with a meal during the WALGA State Conference with the amount limited to $20 per Elected Member and their partner per day.

9. All other costs incurred will be the responsibility of each individual Elected Member.

10. Elected Members shall present to Council a summary of their experience and learnings at the next available Council Briefing Forum following attendance at the mandatory training session, conference, meeting, or seminar.

Resolution No:
Resolution Date:

1.7 PROVISION OF ELECTRONIC DEVICES FOR COUNCILLORS

Objective
To allocate an allowance for provision of an appropriate electronic device (iPad, Tablet, Laptop) to each Elected Member for Council business.

Policy
The Shire of Brookton requires all agendas, minutes and other information for Councillors to be received in an electronic format. Councillors require an appropriate electronic device.

In order to comply with legislation surrounding Councillor reimbursements and allowances, the device and sim card needs to be owned by the Councillor.

The Shire of Brookton will purchase each Councillor a suitable device for the duration of their election cycle (typically 4 years) to be used for Council business. The device will be of a uniform type selected by the Shire Administration to ensure compatibility with the Shire ICT framework and training associated with use of the device.

Thereafter, each Councillor will be responsible of the care, maintenance and upgrade or replacement of their personal electronic device. At the end of the typical 4 year term of the Councillor, the device is retained by the Councillor however all Shire information must be returned to the Shire.

Devices shall be used for receipt and email transmission of email communications applicable to the Local Government's business using a dedicated Councillor email address (i.e. cr.jones@brookton.wa.gov.au).

Resolution No:
Resolution Date:

1.8 ELECTED MEMBER RECORDS

Objective
The objective of this Policy is to ensure that records are created which properly and adequately record the performance of member functions arising from their participation in the decision-making process of Council, and the various Committees of Council.

Policy

All Elected Members are required to ensure any documents and written correspondence (including emails) of communications and transactions which constitutes evidence affecting the accountability of the Council and the discharge of Council Business are passed to the Shire Administration to be registered as part of organisation's correspondence registration process into the current records system.

Resolution No:
Resolution Date:

1.9 AUSTRALIA DAY AWARDS

Objective:
To prescribe the process for nominations and selection of recipients of the following annual Council Australia Day awards;

- Citizen/s of the Year
- Young Citizen of the Year
- Community Event/Community Group of the Year.

To outline a transparent process for objectively selecting recipients on merit in consideration of Award criteria.

Policy:
The Australia Day Awards are to be selected by Council on an annual basis. Council will select recipients for the following categories:

1. Citizen/s of the Year Award
2. Young Citizens of the Year Award (must be under 30 years of age on January 26)
3. Community Event/Community Group of the Year

Overall principles, Criteria and Guidelines for Awards.

a) Only one (1) nomination in each category may be awarded.
b) If considered appropriate, no Award will be issued in a category.
c) The winners of each Award remain confidential until notified of their success by the Shire President and the Shire President issues a media release confirming the award winners.
d) The winners of each Award will be presented with their Awards at the official ceremony on Australia Day. Awards for Citizen of the Year and Young Citizen of the Year will not be granted posthumously.
e) Nominations for all Awards may be made by any individual, group of individuals or organisation.
f) Nominees for "Young Citizen of the Year", will also be considered for the "Citizen of the Year" Award, but one (1) nominee cannot receive both Awards.

g) Nominations for "Community Event of the Year" will only be considered in the year the event was conducted.

h) All nomination information and material submitted remains the property of the Shire of Brookton and may become publicly available.

i) An individual/event need only be nominated once per year to be considered. The number of nominations received per nominee bears no weight in the selection process.

j) Self-nominations will not be accepted.

k) Unsuccessful nominees in the "Young Citizen of the Year" and "Citizen/s of the Year" categories may be re-nominated in subsequent years.

l) In exceptional cases, the Council reserves the right to consider such nominations as it sees fit, notwithstanding a) to k) above.

The Council will give consideration to the criteria and guidelines in this policy.

Eligibility - All Categories
• A nominee must be an Australian citizen. • The nominee must be a resident of the Brookton Shire Council local government area for the year immediately prior to granting of the Award. • The nominee must be at least 16 years of age on 26 January of the year in which the award is presented. • The nomination is not open to Shire of Brookton sitting Councillors, current employees, State and Federal politicians and current viceregal officers. • The nomination is not open to a past recipient in the same category. • The nomination must include the name and contact details of at least one (1) referee must be supplied with the nomination. • All nominations must be submitted on the appropriate form by the due date for consideration. No late applications will be considered. • Council reserves the right to not award any Australia Day awards and reserves the right to hold any award ceremony at a time and place it sees fit and proper.
Criteria - Citizen/s of the Year Nominations are based on achievements throughout the year the awards will be presented**.**
• This award may be presented to an individual or a married/de facto couple. • The nominee/s should be held in high regard in the community (e.g. significant contributor to the community, inspirational role model to the community, scope of impact of the individual's contribution). • The nominee/s must principally have performed their work within the Brookton Shire Council local government area. • The nominee should have strong ethical and community values. • Regard will be given to the nominee's community activities and achievements in the year immediately prior to granting of the Award, as well as their past community service. **The nomination must explain the achievements and background of the nominee, and the reasons for the nomination, and address as many of the following aspects as possible;** • Personal, academic and professional achievements and commitment; past current and future. • Contribution in the relevant field i.e. how has/have the nominee/s "put back" into their field to benefit others. • Demonstrated leadership, innovation and creativity. • Personal interests and community and voluntary involvement. • Contribution to the Shire of Brookton community.

- Nature and length of involvement.
- Voluntary work beyond paid employment.
- Achievements as an individual, married/de facto couple or as part of a group or organisation.

Criteria - Young Citizen of the Year

Nominations are based on achievements throughout the year the awards will be presented**.**

- The nominee must be at least 16 years of age and no more than 30 years of age on 26th January of the year in which the award is presented.
- The nominee should have a proven record of achievement within the Shire of Brookton Council area.
- Regard will be given to participation in school activities, community involvement and charitable work, as well as work done to improve community life in the Brookton Shire Council area.
- Recognition by peers that will be taken into account.

The nomination should explain the achievements and background of the nominee, and the reasons for the nomination, and address as many of the following aspects as possible;

- Personal, academic and professional achievements and commitment; past current and future.
- Contribution in the relevant field i.e. how has the nominee "put back" into their field to benefit others.
- Demonstrated leadership, innovation and creativity.
- Personal interests and community and voluntary involvement.
- Contribution to the Brookton Shire Council community.
- Nature and length of involvement.
- Voluntary work beyond paid employment.
- Achievements as an individual or as part of a group or organisation.

Criteria - Community Event/Community Group of the Year

Nominations are based on events held or the delivery of community service throughout the year.

- The nomination is to include the quality of the event.
- The purpose of the event or community contribution must be community focused and not staged for personal or private reward or financial benefit.
- An event or community group is not eligible to receive a second award in this category.
- The nomination is to include the scope of impact the event or act has had on the local government area, including the achievements and reasons for the nomination.
- The nomination is to include the events or groups lasting contribution to the community.

Resolution No: **OCM 09.24-22**
Resolution Date: **19 September 2024**

1.10 SENIOR EMPLOYEES

Objective
To designate Senior Employee positions and define employment processes for these Senior Employee positions.

Policy

1. The following positions are designated as Senior Employees under Section 5.37(1) of the *Local Government Act 1995:*
   - Manager Corporate and Community Services (MCC);*
   - Manager Infrastructure and Works (MIW); and
   - Manager Projects (MP)

2. The CEO shall:
   - advertise any permanent vacancy of a Senior Employee position as required by Section 5.37(3) of the *Local Government Act 1995*;
   - prepare a short list of suitable candidates for interview;
   - conduct the interviews with the participation from two members of the Employment Committee; and
   - report to Council on the appointment the successful candidate.

3. The CEO shall:
   - appoint suitably qualified and experienced persons to Temporary Senior Employee roles to for up to 3 months in any two year period; and
   - advise Councillors of any such appointments at the earliest opportunity.

Resolution No:
Resolution Date:

1.11 COUNCIL COMMITTEES – TERMS OF REFERENCE

Objective
To list current Committees of Council, their role and any delegated authority they may have.

Policy

1. Audit and Risk Committee
The Audit and Risk Committee has established separate, stand alone Terms of Reference approved by Council.

2. Employment Committee
The role of the Employment Committee is to recruit and review the performance and salary of the Chief Executive Officer.

The Committee is to:

a. Consist of a minimum of four Elected Members and at least one independent external person with sufficient knowledge and experience in the private or public sector to participate in the selection/recruitment process.

b. Be guided by a professional Human Resources consultant engaged by Council to facilitate the recruitment process and guide the Committee in relation to remuneration

and position description, profile and evaluation of successful candidate, legislative compliance, negotiation and employment contract requirements, including establishment of agreed key performance measures aligned to the role and expectations.

c. Perform the tasks of recruitment and performance review in accordance with the relevant provisions detailed in Policy 1.12 - Standards for CEO Recruitment, Performance and Termination.

3. Bush Fire Advisory Committee (BFAC)

The Bush Fire Advisory Committee is to:

a. Advise Council on all matters relating to
   - the prevention, mitigation, controlling and extinguishing of bush fires;
   - prosecutions for breaches of the *Bush Fires Act 1976*;
   - the formation of Bush Fire Brigades;
   - the co-ordination of the efforts and activities of the Bush Fire Brigades; and
   - any other matter relating to bush fire control.

b. Consist of a minimum of two Elected Members, Chief Bushire Control Officer, Deputy Chief Bushire Control Officer, and the respective Fire Control Officers as nominated by each of the Shire Bushfire Brigades.

4. Local Emergency Management Committee (LEMC)

The LEMC is to:

Advise and assist the Shire in ensuring that Local Emergency Management Arrangements (LEMAs) are established for the Brookton district

a. Liaise with public authorities and other persons in the development, review and testing of the LEMA; and

b. Carry out other emergency management activities as directed by the State Emergency Management Committee (SEMC) or prescribed by the regulations under the Emergency Management legislation.

c. Consist of a minimum of two Elected Members and representatives from State Government agencies and other entities as listed in the Shire's Local Emergency Management Arrangements.

Council may delegate any other responsibility to the above Standing Committees or form another Committee, subject to the requirements of the Local Government Act, as it sees fit.

Resolution No:
Resolution Date:

1.12 SOCIAL MEDIA POLICY

Objective

The intent of this policy is to provide understanding and guidance for the appropriate use of social media platforms and tools by staff, Councillors, agents, and volunteers of the Shire of Brookton and should be read in conjunction with the respective Elected Member Code of Conduct and Employee Code of Conduct.

This policy does not cover the personal use of social media by staff, Councillors, agents, or volunteers.

Policy

This policy applies to existing and future social media platforms where people may comment, contribute, create, upload and share content including, but not limited to:

- Social networking sites (for example Facebook, LinkedIn).
- Video and photo sharing websites (for example Flickr, YouTube, Instagram).
- Blogs, including corporate blogs and personal blogs.
- Blogs hosted by media outlets (for example "comments" or "your say" features on news websites).
- Micro-blogging (for example Twitter).
- Wikis and online collaborations (for example Wikipedia).
- Forums, discussion boards and groups (for example Google groups, Whirlpool).
- Instant messaging (including SMS).
- Geo-spatial tagging (for example Foursquare, Facebook 'Places' feature).
- Also includes all other emerging electronic/digital communication applications.

Guidelines for staff

When using social media Shire employees and contractors must:

- Be authorised to use the social media platform.
- Other than the Chief Executive Officer, not post commentary that expresses a view / opinion on behalf of Council.
- Adhere to Code of Conduct, policies, and procedures of the Local Government.
- Comply with relevant laws and regulations.
- Reinforce the integrity, reputation, and values of the Shire.
- Not comment outside area of expertise.
- Only discuss publicly available information.
- Be accurate, constructive, helpful, and informative.
- Be mindful of copyright and intellectual property rights.
- Not publish content in exchange for reward.
- Not endorse any political or religious affinity.
- Not issue media statements unless authorised.
- Not respond to media for comment via social media
- Ensure that any social media sites created can be readily moderated.
- Be mindful of accessibility.

Non-compliance

Non-compliance with this policy may constitute a breach of employment contract, misconduct under the Shire's respective Codes of Conduct, sexual harassment and discrimination policies, or some other contravention of the law.

Failure to comply with this policy may result in disciplinary action and, in more serious cases, may result in referral to the Public Sector Commission, termination of employment, or report to the Local Government Standards Panel (or similar).

Guidelines for users

Posts on Shire operated social media platforms may be deleted, as determined by the CEO, if they contain:

- Violent, obscene, profane, hateful, derogatory, racist, or sexist language, links, or images.
- Any discussion or promotion of behaviour that is unlawful.
- Comments that threaten or defame a person.
- Solicitations, advertisements, endorsements, or spam.
- Multiple successive off-topic posts by a single user.
- Repetitive posts copied and pasted or duplicated by a single user.

Resolution No:
Resolution Date:

1.13 SMALL BUSINESS FRIENDLY CHARTER

Objective

To participate in the small business friendly Local Governments initiative and become recognised as small business friendly, the Shire agrees to sign and abide by the undertakings in the charter.

To add to the level of credibility of the initiative, Local Governments are required to report back to the Small Business Development Corporation (SBDC) twice a year on progress towards the charter.

The charter has the following essential elements;

Commitment to this charter is a requirement for participation in the Small Business Friendly Local Governments (SBFLG) initiative, and outlines what the local government agrees to do in support of small business in their area.

Policy

1. Commitment to Small Business Shire of Brookton:
   The Shire of Brookton agrees to:
   a) Recognise the small business community is an important stakeholder and will undertake regular and targeted consultation with this group where practical;
   b) Work towards understanding how its local small business community operates and its needs, goals, and key challenges;
   c) Provide networking and other development opportunities for its local small business community; and
   d) Actively engage, where appropriate, with the Small Business Development Corporation (SBDC) on matters affecting small business.

2. Commitment to Customer Service

The Shire of Brookton agrees to:

a) Maintain open lines of communication with small businesses through both formal and informal approaches;
b) Provide clear advice and guidance to small businesses to assist them to understand and meet their regulatory obligations, and to work with them to achieve compliance;
c) Publish clear service standards setting out what small businesses can expect;
d) Consider the needs of local small business owners for whom English is not a first language; and
e) Publish links on its website to take small business owners to resources available on the SBDC website, business local service and the business license finder tool.

3. Administration and Regulation

The Shire of Brookton agrees to:

a) Take reasonable action to limit unnecessary administrative burdens on small business such as:
   i. Only asking for information that is absolutely necessary;
   ii. Not asking for the same information twice;
   iii. Working collaboratively with other local governments;
b) Undertake regular policy reviews to limit their impact on small businesses, and to test new policies and procedures for 'small business friendliness'; and
c) Ensure that its officers have the necessary knowledge and skills to apply plans and regulations in a consistent manner

4. Activities to Support Small Business

The Shire of Brookton agrees to implement activities to improve the operating environment for small businesses within its authority where practical and in compliance with the fundamental principal of value for money in expending public funds. Details of the activities are to be included in the Local Government's operational plans and strategies.

5. On-time Payment Policy

The Shire of Brookton agrees to work towards ensuring all invoices from small business suppliers are paid within 30 days.

6. Business Advisory Group

The Shire of Brookton agrees to establish a business advisory group to assist its understanding corporate and of small business needs. The group should include representation from corporate entities and local small business.

7. Dispute Resolution

The Shire of Brookton agrees to implement a process to manage any disputes it may have with small businesses. This could include referring the dispute to an independent dispute resolution service (such as that offered by the SBDC).

8. Progress Reports

The Shire of Brookton agrees to:

a) Provide the SBDC with a biannual progress report that outlines the results achieved in relation to its small business friendly activities, including its policy relating to paying small businesses on-time, engagement with its business advisory group, and implementation of its dispute resolution process; and

b) Forward success stories and case studies to the SBDC in relation to the SBFLG initiative when requested.

9. Promotion and Marketing of the Program

The Shire of Brookton:

a) Agrees to make a statement in relation to its commitment to the SBFLG initiative on its website;
b) Will be provided with a logo which it agrees to use in accordance with the SBFLG style guide (as supplied by the SBDC); and
c) is encouraged to promote the SBFLG initiative by displaying the approved logo on its online and printed marketing and communication materials, where appropriate.

10. Contact details

The Shire of Brookton agrees that the primary contact for the SBFLG initiative will be the Executive Governance Officer.

Resolution No:
Resolution Date:

1.14 REVIEW OF EMPLOYEE SERVICE, GRATUITY AND FAREWELL POLICIES

Objective

This policy is to establish guidelines for the considerations of Gratuity Payments to employees in accordance with s. 5.50 of the *Local Government Act 1995 ('the Act').*

Policy

Where a valued employee leaves their employment or is made redundant, they will be given a token of appreciation in the forms of a good or service in order to thank the employee for their past commitment to the Local Government.

Pursuant to s. 5.50 of the Act, this gratuity policy outlines the circumstances in which gratuity payments may be made to an employee. These payments, when made, are in addition to any amount which they employee is entitled to under a contract of employment, enterprise agreement or award. This policy shall not be considered as a contractual entitlement under the employment relationship.

Guidelines

Eligibility to Gratuity Payments.

When an employee's services is ceasing for any of the reasons identified below, the employee will be entitled to a gratuity payment as outlined within this policy based on the completed years of service:

- Resignation (not as a result of any performance management or investigation being conducted by the Local Government);
- Retirement; or
- Redundancy.

The Gratuity Payment identified within this policy does not apply to an employee who has been dismissed by the Local Government for any reason other than redundancy.

Number of Years' Service	Amount of Gratuity
Continuous service less than 2 years	A Statement of Service and a gift, or contribution towards a gift, to the value of $40 (based on $20 per year).
Continuous service greater than 2 years and up to 5 years	A Statement of Service and a gift, or contribution towards a gift, to the value of $100 (based on $20 per year).
Continuous service greater than 5 years and up to 10 years	Certificate of Appreciation and a gift to the value of $300 (based on $30 per year). Items to be presented to the employee by the Chief Executive Officer, or4 nominated representative at a function to be determined by the Chief Executive Officer.
10 to a maximum of 15 Years continuous service	$40 per year of continuous service up to a maximum of $600. Items are to be presented to the employee by the President or nominated representative, at a function to be determined by the Chief Executive Officer in conjunction with the Shire President.
15 to a maximum of 20 Years continuous service	$50 per year of continuous service up to a maximum of $1,000.00. Items are to be presented to the employee by the President or nominated representative, at a function to be determined by the Chief Executive Officer in conjunction with the Shire President.
Above 20 years' service	$60 per year of continuous service up to a maximum of $2,000.00. Items are to be presented to the employee by the President or nominated representative, at a function to be determined by the Chief Executive Officer in conjunction with the Shire President.

Funds will be allocated as part of the Local Government's budget preparation process.

Determining Service

For the purpose of this policy, continuous service shall include:

a) Employment on a permanent or continuing basis.
b) Any period of absence from duty of annual leave, long service leave, accrued paid bereavement leave, accrued paid personal leave and public holidays.
c) Any period of authorised paid absence from duty necessitated by sickness of or injury to the employee but only to the extent of three months in each calendar year but not including leave without pa or parental leave.
d) Any period of absence that has been supported by an approved workers compensation claim up to a maximum absence of one year.

For the purpose of this policy, continuous service shall not include:

a) Any period of unauthorised absence from duty unless the Local Government determines otherwise.
b) Any period of unpaid leave unless the Local Government determines otherwise.
c) Any period of absence from duty on parental leave unless the Local Government determines otherwise.

Financial Liability for Taxation
The employee accepts full responsibility for any taxation payable on the Gratuity Payment and agrees to fully indemnify the Local Government in relation to any claims or liabilities for taxation in relation to the Gratuity Payment.

Payments in addition to this Policy
The Local Government will not to make any payment in addition to that contained within this policy until the policy has been amended to reflect the varied amount and caused local public notification to be given in relation to the variation.

Variation to Policy
This policy may be varied or cancelled from time to time by Council.

Council will take reasonable action to ensure that any variation or cancellation to this policy is notified to all employees prior to the variation taking effect., including (but not limited to) notifying all employees via normal correspondence of the variation including the proposed reasons for such variation.

Resolution No:
Resolution Date:

1.15 APPOINTING ACTING OR TEMPORARY CEO

Objective
To establish policy, in accordance with Section 5.39C of the *Local Government Act 1995* ('the Act'), that details the Shire of Brookton's processes for appointing an Acting or Temporary Chief Executive Officer (CEO) for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office.

Definitions

Acting CEO means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed, but is on planned or unplanned leave.

Temporary CEO means a person employed or appointed to fulfil the statutory position of CEO for the period of time between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

Leave means annual leave, sick leave, long service or personal leave and any absence from work associated with a Workers Compensation claim.

Policy Statements

1. Acting and Temporary CEO Requirements and Qualifications

(a) When the CEO is on planned or unplanned leave, or the CEO's employment with the Local Government has ended, an Acting or Temporary CEO is to be appointed in accordance with this Policy to fulfil the functions of CEO as detailed in Section 5.41 of the *Local Government Act 1995*, and other duties as set out in the Act and associated Regulations.

(b) Through this policy and in accordance with section 5.36(2)(a) of the Act, the Council determines that employees appointed to the substantive position(s) of Manager

Corporate and Community (MCC), is considered suitably qualified to perform the role of Acting or Temporary CEO.

(c) A person appointed to act in the position of MCC is not included in the determination set out in Clause 1(b).

2. Appointment of Acting CEO – Planned and unplanned leave for periods up to 3 weeks

(a) The CEO is authorised to appoint the MCC in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 6 weeks, subject to the CEO's consideration of the MCC's performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.

(b) The CEO must appoint an Acting CEO for any leave periods greater than 48 hours and less than 3 weeks.

(c) The CEO is to immediately advise all Elected Members when and for what period of time the MCC is appointed as Acting CEO.

(d) If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with (b), then the MCC will liaise with the Shire President to coordinate the calling and conduct of a Special Meeting of Council to facilitate an Acting CEO appointment.

(e) Council may, by resolution, extend an Acting CEO period under subclause (b) beyond 3 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

3. Appointment of Acting CEO for extended leave periods greater than 3 weeks but less than 12 months.

(a) This clause applies to the following periods of extended leave:

i. Substantive CEO's Extended Planned Leave which may include accumulated annual leave, long service leave or personal leave; and

ii. Substantive CEO's Extended Unplanned Leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.

(b) The Council will, by resolution, appoint an Acting CEO for periods greater than 3 weeks but less than 12 months, as follows:

i. Appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or

ii. Conduct an external recruitment process in accordance with clause 4(a)(iii).

(c) The Shire President will liaise with the CEO, or in their unplanned absence the MCC to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.

(d) Subject to Council's resolution, the Shire President will execute in writing the Acting CEO appointment with administrative assistance from the MCC.

4. Appointment of Temporary CEO – Substantive Vacancy

(a) In the event that the substantive CEO's employment with the Shire of Brookton is ending, the Council when determining to appoint a Temporary CEO may either:

i. by resolution, appoint MCC as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or

ii. by resolution, appoint MCC as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or

iii. following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the Local Government.

(b) The Shire President will liaise with the MCC to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.

(c) The Shire President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council's resolution/s, with administrative assistance from the MCC.

5. Remuneration and Conditions of Acting or Temporary CEO

(a) Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at the cash component only of the substantive CEO's total reward package.

(b) Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.

(c) Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

Resolution No:
Resolution Date:

1.16 LEGAL REPRESENTATION FOR COUNCIL MEMBERS AND EMPLOYEES

Objective

To provide guidance in the protection of the interests of elected members and employees (including past elected members and former employees) where they have become involved in legal proceedings as a result of their official duties.

Policy

Definitions

- ***approved lawyer*** means;
  a) A "certified practitioner" under the *Legal Practice Act, 2003;*
  b) A law firm on WALGA's panel of legal service providers; and
  c) Approved in writing by the Council or the CEO under delegated authority.
- ***Council member or employee*** means a current or former Commissioner, Council member, non-elected member of a Council committee or employee of the Shire.
- ***legal proceedings*** means civil, criminal or investigative proceedings.
- ***legal representation*** means the provision of legal services, to or on behalf of a Council member or employee, by an approved lawyer that are in respect of:
  a) a matter or matters arising from the performance of the functions or duties of the Council member or employee; and
  b) legal proceedings involving the Council member or employee that have been or may be commenced.
- ***legal representation costs*** means the costs, including fees and disbursements, properly incurred in providing legal representation.
- ***legal services*** means advice, representation or documentation that is provided by an approved lawyer.
- ***payment*** means a sum on money paid by the Shire for legal representation that may be by;
  a) a direct payment to the approved lawyer (or the relevant firm); or

b) a reimbursement to the Council member or employee.

1. Payment Criteria

There are four (4) major criteria for determining whether the Shire will pay the legal representation costs of a Council member or employee. These are:

a) The legal representation costs relating to a matter that arises from the performance by the Council member or employee of his or her functions and duties;
b) The legal representation costs applicable to legal proceedings that have been or may be commenced;
c) The Council member or employee having acted in good faith and lawfully that constitutes proper conduct; and
d) The legal representation costs do not relate to matters of a personal or private nature.

2. Examples of legal representation costs that may be approved

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

a) Where proceedings are brought against a Council member or employee in connection with his or her functions or duties. For example, an action for defamation or negligence arising out of a decision made or action taken by a Council member or employee.
b) To enable proceedings to be commenced and/or maintained by a Council member or employee to permit him or her to carry out his or her functions or duties. For example, where a Council member or employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the Council member or employee.
c) Where exceptional circumstances are involved. For example, where a person or organisation is lessening the confidence of the community in the Local Government by publicly making adverse personal comments about Council members or employees.

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

3. Application for payment

A Council member or employee who seeks assistance under this policy is to make an application in writing to the Council or the Chief Executive Officer.

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

a) The matter for which legal representation is sought;
b) How that matter relates to the functions of the Council member or employee making the application;
c) The lawyer or law firm who is to be asked to provide the legal representation;
d) The nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc.);
e) An estimated cost of the legal representation; and
f) Why it is in the interests of the Shire for payment to be made.

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

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

The application is to be accompanied by a signed written statement by the applicant that he or she:

a) has read and understands the terms of this policy.
b) acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 7 and any other conditions to which the approval is subject; and
c) undertakes to repay to the Shire any legal representation costs in accordance with the provisions of clause 7.

4. Legal representation costs – Limit

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

A Council member or employee may make a further application to the Council in respect of the same matter.

5. Council's powers

Council may refuse, grant or grant subject to conditions an application for payment of legal representation costs.

Conditions may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment and repayment of legal representation costs.

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

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

Council may determine that a Council member or employee whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved,

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

Such determination may be made by Council only on the basis of and consistent with the findings of a court, tribunal or enquiry.

Where Council makes such determination the legal representation costs paid by the Shire are to be repaid by the Council member or employee in accordance with clause 7.

6. Delegation to Chief Executive Officer

In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO may exercise on behalf of Council any of the powers of Council to a maximum of $2,000 in respect of each application on the basis sufficient funds are available at the time under the legal expense allocation in the municipal budget.

An application approved by the CEO is to be submitted to the next ordinary meeting of Council. Council may exercise any of its powers under this policy, including its power to revoke or vary the approval or any conditions of the approval.

7. Repayment of legal representation costs

A Council member or employee whose legal representation costs have been paid by the Shire is to repay the Shire:

a) all or part of those costs in accordance with a determination by Council under clause 5;
b) as much of those costs as are available to be paid by way of set-off – where the Council member or employee receives monies paid for costs, damages or settlement in respect of the matter for which the Shire paid the legal representation costs.

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

Resolution No:
Resolution Date:

1.17 HABITUAL OR VEXATIOUS COMPLAINTS

Objectives

1. To identify situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be 'habitual or vexatious' and ways of responding to these situations.
2. This policy is intended to assist in identifying and managing persons who seek to be disruptive to the Council through pursing an unreasonable course of conduct.

Background

Habitual or vexatious complaints can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Member time and displace scarce human resources that could otherwise be spent on Council priorities. Whilst the Council endeavours to respond with patience and sympathy to all needs of all complainants, there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

Definitions

- ***Habitual*** means 'done repeatedly or as a habit'.
- ***Vexatious*** means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'.

Policy

1. For the purpose of this policy, the following definition of habitual or vexatious complainants will be used in the repeated and/or obsessive pursuit of:

   a) Unreasonable complaints and/or unrealistic outcomes; and/or
   b) Reasonable complaints in an unreasonable manner.

2. Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in the attached document (Schedule A), the CEO following discussions with the Shire President and Manager Corporate and Community will seek agreement to treat the complainant as a habitual or vexatious complainant and for an appropriate course of action to be taken. The attached schedule (B) details the options available for dealing with habitual or vexatious complaints.

3. The CEO will notify complainants in writing of the reasons why their complaint has been treated as habitual or vexatious, and the action that will be taken. The CEO will also notify the Council Members that a constituent has been designated as a habitual or vexatious complainant.

4. Once a complainant has been determined to be habitual or vexatious, their status will be kept under review after one year and monitored by the CEO with reports being taken to Council as required. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

Schedule A – Criteria for Determining Habitual or Vexatious Complaints

Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows how they meet one of the following criteria:

Where complainants:

1. Persist with a complaint notwithstanding the Council's complaints process has been fully and properly implemented and exhausted.

2. Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints).

3. Repeatedly dismiss documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions, or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.

4. Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.

5. Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognized that determining what is a trivial matter can be subjective and careful judgment will be used in applying this criteria.

6. Have threaten~~ed~~ or used physical violence towards employees or elected members at any time. This will cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, thereafter, only be continued through written communication.

   Any complainant who threatens or uses actual physical violence towards employees or elected members will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the Council and the Administration is to be made.

7. While addressing a registered complaint have had an excessive contact~~s~~ with the Council placing unreasonable demands on the organisation and its employees. A contact may be in person, by telephone, letter, email, text or social media. Judgment will be used to determine excessive contact taking into account the specific circumstances of each individual case.

8. Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint or elected members. Employees and elected members recognize that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental health disability and there is a need to be sensitive in circumstances of that kind.

9. Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.

10. Make unreasonable demands on the Council and its employees, and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's complaints procedure or normal recognized practice.

11. Make unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint:
    - Clearly does not have any serious purpose or value; or
    - Is designed to cause disruption or annoyance; or
    - Has the effect of harassing the public authority; or
    - Can otherwise fairly be characterized as obsessive or manifestly unreasonable.

12. Make repetitive complaints and allegations which ignore the replies which Council Officers have supplied in previous correspondence.

Schedule B – Options for Dealing with Habitual or Vexatious Complainants

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint process is ongoing or completed.

1. A letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.

2. Decline contact with the complainant, either in person, be telephone, by fax, by letter, by email or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this in person.

3. Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.

4. Inform the complainant that in extreme circumstances the Council will seek legal advice on habitual or vexatious complaints.

5. Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered habitual or vexatious, while seeking legal advice or guidance from its solicitor or other relevant agencies. This may result in the complainant being advised that all further contact is to be directed to the Shire's solicitor.

Resolution No:
Resolution Date:

1.18 AASB124 – RELATED PARTIES DISCLOSURES

Objectives
To purpose of this policy is to define the parameters for Related Party Transactions and the level of disclosure and reporting required for the Shire of Brookton (the Shire) to achieve compliance with the Australian Account Standard AASB 124 – Related Party Disclosures.

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

"Act" - means the Local Government Act 1995.

"Arm's Length" - means terms between parties that are reasonable in the circumstances of the transaction that would result from:
a) neither party bearing the other any special duty or obligation; and
b) the parties being unrelated and uninfluenced by the other, and
c) each party having acted in its own interest.

"Close members of the family of a person" - are those family members who may be expected to influence, or be influenced by, that person in their dealings with the Shire and include:
a) that person's children and spouse or domestic partner;
b) children of that person's spouse or domestic partner; and
c) dependents of that person or that person's spouse or domestic partner.

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

"Key management personnel (KMP)" - those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly.

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

a) Short-term employee benefits, such as wages, salaries, paid annual leave, paid sick leave, bonuses, non-monetary benefits, such as use of motor vehicles and free and/or subsidised goods or services;
b) Post-employment benefits such as pensions, other retirement benefits, postemployment;
c) Other long-term employee benefits, including long-service leave or sabbatical leave; and
d) Termination benefits.

"Materiality" - means the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis an entity's financial statements.

"Ordinary Citizen Transaction (OCT)" - means a transaction that an ordinary citizen of the community would undertake in the ordinary course of business with the Shire.

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

a) that person's brothers and sisters;
b) that person's aunts, uncles, and cousins;
c) dependents of those persons or that person’s spouse or domestic partner as stated in (b); and
d) that person's or that person's spouse or domestic partners, parents and grandparents. "Related Party" - is a person that is related to the entity (Shire) that is preparing its financial statements.

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

"Regulation" - means the Local Government (Financial Management Regulations) 1996.

"Remuneration" – mean remuneration package and includes any money, consideration or benefit received or receivable by the person but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from a related party transaction.

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

Background

The Australian Accounting Standards Board (AASB) determined in AASB 124 that from 1 July 2016 related party disclosures will apply to government entities, including local governments.

AASB 124 provides that the Shire must disclose the following financial information in its financial statements for each financial year period:

a) disclosure of any related party relationship;
   - must disclose in its Annual Financial Statements its relationship with any related parties or subsidiaries (where applicable), whether or not there have been transactions within the relevant reporting period;

b) Key Management Personnel (KMP) Compensation Disclosures;
   - must disclose in its Annual Financial Statements details for each of the categories of KMP compensation, as stated in the definitions of this Policy, in total.

Policy

The Shire of Brookton is committed to producing Financial Information with high standards. In delivering high standard financial information the Shire is committed to comply with the principles of transparency and good governance and compliance with the Accounting Standards prescribed by the Australian Accounting Standards Board (AASB), Local Government Act 1995, and Local Government (Financial Management) Regulations 1996.

The Related Party Disclosure Policy aims to assist the Shire in complying with disclosure requirements concerning key management personnel (KMP), their close family members and entities controlled or jointly controlled by any of them stipulated under the Australian Accounting Standard AASB 124 Related Party Disclosures (AASB 124).

Identifying related parties

The most common related parties of the Shire will be:

a) an elected Council member (KMP);
b) a person employed under section 5.36 of the Local Government Act 1995 in the capacity of Chief Executive Officer and other Executive Management staff (KMP);
c) close family members of any person listed above (e.g. spouse/domestic partners, dependents and children of the Councillors, CEO and Executive Management staff);
d) possible close family members of any person listed above;
e) entities that are controlled or jointly controlled by KMP's or their close family members (entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs); and
f) entities subject to significant influence by the Shire and Shire Joint Venture entities.

In considering each possible related party relationship, attention is directed to the substance of the relationship and not merely the legal form.

In the context of AASB 124, following are not related parties:

a) Two entities simply because they have a member of key management personnel in common or because a member of key management personnel of one entity has significant influence over the other entity.
b) Two joint ventures simply because they share joint control over a joint venture.
   i. providers of finance;
   ii. trade unions;
   iii. public utilities;
   iv. departments and agencies of a government that does not control, jointly control or significantly influence the local government; and
   v. simply by virtue of their normal dealings with the local government (even though they may affect the freedom of action of a local government or participate in its decision-making process).

c) A customer, supplier, franchisor, distributor or general agent with whom the local government transacts a significant volume of business.

Identifying 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 common transactions or provision of services have been identified as meeting these criteria (this list is not exhaustive):

a) paying rates;
b) fines;
c) 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);
d) attending the Shire functions that are open to the public;
e) employee compensation whether it is for KMP or close family members of KMP;
f) application fees paid to the Shire for licenses, approvals or permits;
g) 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);
h) sale or purchase of any property owned by the Shire, to a person identified above;
i) sale or purchase of any property owned by a person identified above, to the Shire;
j) contracts and agreements for construction, consultancy or services;
k) loan arrangements;
l) lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a Real Estate Agent); and
m) lease agreements for commercial properties.

Identifying ordinary citizen transactions

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. Where the Shire can determine that an OCT was;

- provided at arm's 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.

Identifying KMP, their close family members, possibly close family members and entities controlled or jointly controlled by any of them.

a) KMP: Close attention should by paid to the organisational structure of the Shire and Council itself to determine who has authority and responsibility for planning, directing and controlling the activities of the Shire, either directly or indirectly. KMP's of the Shire are considered to include:

i. Councillors;
ii. Chief Executive Officer;
iii. Manager of Infrastructure and Assets (MIA)

iv. Manager of Corporate and Community Services (MCC); and
v. Works Coordinator

b) Close family members and possibly close family members of KMP: These are family members who may be expected to influence, or be influenced by, that person in their dealings with the Shire and include but is not limited to:

i. That person's children and spouse or domestic partner;
ii. Children of that person's spouse or domestic partner; and
iii. Dependants of that person or that person's spouse or domestic partner.

The following table may assist in identifying close family members and possibly close family members.

Definitely a close family member	**May be a close family member**
Spouse/domestic partner	Brothers and sisters, if they could be expected to influence or be influenced by KMP in their dealings with the Shire.
Children	Aunts, uncles and cousins, if they could be expected to influence or be influenced by KMP in their dealings with the Shire.
Dependants	Parents and grandparents, if they could be expected to influence or be influenced by KMP in their dealings with the Shire.
Children of spouse/domestic partner	Nieces and nephews, if they could be expected to influence or be influenced by KMP in their dealings with the Shire.
Dependants of spouse/domestic partner	Any other member of KMP family if they could be expected to influence or be influenced by KMP in their dealings with the Shire.

c) Entities controlled or jointly controlled by KMP, close family members and possibly close family members: Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships. Control over an entity is;

i. power over the entity;
ii. exposure, or rights, to variable returns from involvement with the entity; and
iii. the ability to use power over the entity to affect the amount of returns.

To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

<u>Identifying information about the related parties and related party transactions</u>
For the purposes of determining related parties and related party transactions as per above, elected Council members and KMP, will be required to complete Related Party Disclosure Declaration forms for submission to the Financial Services area. All information contained in a disclosure return, will be treated in confidence.

In all instances if any uncertainty exists regarding the status of a transaction or party it is advisable to make the requisite disclosure, the Financial Service area will be able to asses and confirm the nature of the transaction.

If a Councillor believes a transaction or relationship may constitute a related party transaction or relationship but is uncertain and is not comfortable with disclosure, the CEO can be notified. The CEO will be able to obtain resolution from the Manager Corporate and Community Services (MCC) regarding the status of the transaction or relationship.

If an Employee believes a transaction may constitute a related party transaction, they must notify the Manager Corporate and Community Services (MCC) who will discuss the matter with the CEO to confirm whether the transaction falls within the scope of this policy.

Establishing systems to capture and record the related party transactions and information about those transactions

The Related Party Disclosures - Declaration forms attached to the Related Party Information Collection Notice must be completed by all Council members, the CEO and all other KMP who were elected or employed at any time during the financial year.

Declarations will be required:

a) quarterly and
b) at points of resignation or appointment of KMP e.g. prior to any ordinary or extraordinary election.

The Executive Governance Officer will be responsible for the maintenance of a register that captures all the related party transactions of KMP.

Identifying the circumstances in which disclosure is required

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

It should be noted that the disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire must make 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.

Determining the disclosures to be made about those items in the general-purpose financial statements for the purpose of complying with the AASB 124.

Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified nor a specific transaction. 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, and separate disclosure may be necessary for an understanding of the effects of related party transactions on the financial statements, if the disclosure requirements of AASB 124 so demands.

Resolution No:
Resolution Date:

1.19 ACKNOWLEDGEMENT OF COUNTRY

Objective
The process of "Welcome to Country" and "Acknowledgement of Country" recognises the unique position of Aboriginal and/or Torres Strait Islander peoples in Australian culture and history as the Traditional Owners of the land.

It is important that this unique position is recognised and incorporated as part of official protocol to Council meetings and civic events to enable the wider community to share in the Aboriginal and Torres Strait Islander culture and heritage, facilitating better relationships between all Australians.

Policy
The practice of an "*Acknowledgement of Country*" is to be performed at the commencement of all Ordinary or Special Meetings of Council, Committees of Council and any Civic Function or Event hosted by the Shire of Brookton.

The Shire President (or his/her representative) is to include as a minimum the following wording in an "Acknowledgement of Country" opening statement:

> *On behalf of Council, I acknowledge that this gathering/meeting is being held on the traditional lands of the Nyoongar People and pay respect to all Elders, past, present, and emerging. I acknowledge and respect local peoples continuing culture and the contribution they make to Country and its life.*

Resolution No:
Resolution Date:

1.20 ATTENDANCE AT EVENTS (COUNCIL MEMBERS AND CEO)

Objective
The Shire of Brookton is required under the Local Government Act 1995 to approve and report on attendance at events for Elected Members and the Chief Executive Officer. The purpose of this policy is to outline the process associated with attendance at an event.

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

Definitions
Elected Members includes the Shire President and all Councillors.

In accordance with Section 5.90A of the Local Government Act 1995 an event is defined as a:

- concert;
- conference;
- function;
- sporting event; or
- occasions prescribed by the Local Government (Administration) Regulations 1996.

Policy

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

1. If an Elected Member receives a ticket in their name, in their role as an Elected Member, of $300 or greater value, they are still required to comply with normal gift disclosure requirements.
2. In their role with the Shire, the Chief Executive Officer and all other employees are prohibited from accepting any gift greater than $300, unless from the Shire as the organiser of the event or as a gift pursuant to Section 5.50 of the Local Government Act 1995 (gratuity on termination).
3. If the Chief Executive Officer or an employee receives a ticket in their name, in their role as an employee, of between $50 and $300, they are required to comply with normal gift disclosure requirements and the Code of Conduct regarding notifiable and prohibited gifts.

1. Pre-Approved Events

In order to meet the policy requirements tickets and invitations to events must be received by the Shire (as opposed to in the name of a specific person in their role with the Shire).

Individual tickets and associated hospitality with a dollar value above $500 (inclusive of GST and if relevant, travel) provided to the Shire are to be referred to Council for determination.

The Shire approves attendance at the following events by Elected Members, the Chief Executive Officer and employees of the Shire:

a. advocacy lobbying or Ministerial briefings. Only Elected Members and the Chief Executive Officer are approved for this type of event;
b. meetings of clubs or organisations within the Shire of Brookton;
c. any free event held within the Shire of Brookton;
d. Australian or West Australian Local Government events;
e. events hosted by Clubs or Not for Profit Organisations within the Shire of Brookton to which the Shire President, Elected Member, Chief Executive Officer or employee has been officially invited;
f. Shire of Brookton hosted ceremonies and functions;
g. Shire of Brookton hosted events with employees;
h. Shire of Brookton run tournaments or events;
i. Shire of Brookton sponsored functions or events;
j. community art exhibitions;
k. cultural events/festivals;
l. events run by a Local, State or Federal Government;
m. events run by schools and universities within the region of the Shire of Brookton;
n. major professional bodies associated with local government at a local, state and federal level;

o. opening or launch of an event or facility within the Shire of Brookton;
p. recognition of Service events;
q. RSL events; and
r. where Shire President, Elected Member or Chief Executive Officer representation has been formally requested.

All Elected Members, the Chief Executive Officer and employees are entitled to attend a pre-approved event.

If there is a fee associated with a pre-approved event, the fee, including the attendance of a partner, will be paid for by the Shire by way of reimbursement, unless the event is a conference or training event in which attendance dealt with under clause 4 of this policy.

In addition to the above pre-approved events, Elected Members may also attend a paid event held within the Shire of Brookton, to be paid for by the Shire of Brookton by way of reimbursement, other than the following events:
a. party political events and fundraisers;
b. social events;
c. entertainment events with no link to the Shire of Brookton; or
d. events that primarily benefit Elected Members in a personal capacity or in a role other than their role at the Shire of Brookton.

If there are more Elected Members than tickets provided then the Shire President shall allocate the tickets.

2. Approval Process

Where an invitation is received to an event that is not pre-approved, it may be submitted for approval prior to the event for approval as follows:
a. events for the Shire President may be approved by the Deputy Shire President;
b. events for Councillors may be approved by the Shire President;
c. events for the Chief Executive Officer may be approved by the Shire President; and
d. events for employees may be approved by the Chief Executive Officer.

Where an Elected Member has an event approved through this process and there is a fee associated with the event, then the cost of the event, including for attendance of a partner, is to be paid from the Members Training & Conference allocated budget.

Where the Chief Executive Officer or employee has an event approved through this process and there is a fee associated with the event, then the cost of the event is to be paid for out of the Shire's relevant budgeted expenditure.

Considerations for approval of the event include:
- any justification provided by the applicant when the event is submitted for approval;
- the benefit to the Shire of the person attending;
- the budget allocation to Members Training & Conference;
- alignment to the Shire's Strategic Objectives; and
- the number of Shire representatives already approved to attend.

3. Non-Approved Events

Any event that is not pre-approved, is not submitted through an approval process, or is received personally is considered a non-approved event.

- If the event is a free event to the public then no action is required;
- If the event is ticketed and the Elected Member or Chief Executive Officer pays the full ticketed price and does not seek reimbursement then no action is required; and
- If the event is ticketed and the Elected Member or Chief Executive Officer pays a discounted rate, or is provided with a free ticket(s), then the recipient must disclose receipt of the tickets, and any other associated hospitality, within 10 days.

4. Dispute Resolution

All disputes regarding the approval of attendance at events are to be resolved by the Shire President in relation to Elected Members and the Chief Executive Officer in relation to other employees.

5. Associated Procedures

Organisations that desire attendance at an event by a particular person(s), such as the President, Deputy President, Elected Member, Chief Executive Officer or particular officer of the Shire, should clearly indicate that on the offer, together what is expected of that individual, should they be available, and whether the ticket is transferable to another Shire representative.

Tickets that are provided to the Shire of Brookton without denotation as to who they are for, will be provided to the Chief Executive Officer and attendance determined by the Chief Executive Officer in liaison with the Shire President, based on relative benefit to the organisation in attending the event, the overall cost in attending the event in inclusive of travel or accommodation, availability of representatives, and the expected role of the relevant Elected Member or employee.

Resolution No:
Resolution Date:

1.21 STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION

Objective

Division 1 — Preliminary provisions

1. Citation

These are the Shire of Brookton Standards for the Chief Executive Officer (CEO) Recruitment, Performance and Termination.

2. Terms used

(1) In these standards —

Act means the Local Government Act 1995;

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

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

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

contractual performance criteria means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;
job description form means the job description form for the position of CEO approved by the Council under clause 5(2);
local government means the Shire of Brookton;
selection criteria means the selection criteria for the position of CEO determined by the Council under clause 5(1) and set out in the job description form;
selection panel means the selection panel established by the Council under clause 8 for the employment of a person in the position of CEO.

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

Division 2 — Standards for recruitment of CEOs

3. Overview of Division

This Division sets out standards to be observed by the Council in relation to the recruitment of CEO.

4. Application of Division

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

(2) This Division does not apply —

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

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

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

(1) The Council is to determine the selection criteria for the position of CEO, based on the Council's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the Shire.

(2) The Council is to, by resolution of an absolute majority, approve a job description form for the position of CEO which sets out —

(a) the duties and responsibilities of the position; and

(b) the selection criteria for the position determined in accordance with subclause (1).

6. Advertising requirements

(1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.

(2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

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

If a person requests a copy of the job description form, the Council is to —

(a) inform the person of the website address referred to in the Local Government (Administration) Regulations 1996 regulation 18A(2)(da); or

(b) if the person advises he or she is unable to access the website address then —

(i) a copy of the job description form will be emailed to the person; or
(ii) a copy of the job description form will be posted to the person requesting the form.

8. Establishment of selection panel for employment of CEO

(1) In this clause —
independent person means a person other than any of the following —
(a) a council member;
(b) an employee of the local government;
(c) a human resources consultant engaged by the local government.

(2) The Council is to establish a selection panel / Employment Committee to conduct the recruitment and selection process for the employment of a person in the position of CEO.

(3) The selection panel must comprise —
(a) A minimum of four (4) council members; and
(b) at least 1 independent person - refer to Policy 1.13 – Council Committees – Terms of Reference.

9. Recommendation by selection panel

(1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.

(2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
(a) a summary of the selection panel's assessment of each applicant; and
(b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.

(3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
(a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
(b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.

(4) The selection panel must act under subclauses (1), (2) and (3) —
(a) in an impartial and transparent manner; and
(b) in accordance with the principles set out in section 5.40 of the Act.

(5) The selection panel must not recommend an applicant to the Council under subclause (2)(b), unless the selection panel has —
(a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
(b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
(c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.

(6) The Council must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

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

(1) This clause applies if the Council accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.

(2) Unless the Council considers that changes should be made to the duties and responsibilities of the position or the selection criteria —

(a) clause 5 does not apply to the new recruitment and selection process; and

(b) the job description form previously approved by the Council under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

11. Offer of employment in position of CEO

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

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

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

12. Variations to proposed terms of contract of employment

(1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the Council a contract of employment (the negotiated contract) containing terms different to the proposed terms approved by the Council under clause 11(b).

(2) Before entering into the negotiated contract with the applicant, the Council must, by resolution of an absolute majority, approve the terms of the negotiated contract.

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

(1) In this clause —

commencement day means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.

(2) This clause applies if —

(a) upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —

(i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and

(ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day; and

(b) the incumbent CEO has notified the Council they wish to have their contract of employment renewed upon its expiry.

(3) Before the expiry of the incumbent CEO's contract of employment, the Council is to carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.

(4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

14. Confidentiality of information

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

15. 360 Review

The Employment Committee may Consult with all or some of the Shire's employees and members/sections of the community through a '360 Review' (or similar process) to gain a holistic understanding of the CEO's conduct and performance internally and/or externally.

Division 3 — Standards for review of performance of CEOs

16. Overview of Division

This Division sets out standards to be observed by Council in relation to the review of the performance of the CEO~~s~~.

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

(1) The Council and the CEO is to agree on —
  (a) the process by which the CEO's performance will be reviewed; and
  (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.

(2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 18, 19 and 20.

(3) The matters referred to in subclause (1) must be set out in a written document.

18. Carrying out a performance review

(1) A review of the performance of the CEO by the Council must be carried out in an impartial and transparent manner.

(2) The Council is to —
  (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
  (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

19. Endorsement of performance review by local government

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

20. CEO to be notified of results of performance review

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

(a) the results of the review; and

(b) if the review identifies any issues about the performance of the CEO — how the Council proposes to address and manage those issues.

Division 4 — Standards for termination of employment of CEOs

21. Overview of Division

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

22. General principles applying to any termination

(1) The Council must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.

(2) The Council must afford the CEO procedural fairness in relation to the process for the termination, including —

(a) informing of the CEO's rights, entitlements and responsibilities in relation to the termination process; and

(b) notifying of any allegations against the CEO; and

(c) giving the CEO a reasonable opportunity to respond to the allegations; and

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

22. Additional principles applying to termination for performance related reasons

(1) This clause applies if the Council proposes to terminate the employment of a CEO for reasons related to the CEO's performance.

(2) The Council cannot terminate the CEO's employment unless it has —

(a) in the course of carrying out the review of the CEO's performance (referred to in subclause (3) or any other review of the CEO's performance) identified any issues (the performance issues) related to the CEO; and

(b) informed the CEO of the performance issues; and

(c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and

(d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.

(3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

23. Decision to terminate

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

24. Notice of termination of employment

(1) If the Council terminates the employment of a CEO, it must give the CEO notice in writing of the termination.

(2) The notice is to set out the Council's reasons for terminating the employment of the CEO.

Note: refer also Council Policy No. 1.13 Council Committees – Terms of Reference.

Resolution No:
Resolution Date:

1.22 CODE OF CONDUCT BEHAVIOUR COMPLAINTS MANAGEMENT

Objective

To establish, in accordance with Clause 15(2) of the Local Government (Model Code of Conduct) Regulations 2021, and the Shire of Brookton Code of Conduct for Council Members, the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Shire of Brookton's Code of Conduct for Council Members, Committee Members, and Candidates.

Scope

This Policy applies to complaints made in accordance with Clause 11 of the Shire of Brookton Council Members, Committee Members and Candidates Code of Conduct.

This Policy applies to Council Members, Committee Members, Candidates, and any person who submits a complaint in accordance with this Policy.

Definitions

Act means the Local Government Act 1995. 3

Complaints Officer means a person authorised by resolution of Council under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Complaints Officer is addressed in clause 5.1 of this Policy.

Breach means a breach of Division 3 of the Shire of Brookton Council Members, Committee Members and Candidates' Code of Conduct.

Candidate means a candidate for election as a Council Member, whose nomination has been accepted by the Returning Officer under s.4.49 of the *Local Government Act, 1995* but does not include a Council Member who has nominated for re-election. A person is a Candidate from the date on which their nomination is accepted, until the Returning Officer declares the election result in accordance with s.4.77 of the Act.

Candidate Complaint means a Complaint alleging a Breach by a Candidate. Candidate Complaints are dealt with in clause 6.2 of this Policy.

Code of Conduct means the Shire of Brookton Council Members, Committee Members and Candidates Code of Conduct.

Committee means a committee of Council, established in accordance with s.5.8 of the Act.

Committee Member means a Council Member, employee of the Shire of Brookton or other person who has been appointed by the Council to be a member of a Committee, in accordance with s.5.10(1) of the Act. A person is a Committee Member from the date on which they are appointed, until their appointment expires or is terminated by Council resolution.

Complaint means a complaint submitted under Clause 11 of the Code of Conduct.

Complainant means a person who has submitted a Complaint in accordance with this Policy.

***Complaints* Assessor** means a person appointed by the Complaints Officer in accordance with clause 5.2 and clause 6.10 of this Policy

Complaint Documents means the Complaint Form and any supporting information, evidence, or attachments provided by the Complainant.

Complaint Form means the form approved under clause 11(2)(a) of the Code of Conduct.

Council means the Council of the Shire of Brookton.

Council Meeting means a formal meeting of the Council that is called and convened in accordance with the Act. It does not include informal meetings, such as workshops or briefings.

Council Member means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act. 3.17. Finding means a finding made in accordance with clause 12(1) of the Code of Conduct as to whether the alleged Breach has or has not occurred.

Plan means a Plan that may be prepared and implemented under clause 12(4)(b) of the Code of Conduct, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.

Response Documents means the response provided by the Respondent to the Complaint and includes any supporting information or evidence that is supplied.

Policy Statement

Principles

1 Procedural fairness

The principles of procedural fairness, or natural justice, will apply when dealing with a Complaint under this Policy. In particular:

a) the Respondent will be afforded a reasonable opportunity to be heard before any findings are made, or a plan implemented;

b) the decision maker should be objective and impartial, with an absence of bias or the perception of bias; and

c) any findings made will be based on proper and genuine consideration of the evidence.

2 Consistency

The application of this Policy should lead to consistency in process and outcomes. While each Complainant and Respondent will be dealt with according to their circumstances, and each Complaint considered and determined on its merits, similar circumstances will result in similar decisions.

3 Confidentiality

The Shire will take all reasonable steps to maintain confidentiality when dealing with the Complaint, in order to protect both the Complainant and Respondent. Council Members, Local Government employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely and must not disclose or inappropriately use this information. Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

4 Accessibility

The Shire will ensure that information on how to make a complaint, including this Policy, is available at the Shire Administration Building and on its website. The Shire will also make information available in alternative formats if requested. Any person wishing to make a complaint may contact the Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.

Roles

1 Complaints Officer

The Complaints Officer:

a) is authorised in accordance with clause 11(3) of the Code of Conduct to accept complaints and withdrawal of complaints.

b) is not an advocate for the complainant or the respondent, however will provide procedural information and assistance to both Complainant and Respondent in accordance to this and other Council Policies.
c) will appoint, liaise with, and provide administrative support to the Complaints Assessor and/or the Complaint Mediator in accordance to this and other Council Policies.
d) will liaise with the Local Government to facilitate the calling and convening of Council meetings if required.
e) will apply the Principles of this Policy in undertaking their role.

2 Complaints Assessor

The Complaints Assessor:

a) is appointed by the Complaints Officer in accordance with clause 5.1(c) and 6.10 of this Policy; and
b) is an impartial third party who will undertake the functions specified in this Policy and in undertaking their functions will apply the Principles of this Policy; and
c) will liaise with the Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.

3 Complaints Mediator

The Complaints Mediator:

a) is appointed by the Complaints Officer in accordance with clause 5.1(c) and 6.8 of this Policy.
b) is an impartial third party who will undertake the functions specified in this Policy and in undertaking their functions will apply the Principles of this Policy.
c) will liaise with the Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.

Procedure

1 Making a Complaint

Any person may make a complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 3 of the Code of Conduct.

A complaint:

a) must be made within one (1) month after the alleged Breach; and
b) must be made by completing the Complaint About Alleged Breach Form (Complaint Form) in full and providing the completed forms to the Complaints Officer; and
c) must be made in accordance with the Complaint Form and specify which requirement(s) of the Code of Conduct is alleged to have been breached; and
d) is required to include the name and contact details of the Complainant, therefore anonymous complaints cannot be accepted.

Where a Complaint Form omits required details, the Complaints Officer will invite the Complainant to provide this information for the complaint to be progressed. Where a complaint is made more than 1 month after the alleged breach, the Complaints Officer will give the Complainant written notice that the complaint cannot be made.

2 Candidate Complaints

A complaint in relation to a Candidate must be made in accordance with clause 6.1 but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.

Within 7 days after receiving a Candidate Complaint, the Complaints Officer will provide written notice:

a) To the Complainant confirming receipt, and advising of the procedure for candidate complaints; and
b) To the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints. No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date. If the Respondent is not elected, the Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with.

3 Withdrawing a Complaint

A Complainant may withdraw their Complaint:

a) at any time before a Finding has been made in relation to the Complaint; and
b) by advising the Complaints Officer in writing that they wish to do so.

After receiving a written withdrawal of the Complaint, the Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

4 Notice to Complainant

Within 7 days after receiving a Complaint, the Complaints Officer will provide written notice to the Complainant that:

a) confirms receipt of the Complaint; and
b) explains the application of confidentiality to the complaint; and
c) includes a copy of this Policy; and
d) if necessary, seeks clarifications or additional information; and
e) seeks the Complainant's interest in participating in Mediation, in accordance with clause 6.8 of this Policy.

5 Complaints that are Inappropriate under this Policy

The purpose of the Code of Conduct is to guide the decisions, actions and behaviours of Council Members, Committee Members, and Candidates for election as a Council Member. A breach of the Rules of Conduct (as per Division 4 of the Code of Conduct) is a minor breach under s5.105(1) of the LG Act and is not the intended subject of this Policy.

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

a) Complaints made with the intent of addressing personal grievances or disagreements; and
b) Complaints made to express dissatisfaction with a Council or Committee Member's lawfully made decisions or performance of their role; and
c) Minor breaches under s5.105(1) of the *Local Government Act, 1995*; and
d) Serious breaches under s5.114 of the *Local Government Act, 1995*; and
e) Allegations of corruption.

If in the opinion of the Complaints Officer that the complaint is inappropriate under this policy, the Complaints Officer will advise the Complainant in writing and provide the Complainant options (if any) for them to pursue their complaint via other means.

6 Vexatious or Unreasonable Persistence Complaints

The Shire acknowledges that some complainants may persist in disagreeing with the action or decision taken in relation to their complaint or they may contact Council or the Chief Executive Officer persistently about the same issue. Where a complaint has been considered by the Complaints Officer and the Council in accordance with this Policy, but the complainant refuses to accept the decisions and actions, as outcomes of the complaint, the Chief Executive Officer (or Complaints Officer) may advise the complainant, in writing that no further consideration will be given to complaints of any kind, that is the same, or substantially the same, and raises no new matters for consideration, when compared with previous communications. In considering application of this process the Chief Executive Officer must have regard for Guidelines on Complaint Handling (Ombudsman Western Australia Jan 2017).

7 Notice to Respondent

Within 14 days after receiving a complaint, the Complaints Officer will provide written notice to the Respondent that:

a) advises that a complaint has been made in accordance with the Code of Conduct and this Policy; and
b) includes a copy of the complaint documents, redacted of any personal details of the Complainant except for their name; and
c) outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes; and
d) includes a copy of this Policy; and
e) if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

If the Complainant has agreed to participate in mediation, the Complaints Officer will ask the Respondent if they are also willing to participate in accordance with clause 6.8 of this Policy.

8 Mediation

The Shire of Brookton recognises that mediation may support both parties reaching a mutually satisfactory outcome that resolves the issues giving rise to the complaint. Mediation requires the consent of both parties to the complaint and may not be appropriate in all circumstances. To commence the process, the Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Mediation.

If both parties agree to participate in Mediation, the Complaints Officer will:

a) pause the formal process and will appoint a suitably qualified and experienced Complaint Mediator within a reasonable period; and
b) provide written notice of the appointment to the Complainant and the Respondent.

The objective of Mediation will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with clause 6.3 of this Policy.

If Mediation is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of the

Complaint Mediator. If Mediation is terminated or does not achieve an agreed outcome that results in the withdrawal of the complaint, the Complaints Officer will resume the formal process required under this Policy.

9 Order of Complaints

Complaints will normally be dealt with in the order in which they are received. If more than one complaint is received that relates to the same alleged behaviour, the Complaints Officer may decide to progress those complaints concurrently.

10 Appointment of Complaints Assessor

If Mediation is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Complaints Officer:

a) will engage a suitably licenced, qualified and experienced Complaints Assessor within a reasonable period; and
b) will provide written notice of the appointment to the Complainant and the Respondent.

11 Search of Local Government Records

The Complaints Assessor may request the Complaints Officer to search for any relevant records in the Shire's record management system. In particular, if the behaviour is alleged to have occurred at a Council or Committee Meeting, the Complaints Officer will provide any Local Government records that provide evidence that may support a decision as to whether:

a) the behaviour occurred at a Council or Committee Meeting,
b) the behaviour was dealt with by the person presiding at the meeting, and/or
c) the Respondent has taken remedial action in accordance with the Shire's Local Government (Meetings Procedure) Local Law 2021.

The Complaints Assessor must provide the Respondent with a copy of any records that are identified. In addition, where a clarification or additional information has been sought from the Complainant by either the Complaints Officer or the Complaints Assessor, copies must also be provided to the Respondent.

12 Assessment of the Complaint

The Complaints Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under clause 6.4 and 6.7 of this Policy.

The Complaints Assessor must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions, or drafting the Complaint Report, drafting of a proposed Action Plan, and proposed recommendations for Council's consideration.

13 Complaint Report

The Complaints Assessor will prepare a Complaint Report that will:

- outline the process followed, including how the Respondent was provided with an opportunity to be heard.
- include the complaint documents, the response document and any relevant Local Government records as attachments.
- include recommendations on each decision that may be made by the Council.
- include reasons for each recommendation, with reference to Part 7 of this Policy.

If the Complaint Report recommends that an Action Plan is prepared and implemented in accordance with clause 12(4)(b) of the Code of Conduct and clause 3.12 of this Policy, the Complaint Report must include the proposed Action Plan. The Complaints Assessor will liaise with the Behaviour Complaints Officer to include the Complaint Report and all other relevant information in the agenda for a meeting of Council. The Complaints Officer will be responsible for preparation of an Officer Report which will be a confidential report to Council. The recommendations of the Complaint Report will be provided as the Officer Recommendation(s).

14 Action Plan

The Proposed Action Plan:

a) may include requirements for the Respondent to do one (1) or more of the following:
   (i) engage in mediation.
   (ii) undertake counselling.
   (iii) undertake training.
   (iv) take other action the Complaints Committee considers appropriate (e.g. an apology).
b) should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.
c) may also outline:
   (i) the actions to be taken to address the behaviour(s).
   (ii) who is responsible for the actions.
   (iii) any assistance the Local Government will provide to assist achieve the intent of the Plan; and (iv) a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

15 Report provided to Council

The Complaints Officer must provide a confidential report to Council no later than 1 month after receipt of the Complaint Report from the Complaints Assessor, which includes:

a) A copy of the Complaint.
b) The Complaint Report from the Complaints Assessor.
c) Any submissions received or other communications from the Complainant and Respondent during the complaint assessment process.
d) A recommendation on the question whether a behaviour breach has occurred.
e) A recommendation as to whether any and if so, what further action is required.
f) If further action is required, a recommendation must be provided to the Council on an action plan to address the behaviour of the person to the complaint relates.

Decision Making

1 Objectives and Principles

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 1 of this Policy and in reference to Division 2 – General Principles of the Code of Conduct.

2 Dismissal of Complaint

The Council must dismiss a Complaint in accordance with clause 13(1)(a) and (b) of the Code of Conduct 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 Respondent has taken remedial action in accordance with the Shire's Local Government (Meetings Procedure) Local Law 2021.

3 Council Finding

A finding that the alleged behaviour breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur. This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a breach of a requirement of Division 3 of the Code of Conduct. The Council will have due regard to the findings of the Complaints Assessor, however, are not bound to adopt the recommendations provided within the Complaint Report. In determining whether an alleged breach has occurred, Council may resolve to:

a) dismiss the Complaint in accordance with clause 7.2 of this Policy; or
b) find that the alleged breach has not occurred and take no further action; or
c) find that the alleged breach has occurred. The Council meeting's minutes will reflect the Council's finding and the reasons for the Council's finding.

4 Actions resulting from determining an Alleged Breach has occurred

If the Council makes a finding that the alleged breach has occurred, it must:

a) resolve to take no further action; or
b) resolve to prepare and implement an action plan to address the behaviour of the person to whom the complaint relates.

In determining whether to take no further action, or prepare and implement an Action Plan, the Council may consider:

a) the nature and seriousness of the breach(es).
b) the Respondent's submission in relation to the contravention.
c) whether the Respondent has breached the Code of Conduct knowingly or carelessly.
d) whether the Respondent has breached the Code of Conduct on previous occasions.
e) likelihood or not of the Respondent committing further breaches of the Code of Conduct.
f) personal circumstances at the time of conduct.
g) need to protect the public through general deterrence and maintain public confidence in Local Government.
h) any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

If the Council resolves to prepare and implement an action plan to address the behaviour of the person to whom the Complaint relates, the action plan can either be:

a) The proposed action plan as recommended by the Complaints Assessor without modifications; or
b) The proposed action plan as recommended by the Complaints Assessor with modifications; or
c) An action plan determined by Council, in consideration of the requirements of clause 6.14 of this policy.

Prior to resolving to prepare and implement an action plan which is materially different from any proposed action plan recommended the Complaints Assessor (if any), the Council will

provide an opportunity to the Respondent to make a submission on the Council's proposed action plan. In providing an opportunity for the Respondent to make a submission, Council may adjourn any further consideration on the matter for no more than 48 hours. The Council meeting's minutes will reflect the actions resolved by Council to address the behaviour of the person to whom the complaint relates, if it has resolved an alleged breach has occurred.

Implementing Council's Findings and Actions

1 Advice to Complainant and Respondent on Council's Findings

When the Council makes a finding in relation to a complaint, the Complaints Officer must give the Complainant and the Respondent written notice of –

a) the finding and the reasons for the finding as determined under clause 7.3; and
b) if the finding is that the alleged breach has occurred, Council's decision on the Actions determined under clause 7.4.

2 Compliance with Action Plan Requirement

The Complaints Officer is to monitor the actions and timeframes set out in the action plan resolved under clause 7.4.

Failure of the respondent to meet the requirement of the action plan is a breach of clause 23 of the Code of Conduct and as a breach of the Rules of Conduct is a minor breach under s5.105(1) of the Act that may be reportable to the Public Sector Commission.

Resolution No:
Resolution Date:

1.23 FLYING OF FLAGS AT THE SHIRE OFFICES

Objective
To provide direction on the use of the flags at the Shire Council offices.

Policy
The Australian Flag, the West Australian State Flag, and the Australian Aboriginal Flag, will be flown on the Council Administration Centre flagpoles every working day of the year.

On any day, of any funeral held within the Shire, or on the day of the funeral of a present, or former, Shire of Brookton Resident, or any other proclaimed day, the Chief Executive Officer will authorise the flags to be flown at half-mast. The Shire will publicise in a respectful manner on the Council's social media for the reason for the flags being flown at half-mast.

The flying of flags will comply with the Australian Flag booklet protocols.

Resolution No:
Resolution Date:

1.24 SHIRE OF BROOKTON SERVICES – CHRISTMAS NEW YEAR PERIOD

Objective
Council is seeking to balance the reduced demand from the public for administration services over the Christmas/New Year period and the high staff demand for leave at this time.

Policy
Council will:

1. not provide services from the Shire Administration Centre and the Brookton Community Resource Centre; and

2. provide reduced levels of Works services; from the period commencing on Christmas Day each year until and including the New Year's Day public holiday.

In addition, should there be only 1 day following the New Year's Day Public Holiday to a weekend, Council will extend the closure to include that day.

Guidelines
For this extended period, Council will require that staff use leave allocations in the following order:

1. approved Public Holidays;
2. 2 additional Local Government Recreation (LGR) leave days per annum provided as per policy 2.31 Employee Leave;
3. any rostered days off if available or other types of accrued leave that exists; and then
4. accrued annual leave.

If an employee does not have sufficient accrued leave, they will be required to take leave without pay.

Resolution No:
Resolution Date:

1.25 CHILD SAFETY AWARENESS

Objective
The safety and wellbeing of children is everyone's responsibility. This Child Safe Awareness policy applies to all, employees, volunteers, trainees, work experience students, interns, and anyone else who undertakes work on behalf of the Shire of Brookton, regardless of their work related to children or young people. It applies to occupants of Shire of Brookton facilities and venues, including visitors, contractors and suppliers.

Policy
The Shire of Brookton supports and values all children and young people. The Shire of Brookton makes a commitment to support the safety and wellbeing of all children and young people, including protection from abuse. This Child Safe Awareness policy is one of the ways Shire of Brookton demonstrates its commitment to being child safe and a zero-tolerance approach to child abuse.

This policy aims to reduce the risk of harm and child sexual abuse in our communities by encouraging child safe environments to be created and maintained. The Shire of Brookton is committed to encouraging local organisations to be child safe and ensure children are safe and empowered.

This Child Safe Awareness policy has been developed in response to recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse and recognises that the Shire of Brookton is uniquely placed within the local community to demonstrate leadership by supporting organisations to be child safe and to protect children and young people from harm and/or abuse. The Shire of Brookton will promote the safety and wellbeing of children across the community.

Consistent with the National Principles for Child Safe Organisations and Commonwealth Child Safe Framework, this policy provides a framework that outlines the role of the Shire of Brookton in supporting local organisations to be child safe through access to resources, awareness raising and sharing relevant information.

Definitions

Abuse: Abuse is an act, or a failure to act, towards or on behalf of a child that may result in harm. It can occur on one occasion or multiple occasions. Sometimes the impact of multiple events leads to harm that becomes cumulative in nature. Types of abuse include physical, emotional and sexual abuse, and neglect.

Child/Children: Means a person under 18 years of age, and in the absence of positive evidence as to age, means a person who appears to be under 18 years of age.

Child Safe Organisation: is defined in the Royal Commission Final Report as one that:

- creates an environment where children's safety and wellbeing are at the centre of thought, values, and actions
- places emphasis on genuine engagement with and valuing of children and young people
- creates conditions that reduce the likelihood of harm to children and young people
- creates conditions that increase the likelihood of identifying any harm, and
- responds to any concerns, disclosures, allegations, or suspicions of harm. in the context of the Shire of Brookton, this would involve referring concerns to the Department of Communities or WA Police to respond as appropriate.

Implementation of the National Principles for Child Safe Organisations give effect to the above.

Child safe: For the purpose of this policy, child safe means protecting the rights of children and young people to be safe by taking actions that can help prevent harm and abuse.

Harm: Harm, in relation to a child, means any detrimental effect of a significant nature on the child's wellbeing, whether caused by a single act, omission or circumstance; or a series or combination of acts, omissions or circumstances.

Wellbeing: Wellbeing of children and young people includes the care, development, education, health and safety of children and young people.

Policy Principles

- The rights of children and young people 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 and cared for.
- Children and young people have the right to speak up, be heard and taken seriously without the threat of negative consequences.
- The safety and best interests of children and young people are a primary consideration when making decisions that concern them.

- Access to trusted and reliable information, including the National Principles for Child Safe Organisations, helps support organisations to understand what they must do to help reduce the risk of harm and abuse.
- Communities are informed and involved in promoting the safety and wellbeing of children and young people including protection from harm.
- Collaboration with the community and our partners promotes the safety, participation and empowerment of all children and young people.

Policy Functions
The Shire of Brookton 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 including at Shire of Brookton 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.

Responsibilities
The Shire of Brookton has a leadership role in our community to support relevant organisations to be child safe and promote child safe practices.

Although the Shire of Brookton is not legally responsible for providing oversight of compliance with child safe practices, it will take any reasonable steps to engage with persons who utilise the Shire of Brookton facilities to operate in alignment with the Child Safe Awareness policy.

The Shire of Brookton will determine which roles across the organisation will directly support the implementation of the Child Safe Awareness policy.

Guidelines
Nil

Resolution No:
Resolution Date:

1.26 PUBLIC QUESTION TIME

Objective
The objective of this Policy is to ensure that Public Question Time is an opportunity for residents and others to ask Council constructive questions in an open and respectful manner and to establish procedures for the conduct of Public Question Time during Council Meetings.

Although a local government is required to respond to a question, the Local Government Act does not intend that a local government provides an answer to every question where the question is outside the legislation or deemed unreasonable. There are many circumstances where this may occur i.e. offensive or defamatory questions, questions that relate to the personal affairs or actions of Council Members or Shire employees, questions relating to confidential matters, and identical questions asked that have been satisfactorily responded to previously.

Definitions

Public Question Time is the means by which the public can seek responses from their Council regarding Shire issues that are of concern to them.

Council Meetings includes Ordinary Meetings of Council, Special Meetings of Council and Committee Meetings to which the Council has delegated a power or duty.

Policy

Questions asked at an Ordinary Council Meeting must relate to matters that affect the operations of the Shire of Brookton.

Questions asked at a Special Meeting of Council should relate to the purpose for which the meeting has been called.

Questions asked at a Meeting of a Committee to which the Council has delegated a power or duty should relate to the purpose of that Committee.

The Presiding Member is to decide to accept or reject any question and their decision is final. Where there is concern regarding a question being offensive, defamatory, or the like, the Presiding Member is to make a determination in relation to the question. Questions determined as offensive, defamatory, or the like are not to be published. Where the Presiding Member rules a question to be out of order, an announcement to this effect is to be made at the meeting, including the reason/s for the decision.

Any questions unable to be responded to at the meeting of Council are to be taken on notice. In this case, a written response is to be provided as soon as possible and included on the agenda for the next Council Meeting

All questions and any responses given are to be summarised and included in the minutes of the Meeting.

Public Question Time is limited has a legislative minimum of fifteen minutes. Public question time may be extended at the discretion of the Presiding Member.

It is not intended for Public Question Time to be used as a means to obtain information that would not be made available if it was sought from the Shire's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question would require a substantial commitment of the Shire's resources, the Chief Executive Officer is to determine that it is an unreasonable impost upon the Shire and refuse to provide it. The Chief Executive Officer is to advise the member of public that the information may be sought in accordance with the FOI Act 1992.

Questions Asked Verbally

1. Members of the public are invited to ask questions at Council Meetings. Members of the public applies to members of the public and not just resident, electors or ratepayers.
2. Persons asking a question are to state their name and general address at the beginning of their speaking time.
3. Public Question Time has a limit of two minutes per member of the public, and a limit of two questions per member of the public.
4. Statements are not to precede the asking of a question during Public Question Time.

5. Members of the public are encouraged to keep their questions brief to enable all who desire to ask a question the opportunity to do so.
6. The Presiding Member will declare Public Question Time closed following the expiration of the allocated time period, or earlier when there are no further questions.
7. Questions asked verbally are to be directed to the Presiding Member, are to be asked politely and in good faith, and not be framed in such a way as to reflect adversely or be defamatory towards a particular member of Council or Shire employee. The Presiding Member is to decide to:
   a. Accept or reject the question and their decision is final;
   b. Nominate a member of Council and/or Shire employee to respond to the question; or
   c. Take a question on notice – In the case a written response is to be provided as soon as possible and included in the agenda for the next Council Meeting.
8. Responses to questions not submitted in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

Resolution No: **OCM 05.25-11**
Resolution Date: **15 MAY 2025**

2.0 GOVERNANCE POLICIES

2.1 EQUAL EMPLOYMENT OPPORTUNITY & VALUING DIVERSITY

Objective
To detail the Shire of Brookton's commitment to Equal Employment Opportunity.

Policy Statements

1. The Shire recognises its legal obligations under the *Equal Opportunity Act (1984)* to actively promote equal employment opportunity based on merit to ensure that discrimination does not occur on the grounds of gender, marital status, pregnancy, race, disability, religious or political convictions.

2. All offers of employment within the Shire will be directed to providing equal opportunity to prospective employees, provided their relevant experience, skills and ability meet the minimum requirements for engagement.

3. All employment training opportunities within the Shire will be directed towards providing equal opportunity to all employees based on merit and their relevant experience, skills and ability meet the minimum requirements for the position.

4. All promotional policies and opportunities within the Shire will be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability are adequate to meet the minimum requirements and they are assessed as the most appropriate candidate for the advertised position. In this context, as a minimum, all vacancies shall be advertised internally within the organisation.

5. The Shire of Brookton will not tolerate harassment within its workplace. Harassment is defined as any unwelcome, offensive action or remark concerning a person's race, colour, language, ethnicity, political or religious convictions, gender, marital status or disability.

6. The equal opportunity goals of this Council are designed to provide an enjoyable, challenging, involving and harmonious work environment for all employees, where each has the opportunity to progress to their ability.

Resolution No:
Resolution Date:

2.2 OCCUPATIONAL SAFETY AND HEALTH

Objective
To ensure that every employee works in an environment where direct efforts are made to prevent accidents, injury and disruption to employees' health from foreseeable work hazards.

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

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

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

Employees have a duty of co-operation in the attainment of these objectives by:

- Working with care for their own safety and that of other employees, contractors and public who may be affected by their acts or omissions.
- Reporting conditions which appear to be unsafe to their supervisor.
- Co-operating in the fulfilment of the obligations placed on their employer.
- Assisting in the investigation and the reporting of any accidents with the objective of introducing measures to prevent re-occurrence.

A safe and efficient place of work is our goal, and we must all be committed to reach this outcome.

Resolution No:
Resolution Date:

2.3 DISCRIMINATION, HARASSMENT AND BULLYING POLICY

Objective
The objective of this policy is to provide a definition and a framework of what constitutes discrimination, harassment or bullying in the workplace.

Policy
The Shire of Brookton and its employees are committed to providing a working environment where every employee is treated equally, fairly and without prejudice. For the purposes of this policy the term "employee/s" will extend to cover contractors, volunteers and any person performing work for or with the Shire of Brookton in any capacity.

<u>Unlawful Discrimination</u>

An employee is directly discriminated against if they are treated less favourably than another person in the same or similar circumstance, because of any one of the grounds of discrimination outlined below.

The following is a non-exhaustive list of the grounds of discrimination for which it is unlawful to discriminate against an individual:

- Age;
- Family responsibility or status;
- Race or colour;
- Sex including gender identity, sexual orientation and intersex status;
- Physical or mental disability;
- Marital status;
- Political or religious conviction;
- Pregnancy;
- Criminal record;
- Breastfeeding;
- Gender history;
- Impairment;
- National extraction or social origin; and
- Trade union activity

Sexual Harassment

The *Equal Opportunity Act 1984 (WA)* and the *Sex Discrimination Act 1984 (Cth)* provide that it is unlawful to engage in sexual harassment. Sexual harassment can be defined as any unwelcome conduct of a sexual nature, such as an unwelcome sexual advance or an unwelcome request for sexual favours, in circumstances in which a reasonable person would anticipate that the person harassed would be offended, humiliated or intimidated.

Some examples of sexual harassment include, but are not limited to:

- Physical contact (touching, rubbing, patting, embracing, brushing up against etc.);
- Gestures of a sexual nature;
- Leering or staring; •
- Offensive telephone calls, emails, text messages or notes;
- Sexual suggestive jokes or comments;
- Tales of sexual exploits;
- Repeated requests for a date;
- Unwelcome comments or questions about a person's sex life, appearance or dress;
- Sexually graphic material (poster, calendars, cartoons, graffiti, messages, emails).

Bullying

Bullying is defined as repeated and/or unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety, including an individual person's wellbeing. Unreasonable behaviour amounts to behaviour that a reasonable person in the circumstances would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Bullying is also unlawful under the *Occupational Safety and Health Act, 1984 (WA)* and the Occupational Safety and Health Regulations, 1996 (WA).

Some examples of bullying include, but are not limited to:

- Loud, abusive or offensive language or comments;
- Yelling and screaming;
- Unjustified criticism and insults;
- Unjustified threats of dismissal or other disciplinary action;
- Acts of sabotaging another's work by withholding information which is required to fulfil tasks;
- Spreading malicious rumours or misinformation;
- Inappropriate comments about an employee's appearance, lifestyle of family;
- Deliberately excluding an employee from workplace meetings or activities;
- Hiding documents or equipment or withholding vital information required for effective work performance;
- Constantly changing targets or work guidelines;
- Overloading an employee with work and impossible deadlines;
- Setting tasks that are unreasonably below or beyond an employee's level of skill;
- Threats of assault or violence or actual violence;
- Teasing and practical jokes; and
- Isolating or ignoring an employee on a constant basis.

Where an employee makes a threat of violence or assaults another employee, the police should be called.

Reasonable Management Action

The Local Government management has a right to take reasonable action to direct the way in which work is conducted, and to give employees lawful and reasonable directions to complete work in a certain manner. Reasonable management action is not workplace bullying.

Some examples of reasonable management action include, but are not limited to:

- The establishment and regular use of performance management systems;
- The setting of reasonable performance targets and deadlines;
- Providing employees with constructive feedback or counselling to assist workers to improve their work performance or the standard of their behaviour;
- Issuing a lawful and reasonable direction to an employee to complete a work task;
- Preparing and amending a roster for employees;
- Transferring an employee to a different work location for operational reasons;
- Implementing organisational change;
- Informing an employee about inappropriate behaviour in a confidential manner; and
- Taking disciplinary action against an employee.

What are the Ways in which Bullying can occur?

There are a variety of ways bullying behaviour can occur in the workplace such as verbally, through email or text message or via social media. Bullying can be directed at an individual employee or a group of employees and can be carried out by one or more employees. Bullying can occur between employees, downwards from managers to employees or upwards from employees to supervisors or managers.

Roles & Responsibilities

To ensure the intent of this policy is realised, various roles within the Shire of Brookton must assume certain responsibilities.

The Employer

The Shire of Brookton will endeavour to:

- provide all workplace participants with a workplace free from discrimination, sexual harassment and bullying;
- provide and maintain safe systems of work;
- provide a fair and effective procedure to investigate and resolve complaints of sexual harassment, discrimination and bullying;
- treat all employees fairly; and
- take suitable disciplinary action against any employee who is found to have sexually harassed, discriminated, bullied or victimised another employee.

All the Organisation's Employees

Employees are required to:

- report any incidents of sexual harassment, discrimination or bullying they may see happening around them to an appropriate manager or supervisor;
- follow all policies and procedures of the Shire of Brookton;
- ensure they do not victimise any person making a complaint of sexual harassment, discrimination or bullying;
- treat all employees fairly and with respect.

Consequences of Breaching This Policy

Any breach of this policy may result in disciplinary action up to and including termination of employment.

Variation to This Policy

This policy may be cancelled or varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.

Related Corporate Documents

- Grievance Policy
- Grievance Procedure

Resolution No:
Resolution Date:

2.4 GRIEVANCES, INVESTIGATIONS AND RESOLUTIONS POLICY

Objective
The objective of this policy is to provide a definition and a framework to investigate and resolve grievances that may arise in at the Shire of Brookton.

Policy
All employees have a right to express any genuine grievances or complaints via an impartial internal process.

All employees involved in a grievance process are expected to participate in good faith. For the purposes of this policy, the term "employee/s" will extend to cover contractors, volunteers and any person performing work for or with the Shire of Brookton in any capacity.

Roles
Complainant – An employee who raises a complaint about a matter regarding the workplace.
Respondent – An employee who is alleged to have acted in a manner which caused the complainant to raise a complaint.
Support Person – A Complainant and/or a Respondent may choose to bring a Support Person with them to a meeting, where practicable. The role of a Support Person is not to advocate on behalf of anyone, but to simply provide emotional support.
Witness – A person (including an employee) who is requested by the Local Government to assist the process by providing relevant information regarding the complaint.

What to do if you have a Complaint?

a) If an employee (Complainant) is the victim of behaviour of another employee (Respondent) which is inconsistent with the Council's policies, procedures or guidelines (Policies), the Complainant should, where reasonable or practicable, first approach the Respondent for an informal discussion.

b) If the nature of the complaint is deemed to be sufficiently serious, the complainant should contact their Manager directly and seek assistance in facilitating an informal discussion.

c) If the Respondent is the Chief Executive Officer, the grievance can lodged with the Manager Corporate and Community Services (MCC). Any grievance lodged against the Chief Executive Officer is to be dealt with by the Shire President under this policy.

d) If the inappropriate behaviour continues, the Complainant is encouraged to make a formal complaint to their direct manager. If the direct manager is the Respondent in the matter or if the employee feels uncomfortable approaching their manager, the Complainant should approach any other Manager.

e) The employee who receives the complaint must contact the Respondents direct line manager (in the case of the Chief Executive officer that is the Shire President) and decide upon the most appropriate way to take the matter forward, whether it is an informal discussion with the Complainant and/or the Respondent, or the commencement of a formal investigation of the complaint.

Key Principles in the Complaint Resolution Process

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

i) Confidential – Only the employees directly investigating or addressing the complaint will have access to the information about the complaint. The Shire of Brookton may inform or appoint a third party to investigate or advise on the investigation. All parties involved in dealing with a complaint are required to keep the matter confidential. Information will only be placed on an employee's personal file if they are disciplined as a result of the complaint.

ii) Impartial (fair/unbiased) – Both parties will have an opportunity to put their case forward. No assumptions are made, and no action will be taken until available and relevant information has been collected and considered.

iii) Sensitive – The employees who assist in responding to complaints should be specifically trained or equipped to treat all complaints sensitively and ensure the process is free of coercion or intimidation.

iv) Timely – The Shire of Brookton aims to deal with all complaints as quickly as possible and in accordance with any legislative requirements.

v) Documented – All complaints and investigations must be documented. In formal grievance processes, records must be kept of all documents collected and/or drafted as part of that process. For more informal processes, a file note or note in a diary may be sufficient.

vi) Natural Justice – The principles of natural justice provide that:
- A Respondent against whom allegations are made as part of a grievance process has the right to respond to the allegations before any determination is made.
- A Respondent against whom an allegation is made has the right to be told (where possible and appropriate) who made the allegation.
- anyone involved in the investigation should be unbiased and declare any conflict of interest.
- decisions must be based on objective considerations and substantiated facts.
- the Complainant and the Respondent have the right to have a support person present at any meetings where practicable.

vii) 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.
- A Respondent is entitled to receive verbal or written communication from the Shire of Brookton 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 Brookton through the grievance process are investigated and considered.
- The Respondent has 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.
- All interviews of witnesses are conducted separately and confidentially.

Outcome of Making a Complaint

If a complaint is substantiated, there are a number of possible outcomes. If the complaint involves a performance issue, the manager of the Respondent may commence a formal or informal performance management process with the Respondent or elect to discipline the Respondent in accordance with the Disciplinary Policy.

If the complaint involves a breach of a Policy or any other behaviour that is inconsistent with the employment relationship, the manager of the Respondent, in consultation with senior management, may elect to discipline the Respondent in accordance with the Disciplinary Policy.

Vexatious or Malicious Complaints

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

Victimisation of Complainant

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

Variation to This Policy

This policy may be cancelled or varied from time to time. All Shire of Brookton's employees will be notified of any variation to this policy by the normal correspondence method. Related Corporate Documents Discrimination, Harassment, & Bullying Policy Grievances, Investigations and Resolutions Procedure Code of Conduct.

Resolution No:
Resolution Date:

2.5 RISK MANAGEMENT

Purpose

The Shire of Brookton's ("the Shire") Risk Management Policy documents the commitment and objectives regarding managing uncertainty that may impact the Shire's strategies, goals or objectives.

Policy

It is the Shire's Policy to achieve best practice aligned with AS/NZS ISO 31000:2018 Risk management in the management of all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.

Risk Management will form part of the strategic, operational, project and line management responsibilities and where possible, be incorporated within the Shire's Integrated Planning Framework.

The Shire's Senior Management Group will implement and communicate the Risk Management policy, objectives and procedures, as well as direct and monitor implementation, practice and performance.

Every employee, Elected Member, volunteer and contractor within the Shire is recognised as having a role in risk management.

Consultants may be retained at times to advise and assist in the risk management process or management of specific risks or categories of risk.

Definitions (from AS/NZS ISO 31000:2018):

- *Risk* means 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* means Coordinated activities to direct and control an organisation with regard to risk.

- *Risk Management Process* means 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.

Objectives

- Optimise the achievement of the Shire's vision, experiences, strategies, goals and objectives.
- Provide transparent and formal oversight of the risk and control environment to enable effective decision making.
- Enhance risk versus return within our risk appetite.
- Embed appropriate and effective controls to mitigate risk.
- Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
- Enhance organisational resilience.
- Identify and provide for the continuity of critical operations.

Risk Appetite

- The Shire defined its risk appetite through the development and endorsement of the Shire's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Procedures and are subject to ongoing review in conjunction with this policy.
- All organisational risks reported at a corporate level are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisation's appetite and are to be noted within the individual risk assessment and approved by the CEO.

Roles, Responsibilities & Accountabilities

Council's role with assistance from the Audit and Risk Committee is to –

- Review and approve the Shire's Risk Management Policy and Risk Assessment and Acceptance Criteria.
- Liaise with Office of the Auditor General in its assessment and reporting on financial statements and performance standards annually.

- Establish and maintain an Audit and Risk Committee under provisions of the *Local Government Act, 1995* with the charter to oversee the identification of relevant risks and associated actions of mitigation across all finance and operational areas.

The CEO is responsible for the allocation of roles, responsibilities and accountabilities. These are documented in the Risk Management Procedures (Operational Document).

Monitor & Review
The Shire will implement and integrate a monitor and review process to report on the achievement of the Risk Management Objectives, the management of individual risks and the ongoing identification of issues and trends.

This policy will be kept under review by the Shire's Senior Management Group and will be formally reviewed by Council biennially.

Resolution No:
Resolution Date:

2.6 COMPLAINTS HANDLING

Objective
The Shire is committed to resolving complaints in a timely, fair and equitable manner.

Policy
This policy covers the Shire's wastewater (sewerage) services, but does not relate to complaints that must be legally addressed in another manner such as the State Administrative Tribunal or under the Whistle-blowers Protection legislation.

Complaints will only be addressed if submitted to the Shire in writing (i.e. letter or email) unless otherwise deemed urgent by the CEO. Anonymous complaints will not be addressed by the Shire.

It is intended that complaints will be addressed within 15 business days from the date the complaint is received, however this will depend on the complexity of the complaint and the legislative parameters that need to be considered.

Guideline
The complaints process is outlined in the following steps:

1. Customers are encouraged to discuss their complaint with the officer of the department which is the subject of the complaint and to attempt to resolve the issue at this level.
2. If the complaint cannot be resolved at the first point of contact the matter will be reviewed by the direct line manager and the complainant will be advised of the outcome in writing.
3. The advice to the complainant in step 2 may include the details of an independent party that the matter can be referred to if still unresolved or the complainant is still not satisfied.
4. Once the matter has been completed the CEO will review the circumstances of the complaint and make any relevant changes to the Shire's operations to lessen the probability of further complaints being raised.

Independent Parties
If the matter cannot be resolved to the customer's satisfaction, they have the right to refer the matter to one of the following independent parties.

For general complaints
The Ombudsman Western Australia http://www.ombudsman.wa.gov.au

For water services complaints
The Energy and Water Ombudsman http://ombudsman.wa.gov.ay/energyandwater/

Resolution No:
Resolution Date:

2.7 CONTIGUOUS RATING – SHIRE BOUNDARY PROPERTY

Objective
To recognise parcels of land located on the Shire's boundary adjoining other parcels of land in neighbouring shires as contiguous for the purposes of assessing rates.

Policy
It is Council Policy to support the contiguous rating of land zoned "Farming" only where the land is situated in a contiguous position to all other land, and the land is in the same ownership, including when the property crosses a Shire boundary.

The Shire of Brookton relies on Landgate to determine whether parcels of land that are within the Shire's boundary should be contiguously valued as one holding. Landgate uses set valuation principles and court precedent as the basis for determining the validity of claims relating to contiguously valued properties.

For example: a farming property comprising a number of lots/locations all in common ownership and being used as one large holding will normally receive a single value.

The Shire of Brookton recognises that there may be parcels of land located on the Shire's boundary that adjoin other parcels of land in neighbouring shires that are not considered by Landgate because they are separated by shire boundaries. Council considers that the owners of properties that would otherwise be assessed as being contiguous in nature, if they happened to be contained within the one Shire, should be given the opportunity to apply for a concession on their rates within the Shire of Brookton.

The owners of properties that fit the below criteria must apply for a concession from Council each and every year that that they wish to have their properties assessed. A detailed application form will be provided for this purpose, on the request of the property owner.

The property owner must be able to prove that all relevant parcels of land meet all of the following requirements:

- Contiguous (touching) with contiguously rated properties in neighbouring shire(s);
- All properties are held in the same ownership; and
- All properties are used for the same purpose.
- The property in the Brookton Shire must be rated at the minimum rate. The property owner must provide the following documentation for assessment: •

- Completed Shire of Brookton Rates Concession Application Form;
- Copy of relevant Shire of Brookton rates notice(s) (current year); and
- Copy of relevant adjoining shire rates notice(s) (current year).

The property owner will be required to pay the whole of the current year rates relating to the relevant Brookton property prior to a concession being awarded.

The concession will be calculated by deducting the amount that would otherwise be payable on the relevant property if it were contiguously rated by the relevant neighbouring shire from the amount that has been assessed/paid in the current year with the Shire of Brookton.

Applications for Contiguous Rating – Shire Boundary Concession must be submitted to the Shire of Brookton by the last instalment date of the current rating year. A rates refund will be processed to the ratepayer or as a credit on the property assessment, as indicated on the application form, before the end of the current financial year.

All other regular claims for contiguously valued properties held within the Brookton Shire boundary should be directly with the Shire of Brookton and will be assessed with the assistance of Landgate.

Resolution No: **OCM 02.25-05**
Resolution Date: **20 February 2025**

2.8 SIGNIFICANT ACCOUNTING POLICIES

Council will adopt the significant accounting policies for each financial year within the statutory format of Council's Annual Budget.

2.9 USE OF CORPORATE CREDIT CARDS

Objective
To provide details for the use, allocation, control and safe custody of corporate credit cards.

The policy looks to ensures that operational and administrative costs and the risks associated with credit card use are minimised while providing cardholders with a convenient method of purchasing goods and services on behalf of the Shire.

Policy Definitions
- "Credit Card" is defined as a facility allowing the cardholder to pay for goods and services on credit.
- "Business Expense" is defined as any expense necessary to the conduct of the business or is allowed under the terms of the employee's contract of employment with the Shire or relevant Council policies.
- "Personal Expense" is defined as any expense not of a business nature.

Policy
Shire of Brookton Corporate Credit Cards may be used where it is inappropriate or inconvenient to use the Shire's normal payment systems.

The preference should always be to use the Shire's normal payment systems including purchase systems established with local businesses for purchases of fuel.

The maximum credit limits shall be based on the cardholder's need with Council holding a $21,500 maximum credit card facility.

The Chief Executive Officer will approve the issue of all Corporate Credit Cards and Fuel Cards. The Corporate Credit Card limits are:

1. $10,000 for the Chief Executive Officer;
2. $5,000 for the Manager Corporate & Community;
3. $5,000 for the Manager Infrastructure & Works;
4. $1,500 for the Community Emergency Services Manager

All new and existing cardholders shall be provided with a copy of the policy in relation to the use of Corporate Credit.

An agreement shall be signed by the cardholder and the local government which sets out the cardholder's responsibilities and legal obligations when using Corporate Credit. A copy of the agreement is included as an appendix to this policy.

The CESM is only allowed to utilise the Corporate Credit Card for declared emergency requirements and for the purpose of fuel reimbursements as defined under the Local Government Grants Scheme Guidelines.

The CESM is required to seek permission in relation to the expenditure from the Shire's of Pingelly and Corrigin and DFES if required.

CESM reimbursements between third part councils (Pingelly & Corrigin) and DFES will be invoiced through the quarterly payments.

Guidelines

Authority for Approval of Corporate Credit and Fuel Cards

The Manager Corporate & Community is responsible for arranging the issue of the Corporate Credit Card on advice from the Chief Executive Officer.

Approved Bankers

The Shire of Brookton's Corporate Credit Cards are to be issued by its transactional banker.

Purchases and Use of Corporate Credit Cards

The Shire's Corporate Credit Cards shall only be used for purchases of goods and services in the performance of official duties for which there is a budget provision.

Under no circumstances are they to be used for personal or private purposes or for the withdrawal of cash through a bank branch or any automatic teller machine.

Where purchases are made, over the telephone or on the internet, a tax invoice should be requested to support the purchase along with completion of the Corporate Credit Card Authorisation Form.

If no invoice or receipt is available, as much detail about the transaction should be recorded and used to support the payment when required. (Date, Company, Address, ABN, amount, any GST included). The Officer will provide a Statutory Declaration certifying the purpose and other details of the purchase.

Where a payment is made for entertainment, it is important to note on the invoice/receipt the number of persons entertained and the names of any Shire of Brookton's employees in that number.

Accounts and Settlement
The provider of the credit card will supply the Finance Department area with a statement of account each month.

The monthly statement of account from the provider of the corporate credit card will be forwarded to each cardholder for certification and for the supply of receipts and tax invoices to support the Shire's claim for the GST component of purchases and services obtained.

Cardholders are to certify that the account details are correct. The Manager Corporate & Community, or in the case of the Manager Corporate & Community the Chief Executive Officer, will then review the expenditure before it is returned to Finance Department area for payment.

A credit card transaction slip is not acceptable to support the claim. A tax invoice should provide a brief description of the goods and services supplied along with the suppliers ABN. The cardholder is to provide the relevant or correct expense account for the expenditure.

The cardholder's certification must be provided within 7 days of receipt and prior to the end of the credit cards settlement period.

Any disputed amounts on the Corporate Credit Card statement should be brought to the attention of the Chief Executive Officer at the first opportunity by the Manager Corporate & Community.

Card Lost or Stolen
Cards that are lost or stolen must be reported immediately by the cardholder to the issuing banker by telephone. At the earliest opportunity, written notification must also be given to the Manager Corporate & Community.

Misuse of Corporate Credit Cards
Cards which show unreasonable, excessive or unauthorised expenditure will be subject to audit and may result in the withdrawal of the card from the cardholder or other penalty.

Recovery of Unauthorised Expenditure
Unauthorised expenditure or expenditure of a private nature that is proved to be inappropriate will be recovered by deductions from the officer's salary.

Internal Audit of the Corporate Credit Card System
From time to time an internal audit will provide a report on the control, use, viability and adherence to authorised policy and procedures to the Manager Corporate & Community.

Reward/Bonus Points
Where the Corporate Cards carry rewards or bonus points, usually to encourage the use of the card by the issuing institution, these rewards or points will be accumulated in the name of the Shire of Brookton. The Shire's management (Chief Executive Officer) will decide how these points are to be utilised. Under no circumstances are rewards or bonus points to be redeemed for any officer's private benefit.

Return of Cards

When the Chief Executive Officer or other Officer cease to occupy a position that is authorised to be issued with a corporate credit card (either through internal transfer, retirement, resignation or conclusion of service contract) they must return the card to the Manager Corporate & Community (or in the case of the Manager Corporate & Community to the Chief Executive Officer) at least one week prior to vacating the position so that the card may be cancelled and the account settled.

Finance Department Responsibilities

The Finance Department area's responsibilities in relation to the Shire's Corporate Credit Cards include:

1. Maintaining a Card Register of all cardholders including the card number, expiry date of the credit card, credit limit and details of any limits on the goods and services the cardholder has authority to purchase.
2. Arranging the issue/cancellation of the Corporate Cards.
3. Arranging for all cardholders to sign the Card User Instruction Agreement (see Appendix A) on receipt of the new card and ensure the signed agreement is filed in the Card Register.
4. Processing payment of card expenditure on receipt of the card statement from the Bank after certification from the cardholder. Ensure that all receipts and tax invoices are in place prior to authorisation for payment.
5. To keep cardholders informed of any changes to policy and procedures on the use of the Corporate Cards.

Cardholders Responsibilities

Officers who are issued with Corporate Cards must -

1. Ensure the care and safe keeping of the card.
2. Adhere to the policy and procedures in relation to use of the card and its financial limits.
3. Ensure receipts and tax invoices are received when the card is used and to produce them as evidence for settlement with the Bank.
4. Ensure the monthly card statement is certified correct and approved for payment when received from the Finance Department area and return to Finance Department together with the receipts and tax invoices within seven (7) days of receipt.
5. Ensure relevant and correct expenditure account details (account numbers) are provided against each item of expenditure on the card statement to assist with the allocation of expenses and claims for the reimbursement of GST from the Australian Taxation Office.
6. To provide an early response to enquiries that may be made by the bank, creditors or related parties, as the case may be.

Resolution No:
Resolution Date:

Appendix A

To: _____ Title: _____

From: Manager Corporate & Community Date: _____

CORPORATE CARD USER INSTRUCTIONS

You have been provided with a Shire of Brookton sponsored Corporate Credit Card in line with your official duties. The limit of this card is $ _____.

The following guidelines are provided for your information.

1. The card is issued in your name. It is a corporate card and all transactions made with it are the responsibility of the Shire of Brookton.
2. The card is to be used for official expenditure in the performance of official duties for which there is Budget provision. Under no circumstances is it to be used for personal or private purposes.
3. Being in your name, you are responsible for the care and safe keeping of the card and therefore held accountable to the Shire of Brookton for its proper use.
4. The card is not to be used to withdraw cash even for official functions.
5. Any unauthorised, excessive or unreasonable use of the card will result in an enquiry and appropriate disciplinary action.
6. When using the card, the holder is required to obtain Tax Invoices to support all purchases. A credit card statement or credit card transaction slip is not acceptable as support for purchases. (Only a Tax Invoice allows the Shire to reclaim the GST component of purchases from the Australian Taxation Office). A Tax Invoice should provide a description of the goods or services supplied, the suppliers Australian Business Number and identifies any GST component of the amount paid.
7. When a Statement of Account is provided, you are required to certify the correctness of the expenditure and return the Statement to the Manager Corporate & Community together with all supporting Tax Invoices and appropriate expense accounts to charge the costs.
8. If the card is lost or stolen, you must immediately notify the Bendigo Bank by phone on 1800 035 383 (24 hour service). The Manager Corporate & Community should be notified on the next working day.
9. The card must be returned to the Manager Corporate & Community if you vacate the position either through resignation, retirement or the conclusion of the Service Contract.
10. Please acknowledge the above by signing and returning this statement to the Manager Corporate & Community.

_____ _____

Name Title

_____ _____

Signature Date

2.10 FINANCIAL RESERVES POLICY

Objective

The Shire of Brookton will establish and maintain Financial Reserves as are statutorily, contractually or prudently required for known or reasonably predicted future financial liabilities that require funding over multiple years to avoid unreasonable fluctuations in funding requirements.

Policy

The Local Government Act 1995 provides for the establishment of Reserve Accounts the following accounts shall be maintained by Council and shall be for the purpose indicated with the minimum balances to be funded as detailed in the Reserve Strategy.

Reserve Name	Purpose
a) Leave Reserve	This reserve is for the funding of annual and long service leave requirements.
b) Plant and Vehicle Reserve	This reserve is for the purchase of major items in the Shire's plant and vehicle replacement program. Inclusive of the Community Bus.
c) Furniture and Equipment Reserve	This reserve is for the replacement of major items of furniture and equipment.
d) Sewerage Scheme Reserve	This reserve is to fund the expansion, ongoing renewal, maintenance and asset management needs of the Brookton Sewerage Scheme.
e) Madison Square Units Reserve	This reserve is to be used to fund any upgrades or major maintenance on the Madison Square Units.
f) Brookton Community Resource Centre	This reserve is to be used to fund any upgrades and services for the Brookton Community Resource Centre.
g) Building and Facility Reserve	This reserve is for the construction, demolition, acquisition, renewal or upgrade of Shire owned Public and Community buildings and facilities.
h) Infrastructure Reserve	This reserve is for the construction and upgrade of roads, bridges, paths and water infrastructure within the Shire.
i) Waste Reserve	This reserve is to fund the compliant management and future rehabilitation of the Brookton Refuse Site.
j) Aged Housing Reserve	This reserve is to be used to fund any upgrades or major maintenance on the Independent Living Units.
k) Innovations and Development Reserve	This reserve is to fund innovative projects, identified in the Integrated Planning and Reporting (IPR) framework, to grow and develop the Shire of Brookton.

Resolution No:
Resolution Date:

2.11 FINANCIAL HARDSHIP

Objective
To give effect to the Council's commitment to support:

1. Shire of Brookton ratepayers experiencing financial hardship or difficulty in meeting their commitments regarding payment of rates and/or charges; and
2. The whole Shire of Brookton community to meet the unprecedented challenges from events, such as the COVID19 pandemic or a major bushfire.

This Policy is intended to ensure fair, equitable, consistent and dignified support to ratepayers suffering hardship is offered, while treating all members of the community with respect and understanding of difficult individual circumstances.

Tenants who also have an agreement with a landowner to receive a rate notice are also covered by this policy.

Scope
This policy applies to:

- Outstanding rates and services charges as at the date of adoption of this policy;
- Rates and service charges levied for the respective year;
- All ratepayers with outstanding rates and service charges experiencing financial hardship or in situations of vulnerability as prescribed in the definition contained; and
- A guide used for external stakeholders when assisting customers in financial hardship e.g financial counsellors.

It is reasonable that those with the capacity to pay rates will continue to do so. Accordingly, this Policy is not intended to provide rate relief to ratepayers with the capacity to pay, but rather those who are not able to pay their rates based on evidential financial hardship and the statutory provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* that allows the Council to exercise discretion applied to individual circumstances.

Definitions
Rates Debtor
A rates debtor is defined as a ratepayer of the Shire of Brookton and must be owner or part owner of the property and be liable for payment of rates.

Small Business
A small business has the same meaning as under the *Small Business Development Corporation Act 1983*: a business undertaking which is wholly owned and operated by an individual person or by individual persons in partnership or by a proprietary company within the meaning of the *Corporations Act 2001* of the Commonwealth and which:

a. has a relatively small share of the market in which it competes;
b. is managed personally by the owner or owners or directors, as the case requires; and
c. is not a subsidiary of, or does not form part of, a larger business or enterprise.

Financial Hardship
A ratepayer will be considered to be in financial hardship if paying their rates account will affect their ability to meet their basic living needs, for themselves, family or other dependents. The ratepayer has the intention but not the financial capacity to pay.

Financial Hardship Payment Arrangement
An agreement made with a ratepayer who is willing and has the intention to pay but is unable to meet their repayments or existing financial obligations due to serious and/or exceptional hardship or vulnerability.

Statements

(a) Assessment of Financial Hardship

Financial hardship occurs where a person is required to pay rates and service charges that will adversely affect their ability to meet basic living needs for themselves and their dependents. The Shire recognises that circumstances, like COVID19 or a major bushfire event, may increase the occurrence of payment difficulties, financial hardship and vulnerability within the community.

Therefore, this policy is intended to apply to:

a) all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.; and
b) where the payment of Shire rates and service charges will affect their ability to meet basic living needs due to exceptional circumstances.

If a person claims to be in financial hardship the Shire may assess the circumstances within ten business days to determine the extent of financial hardship. If the Shire cannot undertake the assessment within this period, the matter may be referred to a financial counsellor for assistance.

(b) Financial Hardship Criteria

While evidence of financial hardship is required, the Council does recognise that not all circumstances are alike, and will therefore take a flexible approach to individual circumstances including, but not limited to, the following situations:

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

Ratepayers are required to provide information about their individual circumstances including their capacity to make some level of payment, and where possible enter into a payment arrangement. The Council will be considerate of all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying with relevant statutory responsibilities.

(c) Payment Arrangements

If the Shire accepts a situation of financial hardship a payment arrangement may be offered (accounting for the specific circumstances) to the ratepayer with solicited input from his or her representative.

Payment arrangements facilitated in accordance with Section 6.49 of *the Local Government Act 1995* are of an agreed frequency and amount. These arrangements will consider the following:

1 That a ratepayer has made genuine effort to meet rate and service charge obligations in the past.
2 The payment arrangement/schedule will establish a known end date that is realistic and achievable.
3 The ratepayer will be responsible for informing the Shire of any change in circumstance that jeopardises an agreed payment schedule.

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

(d) Interest Charges

A ratepayer that meets the Financial Hardship Criteria (above) and enters into a payment arrangement may request a suspension or waiver of interest charges. Applications are required in writing and will be assessed on merit.

(e) Deferment of Rates

Under the Rates and Charges (Rebates and Deferments) Act 1992, eligible and registered pensioners may be able to defer payment of the rates and Emergency Service Levy charges (not that the Emergency Services Levy is a State Government charge). An applicant should register an entitlement with the Shire as soon as they become eligible for a rebate or deferment.

(f) Debt recovery

If the payment arrangement is not adhered to the Shire Administration may commence debt recovery proceedings in accordance with part 2 of the ACCC and ASIC's Debt Recovery Guidelines for Collectors and Creditors, and in accordance the Shire's Debt Recovery Procedures.

However, the CEO will suspend the Shire's debt recovery processes whilst negotiating a suitable payment arrangement with a ratepayer. Where a ratepayer is unable to make payments in accordance with the agreed payment arrangement, informs the Shire and entertains an alternative arrangement before defaulting on the 3rd due payment, then the Shire Administration will continue to suspend debt recovery processes. Then, should a ratepayer not reasonably adhered to the agreed or alternate payment arrangement, at 1st of July of each year the Shire will offer one further opportunity to clear the total debt by the end of the following financial year, subject to reasonable hardship circumstances being demonstrated in writing. Should this not occur debt recovery procedures as prescribed in the *Local Government Act 1995* will be enacted.

(g) Applying for Financial Hardship

The ratepayer is required to submit a Financial Hardship Application provided by the Shire of Brookton.

(h) Review & Assessment Process

The Rates Officer is required to check all information and supporting documentation has been provided and complete the Financial Hardship Checklist.

A ratepayer's application will be reviewed within ten (10) business days and if it meets the policy criteria it will be submitted to the Chief Executive Officer or Manager Corporate and Community for final assessment.

In addition to financial hardship, the following will be considered in assessing the application for a concession under this policy:

Size of debt and span of time over which the debt has accumulated;

- Freehold ownership or mortgaged;
- Sole residence;
- Advertised for lease and/or sale;
- Profile and history of the ratepayer such as; pensioner status, any previous communications, demonstration of historical genuine efforts to pay, and history of default and/or non-responsiveness.

1. Application Approval

The following concessions may be applied on a case-by-case basis:

1) Acceptance of temporarily reduced payments; or
2) Acceptance of an agreed Payment Arrangement.

Ratepayers will be notified in writing of the result of their application.

2. Review

The Council remains open to a review of all circumstances and decisions made under this policy at the request of the ratepayer.

3. Communication and Confidentiality

All communications, information and actions performed under this policy will be conducted with the highest level of confidence.

Initial communications should be conducted with the Rates Officer, Manager Corporate and Community or Chief Executive Officer and may involve a third party at the ratepayer's request. Information on pertinent information being shared in confidence with the Council to ensure an informed and fair determination is made.

Resolution No:
Resolution Date:

2.12 NEW BUSINESS INCENTIVES

Objective
To strengthen the local economy and improve employment opportunities by stimulating business developments suitable to the environment and community of the Shire of Brookton.

Policy
Council will provide new businesses in the Shire of Brookton a financial incentive of up to $1,000 by the waiving the statutory planning and/or building application fees (where applicable to the local government) as a one off.

At the time of lodging a planning and/or building application with the Shire of Brookton the applicant must provide their ABN to qualify for this incentive.

Resolution No:
Resolution Date:

2.13 CONTIGUOUS RATING – WITHIN THE SHIRE OF BROOKTON

Objective
To provide guidance and clarity on the treatment of contiguous valuation of land requests for Unimproved Valuations (UV) and Gross Rental Valuations (GRV) made to the Valuer Generals Office.

Policy
Contiguous ~~rural~~ land held in the same ownership, used and occupied as one property and which would reasonably be expected to sell as one holding, can be rated as a single entity.

This Policy is to be exercised in accordance with the Valuation of Land Act 1978, Sections 4(1), 18, 23 and that final approval is granted by the CEO.

Definitions
"Contiguous" means "adjoining" that requires land to physically abut or touch. However, for the purposes of this policy a wider interpretation which acknowledges the practical aspects of land utilisation and farming operations applies:

a) Where survey boundaries abut or adjoin.
b) Where locations or lots are separated by a road, drain or watercourse reserve, they may be deemed contiguous.
c) Where a property is actively used as one and would reasonably be expected to sell as one landholding, even though boundaries do not strictly adjoin, the property may be deemed contiguous.

"Same Ownership" means:

a) Identical names as per Certificate of Title.
b) Where names on the certificates of title for contiguous lots have common however not identical parties, the Shire of Brookton may endorse specific family names as being the "owner" for entry in the Shire's valuation rolls.

Principles

"Group Valuations for Contiguous Unimproved Valuation (UV) Properties" involves an application is to be made to the Valuer Generals Office on land/location/lots that meets all of the following requirements:

1. Land/location/lots are contiguous;
2. The land/location/lots are used for one purpose; and
3. The land/location/lots are under the same ownership.

An applicant must provide the following documentation:

- A statutory declaration detailing the land is used for one purpose; and
- Copies of Certificates of Titles.

Endorsement

To be exercised in accordance with the valuation of Land Act 1978, Sections 4(1), 18, 23 and that the final approval is granted by the CEO.

Resolution No:
Resolution Date:

2.14 COMMUNITY CHEST FUND POLICY

Policy Objective

The objectives of this policy is to ensure:

- The Shire assists with delivery of essential community events, programs, projects and services that meet the objectives of the current Strategic Community Plan and Innovations Pathway.
- Council allocates financial support to the community in the most effective and transparent manner that includes the types and levels of funding provided to the community.
- All applications received which fall within the policy and its associated guidelines are equally considered for support.
- Council maintains an equitable, transparent and consistent process in distributing funding.

Financial Implications

Council will allocate to the Shire of Brookton Community Chest fund between $20,000 to $40,000 inclusive of any unallocated funding being carried over from one financial year to the next financial year

Once the funding is exhausted, no further funding will be allocated until the next financial year.

Council will provide funds from the Community Chest Fund for two funding programs:

- Annual Community Funding
- Individual Funding

Annual Community Funding

Funding category	Funding Amount	Guidelines
Community & Strategic Partnership	Maximum of 50% of the total fund prescribed within the Shire's annual budget to a maximum of $10,000 per application as cash support per financial year.	• Only available to incorporated bodies. • Designed to increase community access to essential events, programs, capital projects and improvements to buildings and structures and services offering broad benefit to the local community. • Demonstrates a high level of community support, benefit or need for the event, program, capital project or service. • Organisations with existing partnerships will be required to provide proof of all acquittals for the previous funding term and an audited financial statement from the previous financial year as a part of the application. • Applications for this category are limited to one application per organisation every year. • Applications can be made at any time throughout the year.
Community Support	Maximum $6,000 cash support per financial year.	• Only available to incorporated bodies. • Available to applicants to support a community project, program, or event (excludes capital works to buildings). • Funding requires matched funding of 1/3 – Community Group 2/3 Shire Grant. • Applicants must demonstrate their ability to match (cash/in-kind) Shire of Brookton grant support. • Applications can be made at any time throughout the year.
Equipment Purchase	Maximum $1,000 cash support per financial year.	• Only available to incorporated bodies. • Can be used for the purchase of equipment, uniforms etc. • Applications must demonstrate the benefit of the equipment purchase to the wider community. • Equipment purchased must remain the property of the organisation and not be for the exclusive use of any individual. • Applications can be made at any time throughout the year.
Not for Profit Community Organisation - Assistance	Maximum $1,000 per annum	• Only available to incorporated bodies. • Funding toward offsetting the cost of Shire rates, building utilities (gas, electricity, water), and / or insurance costs incurred by the organisation who own and occupy their own building within the Shire of Brookton. • Satisfactory evidence of such costs being incurred by the organisation in the same

Funding category	Funding Amount	Guidelines
		financial year must be produced. Invoices must be in the name of the organisation applying. • The organisation must demonstrate financial need for such support.

Individual Funding

Funding category	Funding Amount	Guidelines
Individual	Maximum $500 cash per financial year per individual.	• Must be currently residing in the Shire of Brookton. • May be temporarily boarding away from their principal place of residence that is located in the Shire of Brookton • Funding can be used for travel program attendance fees associated with participation in State, National or International representation in sport, arts, music or cultural programs. • Documented evidence of costs must be presented to the Shire as part of the application.
Not for Profit Community Organisation - Member	Maximum $500 cash per financial year per group.	• Funding can be used for travel or program attendance fees associated with participation in State, National, or International representation in sport, arts, music or social or cultural programs or conferences. • Funding to assist the Shire in staging a civic or community event (i.e. Australia Day Celebrations). Applications require simplified letter to CEO detailing function to be performed and funding sought.
Youth Leadership Development	Maximum $5,000 cash support per financial year.	• Must be aged 12 - 29 Years. • Must be currently residing in the Shire of Brookton. • Participation in an activity that strengthens learning; • Professional development opportunity • Conference attendance • Leadership training course or camp • Education focus • The program must be a reputable and recognised program with accredited trainers or program operators. • Applicants must demonstrate their obtain skills can benefit/give back to Brookton and the broader community. • The training/course must be completed within 12 months of the sponsorship being awarded. • Applications can be made at any time throughout the year.

Funding category	Funding Amount	Guidelines
		• Only one sponsorship is available per financial year. • Documented evidence of costs (proof of registration) must be presented to the Shire as part of the application.

Funding received through the above programs can consist of cash, in kind contributions and fee waivers.

Council will not consider any Community Chest Fund application:

a) from any individual or organisation based outside the Shire of Brookton.
b) For activities that constitutes the administrative function or celebration of a particular group or organisation; or
c) Capital works and/or improvements to property (land, building or structure) that is not Brookton Community based and or operated on a not for profit basis.*

Guidelines for Community Chest Fund

The information included in these guidelines applies to applications received Community Chest Fund funding.

1. Selection Criteria

The Shire of Brookton will assess all applications for Community Chest Fund funding, against the following criteria:

a) The organisation is a Not for Profit or Community Organisation permanently operating in the Shire of Brookton municipality.
b) The person is an individual person permanently residing in the Shire of Brookton municipality or an individual boarding at school outside of Brookton whose family still permanently resides in the Shire of Brookton.
c) The demonstrated positive contribution the project or organisation will make to the community.
d) The applicant certified within the application that they are authorised to apply for the Shire of Brookton support and to represent the applicant organisation or individual.
e) The applicant certified that the information provided in the application is true and correct and can provide evidence upon request.
f) Sufficient financial information has been provided to clearly identify the full project budget and the items on which the funding will be spent.
g) Where required, sufficient financial information supporting the viability of Applicant Organisations has been provided.
h) The applicant has the resources and capacity to carry out the activities specified in the application.
i) The availability of equipment, services and required staff hours for in kind contribution requests.

Community Chest funding will not be provided to the ~~This Policy does not Apply to the~~ following:

a. Capital projects that do <u>not</u> offer broad community benefit, as determined by Council, and do not apply to Shire owned property.
b. Commercial organisations and businesses,

c. Any organisation (whether commercial or not for profit) whose primary activity or office is outside the Shire of Brookton.
d. Retrospective costs.
e. Deficit funding for organisations that are experiencing a shortfall in revenue.
f. Core organisation operating costs including, but not limited to, staff wages and training costs, utilities, lighting costs, lease fees, rates, levy's, except where an incorporated, not for profit organisation is seeking assistance under the "Not for Profit Community Organisation Assistance" section of this Policy and the guidelines for this donation category are satisfied.
g. Applications from organisations that have received funding support in the same financial year.
h. Organisations or individuals with outstanding debts to the Shire of Brookton or outstanding funding acquittals.
i. Non-incorporated organisations, unless they are supported by an Auspice Organisation or utilising the support to become incorporated.
j. Applications from Commonwealth or State Government Organisations.

2. Application and Approvals Process

a) All funding requests are to be made in writing through the completion of an application form.
b) Applications can be lodged at any time throughout the year. Applications should be lodged a minimum of 6 weeks prior to the event or program commencement date.
c) Applicants for will generally be given written advice of the outcome of their application (subject to submission of all required documentation) following the next available Ordinary Council Meeting.
d) Should an organisation act as an Auspice Organisation for individuals applying for support, this will not impede their ability to apply for support themselves. However, Auspice Organisations are responsible for acquittals being completed and will be ineligible to receive support until all acquittals for projects they are supporting are received.
e) Organisations will not receive funding unless acquittals for previous funding support have been completed and received by the Shire.
f) Organisations and individuals can submit multiple applications per financial year for Matched Funding Grants, but will not receive greater than the Council imposed maximum per financial year.

3. Recognition of Shire of Brookton support

The Shire of Brookton must be recognised for the support provided for all Community Chest Fund provided. Recognition requirements for all funding programs must be detailed to the Shire as part of the application process.

4. Acquittals and Unspent Grant Funds

Successful applicants will be required to provide acquittal documentation to the Shire of Brookton within 30 days of the completion of the project.

Acquittal documentation should include:

a) Measuring qualitative aspects, such as the success of the activity
b) Financial information, such as receipts accounting for the expenditure of monies
c) Examples of promotional materials applicable to the project
d) Evidence of agreed recognition requirements

e) Photos from the event or program (where applicable).

Funds which are unspent at the completion of the event, program, project, activity or service must be returned to the Shire of Brookton within 60 days. Further funding will not be available until an acquittal and unspent funds (if applicable) have been received.

Resolution No: **OCM 09.24-20**
Resolution Date: **19 September 2024**

2.15 PROCUREMENT

Objective
The objectives of this policy are to ensure all purchasing activities:

- Demonstrate that best value for money is attained for the Shire,
- Are compliant with relevant legislation including any Acts and Regulations that apply to procurement,
- Are documented and recorded in compliance with the *State Records Act 2000* and associated records and information management policies and procedures as adopted by the Shire from time to time,
- Mitigate probity risk by establishing consistent and demonstrated processes that promote openness, transparency, fairness, and equity to all potential suppliers,
- Deliver sustainable benefits such as environmental, social, and local economic factors in the context of overall value for money assessment; and
- Are conducted in a consistent and efficient manner across the Shire and that ethical decision making is demonstrated.

Policy Scope
This policy encompasses all procurement undertaken by the Shire.

Ethics & Integrity

Misconduct
All employees of the Shire authorised to undertake purchasing activities must:

- Apply accountable and ethical decision-making principles within the work environment.
- Behave in accordance with legislation, the Shire of Brookton Code of Conduct and the Shire of Brookton adopted policies.
- Understand and observe the definitions, guidelines and legislative obligations in the Corruption *Crime and Misconduct Act 2003* and any Auditor General (WA) recommendations or guidelines as issued from time to time.
- Report any information about actual or potentially fraudulent, corrupt, or illegal activities including breaches of the Shire Code of Conduct to the CEO.

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

- All purchases of goods and services must have an allocated Council budget prior to purchase.
- Full accountability shall be taken for all purchasing decisions and the efficient, effective, and proper expenditure of public monies based on achieving value for money

- All purchasing practices shall comply with relevant legislation, regulation, and requirements consistent with the Shire's policies and Code of Conduct.
- Purchasing is to be undertaken on a competitive basis where all potential suppliers are treated impartially, honesty and consistently.
- All process, evaluation and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies, audit requirements and relevant legislation.
- Any actual or perceived conflict of interest are to be identified, disclosed, and appropriately managed.

Value for Money

Value for money is determined when the consideration of price, risk and qualitative factors are assessed to determine the most advantageous outcome to be achieved for the Shire. As such, purchasing decisions must be made with greater consideration than obtaining lowest price, but also to incorporate qualitative and risk factors into the decision.

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

- All relevant Total Costs of Ownership (TCO) and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance, supplier changeover costs and disposal;
- The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality, including but not limited to an assessment of levels and currency of compliances, value adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications etc.;
- Financial viability and capability and capacity to supply to the Shire without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable;
- The safety requirements associated with both the product design and specification offered by suppliers and the evaluation of risk when considering purchasing goods and services from suppliers;
- Purchasing of goods and services from suppliers that demonstrate sustainable benefits and good corporate social responsibility; and

<u>Purchasing Requirements</u>

Legislative/Regulatory Requirements

The requirements that must be complied with by the Shire, including purchasing thresholds and processes, are prescribed within state Legislation, state Regulations, this Policy and associated purchasing procedures in effect at the Shire of Brookton.

Purchasing Value Definition

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

1. Exclusive of Goods and Services Tax (GST);
2. The actual or expected value of a contract over the full contract period, including all options to extend; or the extent to which it could be reasonably expected that the Shire will continue to purchase a particular category of goods, services or works and what total value is or could

be reasonably expected to be purchased. A best practice suggestion is that if a purchasing threshold is reached within three (3) years for a particular category of goods, services or works, then the purchasing requirement under the relevant threshold (including the tender threshold) must apply.

Purchasing from Existing Contracts

Where the Shire has an existing contract in place, it must ensure that goods and services required are purchased under these contracts to the extent that the scope of the contract allows. When planning the purchase, the Officer must consult its Contracts Register through the Finance Team in the first instance before seeking to obtain quotes and tenders on its own accord.

Purchasing Thresholds

The table below prescribes the purchasing process that the Shire must follow, based on the purchase value:

Purchase Value Threshold	Purchasing Requirements
$0 up to $1,000	Purchase of a good or service using a Purchase Order or Corporate Credit Card issued by the Shire following at least one (1) oral or written quotation being requested, and the officer being satisfied with: • Quality of the good or service to an adequate industry/trade standard; • Delivery of the good or service within a timely manner based on need; • Level of customer service being attentive, respectful, and friendly; • Cost of the good or service is competitively priced taking into account the price preference section of this policy. Where goods and services can be acquired locally, the officer is to request a local price and acquire the good or service from the local supplier providing the above criteria is met.
$1,001 up to $3,000	Request at least one (1) written quotation from a supplier after providing a brief, outlining the specified requirements, and the officer being satisfied with: • Quality of the good or service to an adequate industry/trade standard; • Delivery of the good or service within a timely manner based on need; • Level of customer service being attentive, respectful, and friendly; • Cost of the good or service is competitively priced taking into account the price preference section of this policy. Where goods and services can be acquired locally, the officer is to request a local price and acquire the good or service from the local supplier providing the above criteria is met.
Over $3,001 and up to $15,000	Request at least two (2) written quotations from a supplier after providing a brief, outlining the specified requirements.

Purchase Value Threshold	Purchasing Requirements
	Where the value of the procurement is considered high risk, the Officer shall seek advice from the CEO to establish if a formal contract process is required. Where two (2) written quotations cannot be provided, the Officer must provide written evidence of why quotations could not be provided. The Officer must also demonstrate that every attempt was made to source written or verbal quotations.
$15,001 and up to $40,000	Request at least three (3) written quotations from a supplier after providing a brief, outlining the specified requirements Where the value of the procurement is considered high risk, the Officer shall seek advice from the CEO to establish if a formal contract process is required. Where three (3) written quotations cannot be provided, the Officer must provide written evidence of why quotations could not be provided. The Officer must demonstrate that every attempt was made to source written quotations.

$40,001 and up to $250,000	Request at least three (3) written quotations from suppliers by formal invitation under a Request for Quotation, containing price and detailed specification of goods and services required.
	
	The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy.
	
	Obtain 3 written quotations from alternative suppliers, with the following conditions applying:
	• Staff will allow a minimum of 10 working days for a quote to be provided. If more than 10 working days is provided, all suppliers will be allowed the same time to respond. Shorter periods will only be permitted with CEO approval should circumstances require.
	• The request for quotation should include as a minimum the following:
	  ○ Written specification
	  ○ Price schedule
	  ○ Conditions of responding
	  ○ Validity period of offer.
	• Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
	• Respondents should be advised by writing as soon as possible after the final determination is made approved.
	If an officer unable to obtain 3 written quotes this should be documented and the purchase approved by the CEO

Purchase Value Threshold	Purchasing Requirements
	Requests for quotation from a pre-qualified panel of suppliers (whether administered by the Shire through the WALGA preferred supply program or State Government CUA) are not required to be invited using a Request for Quotation form, however at least three written quotes are still required to be requested.
$250,000 and above	Conduct a public tender process in accordance with the provisions of the *Local Government Act 1995*, Local Government (Functions and General) Regulations 1996 and relevant Shire Policy and procedures. OR Obtain 3 written quotations under Tender Exempt arrangements (i.e. WALGA PSA, CUA or other tender exemption under F&G Reg.11(2)) with the following conditions applying: • Staff will allow a minimum of 10 working days for a quote to be provided. If more than 10 working days is provided, all suppliers will be allowed the same time to respond. Shorter periods will only be permitted with CEO approval should circumstances require. • The request for quotation should include as a minimum the following: o Written specification o Price schedule o Conditions of responding o Validity period of offer. • Offer to all prospective suppliers at the same time any new information that is likely to change the requirements. • Respondents should be advised by writing as soon as possible after the final determination is made approved. • Purchase will be referred to Council for decision, unless prior delegation provided to CEO The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy. If a decision is made to undertake a public Tender for contracts expected to be $250,000 or less in value, the tendering procedures must still be followed in full.

Utilising Purchasing Practice When Not Required To Do So

Staff engaged in procurement should ensure that they obtain value for money and be accountable for their actions. If staff have any doubt about whether value for money is being obtained, additional quotes should be sought.

Where it is considered beneficial to the Shire of Brookton, an employee may utilise a purchasing practice to complete a purchase of a value less than the threshold. For example:

- tenders may be called in lieu of seeking quotations for purchases under the $250,000 threshold; or
- more than three quotations may be sought for a purchase under the $250,000 threshold; or
- more than two quotations may be sought for a purchase under the $15,000 threshold.

Purchasing Exemptions

Certain circumstances may arise where it is not reasonably practicable to adhere to the requirements of this Policy. The following purchases are specifically exempt from the requirements of this policy:

1. Exempt From Obtaining Any Quotation

a) The purchase of goods "off the shelf" at a store open to the general public where there is a displayed price for those goods. Most commonly this will include, but not be limited to, grocery items, minor stationary, fuel, sundry vehicle consumables and sundry hardware. The Shire issues monthly purchase orders to some retail businesses in Brookton, with a limit on the dollar amount allowed per transaction, to allow for efficient work operations.

b) The purchase is under public auction and has been authorised by Council.

c) The purchase non-contracted or non-contestable utilities, including electricity, water, postal or telephone services;

d) Annual memberships and subscriptions.

e) Provision of contributions to community groups, in accordance with agreements to assist with their administrative, and operating costs, or as directed by a resolution or policy of Council.

f) Eligible staff reimbursements (TAFE, Training Course Fees, eligible travel costs, including meals, and accommodation, telephone, and internet).

g) Purchased where a legitimate sole source of supply exists.

2. Exempt From Obtaining the Required Number of Quotation

a) An emergency event as defined by the Local Government Act 1995 and detailed below under 'Emergency Purchases'.

b) The purchase is for petrol, oil, or other liquid, or gas, used for internal combustion engines.

c) The purchase of insurance through Local Government Insurance Services. The suite of LGIS insurances are provided as part of a mutual where WALGA Member local governments, including the Shire of Brookton, are the owners of LGIS.

d) The supply of goods or services obtained through the Western Australian Local Government Association ("WALGA") Preferred Suppliers Program.

e) Reactive maintenance of plant and machinery which does not exceed $10,000 (GST Exclusive), per transaction Reactive maintenance is defined as unscheduled maintenance, such as machinery break down, or where a routine inspection identifies additional works are required.

f) Artwork.

g) Procurement of performing arts defined as forms of creative activity that are performed in front of an audience, such as drama, music, or dance.

h) Purchases from the original equipment manufacturer, or a sole agent thereof, particularly where warranty provisions may otherwise officer be void.

i) Software support/ licences/ renewals/ maintenance. No quotations are required for contracts for the provision, licensing, annual renewal, annual leave payment, maintenance, or support of information technology hardware, or software, where:

   i. The value of the contract is less than $100,000 (GST Exclusive); and

   ii. The responsible officer has good reason to believe that because of the unique nature of the product and/or services, it is unlikely that there is more than one potential supplier.

j) At the discretion of the CEO, which may be applied upon receiving written justification for the waiver, and only in the following situations.
   i. The purchasing officer has sought the required number of quotations from suitable suppliers, however an insufficient number of suppliers were willing to provide a valid quotation; or
   ii. The goods or services are to be supplied by, or obtained through, the Government of the State, or Commonwealth, or any of its agencies, or by another Local Government, or Regional Local Government.

k) In an instance where any of the exemptions, or exclusions, under r.11 of the Local Government (Functions and General) Regulations, apply.

An exemption from obtaining the required number of quotation between $1,000 and less than $250,000 is required to be approved by the Chief Executive Officer after consideration of a written request from the Officer justifying the requirement for an exemption.

Anti-Avoidance
The Shire shall not enter into two or more contracts or create multiple purchase order transactions of a similar nature for the purpose of "splitting" the value of the purchase or contract to take the value of the consideration of the purchase below a particular purchasing threshold.

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

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

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

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

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

Records Management
Records of all purchasing activity must be retained in compliance with the *State Records Act 2000*.

Buy Local
As much as practicable, the Shire will:

- Where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- Consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- Ensure that procurement plans address local business capability and local content; and
- Provide adequate and consistent information to potential suppliers.

Buy Local Eligibility

- A preference is applicable to locally based contractors and suppliers within a fifty (50) kilometre radius of the Shire of Brookton town centre; and
- To qualify as a local contractor a supplier must have had a permanent office and staff within the fifty (50) kilometre radius for a period of at least six (6) months prior to the closing date of the quotation/tender submission.

Price Preference for Local suppliers/contractors

- A 10% price preference of up to a maximum of $1,000 in value applies to all goods and services for those supplier(s) that meet the eligibility requirements (as above);
- Where the procurement is for goods and services for a period exceeding twelve (12) months, the 5% price preference of up to a maximum of $500 shall be applied per annum.

Legislation and other References

Local Government Act 1995
Local Government Act (Financial Management) Amended Regulations 2015
Local Government (Functions and General) Regulations 1996
Shire of Brookton Employee Code of Conduct
Corruption Crime and Misconduct Act 2003
State Records Act 2000

Resolution No:
Resolution Date:

2.16 LEASE, LICENCE AND TENANCY AGREEMENTS

Objective

This Policy seeks to enable responsible management of community assets by use of an equitable methodology for specifying terms, calculating charges, and applying fees applicable to lease, license and tenancy agreements for community groups and other commercial organisations or individual persons by classification.

Definition

For the purpose of this policy:

Not-for-Profit Group means a group or organisation incorporated under the *Associations Incorporation Act 2015* and has its primary base of operation located within the Shire of Brookton.

Commercial means a person, company or organisation that has intent to make or is making a profit in the course of doing business.

Policy

1. This policy applies to the leasing, licensing tenancy of real property owned, or under the care, control and management of the Shire of Brookton, including Crown Land.

2. Where appropriate, organisations will be granted a lease or license agreement at a subsidised rate in recognition of their perceived benefit to the community, and their ability to pay.

3. All lessees, licensees, and commercial tenants irrespective of classification must have public liability insurance to the value as prescribed by the Shire's insurer and detailed in the

agreement. Evidence of such is to be presented to the Shire each year during the term of the agreement.

4. Classifications of lease, licence, and tenancy agreements:

Level One

a) Applies to a 'not-for-profit' community organisation or group incorporated under the *Associations Incorporation Act 2015.*
b) The organisation or group is specific to the Shire of Brookton and affords significant community benefit.
c) The organisation or group has limited revenue-raising ability (net of cost of service) e.g. community play group.
d) The organisation or group (as lessee or licensee) will pay annual lease or license 'peppercorn' rent of $10.00 (incl. GST).
e) The maximum term for a lease or license agreement is 5 years, with a further 5 year option at the discretion of Council.
f) The Council (as lessor) will pay costs applicable to preparation and registration of the lease or license agreement.
g) The organisation or group (as lessee or licensee) will pay for utilities, general wear and tear, and garden maintenance.
h) The organisation or group (as lessee or licensee) may request a waiver of the local government's planning, building and environmental health application fees.

Level Two

a) Applies to a 'not-for-profit' community organisation or group incorporated under the *Associations Incorporation Act 2015.*
b) The organisation or group is specific to the Shire of Brookton and affords significant community benefit.
c) The organisation or group has revenue-raising ability or receives external funding assistance (e.g. has a Sale of Liquor license or generates revenue from meals or receives funding from State Government or from its members as subscriptions).
d) The organisation or group (as lessee or licensee) will pay annual lease or license rent of $350.00 (incl. GST).
e) The maximum term for a lease or license agreement is 5 years, with a further 5 year option at the discretion of Council.
f) The organisation or group (as lessee or licensee) is to pay 50% of costs applicable to preparation and registration of the lease or license agreement.
g) The organisation or group (as lessee or licensee) is to pay for all utilities, general wear and tear and garden maintenance as detailed in lease or license agreement.

Level Three

a) Applies to commercial leases, licenses and tenancy agreements with an individual person, company or organisation that holds an Australian Business Number (ABN), and where due process has been entertained under Section 3.58(3) of the *Local Government Act, 1995* unless an exemption applies under Regulation 30 of the *Local Government (Functions and General) Regulations, 1996.*
b) Applies to residential tenancy agreements with an individual person, and a company or organisation that holds an Australian Business Number (ABN).
c) The use must have all relevant statutory approvals, where deemed applicable.

d) The maximum term for a commercial lease or license agreement is 5 years, with a further 5-year option at the discretion of Council.
e) The maximum term for a residential and commercial tenancy agreement is 12 months with possible extension at the discretion of the Council, although periodical agreements may be applied at the discretion of the CEO for residential tenancy agreements.
f) The individual person, company or organisation (as Lessee, licensee or tenant) is to pay for the rental valuation and document preparation, where applicable.
g) The individual person, company or organisation (as Lessee, licensee or tenant) is to pay market rent as demonstrated and accepted by the CEO, unless otherwise determined by Council through its Schedule of Fees and Charges or by independent resolution.
h) The individual person, company or organisation (as Lessee, licensee or tenant) is to pay for all utilities, general wear and tear, and garden maintenance as detailed in the lease, license or tenancy agreement.

Note - This section does not apply to tenancy agreements that form part of contract with the Shire.

Resolution No:
Resolution Date:

2.17 PENSIONER REBATES ON COMMERCIAL AND RURAL PROPERTIES

Objective
To set the method of calculation for pensioner and seniors' rebates on properties where there is a curtilage or dual/commercial use such as farming and agricultural properties.

Policy
Section 28(2) of the *Rates and Charges (Rebates and Deferments) Act 1992* provides that:

"*Where although land is used as the ordinary place of residence of an applicant or registered person it is not the sole use of that land, the administrative authority may apportion the prescribed charge, and any rebate allowable, according to –*

(a) The extent to which the land is so used as a place of residence; and
(b) Any other use on a basis proportionate to the respective uses."

This provision enables the Shire of Brookton to allow a concession, in an equitable way, to the part of the rates levied relating to the residential use of a commercial property, if the circumstances warrant. For example, a pensioner resides in a house located on land also used for agricultural or farming purposes.

Principles
Concessional rebates are applied in a fair and equitable manner for all concessional ratepayers (ie. Pensioner).

Provisions
A rebate shall only be applied if the resident has demonstrated they are entitled to such rebate by completing the appropriate application form, including provision of their concession details.

Calculations

A Pensioner Declaration Commercial & Farming Properties form is to be completed to identify the percentage of land in use for residential purposes. If the area used for residential purposes cannot be determined, then an arbitrary two (2) hectares is to be used as permitted by the Office of State Revenue.

If the ratepayer is eligible the Finance Officer is to use the following method to calculate the rebate to be applied:

The rates levied are to be portioned based on the respective areas

$$\left(\frac{Area\ used\ for\ residential\ purposes\ only\ (Ha)}{Total\ area\ of\ property\ (Ha)}\right) \times Rates\ Levied\ (\$) = Portion\ of\ rates\ on\ which\ a\ concession\ can\ be\ applied(\$)$$

For example if the rates levied are $2,000, the total property area is 60 Ha and the area solely used for residential purposes is 5 Ha on which concession would be applied is as follows

$$\frac{5}{60} \times 2000 = 166.67$$

The concession is to be applied is $166.67

If the ratepayer is a pensioner, and they are entitled to a 50% rebate, the rebate amount to be claimed from the Office of State revenue would be $83.33 and senior 25% $41.67, calculated as follows

Pensioner 50% rebate	166.67 x 0.50 = $83.33
Senior 25% rebate	166.67 x 0.25 = $41.67

Resolution No:
Resolution Date:

Shire of Brookton
Growing the future

Pensioner Declaration Commercial & Farming Properties

ASSESSMENT NUMBER: _____

OWNERS: _____

I/We hereby confirm that my property, at which I reside, is –

PROPERTY ADDRESS: - _____

- Used for residential purposes only ☐
- Used for residential & commercial purposes ☐
  (If ticked please indicate the % of land used for residential purposes_____)

OWNER SIGNATURE: _____ **DATE:** _____

OWNER SIGNATURE: _____ **DATE:** _____

This declaration forms part of your application for registration under the Rates and Charges (Rebates & Deferments) Act 1992. Any person who wilfully makes a false declaration in any declaration for registration under the Act, or who remains registered as a pensioner under the Act knowing that he or she is not qualified is guilty of an offence (Penalty $1,000)

2.18 COMMUNITY ENGAGEMENT POLICY

Objective
This policy provides the framework and principles for undertaking community engagement to encourage participation and to strive to continuously improve its community engagement methods.

The outcomes and benefits of effect community engagement include:

1. Increased community awareness about services, planning and program delivery.
2. Increased awareness of community views and the issues that should be considered as part of the decision-making process.
3. Increased awareness of the needs, priorities, and diversity of the community, which in turn ensures that service provision and planning functions are aligned appropriately.
4. Increased levels of community ownership and acceptance of decisions.
5. Council and the community working together to address local issues where appropriate.

Statement
Council will:

- Be open and honest about the purpose of any consultation activity to be transparent with its decision-making processes.
- Use a range of approaches to engage community views and enable everyone who is interested to contribute.
- Undertake to make balanced decisions using the outcomes of community engagement, whilst considering other influences such as budget constraints, identified risks, statutory obligations and strategic directions.

Whilst it is not always practical or appropriate to engage the community on all Council decisions, it is crucial that community members are sufficiently informed of major issues, plans, projects and all matters likely to affect them and have opportunities to participate meaningfully in community engagement processes.

Policy
This policy applies to all facets of Council's operations including Council's corporate, land use, strategic and financial planning and daily services and activities.

This policy and the following community engagement principles underpin all of Council's community engagement processes and activities. These will guide Elected Members, employees, contractors and external consultants authorised to act on behalf of Council on best practice in engaging with the Community.

Principles
The following principles are to be applied to all levels of community consultation:

- Use simple language explaining the purpose of engagement premised on potential level of impact on the community, so the duration and level of community engagement can be set.
- Provide all information necessary so the community can make informed statements during the engagement process.
- Encourage broad community engagement to ensure that a diverse range of views and ideas are expressed and considered.

- Maintain transparency and explain the process to be undertaken.
- Engage across a range of diverse groups using a range of communication mediums (e.g. print media, social media, on-line survey etc) depending on the proposal.

Furthermore, the Shire will commence community engagement when:

- The Council resolves to formally engage.
- Community engagement can enhance decision-making, project outcomes or future opportunities.
- There is legislation or policy requiring engagement or consultation.

Level of Engagement
The following matrix applies in determining the most suitable approach relative to the potential or likely "Level of Impact" of a project, plan, service, or action.

As stated in the matrix there are 4 levels of engagement:
a) Inform
b) Consult
c) Involve
d) Collaborate

More than one level of engagement is generally required.

Expected level of impact	Criteria (one or more of the following)	Engagement approach generally taken	Level of engagement generally required	Engagement methods that should be used
High Shire wide	High level of impact on all or a large part of the Shire of Brookton. Any significant impact on attributes that are considered to be of high value to the whole of the Shire, such as the natural environment or heritage. Likely high level of interest across the Shire. Potential high impact on state	Early engagement with community and stakeholders. Involves a broad range of stakeholders and community members. Utilises a variety of engagement methods to give people who want to contribute, the opportunity to do so. Updates are provided to local community. Engagement plan developed in collaboration with the relevant departments and approved by the Chief Executive Officer. Budget allocated to deliver community engagement.	Inform Consult Involve Collaboration	Mail drop Media Release Brookton Telegraph Shire website Email Social Media (Facebook) Focus or Working Group depending on nature of proposal Surveys

Expected level of impact	Criteria (one or more of the following)	Engagement approach generally taken	Level of engagement generally required	Engagement methods that should be used
	or regional strategies or directions.	Process is evaluated to assess the quality and overall effectiveness of the engagement and assist the Shire's commitment to continually improve our engagement practice.		Feedback and submission forms Posters
High Local	High level of impact on a local area, small community or user group(s) of a specific facility or service. Significant change to any facility or service to the local community. Potential for a high degree of community interest at the local level.	May range from seeking comment on a proposal to involving the community and stakeholders in discussion on proposed options. Comprehensive information is made available to the community to enable informed input. Uses a combination of engagement methods to encourage broad participation at different levels. Feedback is collated and made available (personal details: phone numbers, addresses, email addresses will not be published on the Shire's website).	Inform Consult Involve	Mail drop Media Releases Brookton Telegraph Shire website Email Social Media (Facebook) Possible Focus or Working Group depending on nature of proposal Surveys Feedback and submission forms Posters
Low Shire wide	Lower level of impact across the Shire. Level of interest among various communities or stakeholders.	Approach may range from seeking comment on a proposal to involving the community and stakeholders in discussion and debate on proposed options.	Inform Consult Involve	Mail drop Media Releases Brookton Telegraph

Expected level of impact	Criteria (one or more of the following)	Engagement approach generally taken	Level of engagement generally required	Engagement methods that should be used
	Potential for some, although not significant, impact on state or regional strategies or directions.	Ensures informed input through making comprehensive information available to the community. Uses a combination of engagement methods to encourage broad participation at different levels. Feedback is collated and made available. Updates are provided to the local community.		Shire website Email Social Media (Facebook) Possible Focus or Working Group depending on nature of proposal Surveys Feedback and submission forms Posters
Low Local	Lower level of impact on a local area, small community or user group of a specific facility or service. Only a small change to a facility or service at the local level. Low interest at the local or user group level.	Approach consists of advising the community or stakeholders of a situation or proposal or informing of a decision or direction. Communication strategy that provides high quality, accessible information to those affected by and interested in the change or decision. Communication channels relevant to the target audience are used.	Inform	Mail drop Media Releases Brookton Telegraph Website Email Social media Advertising Posters

Note: The Matrix does not negate nor alter statutory advertising and consultation processes as prescribed by legislation but may be applied as additional process depending of the nature of the matter or proposal.

No Consultation
The Shire Administration will not engage community consultation when:

- A final decision has already been made by Council or another agency.
- Council cannot influence a decision by another agency or party.
- The decision to be made concerns a minor operational matter with minimal impact on the community and/or stakeholders.
- Implementing a project or decision that has already been subject to engagement.
- There is insufficient time due to legislative or legal constraints, or urgent safety issues to be addressed.

In these events, the Shire Administration may inform the community why the decision was made without community engagement.

Consultation Form
The community engagement form template provided as Appendix 1 to this policy is to be used in receiving input for community members.

Resolution No:
Resolution Date:

Appendix 1.

Submission Form

(Insert: SUBJECT of Community Engagement)

(Insert: Description of subject Community Engagement proposal)

To: Chief Executive Officer
Shire of Brookton
PO Box 42
Brookton WA 6306 or email: mail@brookton.wa.gov.au

Please note – all information provided on this submission form will be published in the Shire of Brookton agenda and minutes relevant to this submission. Phone numbers and email addresses will be redacted for the Shire's website.

Name: _____

Organisation/Company *(if applicable)*: _____

Email: _____

Please indicate your position: Support ☐ Object ☐ Indifferent ☐ Suggest Amendment/s ☐

Please state your interests, concerns, objections, support or suggested amendments, whether as a private citizen, or on behalf of a company or other organisation.

_____

_____

_____

_____

_____

_____

_____

Signature: _____ **Date:** _____

Please attach additional comment/pages if required.

G:/Master Documents/ Forms/ Council Property/Submission Form/2020 - Submission Form Template.docx

2.19 RATES EXEMPTION FOR CHARITABLE PURPOSES

Objective
The purpose of this policy is to identify a process to be followed when an organisation wishes to apply for an exemption of rates pursuant to Section 6.26 (2) (g) of the *Local Government Act 1995* (the Act), where it is claimed the land is used exclusively for charitable purposes.

This policy provides an equitable basis and administrative framework to assess applications for rates exemptions that is compliant with legislation and guided by best practice.

Scope
This policy applies to charitable and not-for-profit organisations that own land with the Shire of Brookton and are liable for payment of rates.

Policy
Charitable and not-for-profit organisations that own land with the Shire of Brookton and who wish to claim a rates exemption are required to evidence their right to an exemption, and demonstrate the land is used exclusively for charitable purposes.

The key considerations when assessing an application for exemption pursuant to Section 6.26(2)(g) of the Act are:

- The use of the land, not the purpose of the applicant.
- The use must come under the provisions of the *Charities Act 2013*.
- The land must be used exclusively for a charitable purpose.
- The land use must be for a public benefit, where the benefit is available to members of the public generally or a particular section of the public.

When considering Australian case law, the proper test for determining whether land is used exclusively for charitable purposes is:

- if land is used for a dual purpose, then it is not used exclusively for charitable purposes although one of the purposes is charitable; and
- if the use of the land for a charitable purpose produces a profitable by-product as a mere incident of that use, the exclusiveness of the charitable purpose is not thereby destroyed.

Provisions

1. Application for a rates exemption under Section 6.26(2)(g) of the Act

1.1 All applications must be made in writing by completing an Application for Rates Exemption Form (Appendix A) and provide any supporting documentation according to the checklist on the application form.

1.2. If any information has not been provided or is unclear, the applicant may be required to provide the additional information before the application will be assessed.

1.3. If the property is leased, a copy of the lease is required with the application to ascertain if the lessee is liable for payment of the rates in the terms of the lease.

1.4. Rates and charges must be paid on time until a determination is made. A refund may be made if the application is successful.

1.5. Applicants need to provide clear and concise information regarding the nature of their activities to illustrate eligibility for the exemption to facilitate Council's decision making.

2. Making a Determination

2.1. An application will be assessed by the Finance Administration Officer (Rates) and if it meets the criteria to be considered for an exemption, a report will be presented to Council with an officer recommendation to either approve or decline the request.

2.2. The applicant must be a registered charity with Australian Charities and Not-for-profits Commission (ACNC) or an incorporated Not-for-Profit organisation.

2.3. The applicant must own the property on which rates are levied or be a tenant liable for payment of the rates under a lease.

2.4. The land must be used exclusively for charitable purposes, as defined in the Charities Act 2013.

2.5. The applicant must not conduct any commercial operation from the property.

2.6. The applicant must not hold a liquor licence for the provision of alcohol for sale to the public for profit.

2.7. Council may request additional information from an organisation making application if it considers it necessary to do so.

2.8. Information requested under clause 2.6 may include, but is not limited to copies of the Constitution of the organisation, recent financial statements of the organisation and information demonstrating precisely how any land that is subject of the application is used.

3. Grant of a Rates Exemption

3.1. An exemption shall only be granted if the applicant has demonstrated they are eligible under the relevant legislation, by completing the appropriate application form and providing supporting documentation.

3.2. The Council decision will be actioned by the officers and a note will be made against the property assessment.

3.3. Applicants will be notified in writing of Council's determination, with correspondence to include details of:

a) the date the exemption applies from,
b) the relevant section of the Act,
c) the review period (i.e. 2 years); and,
d) the amount of general rates reversed.

3.4. An exemption is only applicable to the rates component of the annual rates and charges. Where exemption from rates is approved, the property will still be subject to the Emergency Services Levy and any other service charges.

3.5. If the property has been used for the stated purpose as at 1 July of the relevant financial year, the exemption can be applied from that date and a refund given if rates have been paid prior to the determination.

3.6. Where the land use has changed during a financial year, any exemption granted is only applicable from the date of the change.

3.7. A partial exemption can be applied where only part of a defined lot is used for a charitable purpose.

3.8. The granting of an exemption in any year does not guarantee an ongoing exemption.

3.9. All exemptions are to be reviewed at least every two years as part of the annual budgeting process. Where the application is based on a lease that is due to expire, it may need to be reviewed annually.

4. Rejected Applications

4.1. Where an application is declined, the applicant has options to challenge the determination.

4.1.1. The applicant may object under Section 6.76 of the Act, on the basis that the land or part of the land was not rateable land.

4.1.2. The applicant has the right to appeal a decision made under Section 6.76 to the State Administrative Tribunal (SAT).

5. Roles and Responsibilities

5.1 The Manager of Corporate and Community shall be responsible for referring matters to Council in regard to this policy. The Finance Administration Officer (Rates) shall be responsible for ensuring compliance and the day to day operations of this policy.

Resolution No:
Resolution Date:

Appendix A (print on letterhead)

APPLICATION FOR RATE EXEMPTION

Applicant Name

Address of Business

Telephone **Facsimile**

Contact Name **Mobile**

ABN

	YES	NO
1. Is the organisation an incorporated body? (1)		
2. Is the organisation not-for-profit?		
3. Is the organisation a Public Benevolent Institution for taxation purposes? (2)		
4. Does the organisation own or lease the rateable land?		
(if leased, is the lessee responsible for rates under the lease agreement?) (3)		
5. Is the organisation exempt from payment of rates under Legislation?		
(Other than the Local Government Act) (4)		
6. Does the organisation run any commercial activities? (5)		

(1) If yes: please provide certificate of incorporation.
(2) If yes: please provide relevant taxation information.
(3) If yes: please provide certificate of lease.
(4) If yes: please provide details of Legislation.
(5) If yes: please provide further information as outlined below.

Please attach copies of the organisation's constitution and evidence of other exemptions being received by the organisation.

Organisations are required to provide financial information, including:

- Profit & Loss Statement (2 years)
- Balance Sheet (2 years)
- Sources of income, i.e. donations, business income, grants etc.
- Rents received if housing organisation.

Such information should be accompanied by the attached Statutory Declaration signed by two authorized persons or office bearers of the organisation verifying the accuracy of the information.

Organisations are required to outline the nature of their operation, providing information such as:

- Client group for service provision
- Type of service provided, e.g. food, accommodation, shelter etc.
- Frequency of service provision, i.e. on a full time basis or daily, weekly, monthly etc.
- Whether payment is received for service.

Organisations are required to provide a full list of land or lease holdings that are owned or occupied and attach a description of the purpose applied to each holding.

Such information should be accompanied by the attached Statutory Declaration signed by two authorized persons or office bearers of the organisation verifying the accuracy of the information.

Applicants are advised that in order to illustrate full eligibility to claim a rate exemption and to facilitate Local Government decision making, as much information as possible about the nature of their operation should be provided.

STATUTORY DECLARATION

Statutory Declarations Act 1959

We, _____ [insert name of office bearer #1] and

_____ [insert name of office bearer #2] of

_____ [insert name of organisation] in the State of Western Australia hereby solemnly and sincerely declare as follows:

1. The financial information as provided presents fairly in accordance with relevant legislation, applicable accounting standards and other professional mandatory reporting requirements, the financial position, the results of operations and cash flows.
2. The nature and extent of non-charitable activities has been fully disclosed.
3. The description and purpose of each land or lease holding has been fully disclosed.

AND WE MAKE this solemn declaration by virtue of the *Statutory Declarations Act 1959* and, subject to the penalties provided by the Act for the making of false statements in statutory declarations, conscientiously believing the statement contained in this declaration to be true in every particular.

Declared at _____
[Insert name of location]

This [ ] day of [ ] month 20

Signature of office bearer #1 _____

Print name and Position of office bearer _____

Signature of office bearer #2 _____

Print name and Position of office bearer #2 _____

2.20 INVESTMENTS

Objective
The objective of the Investment Policy is to invest the Shire of Brookton'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, and having regard for the community/local banks, while ensuring that its liquidity requirements are being met.

Scope
This Policy applies to all funds (including general funds, reserve funds and other restricted funds) invested by the Council.

Approved Investments
The only types of authorised investments under *Local Government Act 1995* – section 6.14(1), and the
Local Government (Financial Management) Regulations 1996 – Regulation 19C, are as follows;

- Deposits with an authorised institution and the term is to be no more than 36 months;
- Bonds that are guaranteed by the Commonwealth Government, or a State or Territory government with a term to maturity of up to 3 years, and;
- Australian currency only.

Authorised Institutions
Investments are limited to authorised institutions, in accordance with *Local Government (Financial Management) Regulations 1996* section 19c, being:

- Authorised deposit taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or
- The Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation 1986.*

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

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

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

Credit Risk Management
To control the credit quality on the entire portfolio, a global credit framework will apply to limit the percentage of the portfolio exposed to any particular rating category.

Investments, whenever possible are to be placed with community/local banks giving consideration to interest rates and keeping within the limitations of the global credit framework. The maximum available limits in each Standard & Poor's credit rating category are as follows:

Standard and Poors - Credit Ratings:

S & P Long Term	Maximum % in
AAA	100%
AA	100%
A	100%
BBB	100%
S & P Short Term	**Maximum % in**
A-1+	100%
A-1	100%
A-2	80%
A-3	20%

Standard and Poors - Credit Ratings

Investments obtained are to comply with three key criteria relating to:

- Portfolio Credit Framework: Limit overall exposure of the portfolio as a whole, according to credit rating.
- Counterpay Credit Framework: Limit exposure to individual counterparties/institutions, based on credit rating.
- Term to Maturity Framework: limits based upon maturity of securities to ensure adequate working capital needs are met.

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

Counterpart Credit Framework

The Shire of Brookton will invest funds with authorised financial institutions that provide a service to the local community by establishing branches or agencies in the Shire of Brookton. Such institutions must maintain a minimum Standard and Poors rating of A for short term investments.

Term to Maturity Framework

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

Investment Type	0 to 12 months		1 to 3 years	
	Min.	Max.	Min.	Max.
Deposit with authorised deposit-taking institution (ADI)	0%	100%	0%	0%
Government Bonds	0%	20%	0%	20%

Legislative and Strategic Context
Legislation covering investments of surplus funds include:
a) Local Government Act 1995 Section 6.14
b) The Trustees Act 1962 – Part III Investments as amended by the Trustees Amendment Act
c) Local Government (Financial Management) Regulations 1996 – Regulation 19, Regulation 19C, Regulation 28 and Regulation 29
d) Australian Accounting Standards

Resolution No:
Resolution Date:

2.21 CARAVAN PARK – MAXIMUM STAY

Objective
To establish guidelines for staying in the Caravan Park.

Definition
Short stay site means a site at a caravan park which is to be occupied consecutively by the one person or one group of persons, for no longer than 3 consecutive months.

Long stay site means a site at a caravan park which is to be occupied consecutively by the one person or group of persons for longer than 3 consecutive months.

Policy
Caravan Park and Camping Bays
The Brookton Caravan Park is dedicated for visitors and tourists and does not accept long term stays on caravan park or camping bays.

Any stay longer than

1. Twenty eight days using a caravan or similar requires the ~~is to seek~~ permission in writing from the Chief Executive Officer or Manager Corporate and Community. The Chief Executive Officer or Manager Corporate and Community may accept or reject a stay up to a maximum of 3 months
2. Four days using a tent or similar requires the permission in writing from the Chief Executive Officer or Manager Corporate and Community. The Chief Executive Officer or Manager Corporate and Community may accept or reject a stay up to a maximum of 1 week.

Park Chalets
To ensure adequate chalets are available for very short stay accommodation at the Brookton Caravan Park, the maximum number of days accommodation shall be 28 continuous days on the one site. Only two chalets are permitted to exceed a five day stay at any one time.

Resolution No:
Resolution Date:

2.22 COMMUNITY HOUSING

Introduction
This policy applies to Shire owned and managed community housing dwellings.

Objectives
To detail the eligibility criteria and confirm the priority allocation for Shire owner/managed housing available to the community.

To establish processes and guidelines for the use of Shire owned and managed residential properties, including community housing dwellings and permanent caravan park sites that are owned and/or controlled by Council.

To ensure that all individuals have an understanding of minimum housing standards for Shire facilities.

1. Allocation of Housing

1.1 Eligibility Criteria – Senior Housing

To be eligible to occupy a Senior Citizen Community Housing Unit, an applicant must satisfy the following criteria:

- Be listed on the Shire's *Housing Requests Register*. If there is no waiting list a community housing unit will be allocated on a 'first come/first serve' basis.
- Be an Australian citizen or permanent resident, with proof of identity (ie passport, driver's license or similar).
- Be 55 years of age or above.
- Currently residing within Western Australia
- Be able to live 'independently' as assessed by a qualified medical practitioner or similar qualified person.

Subject to suitability, preference may be given to local/ex-local residents of the Shire of Brookton.

1.2 Eligibility Criteria – Low Income Community Housing

To be eligible to occupy a Low-Income Community Housing Unit, an applicant must also meet the following:

- Be listed on the Shire's *Housing Requests Register*. If there is no waiting list a community housing unit will be allocated on a 'first come/first serve' basis.
- Be an Australian citizen or permanent resident, with proof of identity (ie passport, driver's license or similar).
- Be 55 years of age or above.
- Be Currently residing within Western Australia
- Be able to live 'independently' as assessed by a qualified medical practitioner or similar qualified person.
- Be registered with the Department of Communities – Housing (Housing Authority) and satisfy all other criteria as set by the Department.
- Be eligible at the time of application, while on the waiting list and before an offer of housing is made.

Subject to suitability, preference may be given to local/ex-local residents of the Shire of Brookton.

1.3 Housing Requests Register

The Officer responsible for the management of Shire housing will maintain a *Housing Requests Register*.

To be listed on this register an applicant must complete and submit to the Shire a housing application form, as amended from time to time, that includes at least:

- Applicant's name
- Applicant's contact details
- Date of application
- House/unit type requested
- Stated annual income at the time of registering interest
- Satisfaction completion of the required eligibility criteria evidence
- References of previous rentals

1.4 Allocation Process

When a residence or caravan site becomes vacant, the Officer responsible will:

a. confirm with selected applicant(s) listed at the top of the Register their continued interest in a nominated house, unit, or caravan site;
b. seek input/assessment from the WA Housing Authority and any other statutory or advisory bodies as required;
c. review references relating to previous rental history; and
d. prepare a report to the Council for a decision.
e. refer the matter to the Council for review of the applications and determination of the allocation of housing based on assessment against applicable eligibility criteria, as detailed in this policy, and input from points b) and c) above.

1.5 Efficient Allocation of Housing

a. Council reserves the right to terminate or to not re-new a tenancy under the terms Residential Tenancy Act 1987 (the ACT) to make best use of Shire housing.

   For example, where a single tenant occupies a multiple bedroom residence, Council or may seek to move this tenant to a newly vacant single bedroom unit to allow the multiple bedroom dwelling to be offered to an eligible family tenant.

b. Should there be no immediate demand for Senior Citizen Housing, the Council may exercise discretion in allocating a residential unit to:
   - a person not assessed as a Senior Citizen under Section 4.1 of this policy;
   - a corporate entity with a business presence in the Shire of Brookton; or
   - some other tenant suitable to Council;

   providing any such arrangement under this provision is to be based on:
   - the balance of this policy being satisfied; and
   - the rental arrangement structured on a periodic tenancy agreement and market rental rates.

1.6 Setting and Review of Rent

The Council, as part of its annual budget process, will review the rental charges for all premises (excluding low income community housing), and may adjust the weekly rent to accord with market trends and average rental charges for the same or similar forms of accommodation in the market place.

This policy recognises Low Income Community Housing rental charges are assessed on 25% of the tenant's income and reviewed annually. The Community Housing applicants that are eligible to receive the Commonwealth Rent Assistance (CRA) and will be charged 100% of the entitled CRA in addition to the 25% of their income.

2. Residential Tenancy Agreements

2.1 Prior to being granted occupancy all selected tenants will:

a) Sign a residential tenancy agreement and pay the required rent and bond monies in accordance with the provisions of the *Residential Tenancy Act, 1987*.

b) Participate in an initial condition inspection of the rental accommodation and execute a condition report prepared by the Shire that will form part of the tenancy agreement.

2.2 The maximum term for a tenancy shall be 12 months for all community housing tenancy agreement.

The CEO may exercise discretion to set a lesser tenancy term than the prescribed maximum, depending on individual circumstance and terminate a tenancy agreement by negotiation.

2.3 The tenant shall be responsible for payment of connection and supply of all utilities, unless:

a) the tenancy is for a designated, permanent caravan site that includes all utility costs; or

b) there is an inability for the utility provider or the Shire to determine individual consumption/usage.

3. Keeping of Pets

3.1 The keeping of pets will be considered under the provisions of the Residential Tenancy Act, 1987 and consent may be granted subject to:

a. an additional pet bond payment; and/or

b. conditions relating to the keeping of the pet.

4. Smoking

Smoking is prohibited in all Shire residential rental properties.

5. Property Inspections

5.1 All Shire housing is to be subject to a 'landlord' quarterly inspection in year 1 and thereafter every 6 months for continued longer term tenancies. This excludes routine or urgent maintenance and repairs to be performed by the Shire.

5.2 The Shire is also responsible for inspecting the condition of the residences on a regular basis for maintenance, safety, building and health code compliance issues.

6. Property Maintenance and Up-keep

6.1 The tenant is responsible for the general condition and appearance of the premises. This includes but is not limited to general cleaning and upkeep of the interior, exterior and landscape, reasonable wear and tear excepted.

6.2 The Shire will perform all necessary maintenance and utility meter readings within the scope and responsibility as a 'landlord' defined under the *Residential Tenancy Act, 1987*.

6.3 The Shire is responsible for all major maintenance and repairs including but not limited to roofs, foundations, exterior wall structures and coverings. The CEO is to ensure all maintenance works to Shire residential property is performed in accordance its Asset Management Plan.

Resolution No:
Resolution Date:

2.23 FEE WAIVER POLICY

Objective
To provide a consistent framework for assessing and determining requests for the waiver of fees and charges relating to venue and facility bookings and seeks to ensure:

- A standard process for applicants to follow;
- Consistent and fair assessment of each request received; and
- Transparency and accountability to the community.

Assessment Criteria
Council will only consider to waive fees and charges for events relating to Council's venues/facilities that

- Have Community Impact in areas of social cohesion, cultural enrichment, community well-being;
- that provide educational opportunities or enhance learning for the community;
- that are free and open to the public; or
- are from not for profit, community organisations and groups.

Council will not consider to waive fees and charges for events relating to Council's venues/facilities that

- charge an entry fee
- return fundraising to an organisation
- are from business groups or government departments conducting events relating to their core business or interest
- Are from religious groups holding religious ceremonies
- Are from political groups
- Are Statutory fees or charges

Council will not waive the requirement for the payment of Bonds for facilities.

Resolution No: OCM 11.24-11
Resolution Date: 21 November 2024

2.24 SETTING A RESERVE PRICE FOR THE SALE OF PLANT ASSETS BY AUCTION

Objective
To establish a fair and transparent reserve price for the sale of plant assets through auction, ensuring that the assets are sold at a value that reflects their market worth.

Policy Statement
The Shire of Brookton supports the use of public auction as a method of sale for plant assets.

Where a plant asset is offered for sale by public auction, the reserve price for such a sale will be the value of the proposed sale that is included in the Council's Annual Budget.

Guidelines

- Where the sale of a plant asset is not included in Council's Annual Budget, Council approval is required for the sale of that asset by public auction.

- Council approval is required for the reserve price for a sale of a plant asset to be different to the value of the proposed sale included in Council's Annual Budget**.**

Resolution No: **OCM 12.24-11**
Resolution Date: **19 December 2024**

3.0 DEVELOPMENT POLICIES

3.1 RELOCATED SECOND-HAND BUILDINGS

Objective
The primary objectives of this policy are to:

1. To ensure compliance with the relevant provisions of Council's Local Planning Scheme in a manner which is realistic, and which ensures that the relocation of second-hand buildings is undertaken to an approved acceptable standard which pays regard to local amenity and aesthetics.

2. To provide clear standards as to what constitutes an acceptable type of relocated second-hand building to be used for residential purposes.

3. To ensure the style, construction and design of relocated buildings is in keeping with the character of the surrounding buildings and the locality in general.

Policy

1. Preliminary

Should any part of this Policy be inconsistent with the Local Planning Scheme, the Scheme provisions shall prevail.

Further, this policy does not bind the Council in any respect of any application for Planning Approval, however Council ~~s~~hould have due regard to the objectives and provisions of this Policy in determining an application for planning approval.

2. Application

This policy applies to all proposals for the relocation of second-hand buildings (including repurposed buildings) on land situated within the Shire of Brookton.

This policy does not apply to new prefabricated buildings or other new transportable buildings built and re-fitted within an industrial area that have not been previously installed on any other location.

3. Requirement for Planning Approval

3.1. Determination

- Applications for the relocation of second-hand buildings on property within the Shire of Brookton require Council Planning Approval prior to a Building Permit being issued and relocation taking place.

- All applications for the relocation of second-hand buildings will be assessed against this policy prior to a decision being made under the provisions of the Scheme.

- Repurposed Dwelling will not be supported on residential zoned land within the Brookton townsite unless the Council is completely satisfied the final design and presentation accords as a minimum to the existing housing standard and will not be detrimental to the visual amenity and or residential property values in the area.

- In determining the application, Council (or CEO under delegated authority) may approve the application with or without conditions. The Council may also refuse the application should the proposed development not accord with the objectives of this policy.

- Planning approval is valid for a period of two (2) years from the date of approval, during which time a Building Permit must be issued, and development substantially progressed or the approval will lapse.

3.2. Information

All applications for planning approval to relocate a second-hand building must be accompanied by the following prior to consideration:

- Signed and completed Application for Planning Approval Form;
- Photographs clearly showing the four elevations of the building;
- Site plan showing the proposed location of the building and distances from property boundaries, other buildings and any natural features on the property;
- Floor plans, elevations, cross sections, and specifications;
- Certification from a practicing structural engineer that the design and condition of the building is suitable for transportation and re-erection (where the building is a purpose-built transportable building, sufficient documentation proving this will suffice);
- Certification from a registered pest control company that the building is free from termites if of a timber frame construction;
- A statutory declaration that the building is free of hazardous material (including asbestos)
- A Bushfire Attack Level (BAL) assessment if the Building is to be located within a designed Bushfire Prone Area as illustrated on the Department of Fire and Emergency Services mapping website: https://www.dfes.wa.gov.au/regulationandcompliance/bushfireproneareas/Pages/default.aspx

3.3. Need for a Building Permit

Notwithstanding that Council may grant Planning Approval, a Building Permit is generally required to be sought and issued prior to relocation of the building commencing.

3.4. Advertising

An application for a relocated second-hand building within the Brookton townsite may need to be advertised in accordance with Clause 64 of the Planning and Development (Local Planning Scheme) Regulations 2015 where surrounding properties and/or residences may be affected by the relocation of the building taking place.

3.5. Building Inspection

A suitably qualified person (i.e. Structural Engineer or Building Surveyor) is required to inspect the building prior to its relocation in order to ascertain its suitability for relocation.

4. General Provisions

4.1. Minimum Dwelling Standard

If the relocated second-hand building is to be used for residential purposes, the following minimum dwelling standard is required to be provided:

- At least one (1) bedroom separate from the other rooms in the dwelling;
- A lounge/dining area;
- A kitchen; and
- A separate toilet, bathroom & laundry facility.

To be used as a dwelling, the building will be assessed against and must comply with the requirements for Class 1 buildings under the Building Code of Australia.

Buildings that are not designed for predominant use as a dwelling and do not meet the above criteria will not be approved for use as a primary residence.

Mobile park homes will only be considered if the above criteria for minimum dwelling standard is met and the mobile home is consistent with all other relevant requirements of this policy, particularly Section 5.3 relating to amenity.

Second-hand repurposed dwellings (ie dongas) will not be supported within the gazette Brookton townsite.

4.2. Non-Residential Building Standard

Relocated buildings to be used for non-residential purposes will be assessed based upon their suitability for the proposed use, the zone in which they are to be located and against all other relevant provisions of this policy relating to asbestos, amenity and design. If considered necessary, Council will prohibit the use of the building for residential purposes through a condition of approval.

If the relocated building is to be used as an outbuilding, the application will be assessed against the relevant provisions of Council's prevailing Outbuildings Policy.

4.3. Hazardous Materials

Second-hand dwellings must have all hazardous materials (ie asbestos) materials removed prior to relocation taking place. Council will require documentation demonstrating cement sheeting (walls and roof) is hazardous free where the age of the building indicates asbestos hazardous materials may have been utilised in construction.

4.4. Amenity

When giving consideration to an application for planning approval, Council may give consideration to:

- The building in its relocated position being rendered visually acceptable by the use of verandas, screening and / or landscaping;
- The design, scale and bulk of the proposed building being compatible with the type of buildings that exist in the locality in which it is to be located; and
- With respect to the relocation of second-hand buildings within the Brookton Town site, Council may not approve the relocation should the building not be in-keeping to the residential amenity premised on scale, design, materials or general condition.

4.5. Conditions

Council may place a condition(s) on the grant of planning approval if deemed appropriate to ensure the relocated second-hand building meets the objectives of this policy and preserves the amenity of the locality. These conditions may include the following if deemed appropriate by Council:

- The exterior of the building being painted in a manner that is consistent with the colours and styles of the surrounding buildings.
- The construction of verandas and / or alterations to the roof pitch and / or materials to ensure the relocated building is consistent with the design of surrounding buildings.
- Other conditions to ensure an individual building meets all relevant Council requirements and policies.

Resolution No:
Resolution Date:

3.2 DEVELOPMENT REQUIREMENTS FOR RURAL SUBDIVISION

Objective

The purpose of this Policy is to outline Council's requirements for subdivision for rural/farming and rural-residential zoned land. Council will from time to time require conditions be placed on a subdivision approval for certain works to be undertaken, particularly relating to road construction and the preparation of fire management plans. Other related matters include drainage, electricity supply and water supply.

Policy

Road Construction

The following outlines the construction requirements for roads to either serve a subdivision of rural/farming or rural-residential zoned land, or to construct an unmade road reserve in the Shire of Brookton.

Road Types

There are five types of rural and rural residential road types that are identified in the Shire. These are:

- Rural Residential Road
- Major Rural Road
- Standard Rural Road
- Minor Rural Road Type A
- Minor Rural Road Type B

Rural Residential Road applies to new roads (either on an existing road reserve or a road reserve created as part of a subdivision) that are to be constructed to serve a Rural Residential development (Lot sizes normally 2ha – 5ha). Council will require the sealing of Rural Residential Roads serving lots of 5ha or less in area as a reflection of the relatively high traffic volumes that are created by this form of subdivision.

A Major Rural Road is a road that carries large volumes of traffic or connects significant areas of the Shire to other rural areas or the town centre. Sealing of these roads may occur should traffic volumes or use by heavy vehicles warrant this. Existing examples of major rural roads in the Shire are Corberding Road, Brookton-Kweda Road and Copping Road between the Great Southern Highway and the BALCO plant.

A **Standard Rural Road** generally carries moderate volumes of traffic from major roads to farming areas. The majority of existing shire roads would be classified under this category.

A **Minor Rural Road Type A** is a road that has the potential to serve a maximum of 10 farming locations or lots (with lot sizes normally greater than 30-40ha) and is typically a no-through road.

A Minor Rural Road Type B is a road that has the potential to serve a maximum of 5 farming locations or lots (with lot sizes greater than 30-40ha) and is typically a no-through road.

Road Reserve Requirements
Where a new road reserve is proposed to serve a subdivision, a reserve width of 25 metres will normally be required, unless topography requires a greater width. In rural areas, lot truncations of 8m will be required for lots on road corners.

Road Construction Requirements
The following outlines the normal construction requirements for each road type. Council reserves the right to determine the standard of road required for each subdivision application or application for construction of an existing road reserve.

Rural Residential Roads

- Road pavement to have a minimum 6.0m wide bitumen seal with 2.0m wide gravel shoulders.
- Seal to be two coat bitumen and aggregate.
- Road construction to be a minimum of 150mm compacted base-course and a minimum 150mm compacted sub-base.

Major Rural Roads

- Pavement width to be a minimum of 10.0m (7.0 roadway, 2 x 1.5m shoulders).
- Can be a gravel road unless otherwise required by Council due to envisaged traffic volumes or the use of the road by heavy vehicles.
- Pavement to be a minimum of 150mm compacted gravel.

Standard Rural Roads

- Pavement width to be a minimum of 8.0m (5.6m roadway, 2 x 1.2m shoulders).
- Pavement to be a minimum of 150mm compacted gravel.

Minor Rural Roads Type A

- Pavement width to be a minimum of 6.0m (4.0m roadway, 2 x 1.0m shoulders).
- Pavement to be a minimum of 150mm compacted gravel.

Minor Rural Roads Type B

- Pavement width to be a minimum of 6.0m (4.0m roadway, 2 x 1.0m shoulders).
- Pavement material to be natural (in situ) where suitable.
- Where gravel is required, pavement to be a minimum of 75mm compacted gravel.

All Roads

- A cross fall of 4% either side of the centreline crown.
- Through horizontal curves, one-way cross fall or super elevation shall be applied in accordance with Austroads publication 'Rural Road Design 1989'.
- Crossovers to be constructed to each property entrance to a design that avoids property access roads draining onto the Shire road.
- Crossovers to be located a minimum of 50m away from intersections and junctions and provide 300m clear sight distance in either direction.
- Piped crossovers to be a minimum width of 9.6m for rural properties and 7.6m for urban properties and to include headwalls.
- Roadside drains to be a minimum of 300mm – 500mm deep with batters having a minimum slope of 1 in 3.

Costs Associated with Road Construction

The construction of roads associated with a subdivision, either on new road reserves or those already existing but not constructed, will be at the cost of the subdivider. This requirement also relates to roads to be constructed for public road access to each new lot in a boundary realignment application (i.e. where no additional lots are created over that existing prior to the boundary realignment taking place).

The proponent may be required by Council to engage a Consulting Engineer to plan, design and supervise the road construction at their cost. The design may include a comprehensive water drainage plan.

A 3% maintenance retention amount is to be lodged with Council for a period of 12 months on roads subject to a subdivision application.

A 1.5% supervision loading is payable throughout the project on roads subject to a subdivision application.

Clearance of Subdivision Condition

Where the subdivider requests Council clear a condition of subdivision relating to road construction prior to the construction having taken place, Council may accept a cash bond that is equivalent to the full estimated construction cost of the road(s). The subdivider will be required to enter into a written agreement with Council for the operation of the bond.

The bond is to be paid to Council, held in trust and may be used by Council to either:

- Design and construct the road(s) itself as a private work; or
- Pay a contractor engaged by the subdivider or the Shire to undertake the works to Council's specifications.

Should there be a residual amount remaining in trust at the completion of the construction, this is to be refunded to the subdivider. Should the trust amount not be sufficient to cover all costs associated with the design and construction of the road(s), the outstanding amount is to be provided by the subdivider.

Drainage

Open drains are permitted for new subdivisions. Stormwater is to be retained on site and not allowed to drain onto a Shire controlled road.

Water
For new Rural-Residential subdivision with lot size of 4ha or less in area, a reticulated potable water supply is required to be provided in accordance with Clause 5.3.2 of Statement of Planning Policy No.11 'Agricultural and Rural Land Use Planning'.

On lots greater than 4ha, an on-site potable water supply will suffice, in accordance with Clause 5.1.4 of the Shire of Brookton Town Planning Scheme No. 4.

Electrical Power
Western Power sets the provision of power as a condition of subdivision. This authority will decide whether the supply is to be under ground or above ground.

Fire Management Plans
Council may require a Fire Management Plan be prepared and implemented for all subdivision of rural land depending on the circumstances in each case. As a requirement the Shire generally adhere to the provisions of WAPC Policy DC 3.7 'Fire Planning'. A notification is to be placed on the titles of each lot created informing each subsequent landowner of the existence of the Fire Management Plan where applicable.

Resolution No:
Resolution Date:

3.3 SEWERAGE CONNECTION FOR SUBDIVISION OF LAND

Objective
The purpose of this policy is to provide direction when apply conditions to subdivision approval in the Brookton Town site in line with the State Government Country Sewerage Policy.

The following sewerage connection conditions apply to all approved applications for subdivision on any lots within the Brookton Town site boundary where the newly created lots cannot accommodate an approved onsite effluent disposal system.

Policy
Prior to Council clearing the conditions imposed by the Western Australian Planning Commission the proponent of the subdivision must, at their cost –

- Provide an easement approved by Council on the Certificate of Title of each lot, as part of the subdivision process, for the future extension of the sewer main. The area required for the easement to be specified by Council in accordance with the requirements of the legislative provisions relating to sewerage scheme extensions.
- Lodge a memorial on the Certificate of Title of each of the newly created lots, notifying subsequent owners that connection to the sewer will only be available when Council deems it necessary or economically feasible to extend the existing sewerage scheme main to the lot.
- Provide written acceptance that future extension of the existing sewerage scheme to the newly created lots is not guaranteed.

Resolution No:
Resolution Date:

3.4 TOWN PLANNING FEES REFUND

Objective
To provide clear guidelines for the refund of Town Planning Application Fees.

Policy

Where Council has resolved to refuse to grant Planning Approval, any fees that have been paid to Council are not refundable. The applicant is to be made aware that the fee is for the determination of an application, not its approval.

Where a development application has been lodged and is subsequently withdrawn by an applicant or not been processed by the Shire within the statutory time fame, and a request for refund of the planning fees is made, the following refund guidelines will apply:

a) Where the application has been assessed and determined: no refund.
b) Where an application has been assessed but not determined: 50% refund.
c) Where an application has not assessed and determined: 100% refund.

Resolution No:
Resolution Date:

3.5 RESIDENTIAL DEVELOPMENT ON FARMING ZONED LOTS/LOCATIONS WITHOUT FRONTAGE TO DEDICATED AND CONSTRUCTED PUBLIC ROADS

Objective
This policy is to provide clarity around residential development on farming zoned lots/locations without frontage to dedicated and constructed public roads.

Policy
To comply with Clause 40(2) of the Shire of Brookton's Town Planning Scheme No 4, which states Council shall "require such other arrangements are made for permanent access as shall be to the satisfaction of the Council" the following are minimum acceptable access requirements:

- **Absence of a dedicated public road**
  Where there is no frontage to a dedicated public road reserve, the Council will support at the applicant's cost, a carriageway access easement being created, and registered and constructed on the neighbouring title(s) with the respective landowner's consent for the purpose of providing permanent access to the subject property, to the satisfaction of the Shire of Brookton. Where no such formal access arrangement exists, the Council will condition on a formal planning approval this requirement to be met on a 'land locked' parcel of land.

- **Use of an unconstructed dedicated public road**
  Where there is a dedicated yet unconstructed road frontage the Council will support at the applicant's cost minimal construction for vehicle access to a 2 wheel drive all weather standard. Such access will need to be compliant with legislative requirements and standards, and be applied for, assessed, and approved by the Shire Administration prior to any construction.

Advice Notes

- Compliance with this policy is not required where direct road frontage is achieved through the creation of a battle-axe lot via subdivision and amalgamation.

Resolution No:
Resolution Date:

3.6 OUTBUILDINGS

Objective
To provide a guide for the assessment and determination of applications for planning approval for outbuildings (sheds/garages) in all zones.

1. BACKGROUND

Under the Shire of Brookton's Local Planning Scheme No. 4, Planning Approval is may be required for a shed (outbuilding) in some zones.

The Shire's Local Planning Scheme has no criteria under which an application for an outbuilding is to be determined. As such, the objective of this policy is to give clarity as to what the development standards are in relation to outbuildings within specific land use zones.

2. OBJECTIVES OF THE POLICY

The primary objectives are to:

2.1 Limit the impact of outbuildings by specifying maximum areas and height, location, material colour, landscaping and the like.

2.2 Ensure aesthetic and amenity impacts on neighbouring properties are considered when determining outbuilding proposals.

2.3 Recognize "Sheds" and "Sea Containers" in the Residential and Commercial zones are defined as outbuildings where the floor area greater than 10m². Outbuildings with a floor area of 10m² or less do not require a Planning Approval or Building Permit.

2.4 Recognize that outbuildings that accord to the deemed-to-comply provisions of the Residential Design Codes are exempt from planning approval in accordance with Clause 61; Part 7; Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

3. POLICY

3.1 Ablution facilities within outbuildings will only be approved in accordance with this policy for 'Farming' zoned allotments of 10 hectares or more in area to support on farm agricultural activities. In all other circumstances an application for planning approval is to be submitted with accompanying justification for consideration and determination by Council on merit.

3.2 The construction of an outbuilding on vacant land in all zones other than the Rural and Rural Smallholdings zones is not permitted without an application for a residence having been approved and construction having first commenced.

3.3 Sea containers are only supported as outbuildings for storage purposes in the Residential, Rural Residential, Rural Enterprise, Commercial, and Special Use zones where the applicant can demonstrate the sea container will not have a detrimental impact on the amenity of the property or surrounding area and is not highly visible from the street. Sea containers for storage purposes in General Industry, Light Industry, and Rural zones do not require planning approval.

3.4 Within the Residential zone and on lots of less than 2ha in all other Zones, outbuildings other than a carport or garage will not be permitted in the area between the house and the front boundary of the property. Front setbacks for carports and garages in the 'Residential' and 'Commercial' zones will be subject to the *Residential Design Codes* standards.

3.5 This Policy does not apply to large scale agricultural, industrial, and commercial buildings that are assessed against the General Development requirements as presented in Table 5; Schedule 1 of Local Planning Scheme No.4.

	CRITERIA			
Zone	**Maximum Total area for all outbuildings on the lot (m2)**	**Maximum individual area of proposed outbuilding (m2)**	**Maximum Wall Height (m)**	**Maximum Roof height (m)**
Residential R10 and above	75	75	3.0	4.0
Residential R10 and below	10	75	3.0	4.0
Rural Residential, Rural Enterprise and Rural smallholding	200	150	3.0	4.0
Rural (below 1 hectare)	100	75	3.0	4.0
Rural (between 1 hectare and 10 hectares)	200	150	3.0	4.0

Resolution No:
Resolution Date:

3.7 TREE CROPPING

Objective

The objective of this Local Planning Policy to:

- Achieve a consistent, efficient and equitable system for assessing and approving tree crop applications;
- To align the grant of planning approval by Council with industry guidelines and standards as specified in relevant codes of practice and other documents and ensure a consistent approach to the establishment of Tree Cropping as an acceptable land use;

This policy aims to be consistent and complementary with existing regulations and not to place additional undue burden on landowners and investors wishing to pursue tree crop development.

Policy

Tree crops have the potential to become an important land use in medium to low rainfall agricultural areas in Western Australia (WA). Landholders and private investors are looking to capitalise on emerging opportunities for farm forestry and carbon off set in these regions, diversify income streams and to gain the on-farm environmental benefits that integrated tree cops can provide. Given the increasing opportunities and interest in tree crop development, it is timely for local governments to ensure that these developments are adequately supported and addressed in local planning.

A body of legislation, policy and guidelines relevant to tree crops already exists and a range of government agencies and other stakeholders are involved in regulating and managing tree crop issues.

Additional background information relating to tree crops is provided in the report *'Opportunities and Issues Associated with Farm Forestry in the South East Avon Low Rainfall Region'*.

Definitions

- *Applicant* means a person or entity (e.g. company or organisation) responsible for management of the tree crop. The applicant does not have to be the owner of the trees or the land on which trees are planted (e.g. the Applicant could be a third-party management agency). The applicant is responsible for ensuring adherence to this policy and other relevant legislation and regulations.

- *Tree crop* means trees:
  - Planted with the intent of producing commercial products and carbon off set benefits. Commercial products include all wood and non-wood products and benefits that can be sold to a third party. Wood products are produced when trees are harvested, such as woodchips or sawlogs, while non-wood products and benefits include products such as environmental services; and
  - Under the management of one applicant with an aggregate area greater than 10 hectares in the Shire of Brookton.
- *Landowner* means a person or entity that holds the title to the land.
- *Management Plan* means a plan that provides details on the way in which a tree crop will be developed and managed and aims to demonstrate the means by which the principles of environmental care, cultural and fire management objectives are achieved. Management Plan should include the following components:
  - Establishment plan;

- Plantation Management plan; and
- Fire Management plan.

- *Code of Practice* means practices applied to Timber Plantations in Western Australia 2006, produced by Forest Industries Federation WA, Forest Products Commission Australian Forest Growers, or as revised.
- *Guidelines* means the 'Guidelines for Plantation Fire Protection 2001' produced by the Fire and Emergency Services Authority WA, or as revised.

Areas of Application

This policy applies to land zoned "Rural" in the Shire of Brookton Town Planning Scheme No. 4.

Application and approval requirements

1. When is an application required?

A tree crop development application must:

a) be submitted and approved prior to the commencement of the development.
b) have an aggregate area of 10 hectares or greater.

Of note, an application may cover multiple tree crop developments on different titles provided they are under the management of one applicant.

2. Tree Crop Development Application requirements.

In addition to Shire requirements for development applications, an application is to contain the following parts:

- **Registration, which must contain the following information:**
  - Title details of the subject land;
  - Name of the Landowner(s);
  - Name of the Applicant (tree crop manager);
  - Address and contact details of the Applicant;
  - Area (hectares) to be planted and species to be planted; and
  - Signatures of the Applicant and the Landowner(s).

- **Management Plan:**
  - A checklist of information that should be included in a Management Plan is provided in Attachment 2. The checklist is based on the guidelines in the Code of Practice.
  - The Management Plan must address the policy measures described in Section 6 of this Policy.

- **Map which should show the following:**

- Location of tree crops;
- Access roads;
- Structures and buildings;
- Natural features including native vegetation and water courses; and
  - Other relevant information such as hazards or significant features.

3. Modification to Tree Crop Development Application

An Applicant may modify the existing application addition of new tree crops or expansion of existing tree crops. Additional areas of tree crops may therefore be managed under existing

Management Plans, without the need for the Applicant to prepare a new Management Plan for every new tree crop development. However, the Applicant must ensure that the management measures in an existing Management Plan are relevant to new tree crops and the sites on which they will be developed and meet the requirements of this policy.

If this is not the case the Applicant is required to submit a modified or new Management Plan.

If an Applicant transfers management responsibilities to another organisation they are required to notify the Shire and provide details of the new managing entity.

Additional policy measures

The following policy measures must be addressed in the Management Plan.

A. General tree crop management

The Shire encourages all tree crop developments to be undertaken with appropriate consideration to the specifications and guidelines in the Code of Practice and Guidelines for Plantation Fire Protection.

The Code of Practice provides management goals and operational guidelines to tree managers to "ensure tree crop operations in WA are conducted in a manner that is in accordance with accepted principles for good plantation management, while recognising that a primary aim of tree crops is to be economically competitive and sustainable".

B. Access and roading

When planning tree crop developments, applicant's should consider how tree crops will be accessed for management, harvesting and removal of products (if applicable). Potential access roads should be identified on a map to be lodged with the development application.

The harvest and haulage of tree crop products results in 'wear and tear' of local roads and other transport infrastructure and the Shire is seeking to minimise adverse effects on local roads within its control, and therefore may impose a financial road contribution to be applied at the time of harvest as a condition of development approval.

C. Fire management

A fire management plan must be included as part of the overall Management Plan.

Any Fire Management Plan must be consistent with Guidelines for Plantation Fire Protection 2011, produced by the Fire and Emergency Services Authority of WA, or as revised. Should the Fire Management Plan not be consistent with the guidelines then the application for development approval may be refused.

D. Subdivision

Any established tree crop development will not be accepted as justification for an application for subdivision, nor any proposed tree cropping or an approved application for tree cropping on any land be deemed a precursor to subdivision of 'Farming' zoned land.

Resolution No:
Resolution Date:

3.8 SIGNAGE

Objective

To enhance the amenity and character of all areas within the Shire of Brookton through the provision of acceptable standards of development for advertisements.

Policy

Signage is considered to have a major impact on the amenity of the Shire, particularly in relation to roadside advertising. Except where specifically exempt under the Shire of Brookton's Local Planning Scheme No. 4 (LPS 4), all advertisements within the Shire require the prior approval of Council. This policy is to provide guidance for the location and desired standards when applications for planning approval are being considered.

1. This policy is for all signage that is visible from outside the property, complex or facility concerned, either from private land or from public places or streets.
2. Should the application be on or adjacent to a Main Road reserve, approval from Main Roads WA is also required.
3. Signs denoting property and/or owner name and/or property address do not require approval.
4. Exempted advertisements, as detailed in Schedule 3 of LPS 4 do not require Planning Approval.
5. Where an advertisement proposal requires approval a development application form shall be used.
6. All advertisements shall comply with the criteria contained in Table 1 of this policy.
7. Approval for the continuation of approved signage requires that a request shall be made to the Shire in writing, prior to planning approval expiring.
8. Temporary candidate signage associated with a local, state or federal election is exempt from this policy and the provisions of the Shire of Brookton Local Planning Scheme No. 4.

Location	Sign Purpose	Maximum Allowable Signage
All Locations	All Advertising	• Signage must be complementary to its surroundings. • Any signage which in the opinion of Council is distractive to motorists will not be approved.
Within Main Roads Road Reserve	Local Government or Community Organisation	• Maximum surface of 4.5m². • Additional approval is required from MRWA. • Should the organisation cease to operate, all relevant signage must be removed.
	Commercial Advertising	• Not supported
Adjacent to Main Roads Road Reserve	All Advertising	• Maximum surface of 4.5m². • All signage must comply with the setback requirements contained in Table 2 of LPS 4. • Consideration must be given to the grouping of signage. • Should the business cease to operate, all relevant signage must be removed by the applicant or landowner.
Road Reserve (Non Main Road)	Private and commercial advertising.	• Signage must be specific to an event and time period. Ongoing approval shall not be granted.
	Local Government or Community Organisation	• Signage must be specific to an event and/or time period.

Location	Sign Purpose	Maximum Allowable Signage
Residential Zone	Home Business – Signage does not require approval if compliant with policy	• Flashing or illuminated signs shall not be approved. • Maximum surface of 1m². • Signage must relate to the business being conducted from the same property. • Should the business cease to operate, all relevant signage must be removed by the applicant or landowner.
	Domestic Advertising (Garage Sale Etc.) –	• Maximum surface of 1m². • Advertising must relate to the property upon which the signage is placed. • All signage approval shall be limited to a maximum of two months after which a new approval must be sought and granted.
Rural Residential Zone	All Advertising	1) Flashing or illuminated signs shall not be approved. 2) Maximum surface of 4.5m². 3) Advertising must relate to the property upon which the signage is placed.
Rural Enterprise Zone	All Advertising	• Flashing or illuminated signs shall not be approved. • Maximum surface of 1m². • Advertising must relate to the property upon which the signage is placed. • Should the business cease to operate, all relevant signage must be removed by the applicant or landowner.
Rural Zone	All Advertising	1) Maximum surface of 4.5m². 2) Consideration must be given to the grouping of signage.
Commercial Zone	All Advertising	• Maximum surface of free-standing signs to be 5m². • Advertising must relate to the property upon which the signage is placed. • Consideration must be given to the grouping of signage. • All signage approval shall be limited to the business for which approval has been granted. For any change of business, a new approval must be sought and granted.
Industrial Zone	All Advertising	• Maximum individual surface of 6m². • Maximum total area of signage 15m². • Advertising must relate to the property upon which the signage is placed. • Consideration must be given to the grouping of signage. • All signage approval shall be limited to the business for which approval has been granted. For any change of business, a new approval must be sought and granted.

Resolution No:
Resolution Date:

3.9 DEVELOPER CONTRIBUTIONS FOR ROAD AND FOOTPATH UPGRADING RELATING TO SUBDIVISION OF LAND

Objective

- To provide a basis for seeking financial contributions to the upgrading of the road and footpath network as a result of the subdivision process.
- To ensure consistency in the recommendations made to the Western Australian Planning Commission on subdivision applications.
- To provide clear and consistent advice to the community on the Shire's expectations for road and footpath upgrading.

Purpose

This policy sets the basis for seeking contributions for the upgrading of the Shire road and footpath network as a result of the subdivision. The policy will allow a consistent approach to be applied to all subdivisions and associated land development

Definitions

'Road' shall have the definition applied to it under the *Road Traffic Act 1974*, which includes any highway, road or street open to, or used by, the public and includes every carriageway, footpath, reservation, median strip and traffic island thereon.

"Footpath" shall mean any land or thoroughfare used by pedestrians and/or cyclists and shall include pathways, dual use paths and any other walkway designed for this use.

Statutory powers

This Policy relates to determinations made by the Western Australian Planning Commission under the *Planning and Development Act 2005*. This Act gives the Commission the power to require developer contributions as part of the subdivision of land.

The objectives of the policy are:

- To promote the efficient and effective provision of public infrastructure and facilities to meet the demands arising from new growth and development.
- To ensure that development contributions are necessary and relevant to the development to be permitted and are charged equitably among those benefiting from the infrastructure and facilities to be provided through the subdivision of land.
- To ensure consistency and transparency in the system for apportioning, collecting, and spending development contributions in line with conditions of subdivision approval.
- To ensure standard of social infrastructure and well-being of communities arising from or affected by new sub divisional development.

This Policy adopts and implements these principles for seeking developer contributions as part of the subdivision process.

Policy

- All applications for subdivision made within the Shire of Brookton, where there is an identified nexus between the requirements for a road and/or footpath upgrade, will be subject to the provisions of this policy. This policy does not supersede or influence any other requirement for developer contributions as part of the subdivision approval process toward other facilities or infrastructure, such as public open space, community facilities, etc.

- In making recommendations to the Western Australian Planning Commission on applications for residential, commercial or industrial subdivision where at least two additional lots will be created from the parent lot/s, the Council will consider seeking a financial contribution to be made towards the upgrading of the footpath network.

- In making recommendations to the Western Australian Planning Commission on applications for residential, commercial or industrial subdivision where there is more than five additional lots to be created from the parent lot/s, the Council will consider seeking a financial contribution to be made towards the upgrading of the road and footpath network.

- Contributions towards the upgrading of the road and footpath network will be based on the standards contained in Table No 1 of this policy. The standards will be reviewed as part of Council's periodic review of the Shire of Brookton's Policy Manual. Thereby allowances can be made for changing community expectations.

- The road and footpath upgrading contribution will be a pro-rata calculation of 50% of the road/footpath as contained in Table No 1, based on the per kilometre / per metre frontage of the parent lot/s to the road. Where a secondary street exists, the Council reserves the right to seek a contribution for the secondary street in addition to the primary street frontage, however the Council will take into account traffic movements and existing rights of entry.

- If a subdivision required that the created lots be provided with constructed road access that does not currently exist, this policy shall not supersede any requirements for the developer to pay the full construction costs to provide this road access.

- Nothing in this policy shall prohibit Council from seeking the construction of a footpath network within a subdivision at the developer's expense.

- In terms of the expenditure of the financial contributions made as part of the subdivision of land, the following principles shall apply:
  - The upgrading of the road network shall comply with the Shire's Works Program; and
  - The upgrading of any footpath network shall occur within three (3) years following the completion of all subdivisions affecting a particular area, or prior to this date as determined by Council.

- The Council may vary the requirements of this policy, where it is considered that full compliance with the policy is not practical, or such variation is warranted in the circumstances of the subdivision.

- This Policy does not apply to roads under the care and control of Main Roads WA.

Table no. 1	Standard			
Zone	**Minimum Road Width Pavement (metres)**	**Road Surface**	**Kerbing/ Drainage**	**Comment**
Residential R5 and above	6	Prime and seal	Yes	The sealing coat will be laid one year after the laying of the prime coat
Residential R2.5 and below	6	Prime and seal	No kerbing – open spoon drains	The sealing coat will be laid one year after the laying of the prime coat
Rural Enterprise	6	Prime and seal	No kerbing – open spoon drains	The sealing coat will be laid one year after the laying of the prime coat
Commercial	As appropriate	Asphalt	Yes	
Industrial	7	Asphalt	Yes	Kerbing to be provided if appropriate
Rural Residential	7	Prime and seal	Yes	Kerbing to be provided if appropriate
Rural	9.6	Gravel – Standard Roads 150mm thick Heavy Routes 300mm thick	No kerbing – open spoon drains	A sealed road standard may be required in specific circumstances.
Footpaths where identified in strategy or structure plan	1.6	Concrete – 75mm Road Base Hot Mix – 100mm Road Base		

All construction shall be to Austroads standards or in compliance with drawings submitted by an appropriately qualified engineer and approved by the Shire.

Resolution No:
Resolution Date:

3.10 STOCKING RATES – RURAL ENTERPRISE, RURAL RESIDENTIAL AND RURAL SMALLHOLDING ZONE LAND

Purpose
The purpose of this policy is to provide a guide for the assessment and determination of applications for Planning Approval involving the keeping of livestock on properties zoned *Rural Enterprise*, *Rural Residential* and *Rural Smallholding*, within the Shire of Brookton.

It is not intended that this policy be applied rigidly, but that each application be examined on its merits, with the objectives and intent of the policy the key for assessment.

Objectives
The objectives of the policy are to ensure that the keeping of livestock:

- is undertaken in a sustainable manner.
- does not have a significant negative impact on the natural environment.
- does not impact detrimentally on the health and/or amenity of adjoining landowners.

Background
As a result of their size, certain types of properties necessarily invite rural lifestyle and associated land uses inclusive of low-key stabling and training of horses, rearing and agistment of animals, etc. An assessment of these types of land uses in the subject area meet the definition of a *'rural pursuit/hobby farm'* as per the Shire of Brookton Local Planning Scheme No. 4.

The Shire recognises that the majority of landowners manage their properties in a sustainable manner, however, the keeping of livestock on smaller properties requires a higher level of management than broad acre farming due to the higher density of animals and closer proximity of neighbouring landowners which results in a higher potential for both environmental and amenity impacts. The Shire recognises that unsustainable land management practices often lead to land degradation problems such as soil erosion, dust nuisance, odour, water pollution and damage to vegetation.

This *Stocking Rates Policy* endeavours to guide Council when considering applications for planning approval when livestock is going to be kept, as part of a *rural pursuit/hobby farm* land use on properties in the specific zones. It also enables Council to appropriately condition planning approvals for *'rural pursuit/hobby farm'* land uses so as to protect the amenity of the locality.

Application of Policy
The policy is only applicable to land zoned *Rural Enterprise*, *Rural Residential* and *Rural Smallholding* within the Shire of Brookton.

In terms of the Shire of Brookton Local Planning Scheme No 4, a *'rural pursuit/hobby farm'* land use is not permitted on any *Residential zoned* property.

Basis for Policy
The Stocking Rates Guidelines of the Department of Agriculture and Food of Western Australia (*Stocking Rate Guidelines for Rural Small Holdings, 2000*), has been used as the basis for this policy. These guidelines provide a scientifically sound and practical means by which the appropriate stocking rate for land within the subject area can be determined and provide guidelines for the assessment of applications for the stocking of land.

Stocking Rates

Definition of Stocking Rate:

For the purposes of this Policy, stocking rates are defined and shown as Dry Sheep Equivalents (DSE) which is the number of adult sheep (wether) that can be sustained on each hectare all year round.

Stocking rates are the number of stock, e.g. sheep, cattle, horses, emus or other type of animal that can consistently be kept on a piece of pastured land all year round with minor additional feed and without causing environmental degradation. Environmental degradation can include wind and water erosion, tree decline, increasing levels of nutrients in groundwater and waterways, the spread of weeds into adjoining bushland and soil structure decline.

Stocking rates are largely based on the amount of pasture that each particular type of animal will consume, but are also influenced by feeding patterns, animal weight, foot structure and activity.

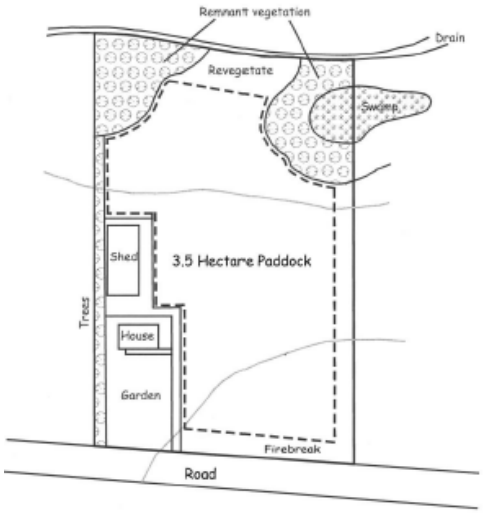
Base stocking rate & Animal Equivalents

The base stocking rate is the number of DSE that would apply to a property with the lowest level of pasture management in an average year. The recommended base stocking rate should:

1. Provide enough feed to maintain animals in good condition.
2. Avoid soil erosion by providing enough pasture cover to protect the soil throughout the year (at least 30% ground cover – hay, sawdust, etc.).
3. Be sustainable through average years.

In consultation with the *Department of Agriculture and Food of Western Australia*, a Base Stocking Rate for the Shire of Beverley (and by extension the Shire of Brookton), has been determined to be **5 DSE per hectare**. This Base Stocking Rate has been determined taking due cognisance of amongst others the annual average rainfall and length of the growing season.

Figure 1. Example Site Plan *(not to scale)*



Key Elements of example site plan – calculating the DSE for the above property:

- Parent Lot = 4.5 ha;
- Fencing the remnant vegetation, including a small swamp;
- Revegetating a 30 metre buffer to a seasonally flowing stream;
- Exclusion of house, shed, tracks and garden area (inclusive of fire break for shed and house);
- Leaves 3.5 ha of useable paddocks.

Calculated DSE:

5 DSE (Base Stocking Rate) x 3.5 ha (available paddock area) = **17.5 DSE**

Fencing

Appropriate fencing shall be made a Condition of Planning Approval for the keeping of livestock, with the following standards given as a guideline:

1.	SHEEP AND SMALL STOCK:	5 - 7 strand/line ring-lock, or similar
2.	CATTLE:	7 strand/line with electric fence*
3.	HORSE:	7 strand/line ring-lock or similar with "sighter" strands or electric*

** Non-lethal electric fencing systems shall be installed and operated as per the relevant Australian Standard (ASNZ 3014) and shall be installed so as to be on the inside of the subject property, and offset from the fence, with appropriately spaced warning signs, as shown in the samples in Figure 2.*

Figure 2
SAMPLE OFFSET ELECTRIC FENCE CONFIGURATION & WARNING SIGN

OFFSET EXAMPLE 1	OFFSET EXAMPLE 2	WARNING SIGN

Managing Wind Erosion Risk

Responsible grazing management is required, especially over summer, to maintain sufficient ground cover to reduce the risk of wind erosion. The ideal level of ground cover to minimize wind erosion is for about 50% of the soil surface to be covered by grass and pasture plant residues. At least 30% of the ground cover needs to be anchored to prevent soil being moved downwind during strong wind events. Grazing has to be managed so that it does not detach all of the pasture residues and the critical level of ground cover percentage is 30%. Once the amount of ground cover falls below 30% then wind erosion is likely to occur. Livestock should be removed from all paddocks once ground cover falls to 30%. In the case of horses, they should then be kept in a stable or small yard and hand fed to substitute for paddock feed. These paddocks should not be grazed again until new green pasture starts growing and ground cover is more than 30%.

Requirement for a Property Management Plan

Council will only consider applications for Planning Approval for a *rural pursuit/hobby farm* land use in excess of the Base Stocking Rate, where applicants submit a Property Management Plan which demonstrates that pasture improvement, nutrient and waste management methods are addressed.

Where it is proposed to keep livestock in excess of the base stocking rate, the following measures should be incorporated into the property management plan (where applicable):

- Drainage management practices that prevent direct runoff to watercourses or dams;

- Yards or pens should be sheeted with compacted soil, sand or sawdust if located on clay soils and should be regularly cleaned;
- Adequately fenced vegetation belts capable of effectively separating environmental features such as watercourses, from areas of intensive stocking; - Manure should be regularly collected;
- Supplementary feeding as a means of reducing grazing pressure;
- Areas of remnant vegetation, wetlands and watercourses should be fenced to exclude livestock;
- Where stables or other structures are proposed to be constructed for the housing of livestock, they must be located and managed so as not to detrimentally impact on the amenity of neighbouring residences;

Further to the above, the following information is required in the Property Management Plan:
Site plan of the property drawn to scale, indicating:

- Location of pasture areas, stables and yard areas/arenas;
- Fencing (including fencing of environmentally sensitive areas);
- Watercourses, wetlands, dams and areas prone to waterlogging;
- Existing vegetation;
- Manure Storage/composting area.

A written statement shall be provided that addresses the following (where applicable):

- The number and type of stock;
- Stabling practices;
- Collection, storage and disposal of manure, including fly management and odour control;
- Nutrient management plan;
- Pasture management techniques, including type and condition of pasture, rotation of pasture;
- Fertiliser application rates;
- Irrigation;
- Dust control;
- Weed control;
- Water availability and use;
- Soil type.

Conclusion

Where the keeping of animals results in challenges due to land degradation, nutrient enrichment/leaching, animal welfare or public nuisance, Council may require further reduction in the number of stock kept on a particular property. When Planning Approval is granted, the period of planning approval might be limited, at the Shire's discretion.

ANIMAL EQUIVALENTS FOR THE CALCULATION OF STOCKING RATES

Type of livestock	Weight (kg) and animal type	Dry Sheep Equivalent (DSE)
Sheep	50 kg Wether, ewe	1.0
	40-45 kg Lambing ewe (ewe and lamb)	1.5
	75 kg Rams	1.5
Cattle	425 kg Milking cow	10.0
	425 kg Dry cows, yearling, steer or heifer	8.0
	300 kg Yearling, heifer	6.0
	200 kg Smaller cattle (Dexter, Lowline)	4.0
	750 kg Bull, cow with calf	15.0
	Cow with young calf	10.0
Horses	450 kg Light	10.0
	1000 kg Draught	20.0
	250 kg Pony	5.0
Goats	30-35 kg Dry Angora	0.7
	35-40 kg Cashmere goat	1.0
	50-60 kg Dry milk goat	1.5
	Milking goat	2.0
Deer	120 kg Red deer	2.2
	50 kg Fallow deer	1.0
Other	55-120 kg Ostrich average (assumes half introduced feed)	1.4
	55 kg Emu average (assumes half introduced feed)	0.7
	150-210 kg Llama	3.0
	60-70 kg Alpaca	0.8

Note: Where a particular livestock is not mentioned in the table Council will determine the DSE.

CALCULATION OF DSE FOR A PROPERTY

The following section describes how the DSE for a specific property can be calculated for the purposes of applying for Planning Approval for a 'Rural Pursuit' land use.

Resolution No:
Resolution Date:

4.0 INFRASTRUCTURE POLICIES

4.1 DRUMMUSTER PROCESS

Objective
To ensure equity and consistency for community groups involved in fundraising through the DrumMuster.

Procedure
In recognition of their past efforts to revitalise the DrumMuster program in the Shire of Brookton, Council nominates Kweda Golf Club and Brookton Tennis Club as its DrumMuster inspectors by default and for every second collection.

Therefore, every alternate collection shall be advertised by the Shire Administration calling for other Community groups to provide inspectors for these collections, with all nominated inspectors having to attend an accredited Agsafe training course.

Resolution No:
Resolution Date:

4.2 PRIVATE PROPERTY ACCESS AND CROSSOVERS

Objective
To provide direction to staff when receiving requests for access to private property.

Policy

A. Access to property on land outside a townsite boundary:

Council will standard crossover access to property within the Shire outside of a town site boundary, where it is considered necessary, appropriate or practicable.

- one crossover per lot or location adjoining a public road.
- from the trafficable surface of the road to the property boundary;
- compacted gravel, minimum 7.32 metres wide;
- appropriate longitudinal drainage if required;
- Any additional access required shall be at the owner's expense.

B. Access to property on land within a town boundary:

Council will meet 50% of the cost of construction of a standard crossover giving access from a public thoroughfare to the land, or a private thoroughfare serving the land, subject to:

a. prior approval of proposal and estimated cost of construction of a crossover;
b. written agreement of the landowner/occupier prior to commencement of works;
c. payment of the actual contribution cost to the landowner / occupier on completion, or cost recovery by the local government from the landowner / occupier; and
d. any variation to a standard crossover is to be at full cost to the land owner.

A standard townsite crossover specification is –
a. one crossover per property,

b. where adjoining road is bitumised, from the bitumen edge of the road to the property boundary, with the following materials
   - reinforced concrete – up to 2.5 metres wide, 125 mm thick;
   - bitumen seal – up to 2.5 metres wide, 2 coat seal on 150mm compacted gravel base course;
   - asphalt – up to 2.5 metres wide, minimum 60mm thick on 150mm compacted gravel base course; and
   - gravel / natural surface – to 4.8 metres wide, 150mm compacted gravel;

c. standard length of a crossover is 6 metres from the bitumised edge of the road, but may be varied where circumstance are deemed appropriate,

d. where the adjoining road is not bitumised, as per standard rural crossover specifications except to a width of 4.8m wide,

e. drainage under the crossover at Shire cost if required.

4.3 USE OF COUNCIL EQUIPMENT AND MACHINERY FOR BUSHFIRE CONTROL

Objective
To guide the use of Council equipment when fighting bushfires.

Policy
All Council equipment and machinery is available for usage in controlling bushfires within or bordering the district conditional on equipment and machinery may only be utilised by regular Shire operators.

Resolution No:
Resolution Date:

4.4 UNDEVELOPED ROAD RESERVES

Objective
This policy is designed to clarify the Shire's position in relation to the provision of road access.

Policy

1. The Shire of Brookton will not construct a road in an undeveloped road reserve where all adjoining land is owned or controlled by the one entity or farming enterprise.

2. Where a property is owned as a single entity that requires a road to be constructed in an undeveloped road reserve then the property owner shall:
   - Make a request in writing to Council.
   - Engage an approved contractor to undertake the endorsed road works.
   - Construct, at the property owner's expense, the road to a minimum 2wd access (driveway) standard to the Shire's satisfaction, subject to regulatory approvals (such as vegetation clearing permit) being granted.

Resolution No:
Resolution Date:

4.5 TEMPORARY ROAD CLOSURES

Objective
To restrict the winter use of unsealed roads by certain vehicles to avoid unnecessary damage and preserve the Shire's asset.

Policy
1. The Shire of Brookton may close unsealed roads to all vehicles greater than 3 tonne gross weight when conditions arise and damage to the structure and or surface of the road is likely to occur. This would usually occur in winter after grading and when 10mm or more of rain is forecast.

2. Notifications of weather-related road closures must be made to adjoining Shires, broadcast via SMS to registered residents and businesses, and posted on the Shire/s website and social media.

Resolution No:
Resolution Date:

4.6 RESTRICTED ACCESS VEHICLES

Objective
To seek to control the use of local roads by Restricted Access Vehicles so as to limit damage to roads and to ensure the safety of road users where possible.

Policy
Council supports access to local government roads in the Shire of Brookton by Restricted Access Vehicles, including road trains and B Doubles, to service local industry provided the roads to be used are deemed suitable.

Conditions of Use on Local Roads

The conditions that Council will seek to impose on use of local roads will be:

1. Unconditional access. Roads with these conditions would be of the higher standard and good condition. These routes would be made available to all vehicles and should be expected to be used as through routes for vehicles from outside the shire;

2. Low Volume Conditional Access (LVCA) Type 1. These roads would be of a decent standards and relatively good condition. It is Council's desire to have these roads made available for local traffic to allow economic freight use by local residents and ratepayers. The conditions for use of these roads include:
   - Not to be used as a through route. For local delivery and pickup only;
   - Current written approval from the Shire of Cuballing, endorsing use of the road, must be obtained, carried in the vehicle and produced upon request;
   - Operation is not permitted while the school bus is operating on the particular road. Operators must contact the relevant schools directly for school bus timetables; or where direct contact can be made with the school bus driver, operation is permitted once the school bus driver confirms all school drop-offs / pick-ups have been completed on the particular road;

- Headlights must be switched on at all times; When travelling at night, the RAV must travel at a maximum speed of 40km/h and display an amber flashing warning light on the prime mover;
- No operation on unsealed road segment when visibly wet, without road owner's approval; and
- Direct radio contact must be maintained with other RAV's to establish their position on or near the road (suggested UHF channel 40).

3. Low Volume Condition Access (LVCA) Type 2. These roads can be of a low standard. It is Council's desire to have these roads made available for local traffic to allow economic freight use by local residents and ratepayers. The conditions for use of these roads include:
   - All conditions stipulated for Low Volume Conditional Access Type 1 roads; and
   - Road not to be entered until driver has established by radio contact that there is no other RAV on the road travelling in the oncoming direction; and
   - The RAV must not exceed a speed of 40 km/h.

Resolution No:
Resolution Date:

4.7 WASTE MANAGEMENT - BULK RUBBISH COLLECTION

Objective

- To provide a bulk waste management service for public and private property.

Policy Statement

1. Council will provide a Brookton Townsite Residential Bulk Rubbish Pickup Service free of charge to residents and delivered to their residence upon request for a week and then removed. Staff are required to maintain a register of which residents utilise the service.

2. The bulk waste bins are:
   a) only available to properties within the Brookton Townsite and to properties zoned Residential, or Rural Residential and / or utilised for Residential purposes or Community Groups.
   b) not to be used for general household (putrescible) waste.
   c) ~~generally~~ to be placed at the relevant house for a week at a time however for operational reasons it may need to be left for a longer period of time.
   d) allocated on a first come, first serve basis for the relevant bin type.

3. Residents are only permitted to utilise the free service once per financial year per type of bin. Any additional request in each financial year are only permitted if the relevant charge is made in advance.

4. The Council adopted fee and charge for the service is $Nil for the first service in any financial year and at the relevant charge for any subsequent request in that year.

Resolution No:
Resolution Date:

4.8 ASSET MANAGEMENT POLICY

Background
The community relies on the Shire of Brookton to deliver services. The Shire has finite resources and limited income streams to fund the delivery of these services which need to be aligned with the Community's aspirations identified via the Strategic Community Plan.

To ensure that resources are optimally allocated, decisions need to be made in an informed manner considering the acquisition, ongoing ownership, management and disposal of assets. The Shire also needs to continuously consider whether it needs to provide and/or own assets in order to deliver services or whether it can simply facilitate the provision of the service by a third party.

Scope
This policy covers all service delivery of the Shire of Brookton and relates to the management of assets under the care, control and responsibility of the Shire. The Policy applies to all physical assets and their components with a useful life of more than one year, and a replacement value of greater than $5,000 which require management by the Shire.

Physical assets include:
- Land
- Buildings
- Infrastructure
- Furniture and equipment
- Plant and equipment
- Cultural collections

Objective
The key objective of this policy is to ensure that there is an organisation-wide commitment to Asset Management which enables the Shire to meet its service delivery objectives efficiently and effectively, in a way that ensures:
- Assets are managed in accordance with relevant legislation;
- Assets are managed in accordance with recognised best practice;
- An asset "whole-of-life" or life cycle costing approach is taken in the management of the Shire's assets;
- Risk is considered in the development of asset strategies;
- Asset performance is measured against defined levels of service outlined in the Asset Management Plan;
- Assets are brought to account in accordance with the requirements of the appropriate accounting standards and reporting requirements;
- Informed decision-making is based on reliable data; and
- Asset management is sustainable.

The policy also assists the Shire in compliance with the provisions of the State Government's Integrated Planning and Reporting Framework by having an integrated approach to planning for the future.

Procedure
The Shire is committed to the following principles and actions to achieve the objectives of this policy:
- Develop and review annually the Shire's Asset Management Strategy and Plans;

- Ensure the integration of the Asset Management Strategies and Plans with the Shire's Strategic Community Plan and informing strategies, particularly the Long-Term Financial Plan;
- Allow the Strategic Community Plan to inform asset requirements to reflect community priorities;
- Ensure that the asset management system complies with relevant Australian Accounting Standards, relevant Legislation and Regulations, Australian Standards, recognised best practice principles and other Shire of Brookton policies;
- Consider options for the Shire to facilitate delivery of services by a third party;
- Develop documented service level agreements with key stakeholders to ensure the sustainability of assets and the Shire's services;
- Use life cycle costs as the basis for decision-making regarding asset acquisition, replacement, maintenance and disposal;
- Monitor asset utilisation and predict future demand changes;
- Identify, through risk management and condition assessments, initiatives to reduce exposure to injury, liability and asset and service failure;
- Develop and maintain operational plans for each asset class, identifying full life cycle costs, service level requirements, maintenance requirements, risks, refurbishment, replacement and disposal requirements;
- Provide relevant information to support asset management, including the effective collection, collation and analysis of asset data;
- Keep informed on issues relating to asset management best practice;
- The optimisation and rationalisation of assets in order to provide community services at the best possible value-for-money; and
- Measure and report on the efficiency and effectiveness of asset performance, including functionality, suitability, location, accessibility, utilisation and cost.

Asset Management Responsibility and Accountability

Responsibility for asset service delivery and asset management, including accountability and reporting requirements of day-to-day operations, will be clearly established and clearly communicated through the Asset Management Strategy and Asset Management Plans. This will ensure that both Elected Members and Shire staff are acutely aware of their roles and responsibilities in relation to asset management.

To manage assets effectively, responsibility for their control must be defined and assigned. Asset registers are to be kept up-to-date and provide timely and meaningful information that meets the decision-making requirements of the Shire's management.
At a minimum, the following broad roles and responsibilities are assigned through this policy:

Elected Members

1. Responsible and accountable for the stewardship of the Shire's assets;
2. Approve the Asset Management Policy;
3. Endorse Asset Management Strategies and Plans; and
4. Ensure that appropriate resources are allocated and funded in the Shire's financial planning process in order to achieve the strategic asset management objectives and implementation of asset plans.

Chief Executive Officer (CEO)

1. Ensure that systems are in place to develop, maintain and regularly review Council's Asset Management Policy, Asset Management Strategy and Asset Management Plans.

Management Group (CEO, Manager Infrastructure and Works, Manager Corporate and Community)

1. Maintain and review the Asset Management Policy in accordance with the Strategic Community Plan and the Corporate Business Plan;
2. Ensure that sound business principles are adopted in the preparation of Asset Management Plans in accordance with Asset Management Strategy;
3. Ensure the integration and compliance with the Asset Management Policy, Strategies and Plans with other policies and business processes of the Shire;
4. Ensure relevant Asset Management Plans are developed;
5. Ensure Asset Management Strategy and Asset Management Plans are maintained and reviewed every year; and
6. Ensure that strategies and resources are in place to train Councillors and Officers in key aspects of asset management and long-term financial planning.

Manager Infrastructure and Works (MIW)

1. Responsible for resource allocation from Council approved resources associated with achieving Council's Asset Management Strategy;
2. Responsible for the monitoring of the implementation of asset management across the organisation; and
3. Maintain and review the Asset Management Strategy every year in accordance with the Asset Management Policy.

Responsible Officers (applicable to each asset class)

1. Implement the Asset Management Policy, Strategies and Plans in accordance with this policy's objectives and commitments;
2. Ensure that resources under their control are appropriately allocated to the management of their asset class responsibilities;
3. Maintain and review every year Asset Management Plans relevant to their asset class in line with the Management Strategy;
4. Engage current and up-to-date technologies, methodologies and continuous improvement processes;
5. Facilitate acknowledged best practice in asset management.

Outcomes

Adherence to this policy will ensure that the Shire will continue to deliver or facilitate the delivery of financially sustainable services aligned with the aspiration s of the community.

Resolution No:
Resolution Date:

4.9 GRAVEL, SAND AND CLAY SUPPLIES AND PIT REHABILITATION POLICY

Objective

To ensure that at all times, the Shire has sufficient materials and arrangements in place to meet the needs of road maintenance and construction programs. This will be achieved by:

1. Ensuring access to an adequate supply of high-quality road building materials.
2. Ensuring that an effective rehabilitation program is in place; and
3. Ensuring that all facets of these transactions are transparent and compliant with relevant legislation.

Policy

Access to Material

Council recognises that in order to access gravel, sand or clay it needs to pay a fair price and abide by its own policies and local laws. To this end, Council will undertake the following:

1. Approach the landowner at least four weeks prior to the time that the works are due to commence, to advise the landowner of the Shire's intention, advise of compensation and to enable the landowner to make any domestic arrangements in relation to stock, etc.

2. All pits opened on private property will be reclaimed before the plant shifts to the next programmed job, unless firm arrangements are made with the landowner for not reclaiming.

3. If the area is required for dam catchments, all topsoil shall be stock piled, or removed if suitable for road building.

4. If required by the land holder, the area shall be fenced, and suitable gates fitted to the fenced area, at the Shires expense.

5. Construction shall occur when necessary to create or repair affected haul roads.

6. All care will be taken to reduce, as much as possible, the impact or inconvenience to the landowner.

7. All Pits will be rehabilitated in accordance with this Policy.

8. The set a preferred rate of payment for materials of:
   a) $2.50 per m^3 (GST Inclusive) for gravel;
   b) $1.90 per m^3 (GST Inclusive) for sand;
   c) $1.50 per m^3 (GST Inclusive) for clay; and
   d) authorise the CEO, to negotiate with landowners to purchase gravel, sand or clay at a different rate where there is identified benefit to Council.

Council will review this rate of payment annually and publish this in Councils Fees and Charges.

Staff will report to Council on the purchase of gravel, sand and clay.

9. All transactions are to be in accordance with relevant legislation and include a written agreement, detailing all aspects of the proposed transaction, including rehabilitation of the quarry/pit. No works are to occur prior to the signing of the agreement by both parties.

10. The private works in Part 10 above may only be carried out on the property from which material has been extracted and is subject to plant availability. Any works scheduled are to be performed during the budgeted financial year and are not to be carried over.

11. When landowner consent from the extraction of road building or other materials required for public works is not granted and the Chief Executive Officer and Manager Infrastructure and Works considers the acquisition of these materials is in the best interest of the public, the Chief Executive Officer will provide such notices and takes such actions as prescribed by the *Local Government Act 1995*, Section 3.27 (1) to secure the materials.

12. If materials are extracted without the landowner's consent, then the rates of royalty that would have been applicable and remedial actions to the land that would have been taken, will apply as if the landowner had given their permission.

13. Upon meeting all requirements of the Agreement in Part 7 (Access to Material) the Manager Infrastructure and Works shall ensure the landowner is adequately satisfied by way of a signed acceptance letter.

Pit Rehabilitation

The Shire recognises and accepts that pit rehabilitation is necessary to avoid soil compaction, decrease surface drainage, avoid erosion and minimise visual pollution.

1. In general, prior to opening a pit, a management plan of the site will be prepared which will include rehabilitation and monitoring.
2. Private operators are also required to submit for approval and abide to a pit management plan, which includes rehabilitation and monitoring, before establishing a pit.

3. Wherever possible, new pits will be established on cleared land, not existing bushland and not be located on a road verge.

4. Where necessary, the visual impacts of an operating pit will be minimised through the establishment of buffers between the pit and visual vantage points.

5. Where necessary, the dust and noise impacts of an operating pit will be minimised through the establishment of buffers between the pit and neighbours.

6. Throughout the life of the pit, topsoil, overburden and vegetation will be stockpiled separately ready for respreading in the rehabilitation process.

7. If weeds have developed on the topsoil mounds these will be removed prior to respreading the topsoil.

8. If necessary, drainage structures will be established within the pit, to reduce any ponding and/or surface erosion.

9. Rehabilitation will be done progressively throughout the life of the pit; and

10. The site will be monitored every year for three years after closure of the pit. If after three years, rehabilitation is considered inadequate, appropriate measures will be undertaken to bring the pit up to the appropriate rehabilitated standard.

Bush Sites

Where a proposed pit is located within bushland, the following will apply:

1. Reference to the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* and obtain the necessary clearing permits.

2. Prior to opening a gravel pit, seed from local endemic species will be collected from the site and stored for use in the revegetation phase of rehabilitation.

3. The general process of rehabilitation will be:
   a. Rip the floor of the pit at 1 one metre intervals across the contour.
   b. Shape the ripped pit so that the surfaces are as smooth as possible.
   c. Batter the edges down to blend in with the landscape with the batter slopes no steeper than 4H:1V.
   d. Return the overburden, and the topsoil to the pit.
   e. Then cross-rip the site at one metre intervals on the contour to encourage plant growth and
   f. Return all vegetation and debris to the pit.

4. Seeds collected prior to pit establishment should be scattered on the site at the time of year suited for germination (varies with location) if establishment from respreading vegetation has been inadequate. If a store of seeds is not available, seed from local endemic species should be collected from surrounding areas; and

5. If required by the landowner and the pit is located on farmland, it will be fenced to exclude stock to help ensure adequate regeneration at the Shire's expense.

Pastured Sites

1. Prior to establishment of the site, the landowner will be asked how they want the site rehabilitated.

2. For sites to be rehabilitated back to pasture the general process of rehabilitation will be:
   a. Rip the floor of the pit to a depth of at least 50cm along the contour.
   b. Shape the pit so that the surfaces are as smooth as possible, and edges are battered down to blend in with the landscape.
   c. Return the overburden and then topsoil to the pit and
   d. Pasture seed will be spread.

Abandoned Pits

1. As part of its annual budget deliberations, Council will determine an amount specifically for the rehabilitation of abandoned pits. This will take into account, a works program to ensure that over time, all abandoned pits are rehabilitated to a satisfactory level.

2. The method for rehabilitation will not change from that mentioned in the section on current pits.

3. If fill is no longer available, spoil from roadworks etc. will be used. Topsoil, if no longer on site, will be carted to the area to ensure regeneration will be satisfactory; and

4. The site will be monitored every year for three years after rehabilitation works. If rehabilitation is inadequate, appropriate measures will be taken to ensure success.

Resolution No: **03.25-11**
Resolution Date: **20 March 2025 – updated.**

4.10 MONTHLY FUEL MEASUREMENTS AND VARIANCE

Objective
To establish guidelines for measuring fuel usage and defining acceptable variances, along with procedures for investigating discrepancies exceeding the allowable tolerance.

Scope
This policy applies to all company vehicles and equipment using fuel provided by The Shire of Brookton.

Policy
Accurate fuel measurement and monitoring are critical to ensure operational efficiency, cost management, and environmental responsibility. A variance tolerance of 100 litres per month is permitted. Variances exceeding this threshold will trigger an investigation to determine the cause.

Responsibilities:
- **MIW:** Responsible for overseeing fuel measurement processes, maintaining accurate records, and initiating investigations when variances exceed the tolerance limit.
- **Drivers/Operators:** Required to accurately log fuel usage and report any discrepancies or issues immediately.
- **Works Co-Ordinator:** Responsible for ensuring all vehicles and equipment are in proper working order to prevent fuel wastage or leaks.

Procedures:
1. **Fuel Measurement:**
    - Fuel usage will be measured and recorded at each refuelling.
    - All fuel transactions must be logged with the date, time, vehicle/equipment identification, and the amount of fuel dispensed.
    - Monthly summaries of fuel usage will be compiled for review.

2. **Variance Tolerance:**
    - A monthly variance of up to 100 litres is acceptable.
    - Variances above 100 litres will be flagged for investigation.

3. **Investigative Procedure for Variances:**
    - **Initial Review:**
        - Verify the accuracy of the fuel records for the month in question.
        - Check for any clerical errors in the logs.
    - **Vehicle/Equipment Inspection:**
        - Conduct a thorough inspection of the vehicle or equipment to identify any leaks or mechanical issues that could cause excessive fuel consumption.
    - **Operational Review:**
        - Review the routes and usage patterns for inefficiencies or unauthorized usage.

- **Driver/Operator Interview:**
  - Interview the driver/operator to identify any unusual activities or issues during the period in question.
- **Fuel Supplier Verification:**
  - Confirm the accuracy of fuel deliveries from suppliers.

4. **Reporting and Documentation:**
   - Document all findings of the investigation in a detailed report.
   - Include recommendations for corrective actions if necessary.
   - Submit the report to management for review and further action.

5. **Corrective Actions:**
   - Implement necessary repairs or adjustments to vehicles/equipment.
   - Provide additional training to drivers/operators if misuse or improper logging is identified.
   - Adjust fuel management practices based on investigation outcomes to prevent future variances.

Compliance and Monitoring:

- Regular audits will be conducted to ensure compliance with this policy.
- Management will review variance reports and investigation outcomes quarterly to assess the effectiveness of the policy and make necessary adjustments.

Review and Revision:

- This policy will be reviewed annually and revised as needed to ensure its continued relevance and effectiveness.

Resolution No: **OCM 12.24-16**
Resolution Date: **19 December 2024**

Attachment 15.06.25.04B

Shire of Brookton

POLICY MANUAL

Adopted:
Amended:

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INTRODUCTION

The Council's *Policy Manual* is a set of Policies adopted of the Council, pursuant to Section 2.7 of the Local Government Act 1995 and includes those adopted pursuant to the Planning and Development Act 2005 and the Shire's Local (Town) Planning Scheme.

The Council's aim, although not statutorily required, is to formally review the Policies contained within this document at least once per annum.

~~Note that delegations or powers authorisations as though they were delegations are highlighted in red to ensure that such delegations are then easily able to be replicated or embedded into the Delegation Register.~~

The Policy Manual compliments separate documents ~~being~~ including the Shire of Brookton Delegation Register, the Shire of Brookton Code of Conduct for Elected Members, Committee Members and Candidates, the Shire of Brookton Employees Code of Conduct and the respective procedure manuals.

~~The following template can be used for suggested new Policy.~~

~~Policy Number. Title of Policy~~

~~**Objective**~~

~~**Policy**~~

~~**Guidelines**~~

~~**Resolution No:**~~
~~**Resolution Date:**~~

1.0 EXECUTIVE POLICIES

1.1 ADMINISTRATION BUILDING AND COUNCIL CHAMBERS

Objective
To provide direction on the use of Council Chambers.

Policy
The Shire President after liaising with the CEO or CEO may authorise the use of the Council Chambers by community or Government organisations for the purpose of conducting meetings during office hours.

The Shire President and/or the CEO may authorise the use of the Council Chambers, ~~**during**~~ **outside of** office hours, for meetings facilitated by Community or Government organisations where there is an Elected Member or a member of Shire staff as a delegate or representative at the meeting.

Guidelines
Access to the Administration building is only available to current Shire staff.

Keys to the Administration Centre are only available to Administration Staff and shall not be passed on to other committee members.

Resolution No:
Resolution Date:

1.2 MEETING – SCHEDULE DATES

Objective
To detail the timing of the Ordinary Meeting of Council.

Policy
The Ordinary Meeting of Council shall be held at 6.00pm on the third Thursday each month unless otherwise determined by Council.

~~Special Council Meetings will be scheduled as decided by the Shire President or Council. Standing Committee Meetings are to be scheduled on an as required basis.~~

Resolution No:
Resolution Date:

1.3 COUNCIL BRIEFING FORUMS

Objective
To provide ~~stringent guidelines governing~~ policy to guide the conduct of Council Briefing Forums (CBF) to ensure compliance with the intent of the *Local Government Act 1995*, ~~including~~ and the principles of open and accountable decision making.

CBFs will broadly follow the suggested format proposed by the Department of Local Government Operational Guidelines (Number 5 January 2004). The role of such forums is to allow opportunity

for elected members and senior officers of the Council to come together outside of the formal meeting process to discuss matters that

- do not require formal decisions,
- might be conceptual (brain storming etc.),
- informative (updates on progress with matters); or
- administrative in nature.

Policy

~~Council Briefing Forums are held monthly prior to the Council meeting and are intended to provide a forum at which Councillors:~~

1. ~~Can become fully informed on operational matters of significance and importance to elected members and the organisation generally.~~
2. ~~Can raise and discuss a broad range of matters that relates to corporate governance and assists in setting strategic and policy direction.~~
3. ~~Share information in relation to recent attendance at external meeting and forums, and on community sentiment and concerns regarding matters pertinent to the Local Government.~~

CBFs are held on the first Thursday of each month (excluding January), normally 2 weeks prior to the Ordinary Council meeting.

CBFs are informal, non-decision-making forums that involve Councillors, the Executive Leadership Team, other Officers as invited by the CEO and, where applicable and invited by the CEO, external consultants or members of the public. They are not open to the public.

CBFs are designed to propose, discuss and formulate philosophies, ideas, strategies and concepts for the future development of the local government and the district.

Matters which may be canvassed at CBFs include:

1. Current matters of a local or regional significance
2. Matters relating to the future development of the Shire
3. Emerging changes to the local government sector and implications for the Shire
4. Cross-agency relationships
5. Significant projects, revenue-raising requirements and expenditure needs
6. The development of strategic, planning, management and financial documents;
7. providing updates and advice on Shire of Brookton operational matters

Such forums often involve projects that are in the early planning stage and are sometime away from being formally presented to Council for a decision.

The CBF will be recorded in CBF Notes that will include including attendance, brief description of matters addressed and any follow up actions required and the declarations of any interest made. Any documents and presentations made at a Concept Forum are for internal purposes only and are not intended for public distribution.

Guidelines

~~**Procedure**~~

~~**Council Briefing Forum**~~

~~The Council Briefing Forum will be closed to the public and agendas will be confidential.~~

The Agenda for a CBF will be provided to Councillors by the Friday prior to the CBF.
~~The Chief Executive Officer will prepare the agenda for the CBF and will ensure timely written notice and that a confidential agenda for each forum is provided to all Councillors, including briefing papers, where necessary.~~

The Shire President is to be the Presiding Member. If the President is unable or unwilling to assume the role of presiding member, then the Deputy President may preside. If the Deputy President is unable or unwilling, Councillors may select one from amongst themselves to preside.

As Council's meeting procedures do not apply for CBFs it is the responsibility of the Presiding Member to ensure the good conduct of the meeting. The Presiding Member shall:

~~a) Advise Councillors that no decision will be made during the Forum, although direction may be given on specific matters;~~
b) Encourage all Councillors present to participate in the sharing and gathering of information;
c) Ensure that all Councillors have a fair and equal opportunity to participate; and
d) Ensure the time available is sufficient enough to allow for all matters of relevance to be identified.

~~Councillors and staff must verbally disclose their interests in any matter listed in the CBF Agenda. Persons disclosing an interest may choose to participate in that part of the CBF relating to their interests or may leave the meeting room.~~

All Councillors and Officers shall disclose their Interests on any item on the agenda at CBF. When disclosing an Interest the following will apply:

1. An Interest is to be disclosed in accordance with the Act and Regulations.
2. Interests declared at Concept Forums will be recorded in the Register of Interests required under Section 5.88 of the Act.

Declarations of interest will be recorded in the CBF Notes.

Councillors have the opportunity to request matters to be included on the CBF Agenda for consideration at a future forum by request to the Chief Executive Officer ~~of by request during the forum~~.

~~A record~~ CBF Notes shall be kept during the forum, however, as no decisions are made, the CBF Notes will ~~record need~~ only be a general record of items covered, including ~~date,~~ attendance, brief description of matters addressed and any follow up action required. A ~~confidential~~ copy of the CBF Notes ~~record~~ will be provided ~~is forwarded~~ to ~~all~~ Councillors.

The CBF Agenda for the Shire of Brookton should compromise of the following sections:

1.0 ATTENDANCE/APOLOGIES
2.0 DISCLOSURES OF INTEREST
3.0 PRESENTATIONS
4.0 COUNCIL CALENDAR – UPCOMING 2025
5.0 MATTERS FOR DISCUSSION
6.0 ELECTED MEMBER REPORTS 39
7.0 OFFICER REPORTS & UPDATES FOR INFORMATION
8.0 COMPLAINTS/FEEDBACK RECEIVED
9.0 MINUTES/NOTES RECEIVED
10.0 CLOSURE

~~1. Operational Matters:~~

~~The CEO and Senior Officers shall each prepare a report that provides an update on important and relevant operational matters for the Council's information.~~

2. ~~Policy Formulation:~~
   ~~This forum is to provide elected members with the opportunity to identify, discuss, and set direction on the formulation of its corporate policies.~~

3. ~~Strategic/Concept Items:~~
   ~~Strategic/Concept Items involve Councillors, staff and where appropriate external advisors, experts or proponents. These items provider the opportunity to exchange information and ideas about issues or ideas that may affect the Shire of Brookton.~~

~~These items will generally involve projects or matters that are in the early planning stages and are sometime away from being presented to Council for consideration of a formal decision.~~

~~During these items:~~
- ~~The Chief Executive Officer or relevant officers will present items on the agenda;~~
- ~~The Chief Executive officer seeks input from Councillors as guidance into research and further drafting of concepts for any future report;~~
- ~~Councillors are fully informed on matters to enable later decisions to be made in the best interests of the Shire; and~~
- ~~Councillors represent the views of the community.~~

~~The input through an open and free-flowing exchange of ideas and the willingness to contribute to concept items will provide invaluable direction to the Chief Executive Officer for research and the preparation of any report on the matter if required.~~

~~Where guests include experts, consultants or other persons invited to attend and provide a presentation, they will only be present for the item that applies to their presentation.~~

~~Matters raised as strategic/concept items will generally not be progressed to the Ordinary Council Meeting scheduled for the following month.~~

4. ~~Elected Member Reports:~~
   ~~The purpose of Elected Member reports is to provide all Councillors with the opportunity to raise matters with staff of a general operational nature that would not normally be the subject of a report to Council.~~

   ~~In this section Councillors also have an opportunity to inform colleagues and staff of the committee and other meetings they have attended during the past month.~~

~~The issues raised in this section, by its very nature, will be varied and most likely deal with matters revolving around the day-to-day operations of the Council or feedback on the implementation of previous decisions of Council.~~

Council Briefing Forums are not decision-making forums and items on the Council Meeting agenda are not to be debated at the forum.

Resolution No:
Resolution Date:

1.4 INDUCTION – ELECTED MEMBERS

Objective
To induct newly elected Councillors to assist them in transitioning into the elected member's role inclusive of a fundamental understanding of their new responsibilities.

Policy
In the first two weeks following their election, new Councillors will be given an induction by the Shire President and CEO. Part of that induction will include information on, but not be limited to:

- Fundamental roles and responsibilities of an Elected Members, Council, Shire President and CEO under the Local Government Act, 1995 and the operational function of the Shire Administration and Works Depot.
- The Shire of Brookton's Code of Conduct for Council Members, Committee Members and Candidates ~~as applied by Local Government (Model Code of Conduct) Regulations, 2021~~ including declaration of Interests and Gifts, and filing of returns.
- Compulsory Elected Member training courses within the first 12 months.
- Overview of the statutory functions and associated array of legislation, and range of services delivered by Council.
- The Shire of Brookton meeting processes including any prescribed meeting procedures. ~~Local Government (Meeting Procedures) Local Law 2021~~.
- The Integrated Planning Framework and associated sweet of IPR documents including:
    - Strategic Community Plan (SCP).
    - Corporate Business Plan (CBP) and Compendium.
    - Innovations Pathway.
    - Long Term Financial Plan.
    - Asset Management Framework (inclusive of Policy, Strategy, Management Plans and Asset Programs).
- Copies and overview of significant Council documents including, but not limited to:
    - Municipal Budget.
    - Policy Manual.
    - Delegations Register.
    - Local Planning Scheme and Strategy.
    - ~~other statutory and strategic documents of relevance.~~
- Relevant procedures and forms in relation to Elected Member responsibilities and expense claims.
- An understanding of Council matters and projects in progress

Resolution No:
Resolution Date:

1.5 GIFT FOR RETIRING COUNCILLORS

Objective
To detail the protocol to be followed in acknowledging the services of retiring Councillors.

Policy
Upon the retirement of a Councillor, Council will provide:

1) A gift purchased for a retiring Councillor, irrespective of length of service, ~~shall constitute~~ of a framed certificate ~~in gratitude~~ of service as an elected member.

2) ~~A Councillor, upon retirement, is entitled to~~ a dinner or function for a retiring Councillor ~~to be held in recognition of their~~ who has two terms of continuous service (8 years) to the Shire, subject to their agreement.

The style of dinner or function is to be at the discretion of the Shire President with the parameters of the event being limited to:

a) The invitation list may consist of:
   - Retiring members that qualify under this section of the policy and their spouse/partner;
   - up to 8 guests of the retiring members that qualify under this section of the policy;
   - Sitting and immediately retiring elected members who do not qualify under this section of the policy and their spouse/partner; and
   - Current Senior Employees and their spouse/partner.

b) The total cost of the event including all food and refreshments not exceeding $2,250 (GST Exclusive).

c) Where an elected member is "stood down", "suspended", or their term of office expired without completing two terms of office, they shall only be entitled to a gift of a framed certificate of service.

Resolution No:
Resolution Date:

1.6 ~~TRAINING SESSIONS CONFERENCES MEETING SEMINARS –~~ ELECTED MEMBERS CONTINUING PROFESSIONAL DEVELOPMENT

Objective

~~To clarify the Council's position in relation to Elected Member training courses, conferences, and seminars.~~ To provide all Elected Members of the Shire of Brookton with the necessary professional development and training to support them in the discharge of their responsibilities, obligations and duties as an Elected Member.

Background

Section 5.128 of the Local Government Act 1995 ("the Act") requires Council to adopt a policy in relation to the continuing professional development of Council Members. The Policy must be reviewed after each Ordinary election.

Section 5.127 of the Act requires the Local Government to report on the training completed by Council Members each financial year, and that the report is to be published on the Local Government's website within 1 month after the end of the financial year to which to report relates.

Policy

The Shire of Brookton recognises the importance of providing Elected Members with the knowledge and resources that will enable them to fulfil their role in accordance with statutory obligations and community expectations.

1. Proposed attendance at any training sessions, conferences, meetings or seminars by an Elected Member beyond a 500-kilometre radius of Brookton shall be subject to special request to Council for endorsement. Such request must include an outline of the course and associated benefits to the elected member's role and/or the organisation. Such opportunities are encouraged where tangible benefits can be realised.

2. Elected members are encouraged to undertake mandatory training courses electronically through an on-line platform, where practical. However, if this is not possible a payment of $160 may be claimed for each day (or part thereof) in attending mandatory training sessions in person.

3. For attendance at training sessions, conferences, meetings or seminars Council will pay for registration, travel and accommodation costs including parking, breakfasts, evening meals and non-alcoholic beverages for Councillors ~~during attendance at mandatory training sessions and relevant conferences, meetings and seminars~~. Costs for breakfasts, evening meals and non-alcoholic beverages is capped at $110 per Councillor per day.

4. Council will usually send up to three Elected Members to the WALGA Local Government Convention each year, inclusive of two voting delegates and one other. Preference is given to the Shire President and Deputy Shire President, as the endorsed voting delegates, ~~and one newly Elected Member~~.

5. Council will seek to have all Elected Members attend the WALGA Local Government Convention at least once during their term of Office.

6. The CEO (or delegate) may attend the WALGA state conference as determined between the CEO and Shire President.

7. Each Elected Member is entitled and encouraged to attend the WALGA conference, at least once during their term of appointment. Partners are permitted to accompany Elected Members during the WALGA State Conference, inclusive of accommodation and meals.

8. Council will only pay for alcoholic beverages (excluding spirits) with a meal during the WALGA State Conference with the amount limited to $20 per Elected Member and their partner per day.

9. All other costs incurred will be the responsibility of each individual Elected Member.

10. ~~All~~ Elected Members shall present to Council a summary of their experience and learnings at the next available ~~Corporate~~ Council Briefing Forum following attendance at the mandatory training session, conference, meeting, or seminar.

Resolution No:
Resolution Date:

1.7 PROVISION OF ELECTRONIC DEVICES FOR COUNCILLORS

Objective

To allocate an allowance for provision of an appropriate electronic device (iPad, Tablet, Laptop) to each Elected Member for Council business.

Policy
The Shire of Brookton requires all agendas, minutes and other information for Councillors to be received in an electronic format. ~~This is made available to Councillors via a network drive. To access this drive~~ Councillors require an appropriate electronic device.

In order to comply with legislation surrounding Councillor reimbursements and allowances, the device and sim card needs to be owned by the Councillor.

~~To allow the device to be connected and to cover the initial outlay,~~ The Shire of Brookton will ~~allocate a one off allowance of $800~~ purchase each Councillor a suitable device for the duration of their election cycle (typically 4 years) to be used for Council business. The device will be of a uniform type selected by the Shire Administration to ensure compatibility with the Shire ICT framework and training associated with use of the device.

Thereafter, each Councillor will be responsible of the care, maintenance and upgrade or replacement of their personal electronic device. At the end of the typical 4 year term of the Councillor, the device is retained by the Councillor however all Shire information must be returned to the Shire.

~~Such~~ Devices shall be used for receipt and email transmission of email communications applicable to the Local Government's business using a dedicated Councillor email address (i.e. cr.jones@brookton.wa.gov.au).

Resolution No:
Resolution Date:

1.8 ELECTED MEMBER RECORDS

Objective
The objective of this Policy is to ensure that records are created which properly and adequately record the performance of member functions arising from their participation in the decision-making process of Council, and the various Committees of Council.

Policy
~~This requirement will be met through the creation and retention of records of meetings of the Council and the Committees of Council, and other communications and transactions of Elected Members, which constitutes evidence affecting the accountability of the Council and the discharge of Council Business~~.

All Elected Members are required to ensure any documents and written correspondence (including emails) of communications and transactions which constitutes evidence affecting the accountability of the Council and the discharge of Council Business ~~meeting the above criteria~~ are passed to the Shire Administration to be registered as part of organisation's correspondence registration process into the current records ~~registration~~ system.

Resolution No:

Resolution Date:

1.9 BROOKTON ALL HOURS GYM – CONDITIONS OF USE POLICY

Objective
The objective of this Policy is to provide guidance on a membership notice to minimising the risk of liability claims to the Shire of Brookton arising from injury in relation to use of the Brookton Gym ~~equipment~~.

Policy
The Brookton All Hours Gym is an un-manned gym, available to all registered members 24 hours a day, 7 days a week.

Requirement for Induction
~~As an un-manned gym, it is a requirement that~~ All members must complete the required ~~obtain an~~ induction ~~from a qualified person that~~ includes instruction on the safe use of the provided equipment, appropriate gym attire, cleaning of gym equipment and warm up and warm down exercises.

Gym members are required to have an induction every 12 months to ensure they stay up to date with the safety requirements and use of gym equipment.

~~Due to the requirement for an induction, there are no 'casual' or 'trial' memberships available.~~

Evacuation and Emergency Contacts
In the case of emergency where evacuation is required, members need to follow the emergency evacuation plan located on display in the gym. For group activities, there is a muster point located in the carpark near the courts. ~~Please call 000 for Fire, Police or Ambulance.~~

~~For other emergencies, contact is to be made with Shire Administration on 9642 1106 or after hours 0427 421 032.~~

Acknowledgement of Risk
The Brookton All Hours Gym operates on an all day/night basis and is accessible by members. A Conditions of Use ~~and Policy has been prepared and implemented to~~ promotes safe and correct use of gym equipment to encourage a safe environment for all gym users.

~~Members need to accept and understand the obvious and inherent risks in activities undertaken at the Shire of Brookton's All Hours Gym, and acknowledge activities whilst at the gym may involve a risk of physical harm and that by participating in these activities voluntarily, they do so at their own risk.~~

All members must consent to the Conditions of Use of the Brookton All Hours Gym.

~~The Shire of Brookton, its servants and agents do not accept liability for any loss or damage to property or death or personal injury however arising from members' use of the Brookton All Hours Gym.~~

~~Members are to seek medical consultation and clearance before commencing an exercise program. Any pre-activity review administered by the Shire is not to constitute advice on a particular matter, nor substitute as advice from an appropriately qualified medical professional. The review in no way provides a guarantee against injury or death, but rather is to provide a tool for both staff and members to identify health risks that may be present. The Shire of Brookton will not attempt to force a user to seek a medical clearance before using the gym.~~

Disclosing and Sharing of Information

The Shire of Brookton respects the privacy of personal information, is bound by the principals set out in the Privacy Act 1988 (as amended) and respects the privacy of member's personal information. The information contained on membership forms is collected for the purpose of processing, managing and administering a membership and the Shire of Brookton will not disclose this information ~~. It is not otherwise disclosed~~ without the member's consent. ~~If a person seeks to access a member's personal information or have any questions regarding the handling of your personal information, contact is to be made with the Shire.~~

Resolution No:
Resolution Date:

1.10 AUSTRALIA DAY AWARDS

Objective:

To prescribe the process for nominations and selection of recipients of the following annual Council Australia Day awards;

- Citizen/s of the Year
- Young Citizen of the Year
- Community Event/Community Group of the Year.

To outline a transparent process for objectively selecting recipients on merit in consideration of Award criteria.

Policy:

The Australia Day Awards are to be selected by Council on an annual basis. Council will select recipients for the following categories:

1. Citizen/s of the Year Award
2. Young Citizens of the Year Award (must be under 30 years of age on January 26)
3. Community Event/Community Group of the Year

Overall principles, Criteria and Guidelines for Awards.

a) Only one (1) nomination in each category may be awarded.
b) If considered appropriate, no Award will be issued in a category.
c) The winners of each Award remain confidential until notified of their success by the Shire President and the Shire President issues a media release confirming the award winners.
d) The winners of each Award will be presented with their Awards at the official ceremony on Australia Day. Awards for Citizen of the Year and Young Citizen of the Year will not be granted posthumously.
e) Nominations for all Awards may be made by any individual, group of individuals or organisation.
f) Nominees for "Young Citizen of the Year", will also be considered for the "Citizen of the Year"

Award, but one (1) nominee cannot receive both Awards.

g) Nominations for "Community Event of the Year" will only be considered in the year the event was conducted.

h) All nomination information and material submitted remains the property of the Shire of Brookton and may become publicly available.

i) An individual/event need only be nominated once per year to be considered. The number of nominations received per nominee bears no weight in the selection process.

j) Self-nominations will not be accepted.

k) Unsuccessful nominees in the "Young Citizen of the Year" and "Citizen/s of the Year" categories may be re-nominated in subsequent years.

l) In exceptional cases, the Council reserves the right to consider such nominations as it sees fit, notwithstanding a) to k) above.

~~**Selection**~~

~~The whole of Council constitutes the selection panel although any elected member shall declare an interest and stand aside from the deliberations should they be directly related to a nominee, or consider that for any reason a conflict of interest may arise in the selection process.~~

The Council will give consideration to the criteria and guidelines in this policy.

Eligibility - All Categories
• A nominee must be an Australian citizen. • The nominee must be a resident of the Brookton Shire Council local government area for the year immediately prior to granting of the Award. • The nominee must be at least 16 years of age on 26 January of the year in which the award is presented. • The nomination is not open to Shire of Brookton sitting Councillors, current employees, State and Federal politicians and current viceregal officers. • The nomination is not open to a past recipient in the same category. • The nomination must include the name and contact details of at least one (1) referee must be supplied with the nomination. • All nominations must be submitted on the appropriate form by the due date for consideration. No late applications will be considered. • Council reserves the right to not award any Australia Day awards and reserves the right to hold any award ceremony at a time and place it sees fit and proper.
Criteria - Citizen/s of the Year Nominations are based on achievements throughout the year the awards will be presented**.**
• This award may be presented to an individual or a married/de facto couple. • The nominee/s should be held in high regard in the community (e.g. significant contributor to the community, inspirational role model to the community, scope of impact of the individual's contribution). • The nominee/s must principally have performed their work within the Brookton Shire Council local government area. • The nominee should have strong ethical and community values. • Regard will be given to the nominee's community activities and achievements in the year immediately prior to granting of the Award, as well as their past community service. **The nomination must explain the achievements and background of the nominee, and the reasons for the nomination, and address as many of the following aspects as possible;** • Personal, academic and professional achievements and commitment; past current and

future.

- Contribution in the relevant field i.e. how has/have the nominee/s "put back" into their field to benefit others.
- Demonstrated leadership, innovation and creativity.
- Personal interests and community and voluntary involvement.
- Contribution to the Shire of Brookton community.
- Nature and length of involvement.
- Voluntary work beyond paid employment.
- Achievements as an individual, married/de facto couple or as part of a group or organisation.

Criteria - Young Citizen of the Year

Nominations are based on achievements throughout the year the awards will be presented**.**

- The nominee must be at least 16 years of age and no more than 30 years of age on 26th January of the year in which the award is presented.
- The nominee should have a proven record of achievement within the Shire of Brookton Council area.
- Regard will be given to participation in school activities, community involvement and charitable work, as well as work done to improve community life in the Brookton Shire Council area.
- Recognition by peers that will be taken into account.

The nomination should explain the achievements and background of the nominee, and the reasons for the nomination, and address as many of the following aspects as possible;

- Personal, academic and professional achievements and commitment; past current and future.
- Contribution in the relevant field i.e. how has the nominee "put back" into their field to benefit others.
- Demonstrated leadership, innovation and creativity.
- Personal interests and community and voluntary involvement.
- Contribution to the Brookton Shire Council community.
- Nature and length of involvement.
- Voluntary work beyond paid employment.
- Achievements as an individual or as part of a group or organisation.

Criteria - Community Event/Community Group of the Year

Nominations are based on events held or the delivery of community service throughout the year.

- The nomination is to include the quality of the event.
- The purpose of the event or community contribution must be community focused and not staged for personal or private reward or financial benefit.
- An event or community group is not eligible to receive a second award in this category.
- The nomination is to include the scope of impact the event or act has had on the local government area, including the achievements and reasons for the nomination.
- The nomination is to include the events or groups lasting contribution to the community.

Resolution No: OCM 09.24-22
Resolution Date: 19 September 2024

1.11 SENIOR EMPLOYEES

Objective
To designate Senior Employee positions and define employment processes for these Senior Employee positions.

Policy

1. The following positions are designated as Senior Employees under Section 5.37(1) of the *Local Government Act 1995:*
   - Manager Corporate and Community Services (MCC);*
   - Manager Infrastructure and Works (MIW); and
   - Manager Projects (MP)

2. The CEO shall:
   - advertise any permanent vacancy of a Senior Employee position as required by Section 5.37(3) of the *Local Government Act 1995*;
   - prepare a short list of suitable candidates for interview;
   - conduct the interviews with the participation from two members of the Employment Committee; and
   - report to Council on the appointment the successful candidate.

3. The CEO shall:
   - appoint suitably qualified and experienced persons to Temporary Senior Employee roles to for up to 3 months in any two year period; and
   - advise Councillors of any such appointments at the earliest opportunity.

Resolution No:
Resolution Date:

~~1.12 CEO PERFORMANCE AND SALARY REVIEW~~

~~This Policy was revoked at the 16 September 2021 Ordinary Meeting of Council; Resolution number OCM 09.21-11.~~

~~Refer to Policy 1.25~~

1.13 COUNCIL COMMITTEES – TERMS OF REFERENCE

Objective
To list current Committees of Council, their role and any delegated authority they may have.

Policy

1. **Audit and Risk Committee**
   The Audit and Risk Committee ~~is to:~~ has established separate, stand alone Terms of Reference approved by Council.

~~a. Maintain oversight in relation to statutory performance and compliance aligned to legislative requirements.~~

~~b. Review accounts for payment and Council's financial position and make recommendations or representations to Council in respect to financial management and the organisation's fiscal position.~~

~~c. Afford guidance in relation to forward planning and long-term financial management.~~

~~d. Formulate Council Policy in relation to financial management, investments, procurement practices and accountability.~~

~~e. Review and afford direction in relation the Council's risk, including assessment and mitigation where considered appropriate and practical.~~

~~f. Set direction and provide oversight on internal auditing and resulting improvements to internal process and accountability.~~

~~g. Formulate response to the Office of the Auditor (AOG) General on audit findings and accept OAG final audit report.~~

~~h. Consist of a minimum of four Elected Members and at least one independent external person with sufficient knowledge and experience in the private or public sector to participate in the audit and risk management oversight.~~

~~Some of the key duties of the Committee are detailed in the Local Government (Audit) Regulations – regulation 16.~~

2. Employment Committee

The role of the Employment Committee is to recruit and review the performance and salary of the Chief Executive Officer.

The Committee is to:

a. Consist of a minimum of four Elected Members and at least one independent external person with sufficient knowledge and experience in the private or public sector to participate in the selection/recruitment process.

b. Be guided by a professional Human Resources consultant engaged by Council to facilitate the recruitment process and guide the Committee in relation to remuneration and position description, profile and evaluation of successful candidate, legislative compliance, negotiation and employment contract requirements, including establishment of agreed key performance measures aligned to the role and expectations.

c. Perform the tasks of recruitment and performance review in accordance with the relevant provisions detailed in Policy 1.12 - Standards for CEO Recruitment, Performance and Termination.

3. Bush Fire Advisory Committee (BFAC)

The Bush Fire Advisory Committee is to:

a. Advise Council on all matters relating to
- the prevention, mitigation, controlling and extinguishing of bush fires;
- prosecutions for breaches of the *Bush Fires Act 1976*;
- the formation of Bush Fire Brigades;
- the co-ordination of the efforts and activities of the Bush Fire Brigades; and
- any other matter relating to bush fire control.

b. Consist of a minimum of two Elected Members, Chief Bushire Control Officer, Deputy Chief Bushire Control Officer, and the respective Fire Control Officers as nominated by each of the Shire Bushfire Brigades.

4. Local Emergency Management Committee (LEMC)

The LEMC is to:

Advise and assist the Shire in ensuring that Local Emergency Management Arrangements (LEMAs) are established for the Brookton district

a. Liaise with public authorities and other persons in the development, review and testing of the LEMA; and
b. Carry out other emergency management activities as directed by the State Emergency Management Committee (SEMC) or prescribed by the regulations under the Emergency Management legislation.
c. Consist of a minimum of two Elected Members and representatives from State Government agencies and other entities as listed in the Shire's Local Emergency Management Arrangements.

Council may delegate any other responsibility to the above Standing Committees or form another Committee, subject to the requirements of the Local Government Act, as it sees fit.

Resolution No:
Resolution Date:

1.14 SOCIAL MEDIA POLICY

Objective

~~The Shire recognises that social media provides opportunities for enhanced community engagement, two-way communications, and improved access by residents to information on delivery of services.~~

The intent of this policy is to provide understanding and guidance for the appropriate use of social media platforms and tools by staff, Councillors, agents, and volunteers of the Shire of Brookton and should be read in conjunction with the respective Elected Member Code of Conduct and Employee Code of Conduct.

This policy does not cover the personal use of social media by staff, Councillors, agents, or volunteers.

Policy

This policy applies to existing and future social media platforms where people may comment, contribute, create, upload and share content including, but not limited to:

- Social networking sites (for example Facebook, LinkedIn).
- Video and photo sharing websites (for example Flickr, YouTube, Instagram).
- Blogs, including corporate blogs and personal blogs.
- Blogs hosted by media outlets (for example "comments" or "your say" features on news websites).
- Micro-blogging (for example Twitter).
- Wikis and online collaborations (for example Wikipedia).
- Forums, discussion boards and groups (for example Google groups, Whirlpool).
- Instant messaging (including SMS).

- Geo-spatial tagging (for example Foursquare, Facebook 'Places' feature).
- Also includes all other emerging electronic/digital communication applications.

Guidelines for staff

When using social media Shire employees and contractors must:

- Be authorised to use the social media platform.
- Other than the Chief Executive Officer, not post commentary that expresses a view / opinion on behalf of Council.
- Adhere to Code of Conduct, policies, and procedures of the Local Government.
- Comply with relevant laws and regulations.
- Reinforce the integrity, reputation, and values of the Shire.
- Not comment outside area of expertise.
- Only discuss publicly available information.
- Be accurate, constructive, helpful, and informative.
- Be mindful of copyright and intellectual property rights.
- Not publish content in exchange for reward.
- Not endorse any political or religious affinity.
- Not issue media statements unless authorised.
- Not respond to media for comment via social media
- Ensure that any social media sites created can be readily moderated.
- Be mindful of accessibility.

~~Guidelines for Councillors~~

~~When using social media only the President is to post commentary that expresses a view/opinion on behalf of Council or the Shire more generally.~~

Non-compliance

~~Depending on the circumstances,~~ Non-compliance with this policy may constitute a breach of employment contract, misconduct under the Shire's respective Codes of Conduct, sexual harassment and discrimination policies,~~-~~or some other contravention of the law.

Failure to comply with this policy may result in disciplinary action and, in more serious cases, may result in referral to the Public Sector Commission, termination of employment, or report to the Local Government Standards Panel (or similar).

Guidelines for users

Posts on Shire operated social media platforms may be deleted, as determined by the CEO, if they contain:

- Violent, obscene, profane, hateful, derogatory, racist, or sexist language, links, or images.
- Any discussion or promotion of behaviour that is unlawful.
- Comments that threaten or defame a person.
- Solicitations, advertisements, endorsements, or spam.
- Multiple successive off-topic posts by a single user.
- Repetitive posts copied and pasted or duplicated by a single user.

Resolution No:
Resolution Date:

1.15 SMALL BUSINESS FRIENDLY CHARTER

~~**Outcomes**~~

~~The benefits of being small business friendly and supporting the growth of small businesses, includes:~~

- ~~creating a desirable location to live and to establish a business;~~
- ~~supporting the local economy, including providing benefits to bolster employment opportunities;~~
- ~~building vibrancy in the community;~~
- ~~meeting the needs of ratepayers for local goods and services in an equal and competitive environment; and~~
- ~~collaborating and sharing with other small business friendly local governments.~~

~~By signing the charter local governments can display the Small Business Friendly logo to let people know that they offer a great location to run a small business.~~

Objective

To participate in the small business friendly Local Governments initiative and become recognised as small business friendly, the Shire agrees to sign and abide by the undertakings in the charter.

To add to the level of credibility of the initiative, Local Governments are required to report back to the Small Business Development Corporation (SBDC) twice a year on progress towards the charter.

The charter has the following essential elements;

Commitment to this charter is a requirement for participation in the Small Business Friendly Local Governments (SBFLG) initiative, and outlines what the local government agrees to do in support of small business in their area.

Policy

1. Commitment to Small Business Shire of Brookton:
   The Shire of Brookton ~~Local Government~~ agrees to:
   a) Recognise the small business community is an important stakeholder and will undertake regular and targeted consultation with this group where practical;
   b) Work towards understanding how its local small business community operates and its needs, goals, and key challenges;
   c) Provide networking and other development opportunities for its local small business community; and
   d) Actively engage, where appropriate, with the Small Business Development Corporation (SBDC) on matters affecting small business.

2. Commitment to Customer Service
   The Shire of Brookton ~~Local Government~~ agrees to:
   a) Maintain open lines of communication with small businesses through both formal and informal approaches;
   b) Provide clear advice and guidance to small businesses to assist them to understand and meet their regulatory obligations, and to work with them to achieve compliance;
   c) Publish clear service standards setting out what small businesses can expect;

d) Consider the needs of local small business owners for whom English is not a first language; and
e) Publish links on its website to take small business owners to resources available on the SBDC website, business local service and the business license finder tool.

3. Administration and Regulation

The Shire of Brookton ~~Local Government~~ agrees to:

a) Take reasonable action to limit unnecessary administrative burdens on small business such as:
   i. Only asking for information that is absolutely necessary;
   ii. Not asking for the same information twice;
   iii. Working collaboratively with other local governments;
b) Undertake regular policy reviews to limit their impact on small businesses, and to test new policies and procedures for 'small business friendliness'; and
c) Ensure that its officers have the necessary knowledge and skills to apply plans and regulations in a consistent manner

4. ~~Local Government~~ Activities to Support Small Business

The Shire of Brookton ~~Local Government~~ agrees to implement activities to improve the operating environment for small businesses within its authority where practical and in compliance with the fundamental principal of value for money in expending public funds. Details of the activities are to be included in the Local Government's operational plans and strategies.

5. On-time Payment Policy

The Shire of Brookton ~~Local Government~~ agrees to work towards ensuring all invoices from small business suppliers are paid within 30 days.

6. Business Advisory Group

The Shire of Brookton ~~Local Government~~ agrees to establish a business advisory group to assist its understanding corporate and of small business needs. The group should include representation from corporate entities and local small business.

7. Dispute Resolution

The Shire of Brookton ~~Local Government~~ agrees to implement a process to manage any disputes it may have with small businesses. This could include referring the dispute to an independent dispute resolution service (such as that offered by the SBDC).

8. Progress Reports

The Shire of Brookton ~~Local Government~~ agrees to:

a) Provide the SBDC with a biannual progress report that outlines the results achieved in relation to its small business friendly activities, including its policy relating to paying small businesses on-time, engagement with its business advisory group, and implementation of its dispute resolution process; and
b) Forward success stories and case studies to the SBDC in relation to the SBFLG initiative when requested.

9. Promotion and Marketing of the Program

The Shire of Brookton ~~Local Government~~:

a) Agrees to make a statement in relation to its commitment to the SBFLG initiative on its website;

b) Will be provided with a logo which it agrees to use in accordance with the SBFLG style guide (as supplied by the SBDC); and

c) is encouraged to promote the SBFLG initiative by displaying the approved logo on its online and printed marketing and communication materials, where appropriate.

10. Contact details

The Shire of Brookton ~~Local Government~~ agrees that the primary contact for the SBFLG initiative will be the ~~**Chief**~~ Executive Governance Officer.

Resolution No:
Resolution Date:

1.16 REVIEW OF EMPLOYEE SERVICE, GRATUITY AND FAREWELL POLICIES

Objective

~~To detail the requirements regarding gratuities for the formal recognition of satisfactory and extended service by Local Government employees.~~

This policy is to establish guidelines for the considerations of Gratuity Payments to employees in accordance with s. 5.50 of the *Local Government Act 1995 ('the Act').*

Policy

Where a valued employee leaves their employment or is made redundant, they will be given a token of appreciation in the forms of a good or service in order to thank the employee for their past commitment to the Local Government.

- ~~The aim of this policy is to establish guidelines for the considerations of Gratuity Payments to employees in accordance with s. 5.50 of the *Local Government Act 1995 ('the Act').*~~

Pursuant to s. 5.50 of the Act, this gratuity policy outlines the circumstances in which gratuity payments may be made to an employee. These payments, when made, are in addition to any amount which they employee is entitled to under a contract of employment, enterprise agreement or award. This policy shall not be considered as a contractual entitlement under the employment relationship.

~~*NOTE: As requested by s 5.50 of the Act this policy was advertised through Local Public Notice and prior to adoption and the Local Government did not make any payments to employees prior to the giving of the public notification.*~~

Guidelines ~~Framework~~

Eligibility to Gratuity Payments.

~~It is the position of Council that~~ When an employee's services is ceasing for any of the reasons identified below, the employee will be entitled to a gratuity payment as outlined within this policy based on the completed years of service:

- Resignation (not as a result of any performance management or investigation being conducted by the Local Government);
- Retirement; or
- Redundancy.

The Gratuity Payment identified within this policy does not apply to an employee who has been dismissed by the Local Government for any reason other than redundancy.

Number of Years' Service	Amount of Gratuity
Continuous service less than 2 years	A Statement of Service and a gift, or contribution towards a gift, to the value of $40 (based on $20 per year).
Continuous service greater than 2 years and up to 5 years	A Statement of Service and a gift, or contribution towards a gift, to the value of $100 (based on $20 per year).
Continuous service greater than 5 years and up to 10 years	Certificate of Appreciation and a gift to the value of $300 (based on $30 per year). Items to be presented to the employee by the Chief Executive Officer, or4 nominated representative at a function to be determined by the Chief Executive Officer.
10 to a maximum of 15 Years continuous service	$40 per year of continuous service up to a maximum of $600. Items are to be presented to the employee by the President or nominated representative, at a function to be determined by the Chief Executive Officer in conjunction with the Shire President.
15 to a maximum of 20 Years continuous service	$50 per year of continuous service up to a maximum of $1,000.00. Items are to be presented to the employee by the President or nominated representative, at a function to be determined by the Chief Executive Officer in conjunction with the Shire President.
Above 20 years' service	$60 per year of continuous service up to a maximum of $2,000.00. Items are to be presented to the employee by the President or nominated representative, at a function to be determined by the Chief Executive Officer in conjunction with the Shire President.

~~The Chief Executive Officer is authorised to approve payments in accordance with the limits prescribed by this policy.~~ Funds will be allocated as part of the Local Government's budget preparation process.

Determining Service

For the purpose of this policy, continuous service shall include:

a) Employment on a permanent or continuing basis.
b) Any period of absence from duty of annual leave, long service leave, accrued paid bereavement leave, accrued paid personal leave and public holidays.
c) Any period of authorised paid absence from duty necessitated by sickness of or injury to the employee but only to the extent of three months in each calendar year but not including leave without pa or parental leave.
d) Any period of absence that has been supported by an approved workers compensation claim up to a maximum absence of one year.

For the purpose of this policy, continuous service shall not include:

a) Any period of unauthorised absence from duty unless the Local Government determines otherwise.
b) Any period of unpaid leave unless the Local Government determines otherwise.

c) Any period of absence from duty on parental leave unless the Local Government determines otherwise.

Financial Liability for Taxation
The employee accepts full responsibility for any taxation payable on the Gratuity Payment and agrees to fully indemnify the Local Government in relation to any claims or liabilities for taxation in relation to the Gratuity Payment.

Payments in addition to this Policy
The Local Government ~~agrees~~ **will** not to make any payment in addition to that contained within this policy until the policy has been amended to reflect the varied amount and caused local public notification to be given in relation to the variation.

~~**Financial Implications**~~
~~The Local Government acknowledges that at the time of the policy's introduction they were fully aware of the financial implications to the Local Government and that the financial implications had been investigated based on the current workforce position.~~

Variation to Policy
This policy may be varied or cancelled from time to time by Council.

~~The Local Government is committed to taking~~ Council will take reasonable action to ensure that any variation or cancellation to this policy is notified to all employees prior to the variation taking effect., including (but not limited to) notifying all employees via normal correspondence of the variation including the proposed reasons for such variation.

~~**Responsible Officer**~~
~~The Chief Executive Office is the responsible Officer for implementing this policy.~~

~~This policy only applies to staff who are employed on a continual basis.~~

Resolution No:
Resolution Date:

1.17 STANDING ORDERS AND MEETING PROTOCOL LOCAL GOVERNMENT (Council Meetings)

WESTERN AUSTRALIA

Local Government Act 1995

Shire of Brookton
Local Government (Meeting Procedures) Local Law 2021

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LOCAL GOVERNMENT ACT 1995

Shire of Brookton

Local Government (Meeting Procedures) Local Law 2021

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Shire of Brookton resolved on the 17th of December 2020 to make the following local law.

Part 1 – Preliminary

1.1 Citation

This local law may be cited as the Shire of Brookton Local Government (Meeting Procedures) Local Law 2021.

1.2 Commencement

By virtue of section 3.14 of the Act, these Local Laws come into operation 14 days after the date of their publication in the *Government Gazette*.

1.3 Application and intent

(1) These Local Laws provide rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.

(2) All meetings are to be conducted in accordance with the Act, the Regulations and these Local Laws.

(3) These Local Laws are intended to result in:
(a) better decision-making by the Council and committees;
(b) the orderly conduct of meetings dealing with Council business;
(c) better understanding of the process of conducting meetings; and
(d) the more efficient and effective use of time at meetings.

1.4 Interpretation

(1) In these Local Laws unless the context otherwise requires:

absolute majority has the meaning given to it in the Act;
75% majority has the meaning given to it in the Act;
Act means the *Local Government Act 1995*;
CEO means the Chief Executive Officer of the Local Government;
committee means a committee of the Council established under section 5.8 of the Act;
committee meeting means a meeting of a committee;
Council means the Council of the Shire of Brookton;
District *means the district of the local government;*
Local Government means the Shire of Brookton;
President means the President of the Local Government or other Presiding Member at a Council meeting under section 5.6 of the Act;
meeting means a meeting of the Council or a committee, as the context requires;
Member has the meaning given to it in the Act;
Presiding Member means:
(a) in respect of the Council, the person presiding under section 5.6 of the Act;
and
(b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;

Regulations means the *Local Government (Administration) Regulations 1996;*
simple majority means more than 50% of the members present and voting; and,
substantive motion means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

(2) Unless otherwise defined in these Local Laws, the terms and expressions used in these Local Laws are to have the meaning given to them in the Act and Regulations.

1.5 Provisions of the Act, Regulations and other legislation

(1) Throughout these Local Laws, provisions of the Act and Regulations, and provisions of other legislation, are reproduced in a boxed format.

(2) The purpose of reproducing these provisions is to assist the reader by giving a fuller picture of related legislative provisions that also apply to meetings of the Council, committees and electors.

(3) The reproduced provisions of the Act and Regulations and other legislation:
(a) are to be treated as footnotes and are not part of these Local Laws (see section 32(2) of the *Interpretation Act 1984*); and
(b) reproduce only the provisions that were in force at the time that the Council resolved to adopt these Local Laws and therefore may not necessarily be correct at a future date.

Part 2 – Establishment and membership of committees

2.1 Establishment of committees

(1) The establishment of committees is dealt with in the Act.
(2) A Council resolution to establish a committee under section 5.8 of the Act is to include:
(a) the terms of reference of the committee;
(b) the number of Council members, officers and other persons to be appointed to the committee;
(c) the names or titles of the council members and officers to be appointed to the committee;
(d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
(e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

(3) These Local Laws are to apply to the conduct of committee meetings.

2.2 Types of committees
The types of committees are dealt with in the Act.

2.3 Delegation of some powers and duties to certain committees
The delegation of some powers and duties to certain committees is dealt with in the Act.

2.4 Limits on delegation of powers and duties to certain committees
The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

2.5 Appointment of committee members
The appointment of committee members is dealt with in the Act.

2.6 Tenure of committee membership
Tenure of committee membership is dealt with in the Act.

2.7 Resignation of committee members
The resignation of committee members is dealt with in the Regulations.

2.8 Register of delegations to committees
The register of delegations to committees is dealt with in the Act.

2.9 Committees to report
A committee:
(a) is answerable to the Council; and

(b) is to report on its activities when, and to the extent, required by the Council.

Part 3 - Calling and convening meetings

3.1 Ordinary and special Council meetings

(1) Ordinary and special Council meetings are dealt with in the Act.

(2) An ordinary meeting of the Council, held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.

(3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

3.2 Calling Council meetings

The calling of Council meetings is dealt with in the Act.

3.3 Convening Council meetings

(1) The convening of a Council meeting is dealt with in the Act.

(2) Subject to subclause (3), the CEO is to give at least 72 hours notice, for the purposes of section 5.5, in convening a special meeting of the Council.

(3) Where, in the opinion of the President or at least one third of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

3.4 Calling committee meetings

The CEO is to call a meeting of any committee when requested by the President, the Presiding Member of a committee or any two members of that committee.

3.5 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

Part 4 – Presiding Member and quorum

Division 1: Who presides

4.1 Who presides

Who presides at a Council meeting is dealt with in the Act.

4.2 When the Deputy President can act

When the Deputy President can act is dealt with in the Act.

4.3 Who acts if no President

Who acts if there is no President is dealt with in the Act.

4.4 Election of Presiding Members of committees

The election of Presiding Members of committees and their deputies is dealt with in the Act.

4.5 Election of Deputy Presiding Members of committees

The election of Deputy Presiding Members of committees is dealt with in the Act.

4.6 Functions of Deputy Presiding Members

The functions of Deputy Presiding Members are dealt with in the Act.

4.7 Who acts if no Presiding Member

Who acts if no Presiding Member is dealt with in the Act.

Division 2 – Quorum

4.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

4.9 Reduction of quorum for Council meetings
The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

4.10 Reduction of quorum for committee meetings
The reduction of a quorum for committee meetings is dealt with in the Act.

4.11 Procedure where no quorum to begin a meeting
The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

4.12 Procedure where quorum not present during a meeting
If at any time during a meeting a quorum is not present, the Presiding Member is:

(a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and
(b) if a quorum is not present at the expiry of that period, the Presiding Member is to adjourn the meeting to some future time or date.

4.13 Names to be recorded
At any meeting:

(a) at which there is not a quorum present; or
(b) which is adjourned for want of a quorum,

the names of the Members then present are to be recorded in the minutes.

Part 5 – Business of a meeting

5.1 Business to be specified
(1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the Presiding Member or the Council.

(2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.

(3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the Council other than that:

(a) specified in the notice of the meeting which had been adjourned; and
(b) which remains unresolved.

(4) Where a meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports (Item 9) at that ordinary meeting.

5.2 Order of business
(1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows:

1. Declaration of Opening/Announcement of Visitors
2. Announcements from the Presiding Member
3. Attendance
3.1 Apologies
3.2 Approved leave of absence
4. Declaration of interest
5. Public Question Time
5.1 Response to previous public questions taken on notice
5.2 Public question time
6. Applications for leave of absence
7. Confirmation of minutes
8. Presentations
8.1 Petitions
8.2 Presentations
8.3 Deputations
8.4 Delegates' reports

9. Method of dealing with agenda business
10. Reports
11. Motions of which previous notice has been given
12. Questions from Members without notice
13. New business of an urgent nature introduced by decision of the meeting
14. Meeting closed to public
14.1 Matters for which the meeting may be closed
14.2 Public reading of resolutions that may be made public
15. Closure

(2) Unless otherwise decided by the Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.

(3) In determining the order of business for any meeting of the Council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed. *[See section 5.24 of the Act; and regulations 6 & 7 of the Regulations]*

5.3 Motions of which previous notice has been given

(1) Unless the Act, Regulations or these Local Laws otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.

(2) A notice of motion under subclause (1) is to be given at least 14 clear working days before the meeting at which the motion is moved.

(3) A notice of motion is to relate to the good governance of the district.

(4) The CEO -

(a) may, with the concurrence of the President, exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of these Local Laws or any other written law;

(b) will inform Members on each occasion that a notice of motion has been excluded and the reasons for that exclusion;

(c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and

(d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

(5) A motion of which notice has been given is to lapse unless:

(a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or

(b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

(6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

5.4 New business of an urgent nature

(1) In cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.

(2) In subclause (1), 'cases of extreme urgency or other special circumstances' means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the Local Government and must be considered and dealt with by the Council before the next meeting.

5.5 Adoption by exception resolution

(1) In this clause 'adoption by exception resolution' means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.

(2) Subject to subclause (3), the Local Government may pass an adoption by exception resolution.

(3) An adoption by exception resolution may not be used for a matter:
(a) that requires a 75% majority or a special majority;
(b) in which an interest has been disclosed;
(c) that has been the subject of a petition or deputation;
(d) that is a matter on which a Member wishes to make a statement; or
(e) that is a matter on which a Member wishes to move a motion that is different to the recommendation.

Part 6 – Public participation

6.1 Meetings generally open to the public
Meetings being generally open to the public is dealt with in the Act.

6.2 Meetings not open to the public

(1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.

(2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.

(3) If a resolution under subclause (2) is carried:
(a) the Presiding Member is to direct everyone to leave the meeting except:
(i) the Members;
(ii)the CEO; and
(iii) any Officer specified by the Presiding Member; and
(b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.

(4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the Presiding Member, be removed from the meeting.

(5) Upon the public again being admitted to the meeting, the Presiding Member, unless the Council or Committee decides otherwise, is to cause the motions passed by the Council or Committee whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.

(6) A person who is a Council member, a Committee member, or an employee is not to publish, or make public any of the discussion taking place on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

6.3 Question time for the public
Question time for the public is dealt with in the Act.

6.4 Question time for the public at certain meetings
Question time for the public at certain meetings is dealt with in the Regulations.

6.5 Minimum question time for the public
Minimum question time for the public is dealt with in the Regulations.

6.6 Procedures for question time for the public
Procedures for question time for the public are dealt with in the Regulations.

6.7 Other procedures for question time for the public

(1) A member of the public who raises a question during question time, is to state his or her name and address.
(2) A question may be taken on notice by the Council for later response.
(3) When a question is taken on notice the CEO is to ensure that:
    (a) a response is given to the member of the public in writing; and
    (b) a summary of the response is included in the agenda of the next meeting of the Council.

(4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to:
    (a) declare that he or she has an interest in the matter; and
    (b) allow another person to respond to the question.

(5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.

(6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.

(7) The Presiding Member may decide that a public question shall not be responded to where:
    (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
    (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
    (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.

(8) A member of the public shall have two minutes to submit a question.
(9) The Council, by resolution, may agree to extend public question time.
(10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

6.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council, the Presiding Member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

6.9 Deputations

(1) Any person or group wishing to be received as a deputation by the Council is to either:
    (a) apply, before the meeting, to the CEO for approval; or
    (b) with the approval of the Presiding Member, at the meeting, address the Council.

(2) The CEO may either:
    (a) approve the request and invite the deputation to attend a meeting of the Council; or
    (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.

(3) Unless the council resolves otherwise, a deputation invited to attend a Council meeting:
    (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members;
    (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and,
    (c) additional members of the deputation may be allowed to speak with the leave of the Presiding Member.

(4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

6.10 Petitions

(1) A petition is to –
- (a) be addressed to the President;
- (b) be made by electors of the district;
- (c) state the request on each page of the petition;
- (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
- (e) contain a summary of the reasons for the request; and
- (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.

(2) Upon receiving a petition, the Local Government is to submit the petition to the Chief Executive Officer to be included in his or her deliberations and report on the matter that is the subject of the petition.

(3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless:
- (a) the matter is the subject of a report included in the agenda; and
- (b) the Council has considered the issues raised in the petition.

6.11 Presentations

(1) In this clause, a "presentation" means the acceptance of a gift or an award by the Council on behalf of the Local Government or the community.

(2) A presentation may be made to the Council at a meeting only with the prior approval of the CEO.

6.12 Participation at committee meetings

(1) In this clause a reference to a person is to a person who:
- (a) is entitled to attend a committee meeting;
- (b) attends a committee meeting; and
- (c) is not a member of that committee.

(2) Without the consent of the Presiding Member, no person is to address a committee meeting.

(3) The Presiding Member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.

(4) A person addressing the committee with the consent of the Presiding Member is to cease that address immediately after being directed to do so by the Presiding Member.

(5) A person who fails to comply with a direction of the Presiding Member under subclause (4) may, by order of the Presiding Member, be removed from the committee room.

(6) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

6.13 Council may meet to hear public submissions

(1) Where an item on the agenda at a Council meeting is contentious and is likely be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.

(2) The CEO and the President shall set the time and date of the meeting to provide the opportunity to be heard.

(3) Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the Presiding Member shall:

(a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;
(b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and
(c) cause minutes to be kept of the meeting to provide the opportunity to be heard.

(4) A meeting held under subclause (1) shall be conducted only to hear submissions. The council shall not make resolutions at a meeting to provide the opportunity to be heard.

(5) At a meeting held under subclause (1), each person making a submission shall be provided with the opportunity to fully state his or her case.

(6) A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the Presiding Member.

(7) Once every member of the public has had the opportunity to make a submission the Presiding Member is to close the meeting.

(8) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.

(9) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

6.14 Public Inspection of agenda materials

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at the Shire of Brookton Administration Office and on the Local Government's website.

6.15 Confidentiality of information withheld

(1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be:
(a) identified in the agenda of a Council meeting under the item "Matters for which meeting may be closed";
(b) marked "*Confidential*" in the agenda; and
(c) kept confidential by Officers and Members until the Council resolves otherwise.

(2) A member or an officer in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another member or an officer to the extent necessary for the purpose of carrying out his or her duties.

(3) Subclause (2) does not apply where a member or officer discloses the information to his or her lawyer or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities.

6.16 Recording and communication of proceedings

(1) A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.

(2) Subclause (1) does not apply if:
(a) the recording is performed in accordance with the provisions of a policy adopted by Council: or
(b) a recording is performed at the direction of the Presiding Member who must inform the meeting, immediately before the recording is commenced, that such permission has been granted together with the nature and extent of that permission.

(3) A member is not to use any electronic device or instrument to receive or send information or communicate with another person during a meeting unless permission has first been granted by the Presiding Member.

6.17 Prevention of disturbance

(1) A reference in this clause to a person is to a person other than a member.

(2) A person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the Presiding Member.

(3) A person observing a meeting shall not 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.

(4) A person shall ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council.

(5) A person shall not behave in a manner that is contrary to section 75 of the Criminal Code.

Part 7 — Conduct of Members

7.1 Members to be in their proper places

(1) At the first meeting held after each election day, the CEO is to allot, (alphabetically by ward if applicable), a position at the Council table to each Member.

(2) Each Member is to occupy his or her allotted position at each Council meeting.

7.2 Respect to the Presiding Member

After the business of a Council has been commenced, a Member is not to enter or leave the meeting without first paying due respect to the Presiding Member.

7.3 Titles to be used

A speaker, when referring to the President, Deputy President or Presiding Member, or a Member or Officer, is to use the title of that person's office.

7.4 Advice of entry or departure

During the course of a meeting of the Council, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time or entry or departure.

7.5 Members to indicate their intention to speak

A Member of the Council who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council.

7.6 Priority of speaking

(1) Where two or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.

(2) A decision of the Presiding Member under subclause (1) is not open to discussion or dissent.

(3) A Member is to cease speaking immediately after being asked to do so by the Presiding Member.

7.7 Presiding Member may take part in debates

The Presiding Member may take part in a discussion of any matter before the Council, subject to compliance with these Local Laws.

7.8 Relevance

(1) A Member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

(2) The Presiding Member, at any time, may:

(a) call the attention of the meeting to:

(i) any irrelevant, repetitious, offensive or insulting language by a Member; or
(ii) any breach of order or decorum by a Member; and

(b) direct that Member, if speaking, to discontinue his or her speech.

(3) A Member is to comply with the direction of the Presiding Member under subclause (2) by immediately ceasing to speak.

7.9 Speaking twice

A Member is not to address the Council more than once on any motion or amendment except:

(a) as the mover of a substantive motion, to exercise a right of reply;
(b) to raise a point of order; or
(c) to make a personal explanation.

7.10 Duration of speeches

(1) A Member is not to speak on any matter for more than 5 minutes without the consent of the Presiding Member which, if given, is to be given without debate.

(2) An extension under this clause cannot be given to allow a Member's total speaking time to exceed 10 minutes.

7.11 No speaking after conclusion of debate

A Member is not to speak on any motion or amendment:

(a) after the mover has replied; or
(b) after the motion has been put.

7.12 No interruption

A Member is not to interrupt another Member who is speaking unless:

(a) to raise a point of order;
(b) to call attention to the absence of a quorum;
(c) to make a personal explanation under clause 7.13; or
(d) to move a procedural motion that the Member be no longer heard (see clause 10(1)(e).

7.13 Personal explanations

(1) A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking is to indicate to the Presiding Member his or her intention to make a personal explanation.

(2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other Member.

(3) A Member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

7.14 No reopening of discussion

A Member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed (see Part 15).

7.15 Adverse reflection

(1) A Member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed (see Part 15).

(2) A Member is not:

(a) to reflect adversely on the character or actions of another Member or Officer; or
(b) to impute any motive to a Member or Officer, unless the meeting resolves, without debate, that the motion then before the meeting cannot otherwise be adequately considered.

(3) A Member is not to use offensive or objectionable expressions in reference to any Member, Officer or other person.

(4) If a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes:
(a) the Presiding Member is to cause the words used to be taken down and read to the meeting for verification; and
(b) the Council may, by resolution, decide to record those words in the minutes.

7.16 Withdrawal of offensive language

(1) A Member who, in the opinion of the Presiding Member, uses an expression which:
(a) in the absence of a resolution under clause 7.15:
(i) reflects adversely on the character or actions of another Member or Officer; or
(ii) imputes any motive to a Member or Officer; or
(b) is offensive or insulting, must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.

(2) If a Member fails to comply with a direction of the Presiding Member under subclause (1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.

Part 8 – Preserving order

8.1 Presiding Member to preserve order

(1) The Presiding Member is to preserve order, and, whenever he or she considers necessary, may call any Member to order.

(2) When the Presiding Member speaks during a debate, any Member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every Member present is to preserve strict silence so that the Presiding Member may be heard without interruption.

(3) Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 7.7, but to preserve order.

8.2 Point of order

(1) A Member may object, by way of a point of order, only to a breach of:
(a) any of these Local Laws; or
(b) any other written law.

(2) Despite anything in these Local Laws to the contrary, a point of order:
(a) takes precedence over any discussion; and
(b) until determined, suspends the consideration or discussion of any other matter.

8.3 Procedures on a point of order

(1) A Member who is addressing the Presiding Member is not to be interrupted except on a point of order.

(2) A Member interrupted on a point of order is to resume his or her seat until:
(a) the Member raising the point of order has been heard; and
(b) the Presiding Member has ruled on the point of order, and, if permitted, the Member who has been interrupted may then proceed.

8.4 Calling attention to breach

A Member may, at any time, draw the attention of the Presiding Member to any breach of these Local Laws.

8.5 Ruling by the Presiding Member

(1) The Presiding Member is to rule on any point of order which is raised by either upholding or rejecting the point of order.

(2) A ruling by the Presiding Member on a point of order:

(a) is not to be the subject of debate or comment; and
(b) is to be final unless the majority of Members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.

(3) Subject to a motion of dissent being carried under subclause (2), if the Presiding Member rules that:
(a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
(b) a statement made or act done by a Member is out of order, the Presiding Member may require the Member to make an explanation, retraction or apology.

8.6 Continued breach of order

If a Member:
(a) persists in any conduct that the Presiding Member had ruled is out of order;
or
(b) refuses to make an explanation, retraction or apology required by the Presiding Member under clause 8.5(3),
the Presiding Member may direct the Member to refrain from taking any further part in the matter under discussion, other than by voting, and the Member is to comply with that direction.

8.7 Precedence of Presiding Member

(1) When the Presiding Member rises during the progress of a debate, any member of the Council or Committee then speaking, or offering to speak and every member of the Council or Committee present shall preserve strict silence so that the Presiding Member may be heard without interruption.

(2) Subclause (1) is not to be used by the Presiding Member other than to preserve order.

8.8 Right of Presiding Member to adjourn

(1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.

(2) On resumption, the debate is to continue at the point at which the meeting was adjourned.

(3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

Part 9 - Debate of substantive motions

9.1 Motions to be stated and in writing

Any Member who wishes to move a substantive motion or an amendment to a substantive motion:
(a) is to state the substance of the motion before speaking to it; and
(b) if required by the Presiding Member, is to put the motion or amendment in writing.

9.2 Motions to be supported

(1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.

(2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

9.3 Unopposed business

(1) Immediately after a substantive motion has been moved and seconded, the Presiding Member may ask the meeting if any Member opposes it.

(2) If no Member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.

(3) A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.

(4) If a Member opposes a motion, the motion is to be dealt with under this Part.

(5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting (see Part 15).

9.4 Only one substantive motion at a time

When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted. The Council is not to consider more than one substantive motion at any time.

9.5 Order of call in debate

The Presiding Member is to call speakers to a substantive motion in the following order:

(a) the mover to state the motion;
(b) a seconder to the motion;
(c) the mover to speak to the motion;
(d) the seconder to speak to the motion;
(e) a speaker against the motion;
(f) a speaker for the motion;
(g) other speakers against and for the motion, alternating where possible; and
(h) mover takes right of reply which closes debate.

9.6 Limit of debate

The Presiding Member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place even though all Members may not have spoken.

9.7 Member may require Motion to be read

A Member may require the motion or matter under discussion to be read at any time during a debate, but not so as to interrupt any other Member who is speaking.

9.8 Consent of seconder required for alteration

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

9.9 Order of amendments

Any number of amendments may be proposed to a substantive motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, carried or lost.

9.10 Form of an amendment

An amendment must add, delete, or substitute words to the substantive motion.

9.11 Amendment must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

9.12 Relevance of amendments

Each amendment is to be relevant to the motion in respect of which it is moved.

9.13 Mover of motion may speak on amendment

Any Member may speak during debate on an amendment.

9.14 Effect of an amendment

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any Member may speak and any further amendment may be moved.

9.15 Withdrawal of motion or amendment

(1) Subject to subclause (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.

(2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of Members present, until the amendment proposed has been withdrawn or lost.

9.16 Right of reply

(1) The mover of a substantive motion has the right of reply.

(2) The mover of any amendment to a substantive motion has a right of reply.

(3) The right of the reply may only be exercised:

(a) where no amendment is moved to the substantive motion — at the conclusion of the discussion on the motion; or

(b) where one or more amendments have been moved to the substantive motion — at the conclusion of the discussion on the substantive motion and any amendments.

(4) After the mover of the substantive motion has commenced the reply:

(a) no other Member is to speak on the motion;

(b) there is to be no further discussion on, or any further amendment to, the motion.

(5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

(6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

Part 10 – Procedural motions

10.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion (under Part 9), a Member may move the following procedural motions:

(a) that the debate be adjourned;

(b) that the meeting now adjourn;

(c) that the motion be now put;

(d) that the Member be no longer heard;

(e) that the ruling of the Presiding Member be disagreed with;

(f) that the meeting be closed to the public (see clause 6.2).

10.2 No debate

(1) The mover of a motion specified in paragraph (a), (b), (c) or (f) of clause 10.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(2) The mover of a motion specified in paragraph (c) or (d) of clause 10.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

10.3 Who may move

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

10.4 Procedural motions – right of reply on substantive motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

10.5 Meeting to proceed to the next business

The motion "that the meeting proceed to the next business", if carried, has the effect that:

(a) the debate on the substantive motion or amendment ceases immediately;
(b) no decision is made on the substantive motion;
(c) the Council moves to the next item of business; and
(d) there is no requirement for the matter to be raised again for consideration.

10.6 Debate to be adjourned

A motion "that the debate be adjourned":

(a) is to state the time to which the debate is to be adjourned; and
(b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.

10.7 Meeting now adjourn

(1) A Member is not to move or second more than one motion of adjournment during the same sitting of the Council.

(2) Before putting the motion for the adjournment of the Council, the Presiding Member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution (see clause 5.5).

(3) A motion "that the meeting now adjourn":

(a) is to state the time and date to which the meeting is to be adjourned;
and
(b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.

(4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned unless the Presiding Member or the Council determines otherwise.

10.8 Motion to be put

(1) If the motion "that the motion be now put", is carried during debate on a substantive motion without amendment, the Presiding Member is to offer the right of reply and then put the motion to the vote without further debate.

(2) If the motion "that the motion be now put" is carried during discussion of an amendment, the Presiding Member is to put the amendment to the vote without further debate.

(3) This motion, if lost, causes debate to continue.

10.9 Member to be no longer heard

If the motion "that the member be no longer heard", is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

10.10 Ruling of the Presiding Member to be disagreed with

If the motion "that the ruling of the Presiding Member be disagreed with", is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

Part 11 - Disclosure of interests

11.1 Disclosure of interests

Disclosure of interests is dealt with in the Act.

Part 12 - Voting

12.1 Motion - when put

(1) Immediately after the debate on any Motion is concluded and the right of reply has been exercised, the Presiding Member –
(a) is to put the Motion to the Council; and
(b) if requested by any Member, is to again state the terms of the Motion.

(2) A Member is not to leave the meeting when the Presiding Member is putting any Motion.

12.2 Voting
Voting is dealt with in the Act and the Regulations.

12.3 Majorities required for decisions
The majorities required for decisions of the Council and committees are dealt with in the Act.

12.4 Method of taking vote
(1) In taking the vote on any motion or amendment the Presiding Member:
(a) is to put the motion, first in the affirmative, and then in the negative;
(b) may put the motion in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
(c) may accept a vote on the voices or may require a show of hands; and,
(d) is, subject to this clause, to declare the result.

(2) If a Member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.

(3) If a member of Council or a committee specifically requests that there be recorded –
(a) his or her vote; or,
(b) the vote of all members present, on a matter voted on at a meeting of the Council or committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.

(4) If a Member calls for a division:
(a) those voting in the affirmative are to pass to the right of the Chair; and
(b) those voting in the negative are to pass to the left of the Chair.

(5) For every division, the CEO is to record:
(a) the name of each member who voted; and
(b) whether he or she voted in the affirmative or negative.

Part 13 – Minutes of meetings

13.1 Keeping of minutes
The keeping and confirmation of minutes are dealt with in the Act.

13.2 Content of minutes
(1) The content of minutes is dealt with in the Regulations.

(2) In addition to the matters required by regulation 11, the minutes of a Council meeting is to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

13.3 Public inspection of unconfirmed minutes
The public inspection of unconfirmed minutes is dealt with in the Regulations.

13.4 Confirmation of minutes
(1) When minutes of an ordinary meeting of the Council are distributed for consideration prior to their confirmation at the next meeting, if a Member is dissatisfied with the accuracy of the minutes, the Member may provide the Local Government with a written copy of the alternative wording to amend the minutes no later than 7 clear working days before the next ordinary meeting of the Council.

(2) At the next ordinary meeting of the Council, the Member who provided the alternative wording shall, at the time for confirmation of minutes -
(a) state the item or items with which he or she is dissatisfied; and
(b) propose a motion clearly outlining the alternative wording to amend the minutes.

(3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

Part 14 – Adjournment of meeting

14.1 Meeting may be adjourned
The Council may adjourn any meeting:
(a) to a later time on the same day; or
(b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

14.2 Effect of adjournment
Where any matter, motion, debate or meeting is adjourned under these Local Laws:
(a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
(b) debate is to be resumed at the next meeting at the point where it was interrupted; and
(c) the provisions of clause 7.9 [speaking twice] apply when the debate is resumed.

Part 15 – Revoking or changing decisions

15.1 Requirements to revoke or change decisions
The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

15.2 Limitations on powers to revoke or change decisions
(1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision:
(a) where, at the time the motion is moved or notice is given, any action has been taken under clause 15.3 to implement the decision; or
(b) where the decision is procedural in its form or effect.

(2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

15.3 Implementing a decision
(1) In this clause:
(a) "authorisation" means a licence, permit, approval or other means of authorising a person to do anything;
(b) "implement", in relation to a decision, includes:
(i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
(ii) take any other action to give effect to the decision; and
(c) "valid notice of revocation motion" means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the Local Laws and may be considered, but has not yet been considered, by the Council or a committee as the case may be.

(2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.

(3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.

(4) A decision made at a meeting is not to be implemented by the CEO or any other person:
(a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
(b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.

(5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation:
(a) is to take effect only in accordance with this clause; and
(b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

Part 16 – Suspension of Local Laws

16.1 Suspension of Local Laws

(1) A Member may at any time move that the operation of one or more of the provisions of these Local Laws be suspended.

(2) A Member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.

(3) A motion under subclause (1) which is:
(a) seconded; and
(b) carried by an absolute majority, is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

16.2 Where Local Laws do not apply

(1) In situations where:
(a) one or more provisions of these Local Laws have been suspended;
or
(b) a matter is not regulated by the Act, the Regulations or these Standing Orders, the Presiding Member is to decide questions relating to the conduct of the meeting.

(2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 10.10.

Part 17 – Meetings of electors

17.1 Electors' general meetings

Electors' general meetings are dealt with in the Act.

17.2 Matters for discussion at electors' general meetings

The matters to be discussed at electors' general meetings are dealt with in the Regulations.

17.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

17.4 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in the Regulations.

17.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

17.6 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in the Act.

17.7 Procedure for electors' meetings

(1) The procedure for electors' meetings is dealt with in the Act and the Regulations.

(2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the Presiding Member is to have regard to these Local Laws.

17.8 Participation of non-electors

A person who is not an elector of the Local Government shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

17.9 Voting at electors' meetings

Voting at electors' meetings is dealt with in the Regulations.

17.10 Minutes of electors' meetings

Minutes of electors' meetings are dealt with in the Act.

17.11 Decisions made at electors' meetings

Decisions made at electors' meetings are dealt with in the Act.

Part 18 - Enforcement

18.1 Penalty for breach

A person who breaches a provision of these Local Laws commits an offence.

Penalty: $5,000.00 and a daily penalty of $500.00.

18.2 Who can prosecute

Who can prosecute is dealt with in the Act.

Dated: [*INSERT DATE*]

The Common Seal of the *Shire of Brookton*
was affixed by the authority of a resolution of Council in the presence of:

Katrina Crute — Shire President

Ian D'Arcy — Chief Executive Officer

Shire President

1.18 APPOINTING ACTING OR TEMPORARY CEO

Objective

To establish policy, in accordance with Section 5.39C of the *Local Government Act 1995* ('the Act'), that details the Shire of Brookton's processes for appointing an Acting or Temporary Chief Executive Officer (CEO) for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office.

Definitions

Acting CEO means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed, but is on planned or unplanned leave.

Temporary CEO means a person employed or appointed to fulfil the statutory position of CEO for the period of time between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

Leave means annual leave, sick leave, long service or personal leave and any absence from work associated with a Workers Compensation claim.

Policy Statements

1. Acting and Temporary CEO Requirements and Qualifications

(a) When the CEO is on planned or unplanned leave, or the CEO's employment with the Local Government has ended, an Acting or Temporary CEO is to be appointed in accordance with this Policy to fulfil the functions of CEO as detailed in Section 5.41 of the *Local Government Act 1995*, and other duties as set out in the Act and associated Regulations.

(b) Through this policy and in accordance with section 5.36(2)(a) of the Act, the Council determines that employees appointed to the substantive position(s) of Manager Corporate and Community (MCC), is considered suitably qualified to perform the role of Acting or Temporary CEO.

(c) A person appointed to act in the position of MCC is not included in the determination set out in Clause 1(b).

2. Appointment of Acting CEO – Planned and unplanned leave for periods up to 3 weeks

(a) The CEO is authorised to appoint the MCC in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 6 weeks, subject to the CEO's consideration of the MCC's performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.

(b) The CEO must appoint an Acting CEO for any leave periods greater than 48 hours and less than 3 weeks.

(c) The CEO is to immediately advise all Elected Members when and for what period of time the MCC is appointed as Acting CEO.

(d) If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with (b), then the MCC will liaise with the Shire President to coordinate the calling and conduct of a Special Meeting of Council to facilitate an Acting CEO appointment.

(e) Council may, by resolution, extend an Acting CEO period under subclause (b) beyond 3 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

3. Appointment of Acting CEO for extended leave periods greater than 3 weeks but less than 12 months.

(a) This clause applies to the following periods of extended leave:
   i. Substantive CEO's Extended Planned Leave which may include accumulated annual leave, long service leave or personal leave; and
   ii. Substantive CEO's Extended Unplanned Leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.

(b) The Council will, by resolution, appoint an Acting CEO for periods greater than 3 weeks but less than 12 months, as follows:
   i. Appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
   ii. Conduct an external recruitment process in accordance with clause 4(a)(iii).

(c) The Shire President will liaise with the CEO, or in their unplanned absence the MCC to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.

(d) Subject to Council's resolution, the Shire President will execute in writing the Acting CEO appointment with administrative assistance from the MCC.

4. Appointment of Temporary CEO – Substantive Vacancy

(a) In the event that the substantive CEO's employment with the Shire of Brookton is ending, the Council when determining to appoint a Temporary CEO may either:
   i. by resolution, appoint MCC as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or
   ii. by resolution, appoint MCC as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
   iii. following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the Local Government.

(b) The Shire President will liaise with the MCC to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.

(c) The Shire President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council's resolution/s, with administrative assistance from the MCC.

5. Remuneration and Conditions of Acting or Temporary CEO

(a) Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at the cash component only of the substantive CEO's total reward package.

(b) Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.

(c) Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

Resolution No:
Resolution Date:

1.19 LEGAL REPRESENTATION FOR COUNCIL MEMBERS AND EMPLOYEES

Objective

To provide guidance in the protection of the interests of elected members and employees (including past elected members and former employees) where they have become involved in legal proceedings as a result of their official duties.

Policy

Definitions

- ***approved lawyer*** means;
  a) A "certified practitioner" under the *Legal Practice Act, 2003;*
  b) A law firm on WALGA's panel of legal service providers; and
  c) Approved in writing by the Council or the CEO under delegated authority.
- ***Council member or employee*** means a current or former Commissioner, Council member, non-elected member of a Council committee or employee of the Shire.
- ***legal proceedings*** means civil, criminal or investigative proceedings.
- ***legal representation*** means the provision of legal services, to or on behalf of a Council member or employee, by an approved lawyer that are in respect of:
  a) a matter or matters arising from the performance of the functions or duties of the Council member or employee; and
  b) legal proceedings involving the Council member or employee that have been or may be commenced.
- ***legal representation costs*** means the costs, including fees and disbursements, properly incurred in providing legal representation.
- ***legal services*** means advice, representation or documentation that is provided by an approved lawyer.
- ***payment*** means a sum on money paid by the Shire for legal representation that may be by;
  a) a direct payment to the approved lawyer (or the relevant firm); or
  b) a reimbursement to the Council member or employee.

1. Payment Criteria

There are four (4) major criteria for determining whether the Shire will pay the legal representation costs of a Council member or employee. These are:

a) The legal representation costs relating to a matter that arises from the performance by the Council member or employee of his or her functions and duties;
b) The legal representation costs applicable to legal proceedings that have been or may be commenced;
c) The Council member or employee having acted in good faith and lawfully that constitutes proper conduct; and
d) The legal representation costs do not relate to matters of a personal or private nature.

2. Examples of legal representation costs that may be approved

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

a) Where proceedings are brought against a Council member or employee in connection with his or her functions or duties. For example, an action for defamation or negligence arising out of a decision made or action taken by a Council member or employee.

b) To enable proceedings to be commenced and/or maintained by a Council member or employee to permit him or her to carry out his or her functions or duties. For example, where a Council member or employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the Council member or employee.
c) Where exceptional circumstances are involved. For example, where a person or organisation is lessening the confidence of the community in the Local Government by publicly making adverse personal comments about Council members or employees.

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

3. Application for payment

A Council member or employee who seeks assistance under this policy is to make an application in writing to the Council or the Chief Executive Officer.

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

a) The matter for which legal representation is sought;
b) How that matter relates to the functions of the Council member or employee making the application;
c) The lawyer or law firm who is to be asked to provide the legal representation;
d) The nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc.);
e) An estimated cost of the legal representation; and
f) Why it is in the interests of the Shire for payment to be made.

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

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

The application is to be accompanied by a signed written statement by the applicant that he or she:

a) has read and understands the terms of this policy.
b) acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 7 and any other conditions to which the approval is subject; and
c) undertakes to repay to the Shire any legal representation costs in accordance with the provisions of clause 7.

4. Legal representation costs – Limit

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

A Council member or employee may make a further application to the Council in respect of the same matter.

5. Council's powers

Council may refuse, grant or grant subject to conditions an application for payment of legal representation costs.

Conditions may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment and repayment of legal representation costs.

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

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

Council may determine that a Council member or employee whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved,

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

Such determination may be made by Council only on the basis of and consistent with the findings of a court, tribunal or enquiry.

Where Council makes such determination the legal representation costs paid by the Shire are to be repaid by the Council member or employee in accordance with clause 7.

6. Delegation to Chief Executive Officer

In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO may exercise on behalf of Council any of the powers of Council to a maximum of $2,000 in respect of each application on the basis sufficient funds are available at the time under the legal expense allocation in the municipal budget.

An application approved by the CEO is to be submitted to the next ordinary meeting of Council. Council may exercise any of its powers under this policy, including its power to revoke or vary the approval or any conditions of the approval.

7. Repayment of legal representation costs

A Council member or employee whose legal representation costs have been paid by the Shire is to repay the Shire:

a) all or part of those costs in accordance with a determination by Council under clause 5;
b) as much of those costs as are available to be paid by way of set-off – where the Council member or employee receives monies paid for costs, damages or settlement in respect of the matter for which the Shire paid the legal representation costs.

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

Resolution No:
Resolution Date:

~~1.20 LEGAL ADVICE PROCEEDINGS AND PROSECUTIONS~~

~~**Objective**~~
~~The objective of this policy it to detail the circumstances in which legal advice may be obtained and legal proceedings will be initiated, which may include prosecutions.~~

~~**Policy**~~
~~Action to:~~

~~1. Obtain advice on a matter of operational significance within the budget allocation for legal expenses may be instigated by the CEO under delegated authority.~~

~~2. Proceed with legal proceedings or prosecution, except for collection of rates and industrial relation matters, shall only be taken following a resolution of Council or a resolution delegating authority to the CEO or other nominated officer in certain circumstances.~~

~~*Note well: This Policy does not include legal advice that may be sought at the discretion of the CEO, subject to sufficient allocation of funds in the municipal budget.*~~

Resolution No:
Resolution Date:

1.21 HABITUAL OR VEXATIOUS COMPLAINTS

Objectives

1. To identify situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be 'habitual or vexatious' and ways of responding to these situations.
2. This policy is intended to assist in identifying and managing persons who seek to be disruptive to the Council through pursing an unreasonable course of conduct.

Background

Habitual or vexatious complaints can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Member time and displace scarce human resources that could otherwise be spent on Council priorities. Whilst the Council endeavours to respond with patience and sympathy to all needs of all complainants, there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

Definitions

- ***Habitual*** means 'done repeatedly or as a habit'.

- ***Vexatious*** means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'.

Policy

1. For the purpose of this policy, the following definition of habitual or vexatious complainants will be used in the repeated and/or obsessive pursuit of:

   a) Unreasonable complaints and/or unrealistic outcomes; and/or
   b) Reasonable complaints in an unreasonable manner.

2. Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in the attached document (Schedule A), the CEO following discussions with the Shire President and Manager Corporate and Community will seek agreement to treat the complainant as a habitual or vexatious complainant and for an appropriate course of action to be taken. The attached schedule (B) details the options available for dealing with habitual or vexatious complaints.

3. The CEO will notify complainants in writing of the reasons why their complaint has been treated as habitual or vexatious, and the action that will be taken. The CEO will also notify the Council Members that a constituent has been designated as a habitual or vexatious complainant.

4. Once a complainant has been determined to be habitual or vexatious, their status will be kept under review after one year and monitored by the CEO with reports being taken to Council as required. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

Schedule A – Criteria for Determining Habitual or Vexatious Complaints

Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows how they meet one of the following criteria:

Where complainants:

1. Persist with a complaint notwithstanding the Council's complaints process has been fully and properly implemented and exhausted.

2. Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints).

3. Repeatedly dismiss documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions, or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.

4. Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.

5. Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognized that determining what is a trivial matter can be subjective and careful judgment will be used in applying this criteria.

6. Have threaten~~ed~~ or used physical violence towards employees or elected members at any time. This will cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, thereafter, only be continued through written communication.

   Any complainant who threatens or uses actual physical violence towards employees or elected members will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the Council and the Administration is to be made.

7. While addressing a registered complaint have had an excessive contact~~s~~ with the Council placing unreasonable demands on the organisation and its employees. A contact may be in person, by telephone, letter, email, text or social media. Judgment will be used to determine excessive contact taking into account the specific circumstances of each individual case.

8. Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint or elected members. Employees and elected members recognize that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental health disability and there is a need to be sensitive in circumstances of that kind.

9. Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.

10. Make unreasonable demands on the Council and its employees, and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's complaints procedure or normal recognized practice.

11. Make unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint:
    - Clearly does not have any serious purpose or value; or
    - Is designed to cause disruption or annoyance; or
    - Has the effect of harassing the public authority; or
    - Can otherwise fairly be characterized as obsessive or manifestly unreasonable.

12. Make repetitive complaints and allegations which ignore the replies which Council Officers have supplied in previous correspondence.

Schedule B – Options for Dealing with Habitual or Vexatious Complainants

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint process is ongoing or completed.

1. A letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.

2. Decline contact with the complainant, either in person, be telephone, by fax, by letter, by email or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this in person.

3. Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.

4. Inform the complainant that in extreme circumstances the Council will seek legal advice on habitual or vexatious complaints.

5. Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered habitual or vexatious, while seeking legal advice or guidance from its solicitor or other relevant agencies. This may result in the complainant being advised that all further contact is to be directed to the Shire's solicitor.

Resolution No:
Resolution Date:

1.22 AASB124 – RELATED PARTIES DISCLOSURES

Objectives
To purpose of this policy is to define the parameters for Related Party Transactions and the level of disclosure and reporting required for the Shire of Brookton (the Shire) to achieve compliance with the Australian Account Standard AASB 124 – Related Party Disclosures.

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

"Act" - means the Local Government Act 1995.

"Arm's Length" - means terms between parties that are reasonable in the circumstances of the transaction that would result from:
a) neither party bearing the other any special duty or obligation; and
b) the parties being unrelated and uninfluenced by the other, and
c) each party having acted in its own interest.

"Close members of the family of a person" - are those family members who may be expected to influence, or be influenced by, that person in their dealings with the Shire and include:
a) that person's children and spouse or domestic partner;
b) children of that person's spouse or domestic partner; and

c) dependents of that person or that person's spouse or domestic partner.

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

"Key management personnel (KMP)" - those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly.

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

a) Short-term employee benefits, such as wages, salaries, paid annual leave, paid sick leave, bonuses, non-monetary benefits, such as use of motor vehicles and free and/or subsidised goods or services;
b) Post-employment benefits such as pensions, other retirement benefits, postemployment;
c) Other long-term employee benefits, including long-service leave or sabbatical leave; and
d) Termination benefits.

"Materiality" - means the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis an entity's financial statements.

"Ordinary Citizen Transaction (OCT)" - means a transaction that an ordinary citizen of the community would undertake in the ordinary course of business with the Shire.

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

a) that person's brothers and sisters;
b) that person's aunts, uncles, and cousins;
c) dependents of those persons or that person's spouse or domestic partner as stated in (b); and
d) that person's or that person's spouse or domestic partners, parents and grandparents. "Related Party" - is a person that is related to the entity (Shire) that is preparing its financial statements.

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

"Regulation" - means the Local Government (Financial Management Regulations) 1996.

"Remuneration" – mean remuneration package and includes any money, consideration or benefit received or receivable by the person but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from a related party transaction.

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

Background

The Australian Accounting Standards Board (AASB) determined in AASB 124 that from 1 July 2016 related party disclosures will apply to government entities, including local governments.

AASB 124 provides that the Shire must disclose the following financial information in its financial statements for each financial year period:

a) disclosure of any related party relationship;
   - must disclose in its Annual Financial Statements its relationship with any related parties or subsidiaries (where applicable), whether or not there have been transactions within the relevant reporting period;

b) Key Management Personnel (KMP) Compensation Disclosures;
   - must disclose in its Annual Financial Statements details for each of the categories of KMP compensation, as stated in the definitions of this Policy, in total.

Policy

The Shire of Brookton is committed to producing Financial Information with high standards. In delivering high standard financial information the Shire is committed to comply with the principles of transparency and good governance and compliance with the Accounting Standards prescribed by the Australian Accounting Standards Board (AASB), Local Government Act 1995, and Local Government (Financial Management) Regulations 1996.

The Related Party Disclosure Policy aims to assist the Shire in complying with disclosure requirements concerning key management personnel (KMP), their close family members and entities controlled or jointly controlled by any of them stipulated under the Australian Accounting Standard AASB 124 Related Party Disclosures (AASB 124).

<u>Identifying related parties</u>

The most common related parties of the Shire will be:

a) an elected Council member (KMP);
b) a person employed under section 5.36 of the Local Government Act 1995 in the capacity of Chief Executive Officer and other Executive Management staff (KMP);
c) close family members of any person listed above (e.g. spouse/domestic partners, dependents and children of the Councillors, CEO and Executive Management staff);
d) possible close family members of any person listed above;
e) entities that are controlled or jointly controlled by KMP's or their close family members (entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs); and
f) entities subject to significant influence by the Shire and Shire Joint Venture entities.

In considering each possible related party relationship, attention is directed to the substance of the relationship and not merely the legal form.

In the context of AASB 124, following are not related parties:

a) Two entities simply because they have a member of key management personnel in common or because a member of key management personnel of one entity has significant influence over the other entity.
b) Two joint ventures simply because they share joint control over a joint venture.
   i. providers of finance;
   ii. trade unions;
   iii. public utilities;

iv. departments and agencies of a government that does not control, jointly control or significantly influence the local government; and
v. simply by virtue of their normal dealings with the local government (even though they may affect the freedom of action of a local government or participate in its decision-making process).

c) A customer, supplier, franchisor, distributor or general agent with whom the local government transacts a significant volume of business.

Identifying 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 common transactions or provision of services have been identified as meeting these criteria (this list is not exhaustive):

a) paying rates;
b) fines;
c) 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);
d) attending the Shire functions that are open to the public;
e) employee compensation whether it is for KMP or close family members of KMP;
f) application fees paid to the Shire for licenses, approvals or permits;
g) 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);
h) sale or purchase of any property owned by the Shire, to a person identified above;
i) sale or purchase of any property owned by a person identified above, to the Shire;
j) contracts and agreements for construction, consultancy or services;
k) loan arrangements;
l) lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a Real Estate Agent); and
m) lease agreements for commercial properties.

Identifying ordinary citizen transactions

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. Where the Shire can determine that an OCT was;

- provided at arm's 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.

Identifying KMP, their close family members, possibly close family members and entities controlled or jointly controlled by any of them.

a) KMP: Close attention should by paid to the organisational structure of the Shire and Council itself to determine who has authority and responsibility for planning, directing and controlling

the activities of the Shire, either directly or indirectly. KMP's of the Shire are considered to include:

i. Councillors;
ii. Chief Executive Officer;
iii. Manager of Infrastructure and Assets (MIA)
iv. Manager of Corporate and Community Services (MCC); and
v. Works Coordinator

b) Close family members and possibly close family members of KMP: These are family members who may be expected to influence, or be influenced by, that person in their dealings with the Shire and include but is not limited to:

i. That person's children and spouse or domestic partner;
ii. Children of that person's spouse or domestic partner; and
iii. Dependants of that person or that person's spouse or domestic partner.

The following table may assist in identifying close family members and possibly close family members.

Definitely a close family member	May be a close family member
Spouse/domestic partner	Brothers and sisters, if they could be expected to influence or be influenced by KMP in their dealings with the Shire.
Children	Aunts, uncles and cousins, if they could be expected to influence or be influenced by KMP in their dealings with the Shire.
Dependants	Parents and grandparents, if they could be expected to influence or be influenced by KMP in their dealings with the Shire.
Children of spouse/domestic partner	Nieces and nephews, if they could be expected to influence or be influenced by KMP in their dealings with the Shire.
Dependants of spouse/domestic partner	Any other member of KMP family if they could be expected to influence or be influenced by KMP in their dealings with the Shire.

c) Entities controlled or jointly controlled by KMP, close family members and possibly close family members: Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships. Control over an entity is;

i. power over the entity;
ii. exposure, or rights, to variable returns from involvement with the entity; and
iii. the ability to use power over the entity to affect the amount of returns.

To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

<u>Identifying information about the related parties and related party transactions</u>
For the purposes of determining related parties and related party transactions as per above, elected Council members and KMP, will be required to complete Related Party Disclosure Declaration forms

for submission to the Financial Services area. All information contained in a disclosure return, will be treated in confidence.

In all instances if any uncertainty exists regarding the status of a transaction or party it is advisable to make the requisite disclosure, the Financial Service area will be able to asses and confirm the nature of the transaction.

If a Councillor believes a transaction or relationship may constitute a related party transaction or relationship but is uncertain and is not comfortable with disclosure, the CEO can be notified. The CEO will be able to obtain resolution from the Manager Corporate and Community Services (MCC) regarding the status of the transaction or relationship.

If an Employee believes a transaction may constitute a related party transaction, they must notify the Manager Corporate and Community Services (MCC) who will discuss the matter with the CEO to confirm whether the transaction falls within the scope of this policy.

Establishing systems to capture and record the related party transactions and information about those transactions

The Related Party Disclosures - Declaration forms attached to the Related Party Information Collection Notice must be completed by all Council members, the CEO and all other KMP who were elected or employed at any time during the financial year.

Declarations will be required:

a) quarterly and
b) at points of resignation or appointment of KMP e.g. prior to any ordinary or extraordinary election.

The Executive Governance Officer will be responsible for the maintenance of a register that captures all the related party transactions of KMP.

Identifying the circumstances in which disclosure is required

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

It should be noted that the disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire must make 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.

Determining the disclosures to be made about those items in the general-purpose financial statements for the purpose of complying with the AASB 124.

Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified nor a specific transaction. 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, and separate disclosure may be necessary for an understanding of the effects of related party transactions on the financial statements, if the disclosure requirements of AASB 124 so demands.

Resolution No:
Resolution Date:

1.23 ACKNOWLEDGEMENT OF COUNTRY

Objective
The process of "Welcome to Country" and "Acknowledgement of Country" recognises the unique position of Aboriginal and/or Torres Strait Islander peoples in Australian culture and history as the Traditional Owners of the land.

It is important that this unique position is recognised and incorporated as part of official protocol to Council meetings and civic events to enable the wider community to share in the Aboriginal and Torres Strait Islander culture and heritage, facilitating better relationships between all Australians.

~~**Background**~~
~~As a practise *"Welcome to Country"* is a ritual often performed by traditional elders to highlight the cultural significance of the surrounding area to a particular Aboriginal clan or language group, and to show respect for the traditional custodians.~~

~~An "*Acknowledgement of Country"* is slightly different where a chairperson begins the meeting by acknowledging that the meeting or event is taking place in the country of the traditional owners.~~

Policy
The practice of an "*Acknowledgement of Country*" is to be performed at the commencement of all Ordinary or Special Meetings of Council, Committees of Council and any Civic Function or Event hosted by the Shire of Brookton.

The Shire President (or his/her representative) is to include as a minimum the following wording in an ~~his/her~~ "Acknowledgement of Country" opening statement:

> ~~*"I acknowledge that this gathering/meeting is being held on the traditional lands of the Nyoongar People."*~~
>
> *On behalf of Council, I acknowledge that this gathering/meeting is being held on the traditional lands of the Nyoongar People and pay respect to all Elders, past, present, and emerging. I acknowledge and respect local peoples continuing culture and the contribution they make to Country and its life.*

~~The Shire President (or his/her representative) may add to the "*Acknowledgement to Country*" wording as detailed in policy statement 2 above.~~

Resolution No:
Resolution Date:

1.24 ATTENDANCE AT EVENTS (COUNCIL MEMBERS AND CEO)

~~**Objective**~~

~~This Policy accords with Section 5.90A of the *Local Government Act, 1995* that requires all local governments adopt an "Attendance at Events" policy as part of the Local Government's Gifts Framework. This is to ensure transparency and accountability in decision-making which can be or perceived to be influenced through financial and personal relationships resulting in the receipt of gift(s).~~

~~Accordingly, the objective of this policy is to provide a framework to enable Council Members, the CEO or in some instances other senior employees to attend Events or functions (ticketed or otherwise) as representatives of Council without restricting their participation in the Council decision making process. This Policy does not provide guidance on the acceptance of a tangible gift or travel contribution.~~

Objective

The Shire of Brookton is required under the Local Government Act 1995 to approve and report on attendance at events for Elected Members and the Chief Executive Officer. The purpose of this policy is to outline the process associated with attendance at an event.

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

Definitions

Elected Members includes the Shire President and all Councillors.

In accordance with Section 5.90A of the Local Government Act 1995 an event is defined as a:

- concert;
- conference;
- function;
- sporting event; or
- occasions prescribed by the Local Government (Administration) Regulations 1996.

Policy

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

1. If an Elected Member receives a ticket in their name, in their role as an Elected Member, of $300 or greater value, they are still required to comply with normal gift disclosure requirements.
2. In their role with the Shire, the Chief Executive Officer and all other employees are prohibited from accepting any gift greater than $300, unless from the Shire as the organiser of the event or as a gift pursuant to Section 5.50 of the Local Government Act 1995 (gratuity on termination).

3. If the Chief Executive Officer or an employee receives a ticket in their name, in their role as an employee, of between $50 and $300, they are required to comply with normal gift disclosure requirements and the Code of Conduct regarding notifiable and prohibited gifts.

~~a) Application~~

~~This policy mainly applies to Council Members and CEO in respect of their acceptance of invitations to an Event (includes conferences, concerts, sporting events, functions and other hospitality occasions) offered at a discounted rate or free of charge as part of a sponsorship agreement or funded by the Shire of Brookton. An example of such an Event is the Old Time Motor Show.~~

~~The attendance, if not paid for by the Local Government, is considered a gift subject to the disclosure of interest provisions, unless the Event is detailed or is expressly approved under this policy.~~

~~Council Members and the CEO are not required to disclose interests in relation to gifts or invitations from the following entities:~~

~~a) Western Australian Local Government Association (WALGA).~~
~~b) Local Government Professionals Australia WA (LG Pro).~~
~~c) Australian Local Government Association (ALGA).~~
~~d) State Government Agencies.~~
~~e) Other State, Territory and Commonwealth Departments.~~
~~f) Another Local Government or Regional Local Government.~~

~~However, Council Members and the CEO are statutorily obligated to disclose receipt and acceptance of a gift or invitation in accordance with Section 5.87A and 5.87B of the *Local Government Act, 1995*.~~

~~b) Consideration~~

~~Whether a benefit such as an invitation to an event or hospitality given to a Council Member or the CEO is a gift for the purposes of the *Local Government Act, 1995* and Regulations. Key considerations are:~~

~~a) Who is providing the invitation to the Event?~~
~~b) The cost to attend the Event (or estimated value per invitation) and any other expenses such as travel and accommodation.~~
~~c) The location of the Event in relation to the local government (within the district or out of the district).~~
~~d) The role of the Council Member or CEO when attending the Event (participant, observer, presenter) and the value of their contribution. If the value of the contribution outweighs the value of the benefit it will not be a gift for the purposes of the legislation.~~
~~e) The benefit of Council Member or CEO representation at the Event.~~
~~f) The number of invitations / tickets received.~~
~~g) Whether the Event is sponsored by the Local Government.~~
~~h) Whether the Event is ultimately paid for by the Shire.~~

~~c) Attendance~~

i) Unless stated in this policy, any invitation to an Event accepted by a Council Member or CEO without payment, where a member of the public is required to pay, will generally be classified as a gift to which the declaration of interest provisions apply.

ii) Where typically attendance by a Council Member or the CEO is in official capacity on behalf of the Local Government, including professional development, the Shire may pay the cost for attending the Event. The declaration of interest provisions would not apply in this instance.

iii) If the Shire does not pay for attendance at an Event, it is classified as a 'gift' unless a contribution by the Council Member or CEO, such as presenting a paper or speaking engagement, is reasonably considered to outweigh the value of registration or other benefit given.

iv) Typically, Attendance in an official capacity at an Event run by a local community group without paid entry is not classed as a 'gift' where the contribution by the Council Member or CEO is reasonably considered to outweigh the value of the hospitality of the event/function.

v) Any Event:

a) Not noted as pre-approved in accordance with this policy, or any invitation received in a personal capacity, is not considered as an approved event.

b) That is 'free' to the public, such as the annual Brookton Christmas Party, does not qualify for any action being required under this policy or Section 5.87A and 5.87B of the *Local Government Act, 1995*.

vi) If the Event is ticketed and the Council Member or CEO pays the full ticketed price and does not seek reimbursement, then no action is required.

vii) If the Event is ticketed and the Council Member or CEO pays a discounted rate or is provided with a free ticket, then the recipient must adhere to the gift and declaration of interest provisions.

d) Pre-Approved Events

The following Events are deemed pre-approved in line with the objective of this policy:

1. Advocacy lobbying or Ministerial briefings.
2. Awards functions specifically related to Local Government.
3. Shire hosted ceremonies and functions.
4. City run tournaments or Events.
5. Community cultural Events/festivals/art exhibitions.
6. Events hosted by Clubs or Not for Profit Organisations within the Shire to which the Council Member or CEO are invited on official business.
7. Events run by the local school.
8. Free Shire facilitated Events.
9. Industry/economic briefings specifically related to the function of government.
10. Meetings of clubs or organisations within the Shire.
11. Major professional bodies associated with government at a local, State and Federal level.
12. Formal opening or launch of an Event or facility within the Shire.
13. Where Shire President or CEO representation has been formally requested.

e) Approval Process

- All invitations to Events for a Council Member or CEO must be in writing and addressed to the Shire Administration.

- ~~Invitations to Events valued at $300 and over (or the cumulative value of $300 and over within a 12 month period) are considered gifts under the *Local Government Act, 1995* and therefore must be disclosed. Declarations of interest are not required if the Event is listed in this policy as a pre-approved Event – see section 4 above.~~
- ~~Invitation to Events that are not addressed to the Shire and are not listed as a Pre-Approved Event must be disclosed as a gift and filed under the declaration of interest provisions of the *Local Government Act, 1995*.~~
- ~~Where an invitation or ticket to an Event is received that is not a Pre-Approved Event, approval to attend and accept may be requested in writing as follows:~~
  - ~~for Council Member acceptance and attendance, approval by the CEO; and~~
  - ~~for CEO acceptance and attendance, approval by the Shire President.~~

  ~~Requests for approval are to be forwarded to the Manager, Corporate and Community.~~
- ~~Where a Council Member or CEO request has been approved and there is a fee associated with attending the Event, then the cost, excluding the attendance of a partner, is to be paid for by the Shire subject to budget considerations.~~

~~f) Approval Considerations~~

~~In determining attendance of a non-Pre-Approved Event, consideration will be given to:~~

- ~~The donor providing the invitation or ticket to the Event (for example, the donor is a person who is undertaking or seeking to undertake an activity involving a Council discretion).~~
- ~~The location of the Event in relation to the Shire (whether within the district).~~
- ~~Function of the Council Member or CEO in attending the Event (ie participant, observer, presenter) and the value of the contribution.~~
- ~~Whether the Event is sponsored by the Shire.~~
- ~~The corporate or community benefit to the Shire in the Council Member or CEO attending.~~
- ~~Alignment to the Shire's Strategic Objectives.~~
- ~~The number of Shire representatives already approved to attend.~~
- ~~Any justification provided by the applicant when the Event is submitted for approval.~~

~~g) Unfavourable Events~~

~~Events that will not be considered for approval are:~~

- ~~Political party Events and fundraisers.~~
- ~~Shire sponsored Events.~~
- ~~Social Events.~~
- ~~Entertainment Events with no link to the Shire.~~
- ~~Events that primarily benefit Council Members in a personal capacity or in a role other than their role at the Shire.~~

~~h) Reporting~~

~~The CEO is to report annually to Council on the approval and refusal of Council Member and CEO requests to attend Events that are not Pre-Approved in accordance with this policy.~~

1. Pre-Approved Events

In order to meet the policy requirements tickets and invitations to events must be received by the Shire (as opposed to in the name of a specific person in their role with the Shire).

Individual tickets and associated hospitality with a dollar value above $500 (inclusive of GST and if relevant, travel) provided to the Shire are to be referred to Council for determination.

The Shire approves attendance at the following events by Elected Members, the Chief Executive Officer and employees of the Shire:

a. advocacy lobbying or Ministerial briefings. Only Elected Members and the Chief Executive Officer are approved for this type of event;
b. meetings of clubs or organisations within the Shire of Brookton;
c. any free event held within the Shire of Brookton;
d. Australian or West Australian Local Government events;
e. events hosted by Clubs or Not for Profit Organisations within the Shire of Brookton to which the Shire President, Elected Member, Chief Executive Officer or employee has been officially invited;
f. Shire of Brookton hosted ceremonies and functions;
g. Shire of Brookton hosted events with employees;
h. Shire of Brookton run tournaments or events;
i. Shire of Brookton sponsored functions or events;
j. community art exhibitions;
k. cultural events/festivals;
l. events run by a Local, State or Federal Government;
m. events run by schools and universities within the region of the Shire of Brookton;
n. major professional bodies associated with local government at a local, state and federal level;
o. opening or launch of an event or facility within the Shire of Brookton;
p. recognition of Service events;
q. RSL events; and
r. where Shire President, Elected Member or Chief Executive Officer representation has been formally requested.

All Elected Members, the Chief Executive Officer and employees are entitled to attend a pre-approved event.

If there is a fee associated with a pre-approved event, the fee, including the attendance of a partner, will be paid for by the Shire by way of reimbursement, unless the event is a conference or training event in which attendance dealt with under clause 4 of this policy.

In addition to the above pre-approved events, Elected Members may also attend a paid event held within the Shire of Brookton, to be paid for by the Shire of Brookton by way of reimbursement, other than the following events:

a. party political events and fundraisers;
b. social events;
c. entertainment events with no link to the Shire of Brookton; or
d. events that primarily benefit Elected Members in a personal capacity or in a role other than their role at the Shire of Brookton.

If there are more Elected Members than tickets provided then the Shire President shall allocate the tickets.

2. Approval Process

Where an invitation is received to an event that is not pre-approved, it may be submitted for approval prior to the event for approval as follows:

a. events for the Shire President may be approved by the Deputy Shire President;
b. events for Councillors may be approved by the Shire President;
c. events for the Chief Executive Officer may be approved by the Shire President; and
d. events for employees may be approved by the Chief Executive Officer.

Where an Elected Member has an event approved through this process and there is a fee associated with the event, then the cost of the event, including for attendance of a partner, is to be paid from the Members Training & Conference allocated budget.

Where the Chief Executive Officer or employee has an event approved through this process and there is a fee associated with the event, then the cost of the event is to be paid for out of the Shire's relevant budgeted expenditure.

Considerations for approval of the event include:
- any justification provided by the applicant when the event is submitted for approval;
- the benefit to the Shire of the person attending;
- the budget allocation to Members Training & Conference;
- alignment to the Shire's Strategic Objectives; and
- the number of Shire representatives already approved to attend.

3. Non-Approved Events

Any event that is not pre-approved, is not submitted through an approval process, or is received personally is considered a non-approved event.

- If the event is a free event to the public then no action is required;
- If the event is ticketed and the Elected Member or Chief Executive Officer pays the full ticketed price and does not seek reimbursement then no action is required; and
- If the event is ticketed and the Elected Member or Chief Executive Officer pays a discounted rate, or is provided with a free ticket(s), then the recipient must disclose receipt of the tickets, and any other associated hospitality, within 10 days.

4. Dispute Resolution

All disputes regarding the approval of attendance at events are to be resolved by the Shire President in relation to Elected Members and the Chief Executive Officer in relation to other employees.

5. Associated Procedures

Organisations that desire attendance at an event by a particular person(s), such as the President, Deputy President, Elected Member, Chief Executive Officer or particular officer of the Shire, should clearly indicate that on the offer, together what is expected of that individual, should they be available, and whether the ticket is transferable to another Shire representative.

Tickets that are provided to the Shire of Brookton without denotation as to who they are for, will be provided to the Chief Executive Officer and attendance determined by the Chief Executive Officer in liaison with the Shire President, based on relative benefit to the organisation in attending the event, the overall cost in attending the event in inclusive of travel or accommodation, availability of representatives, and the expected role of the relevant Elected Member or employee.

Resolution No:
Resolution Date:

1.25 STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION

Objective

Division 1 — Preliminary provisions

1. Citation

These are the Shire of Brookton Standards for the Chief Executive Officer (CEO) Recruitment, Performance and Termination.

2. Terms used

(1) In these standards —

Act means the Local Government Act 1995;

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

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

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

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

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

local government means the Shire of Brookton;

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

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

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

Division 2 — Standards for recruitment of CEOs

3. Overview of Division

This Division sets out standards to be observed by the Council in relation to the recruitment of CEO.

4. Application of Division

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

(2) This Division does not apply —

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

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

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

(1) The Council is to determine the selection criteria for the position of CEO, based on the Council's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the Shire.

(2) The Council is to, by resolution of an absolute majority, approve a job description form for the position of CEO which sets out —

(a) the duties and responsibilities of the position; and

(b) the selection criteria for the position determined in accordance with subclause (1).

6. Advertising requirements

(1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.

(2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

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

If a person requests a copy of the job description form, the Council is to —

(a) inform the person of the website address referred to in the Local Government (Administration) Regulations 1996 regulation 18A(2)(da); or

(b) if the person advises he or she is unable to access the website address then —

(i) a copy of the job description form will be emailed to the person; or

(ii) a copy of the job description form will be posted to the person requesting the form.

8. Establishment of selection panel for employment of CEO

(1) In this clause —

independent person means a person other than any of the following —

(a) a council member;

(b) an employee of the local government;

(c) a human resources consultant engaged by the local government.

(2) The Council is to establish a selection panel / Employment Committee to conduct the recruitment and selection process for the employment of a person in the position of CEO.

(3) The selection panel must comprise —

(a) A minimum of four (4) council members; and

(b) at least 1 independent person - refer to Policy 1.13 – Council Committees – Terms of Reference.

9. Recommendation by selection panel

(1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.

(2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —

(a) a summary of the selection panel's assessment of each applicant; and

(b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.

(3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
   (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
   (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.

(4) The selection panel must act under subclauses (1), (2) and (3) —
   (a) in an impartial and transparent manner; and
   (b) in accordance with the principles set out in section 5.40 of the Act.

(5) The selection panel must not recommend an applicant to the Council under subclause (2)(b), unless the selection panel has —
   (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
   (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
   (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.

(6) The Council must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

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

(1) This clause applies if the Council accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.

(2) Unless the Council considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
   (a) clause 5 does not apply to the new recruitment and selection process; and
   (b) the job description form previously approved by the Council under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

11. Offer of employment in position of CEO

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

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

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

12. Variations to proposed terms of contract of employment

(1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the Council a contract of employment (the negotiated contract) containing terms different to the proposed terms approved by the Council under clause 11(b).

(2) Before entering into the negotiated contract with the applicant, the Council must, by resolution of an absolute majority, approve the terms of the negotiated contract.

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

(1) In this clause —

commencement day means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.

(2) This clause applies if —

(a) upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —

(i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and

(ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day; and

(b) the incumbent CEO has notified the Council they wish to have their contract of employment renewed upon its expiry.

(3) Before the expiry of the incumbent CEO's contract of employment, the Council is to carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.

(4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

14. Confidentiality of information

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

15. 360 Review

The Employment Committee may Consult with all or some of the Shire's employees and members/sections of the community through a '360 Review' (or similar process) to gain a holistic understanding of the CEO's conduct and performance internally and/or externally.

Division 3 — Standards for review of performance of CEOs

16. Overview of Division

This Division sets out standards to be observed by Council in relation to the review of the performance of the CEO~~s~~.

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

(1) The Council and the CEO is to agree on —

(a) the process by which the CEO's performance will be reviewed; and

(b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.

(2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 18, 19 and 20.

(3) The matters referred to in subclause (1) must be set out in a written document.

18. Carrying out a performance review

(1) A review of the performance of the CEO by the Council must be carried out in an impartial and transparent manner.

(2) The Council is to —
   (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
   (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

19. Endorsement of performance review by local government

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

20. CEO to be notified of results of performance review

After the Council has endorsed a review of the performance of the CEO under clause 18, it must inform the CEO in writing of —
(a) the results of the review; and
(b) if the review identifies any issues about the performance of the CEO — how the Council proposes to address and manage those issues.

Division 4 — Standards for termination of employment of CEOs

21. Overview of Division

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

22. General principles applying to any termination

(1) The Council must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
(2) The Council must afford the CEO procedural fairness in relation to the process for the termination, including —
   (a) informing of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
   (b) notifying of any allegations against the CEO; and
   (c) giving the CEO a reasonable opportunity to respond to the allegations; and
   (d) genuinely considering any response given by the CEO in response to the allegations.

22. Additional principles applying to termination for performance related reasons

(1) This clause applies if the Council proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
(2) The Council cannot terminate the CEO's employment unless it has —
   (a) in the course of carrying out the review of the CEO's performance (referred to in subclause (3) or any other review of the CEO's performance) identified any issues (the performance issues) related to the CEO; and
   (b) informed the CEO of the performance issues; and
   (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
   (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.

(3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

23. Decision to terminate

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

24. Notice of termination of employment

(1) If the Council terminates the employment of a CEO, it must give the CEO notice in writing of the termination.

(2) The notice is to set out the Council's reasons for terminating the employment of the CEO.

Note: refer also Council Policy No. 1.13 Council Committees – Terms of Reference.

Resolution No:
Resolution Date:

1.26 CODE OF CONDUCT BEHAVIOUR COMPLAINTS MANAGEMENT

~~Policy~~ Objective

To establish, in accordance with Clause 15(2) of the Local Government (Model Code of Conduct) Regulations 2021, and the Shire of Brookton Code of Conduct for Council Members, the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Shire of Brookton's Code of Conduct for Council Members, Committee Members, and Candidates.

~~Policy~~ Scope

This Policy applies to complaints made in accordance with Clause 11 of the Shire of Brookton Council Members, Committee Members and Candidates Code of Conduct.

This Policy applies to Council Members, Committee Members, Candidates, and any person who submits a complaint in accordance with this Policy.

Definitions

Act means the Local Government Act 1995. 3

Complaints Officer means a person authorised by resolution of Council under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Complaints Officer is addressed in clause 5.1 of this Policy.

Breach means a breach of Division 3 of the Shire of Brookton Council Members, Committee Members and Candidates' Code of Conduct.

Candidate means a candidate for election as a Council Member, whose nomination has been accepted by the Returning Officer under s.4.49 of the *Local Government Act, 1995* but does not include a Council Member who has nominated for re-election. A person is a Candidate from the date on which their nomination is accepted, until the Returning Officer declares the election result in accordance with s.4.77 of the Act.

Candidate Complaint means a Complaint alleging a Breach by a Candidate. Candidate Complaints are dealt with in clause 6.2 of this Policy.

Code of Conduct means the Shire of Brookton Council Members, Committee Members and Candidates Code of Conduct.

Committee means a committee of Council, established in accordance with s.5.8 of the Act.

Committee Member means a Council Member, employee of the Shire of Brookton or other person who has been appointed by the Council to be a member of a Committee, in accordance with s.5.10(1) of the Act. A person is a Committee Member from the date on which they are appointed, until their appointment expires or is terminated by Council resolution.

Complaint means a complaint submitted under Clause 11 of the Code of Conduct.

Complainant means a person who has submitted a Complaint in accordance with this Policy.

***Complaints* Assessor** means a person appointed by the Complaints Officer in accordance with clause 5.2 and clause 6.10 of this Policy

Complaint Documents means the Complaint Form and any supporting information, evidence, or attachments provided by the Complainant.

Complaint Form means the form approved under clause 11(2)(a) of the Code of Conduct.

Council means the Council of the Shire of Brookton.

Council Meeting means a formal meeting of the Council that is called and convened in accordance with the Act. It does not include informal meetings, such as workshops or briefings.

Council Member means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act. 3.17. Finding means a finding made in accordance with clause 12(1) of the Code of Conduct as to whether the alleged Breach has or has not occurred.

Plan means a Plan that may be prepared and implemented under clause 12(4)(b) of the Code of Conduct, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.

Response Documents means the response provided by the Respondent to the Complaint and includes any supporting information or evidence that is supplied.

Policy Statement

Principles

1 Procedural fairness

The principles of procedural fairness, or natural justice, will apply when dealing with a Complaint under this Policy. In particular:

a) the Respondent will be afforded a reasonable opportunity to be heard before any findings are made, or a plan implemented;

b) the decision maker should be objective and impartial, with an absence of bias or the perception of bias; and

c) any findings made will be based on proper and genuine consideration of the evidence.

2 Consistency

The application of this Policy should lead to consistency in process and outcomes. While each Complainant and Respondent will be dealt with according to their circumstances, and each Complaint considered and determined on its merits, similar circumstances will result in similar decisions.

3 Confidentiality

The Shire will take all reasonable steps to maintain confidentiality when dealing with the Complaint, in order to protect both the Complainant and Respondent. Council Members, Local Government employees and contractors who have a role in handling a specific complaint will

be provided with sufficient information to fulfil their role. They must manage this information securely and must not disclose or inappropriately use this information. Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

4 Accessibility

The Shire will ensure that information on how to make a complaint, including this Policy, is available at the Shire Administration Building and on its website. The Shire will also make information available in alternative formats if requested. Any person wishing to make a complaint may contact the Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.

Roles

1 Complaints Officer

The Complaints Officer:

a) is authorised in accordance with clause 11(3) of the Code of Conduct to accept complaints and withdrawal of complaints.
b) is not an advocate for the complainant or the respondent, however will provide procedural information and assistance to both Complainant and Respondent in accordance to this and other Council Policies.
c) will appoint, liaise with, and provide administrative support to the Complaints Assessor and/or the Complaint Mediator in accordance to this and other Council Policies.
d) will liaise with the Local Government to facilitate the calling and convening of Council meetings if required.
e) will apply the Principles of this Policy in undertaking their role.

2 Complaints Assessor

The Complaints Assessor:

a) is appointed by the Complaints Officer in accordance with clause 5.1(c) and 6.10 of this Policy; and
b) is an impartial third party who will undertake the functions specified in this Policy and in undertaking their functions will apply the Principles of this Policy; and
c) will liaise with the Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.

3 Complaints Mediator

The Complaints Mediator:

a) is appointed by the Complaints Officer in accordance with clause 5.1(c) and 6.8 of this Policy.
b) is an impartial third party who will undertake the functions specified in this Policy and in undertaking their functions will apply the Principles of this Policy.
c) will liaise with the Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.

Procedure

1 Making a Complaint

Any person may make a complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 3 of the Code of Conduct.

A complaint:

a) must be made within one (1) month after the alleged Breach; and
b) must be made by completing the Complaint About Alleged Breach Form (Complaint Form) in full and providing the completed forms to the Complaints Officer; and
c) must be made in accordance with the Complaint Form and specify which requirement(s) of the Code of Conduct is alleged to have been breached; and
d) is required to include the name and contact details of the Complainant, therefore anonymous complaints cannot be accepted.

Where a Complaint Form omits required details, the Complaints Officer will invite the Complainant to provide this information for the complaint to be progressed. Where a complaint is made more than 1 month after the alleged breach, the Complaints Officer will give the Complainant written notice that the complaint cannot be made.

2 Candidate Complaints

A complaint in relation to a Candidate must be made in accordance with clause 6.1 but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member. Within 7 days after receiving a Candidate Complaint, the Complaints Officer will provide written notice:

a) To the Complainant confirming receipt, and advising of the procedure for candidate complaints; and
b) To the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints. No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date. If the Respondent is not elected, the Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with.

3 Withdrawing a Complaint

A Complainant may withdraw their Complaint:
a) at any time before a Finding has been made in relation to the Complaint; and
b) by advising the Complaints Officer in writing that they wish to do so.

After receiving a written withdrawal of the Complaint, the Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

4 Notice to Complainant

Within 7 days after receiving a Complaint, the Complaints Officer will provide written notice to the Complainant that:
a) confirms receipt of the Complaint; and
b) explains the application of confidentiality to the complaint; and
c) includes a copy of this Policy; and
d) if necessary, seeks clarifications or additional information; and
e) seeks the Complainant's interest in participating in Mediation, in accordance with clause 6.8 of this Policy.

5 Complaints that are Inappropriate under this Policy

The purpose of the Code of Conduct is to guide the decisions, actions and behaviours of Council Members, Committee Members, and Candidates for election as a Council Member. A breach of the Rules of Conduct (as per Division 4 of the Code of Conduct) is a minor breach under s5.105(1) of the LG Act and is not the intended subject of this Policy.

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

a) Complaints made with the intent of addressing personal grievances or disagreements; and
b) Complaints made to express dissatisfaction with a Council or Committee Member's lawfully made decisions or performance of their role; and
c) Minor breaches under s5.105(1) of the *Local Government Act, 1995*; and
d) Serious breaches under s5.114 of the *Local Government Act, 1995*; and
e) Allegations of corruption.

If in the opinion of the Complaints Officer that the complaint is inappropriate under this policy, the Complaints Officer will advise the Complainant in writing and provide the Complainant options (if any) for them to pursue their complaint via other means.

6 Vexatious or Unreasonable Persistence Complaints

The Shire acknowledges that some complainants may persist in disagreeing with the action or decision taken in relation to their complaint or they may contact Council or the Chief Executive Officer persistently about the same issue. Where a complaint has been considered by the Complaints Officer and the Council in accordance with this Policy, but the complainant refuses to accept the decisions and actions, as outcomes of the complaint, the Chief Executive Officer (or Complaints Officer) may advise the complainant, in writing that no further consideration will be given to complaints of any kind, that is the same, or substantially the same, and raises no new matters for consideration, when compared with previous communications. In considering application of this process the Chief Executive Officer must have regard for Guidelines on Complaint Handling (Ombudsman Western Australia Jan 2017).

7 Notice to Respondent

Within 14 days after receiving a complaint, the Complaints Officer will provide written notice to the Respondent that:

a) advises that a complaint has been made in accordance with the Code of Conduct and this Policy; and
b) includes a copy of the complaint documents, redacted of any personal details of the Complainant except for their name; and
c) outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes; and
d) includes a copy of this Policy; and
e) if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

If the Complainant has agreed to participate in mediation, the Complaints Officer will ask the Respondent if they are also willing to participate in accordance with clause 6.8 of this Policy.

8 Mediation

The Shire of Brookton recognises that mediation may support both parties reaching a mutually satisfactory outcome that resolves the issues giving rise to the complaint. Mediation requires the consent of both parties to the complaint and may not be appropriate in all circumstances. To commence the process, the Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Mediation.

If both parties agree to participate in Mediation, the Complaints Officer will:

a) pause the formal process and will appoint a suitably qualified and experienced Complaint Mediator within a reasonable period; and
b) provide written notice of the appointment to the Complainant and the Respondent.

The objective of Mediation will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with clause 6.3 of this Policy.

If Mediation is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of the Complaint Mediator. If Mediation is terminated or does not achieve an agreed outcome that results in the withdrawal of the complaint, the Complaints Officer will resume the formal process required under this Policy.

9 Order of Complaints

Complaints will normally be dealt with in the order in which they are received. If more than one complaint is received that relates to the same alleged behaviour, the Complaints Officer may decide to progress those complaints concurrently.

10 Appointment of Complaints Assessor

If Mediation is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Complaints Officer:

a) will engage a suitably licenced, qualified and experienced Complaints Assessor within a reasonable period; and
b) will provide written notice of the appointment to the Complainant and the Respondent.

11 Search of Local Government Records

The Complaints Assessor may request the Complaints Officer to search for any relevant records in the Shire's record management system. In particular, if the behaviour is alleged to have occurred at a Council or Committee Meeting, the Complaints Officer will provide any Local Government records that provide evidence that may support a decision as to whether:

a) the behaviour occurred at a Council or Committee Meeting,
b) the behaviour was dealt with by the person presiding at the meeting, and/or
c) the Respondent has taken remedial action in accordance with the Shire's Local Government (Meetings Procedure) Local Law 2021.

The Complaints Assessor must provide the Respondent with a copy of any records that are identified. In addition, where a clarification or additional information has been sought from the Complainant by either the Complaints Officer or the Complaints Assessor, copies must also be provided to the Respondent.

12 Assessment of the Complaint

The Complaints Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under clause 6.4 and 6.7 of this Policy.

The Complaints Assessor must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions, or drafting the Complaint Report, drafting of a proposed Action Plan, and proposed recommendations for Council's consideration.

13 Complaint Report

The Complaints Assessor will prepare a Complaint Report that will:

- outline the process followed, including how the Respondent was provided with an opportunity to be heard.
- include the complaint documents, the response document and any relevant Local Government records as attachments.
- include recommendations on each decision that may be made by the Council.
- include reasons for each recommendation, with reference to Part 7 of this Policy.

If the Complaint Report recommends that an Action Plan is prepared and implemented in accordance with clause 12(4)(b) of the Code of Conduct and clause 3.12 of this Policy, the Complaint Report must include the proposed Action Plan. The Complaints Assessor will liaise with the Behaviour Complaints Officer to include the Complaint Report and all other relevant information in the agenda for a meeting of Council. The Complaints Officer will be responsible for preparation of an Officer Report which will be a confidential report to Council. The recommendations of the Complaint Report will be provided as the Officer Recommendation(s).

14 Action Plan

The Proposed Action Plan:

a) may include requirements for the Respondent to do one (1) or more of the following:
   (i) engage in mediation.
   (ii) undertake counselling.
   (iii) undertake training.
   (iv) take other action the Complaints Committee considers appropriate (e.g. an apology).
b) should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.
c) may also outline:
   (i) the actions to be taken to address the behaviour(s).
   (ii) who is responsible for the actions.
   (iii) any assistance the Local Government will provide to assist achieve the intent of the Plan; and (iv) a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

15 Report provided to Council

The Complaints Officer must provide a confidential report to Council no later than 1 month after receipt of the Complaint Report from the Complaints Assessor, which includes:

a) A copy of the Complaint.
b) The Complaint Report from the Complaints Assessor.

c) Any submissions received or other communications from the Complainant and Respondent during the complaint assessment process.
d) A recommendation on the question whether a behaviour breach has occurred.
e) A recommendation as to whether any and if so, what further action is required.
f) If further action is required, a recommendation must be provided to the Council on an action plan to address the behaviour of the person to the complaint relates.

Decision Making

1 Objectives and Principles

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 1 of this Policy and in reference to Division 2 – General Principles of the Code of Conduct.

2 Dismissal of Complaint

The Council must dismiss a Complaint in accordance with clause 13(1)(a) and (b) of the Code of Conduct 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 Respondent has taken remedial action in accordance with the Shire's Local Government (Meetings Procedure) Local Law 2021.

3 Council Finding

A finding that the alleged behaviour breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur. This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a breach of a requirement of Division 3 of the Code of Conduct. The Council will have due regard to the findings of the Complaints Assessor, however, are not bound to adopt the recommendations provided within the Complaint Report. In determining whether an alleged breach has occurred, Council may resolve to:

a) dismiss the Complaint in accordance with clause 7.2 of this Policy; or
b) find that the alleged breach has not occurred and take no further action; or
c) find that the alleged breach has occurred. The Council meeting's minutes will reflect the Council's finding and the reasons for the Council's finding.

4 Actions resulting from determining an Alleged Breach has occurred

If the Council makes a finding that the alleged breach has occurred, it must:

a) resolve to take no further action; or
b) resolve to prepare and implement an action plan to address the behaviour of the person to whom the complaint relates.

In determining whether to take no further action, or prepare and implement an Action Plan, the Council may consider:

a) the nature and seriousness of the breach(es).
b) the Respondent's submission in relation to the contravention.
c) whether the Respondent has breached the Code of Conduct knowingly or carelessly.
d) whether the Respondent has breached the Code of Conduct on previous occasions.

e) likelihood or not of the Respondent committing further breaches of the Code of Conduct.
f) personal circumstances at the time of conduct.
g) need to protect the public through general deterrence and maintain public confidence in Local Government.
h) any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

If the Council resolves to prepare and implement an action plan to address the behaviour of the person to whom the Complaint relates, the action plan can either be:

a) The proposed action plan as recommended by the Complaints Assessor without modifications; or
b) The proposed action plan as recommended by the Complaints Assessor with modifications; or
c) An action plan determined by Council, in consideration of the requirements of clause 6.14 of this policy.

Prior to resolving to prepare and implement an action plan which is materially different from any proposed action plan recommended the Complaints Assessor (if any), the Council will provide an opportunity to the Respondent to make a submission on the Council's proposed action plan. In providing an opportunity for the Respondent to make a submission, Council may adjourn any further consideration on the matter for no more than 48 hours. The Council meeting's minutes will reflect the actions resolved by Council to address the behaviour of the person to whom the complaint relates, if it has resolved an alleged breach has occurred.

Implementing Council's Findings and Actions

1 Advice to Complainant and Respondent on Council's Findings

When the Council makes a finding in relation to a complaint, the Complaints Officer must give the Complainant and the Respondent written notice of –

a) the finding and the reasons for the finding as determined under clause 7.3; and
b) if the finding is that the alleged breach has occurred, Council's decision on the Actions determined under clause 7.4.

2 Compliance with Action Plan Requirement

The Complaints Officer is to monitor the actions and timeframes set out in the action plan resolved under clause 7.4.

Failure of the respondent to meet the requirement of the action plan is a breach of clause 23 of the Code of Conduct and as a breach of the Rules of Conduct is a minor breach under s5.105(1) of the Act that may be reportable to the Public Sector Commission.

Resolution No:
Resolution Date:

1.27 FLYING OF FLAGS AT THE SHIRE OFFICES

Objective
To provide direction on the use of the flags at the Shire Council offices.

Policy
The Australian Flag, the West Australian State Flag, and the Australian Aboriginal Flag, will be flown on the Council Administration Centre flagpoles every working day of the year.

On any day, of any funeral held within the Shire, or on the day of the funeral of a present, or former, Shire of Brookton Resident, or any other proclaimed day, the Chief Executive Officer will authorise the flags to be flown at half-mast. The Shire will publicise in a respectful manner on the Council's social media for the reason for the flags being flown at half-mast.

The flying of flags will comply with the Australian Flag booklet protocols.

Resolution No:
Resolution Date:

1.28 SHIRE OF BROOKTON SERVICES – CHRISTMAS NEW YEAR PERIOD

Objective
Council is seeking to balance the reduced demand from the public for administration services over the Christmas/New Year period and the high staff demand for leave at this time.

Policy
Council will:
1. not provide services from the Shire Administration Centre and the Brookton Community Resource Centre; and

2. provide reduced levels of Works services; from the period commencing on Christmas Day each year until and including the New Year's Day public holiday.

In addition, should there be only 1 day following the New Year's Day Public Holiday to a weekend, Council will extend the closure to include that day.

Guidelines
For this extended period, Council will require that staff use leave allocations in the following order:
1. approved Public Holidays;
2. 2 additional Local Government Recreation (LGR) leave days per annum provided as per policy 2.31 Employee Leave;
3. any rostered days off if available or other types of accrued leave that exists; and then
4. accrued annual leave.

If an employee does not have sufficient accrued leave, they will be required to take leave without pay.

Resolution No:
Resolution Date:

1.29 CHILD SAFETY AWARENESS

Objective

The safety and wellbeing of children is everyone's responsibility. This Child Safe Awareness policy applies to all, employees, volunteers, trainees, work experience students, interns, and anyone else who undertakes work on behalf of the Shire of Brookton, regardless of their work related to children or young people. It applies to occupants of Shire of Brookton facilities and venues, including visitors, contractors and suppliers.

Policy ~~Statement~~

The Shire of Brookton supports and values all children and young people. The Shire of Brookton makes a commitment to support the safety and wellbeing of all children and young people, including protection from abuse. This Child Safe Awareness policy is one of the ways Shire of Brookton demonstrates its commitment to being child safe and a zero-tolerance approach to child abuse.

This policy aims to reduce the risk of harm and child sexual abuse in our communities by encouraging child safe environments to be created and maintained. The Shire of Brookton is committed to encouraging local organisations to be child safe and ensure children are safe and empowered.

This Child Safe Awareness policy has been developed in response to recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse and recognises that the Shire of Brookton is uniquely placed within the local community to demonstrate leadership by supporting organisations to be child safe and to protect children and young people from harm and/or abuse. The Shire of Brookton will promote the safety and wellbeing of children across the community.

Consistent with the National Principles for Child Safe Organisations and Commonwealth Child Safe Framework, this policy provides a framework that outlines the role of the Shire of Brookton in supporting local organisations to be child safe through access to resources, awareness raising and sharing relevant information.

Definitions

Abuse: Abuse is an act, or a failure to act, towards or on behalf of a child that may result in harm. It can occur on one occasion or multiple occasions. Sometimes the impact of multiple events leads to harm that becomes cumulative in nature. Types of abuse include physical, emotional and sexual abuse, and neglect.

Child/Children: Means a person under 18 years of age, and in the absence of positive evidence as to age, means a person who appears to be under 18 years of age.

Child Safe Organisation: is defined in the Royal Commission Final Report as one that:

- creates an environment where children's safety and wellbeing are at the centre of thought, values, and actions
- places emphasis on genuine engagement with and valuing of children and young people
- creates conditions that reduce the likelihood of harm to children and young people
- creates conditions that increase the likelihood of identifying any harm, and
- responds to any concerns, disclosures, allegations, or suspicions of harm. in the context of the Shire of Brookton, this would involve referring concerns to the Department of Communities or WA Police to respond as appropriate.

Implementation of the National Principles for Child Safe Organisations give effect to the above.

Child safe: For the purpose of this policy, child safe means protecting the rights of children and young people to be safe by taking actions that can help prevent harm and abuse.

Harm: Harm, in relation to a child, means any detrimental effect of a significant nature on the child's wellbeing, whether caused by a single act, omission or circumstance; or a series or combination of acts, omissions or circumstances.

Wellbeing: Wellbeing of children and young people includes the care, development, education, health and safety of children and young people.

Policy Principles

- The rights of children and young people 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 and cared for.
- Children and young people have the right to speak up, be heard and taken seriously without the threat of negative consequences.
- The safety and best interests of children and young people are a primary consideration when making decisions that concern them.
- Access to trusted and reliable information, including the National Principles for Child Safe Organisations, helps support organisations to understand what they must do to help reduce the risk of harm and abuse.
- Communities are informed and involved in promoting the safety and wellbeing of children and young people including protection from harm.
- Collaboration with the community and our partners promotes the safety, participation and empowerment of all children and young people.

Policy Functions

The Shire of Brookton 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 including at Shire of Brookton 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.

Responsibilities

The Shire of Brookton has a leadership role in our community to support relevant organisations to be child safe and promote child safe practices.

Although the Shire of Brookton is not legally responsible for providing oversight of compliance with child safe practices, it will take any reasonable steps to engage with persons who utilise the Shire of Brookton facilities to operate in alignment with the Child Safe Awareness policy.

The Shire of Brookton will determine which roles across the organisation will directly support the implementation of the Child Safe Awareness policy.

Guidelines

Nil

Resolution No:
Resolution Date:

1.30 PUBLIC QUESTION TIME

Objective

The objective of this Policy is to ensure that Public Question Time is an opportunity for residents and others to ask Council constructive questions in an open and respectful manner and to establish procedures for the conduct of Public Question Time during Council Meetings.

Although a local government is required to respond to a question, the Local Government Act does not intend that a local government provides an answer to every question where the question is outside the legislation or deemed unreasonable. There are many circumstances where this may occur i.e. offensive or defamatory questions, questions that relate to the personal affairs or actions of Council Members or Shire employees, questions relating to confidential matters, and identical questions asked that have been satisfactorily responded to previously.

Definitions

Public Question Time is the means by which the public can seek responses from their Council regarding Shire issues that are of concern to them.

Council Meetings includes Ordinary Meetings of Council, Special Meetings of Council and Committee Meetings to which the Council has delegated a power or duty.

Policy

Questions asked at an Ordinary Council Meeting must relate to matters that affect the operations of the Shire of Brookton.

Questions asked at a Special Meeting of Council should relate to the purpose for which the meeting has been called.

Questions asked at a Meeting of a Committee to which the Council has delegated a power or duty should relate to the purpose of that Committee.

The Presiding Member is to decide to accept or reject any question and their decision is final. Where there is concern regarding a question being offensive, defamatory, or the like, the Presiding Member is to make a determination in relation to the question. Questions determined as offensive, defamatory, or the like are not to be published. Where the Presiding Member rules a question to be out of order, an announcement to this effect is to be made at the meeting, including the reason/s for the decision.

Any questions unable to be responded to at the meeting of Council are to be taken on notice. In this case, a written response is to be provided as soon as possible and included on the agenda for the next Council Meeting

All questions and any responses given are to be summarised and included in the minutes of the Meeting.

Public Question Time is limited has a legislative minimum of fifteen minutes. Public question time may be extended at the discretion of the Presiding Member.

It is not intended for Public Question Time to be used as a means to obtain information that would not be made available if it was sought from the Shire's records under Section 5.94 of the Local

Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question would require a substantial commitment of the Shire's resources, the Chief Executive Officer is to determine that it is an unreasonable impost upon the Shire and refuse to provide it. The Chief Executive Officer is to advise the member of public that the information may be sought in accordance with the FOI Act 1992.

Questions Asked Verbally

1. Members of the public are invited to ask questions at Council Meetings. Members of the public applies to members of the public and not just resident, electors or ratepayers.
2. Persons asking a question are to state their name and general address at the beginning of their speaking time.
3. Public Question Time has a limit of two minutes per member of the public, and a limit of two questions per member of the public.
4. Statements are not to precede the asking of a question during Public Question Time.
5. Members of the public are encouraged to keep their questions brief to enable all who desire to ask a question the opportunity to do so.
6. The Presiding Member will declare Public Question Time closed following the expiration of the allocated time period, or earlier when there are no further questions.
7. Questions asked verbally are to be directed to the Presiding Member, are to be asked politely and in good faith, and not be framed in such a way as to reflect adversely or be defamatory towards a particular member of Council or Shire employee. The Presiding Member is to decide to:
    a. Accept or reject the question and their decision is final;
    b. Nominate a member of Council and/or Shire employee to respond to the question; or
    c. Take a question on notice – In the case a written response is to be provided as soon as possible and included in the agenda for the next Council Meeting.
8. Responses to questions not submitted in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

Resolution No: OCM 05.25-11
Resolution Date: 15 MAY 2025

2.0 GOVERNANCE POLICIES

2.1 EQUAL EMPLOYMENT OPPORTUNITY & VALUING DIVERSITY

Objective
To detail the Shire of Brookton's commitment to Equal Employment Opportunity.

Policy Statements

1. The Shire recognises its legal obligations under the *Equal Opportunity Act (1984)* to actively promote equal employment opportunity based on merit to ensure that discrimination does not occur on the grounds of gender, marital status, pregnancy, race, disability, religious or political convictions.

2. All offers of employment within the Shire will be directed to providing equal opportunity to prospective employees, provided their relevant experience, skills and ability meet the minimum requirements for engagement.

3. All employment training opportunities within the Shire will be directed towards providing equal opportunity to all employees based on merit and their relevant experience, skills and ability meet the minimum requirements for the position.

4. All promotional policies and opportunities within the Shire will be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability are adequate to meet the minimum requirements and they are assessed as the most appropriate candidate for the advertised position. In this context, as a minimum, all vacancies shall be advertised internally within the organisation.

5. The Shire of Brookton will not tolerate harassment within its workplace. Harassment is defined as any unwelcome, offensive action or remark concerning a person's race, colour, language, ethnicity, political or religious convictions, gender, marital status or disability.

6. The equal opportunity goals of this Council are designed to provide an enjoyable, challenging, involving and harmonious work environment for all employees, where each has the opportunity to progress to their ability.

Resolution No:
Resolution Date:

2.2 OCCUPATIONAL SAFETY AND HEALTH

Objective
To ensure that every employee works in an environment where direct efforts are made to prevent accidents, injury and disruption to employees' health from foreseeable work hazards.

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

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

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

Employees have a duty of co-operation in the attainment of these objectives by:

- Working with care for their own safety and that of other employees, contractors and public who may be affected by their acts or omissions.
- Reporting conditions which appear to be unsafe to their supervisor.
- Co-operating in the fulfilment of the obligations placed on their employer.
- Assisting in the investigation and the reporting of any accidents with the objective of introducing measures to prevent re-occurrence.

A safe and efficient place of work is our goal, and we must all be committed to reach this outcome.

Resolution No:
Resolution Date:

~~2.3 VISITOR MANAGEMENT~~

~~Objective~~

~~The Shire of Brookton is committed to ensuring that visitors to workplaces are not exposed to hazards and that severe penalties apply under the *Occupational Safety and Health Act 1984*, if visitors to workplaces are injured through not being appropriately cared for.~~

~~Policy~~

~~All visitors who wish to enter workplaces or specified locations of a workplace shall obtain the prior permission of the Supervisor and shall report to the front counter (where applicable) or to the appropriate supervisor before entering any workplaces/sites.~~

~~Visitors are not permitted to wander around workplaces unaccompanied and therefore are to be accompanied by a staff member at all times.~~

~~Visitors are restricted from entering all high hazard areas.~~

~~Resolution No:~~
~~Resolution Date:~~

2.4 VOLUNTEER MANAGEMENT

Objective
To ensure that the Shire of Brookton recognises its responsibility for the management of volunteers in the organisation.

Policy
The Shire of Brookton recognises the responsibility to ensure that the following points apply to the management of volunteers in the organisation.

The Shire of Brookton will maintain a register of volunteers to ensure they are covered by the organisation's insurance policy.

The Council will comply with the national standards for volunteer involvement, which represent and explain the tenets of best practice in the management of volunteer staff.

The following points identify policy considerations for volunteering involving organisations and can be addressed as part of the process to implement the national standards:

- Interview and employ volunteer staff in accordance with anti-discrimination and equal opportunity legislation;
- Provide volunteer staff with orientation and training;
- Provide volunteer staff with a healthy and safe workplace;
- Provide appropriate and adequate insurance coverage for volunteer staff,
- Not place volunteer staff in roles that were previously held by paid staff or have been identified as paid jobs;
- differentiate between paid and unpaid roles;
- define volunteer roles and develop clear job descriptions;
- provide appropriate levels of support and management for volunteer staff;
- provide volunteers with a copy of policies pertaining to volunteer staff;
- ensure volunteers are not required to take up additional work during Industrial disputes or paid staff shortage;
- provide all volunteers with information on grievance and disciplinary policies and procedures;
- acknowledge the rights of volunteer staff;
- ensure that the work of volunteer staff complements but does not undermine the work of paid staff;
- offer volunteer staff the opportunity for professional development;
- reimburse volunteer staff for out of pocket expenses incurred on behalf of the organisation;
- treat volunteer staff as valuable team members, and advise them of the opportunities to participate in agency decisions;
- acknowledge the contributions of volunteer staff.

Scope
This policy applies to all volunteers working on Shire activities or official Shire committees or advisory/working groups.

~~**Volunteer Register**~~
~~A register will be kept. Volunteers aged between 16 and 85 years are fully covered for personal accident insurance. If volunteers are outside this age group, contact will be made with Local Government Insurance Services to seek approval for insurance cover.~~

Resolution No:
Resolution Date:

2.5 FIT FOR WORK

Objective

~~To recognise that the Shire of Brookton is committed to the safety and health of its employees and has a duty of care under the Occupational Safety and Health Act, 1984 to provide a safe working environment.~~

~~Accordingly,~~ The Shire of Brookton recognises the duty of being fit for work is incumbent on all employees. ~~This extends to co-workers and individuals alike in order to prevent their safety and health from being jeopardised through an act or omission of an employee who is unfit for work.~~

Policy

~~For the purpose of meeting the Shire's duty of care,~~ Employees who attend work under the influence of, in possession of or found to be cultivating, selling or supplying drugs and / or alcohol, or being in any other way impaired for work, will not be tolerated by the Shire of Brookton. ~~In order to ensure that this duty is fulfilled, the Shire of Brookton has implemented this procedure in the interests of occupational safety and health.~~

Those who are suspected or found to be under the influence of drugs or alcohol at work will be submitted for a drug and alcohol test in accordance with the adopted procedure.

The Shire may ~~also~~ perform random drug and alcohol testing at any time. Staff who fail to follow this procedure will be appropriately counselled and depending on the severity of their actions, may be suspended without pay or dismissed instantly.

Responsibility

It is the responsibility of the direct supervisor or manager to detect if an employee is displaying signs of impaired work performance.

It is the responsibility of employees to ensure they do not attend work in a manner which will affect their work performance that could endanger work colleagues, members of the public or cause damage to Council equipment.

~~The Shire of Brookton believes that the health and wellbeing of an employee is of great importance to the organisation.~~ An employee assistance program will be offered in order to support the affected employee.

All matters pertaining to Fitness for Work will be treated with the utmost confidentiality and any employee of the Shire of Brookton who is interested in receiving counselling services should seek approval from their Manager or Human Resource Manager.

Definitions

For the purpose of this policy and procedure, the abuse of alcohol and/or other drugs includes:

- Impaired Work Performance - sudden or gradual deterioration in a person's ability to function appropriately at work.
- Unfit for Work – being impaired for work and therefore unable to perform duties in a safe manner.
- Use – eating, drinking, inhaling, injecting or dermal absorption of any substance or drug.
- Misuse – inappropriate use of a substance on the Shire of Brookton premises or property, including overdose of a drug or the failure to take a drug in accordance with medical advice.
- Alcohol – Any beverage containing alcohol.
- Drugs – Amphetamines, Cannabinoids such as THC, Opiates, Barbiturates, Cocaine, Methadone, Benzodiazepines, alcohol and other narcotics, prescription drugs and non-prescription drugs.
- Substance – any drug that may have adverse effects causing impaired work performance.
- Fatigue – The inability to perform work effectively or safely due to lack of sleep. Or the adverse effects of medication, alcohol, drugs and / or other substances (including, "hangovers" and/or "come downs").
- Fit for Work – not being under the influence of or affected by the adverse effects of drugs, alcohol or any other substance or not being fatigued.

Application

Alcohol

Being under the influence of alcohol will not be permitted whilst working for and/or on the premises or property of the Shire of Brookton.

Employees who commence work whilst under the influence of alcohol, ~~including working under the adverse effects of alcohol,~~ will be stood down from their duties and the Shire will arrange for an alcohol test. ~~taken to the nearest police station for an alcohol test~~. If the recorded alcohol level is deemed to be 0.05 and over, the employee(s) will be sent home without pay for the remainder of the day. As the employee will be over the legal limit to drive, alternative transport will be required. If the recorded alcohol level is under 0.05, employees will be prohibited from operating machinery, plant or equipment until an alcohol content of 0.00 is reached. Sedentary duties will be offered until then.

There may be occasions where alcohol may be included as part of a work function or other recognised work event. Where management has ~~properly~~ approved the consumption of alcohol, employees must continue to behave in a sensible and responsible manner with due care for their own and other people's safety and wellbeing. Failure to behave in a sensible and responsible manner with due care or any failure to follow any directions given by management with regard to the consumption of alcohol may result in disciplinary action. It is a condition that employees make alternative arrangements to get home. The Shire of Brookton accepts no responsibility for employees during travel to and from the function.

Drugs and Prescription Medication

Illicit Drugs and Other Substances

Illicit drugs and other substances are strictly prohibited by the Shire of Brookton. Being under the influence of, suffering adverse effects of, in possession of, or found to be cultivating, selling or supplying drugs or other substances whilst on the Shire of Brookton property or premises will result in disciplinary action and possibly instant dismissal.

If suspected of the above, an employee must undergo a drug screen paid by the Shire of Brookton. Refusal to have a drug screen may result in instant dismissal.

If the drug screen proves positive results on the first offence, the employee will receive a written warning.

If an employee is found to give a positive result on the second offence, they will receive a second written warning. On the second offence, the employee must agree to be submitted for consequent drug testing (every fortnight or at random) for a two-month period. The employee will be instantly dismissed if a subsequent test is undertaken with a positive result.

Any third offence will also result in instant dismissal.

Prescription and Other Medication

It is a requirement for employees to advise their supervisor of any adverse effects that may occur when taking medication, including the number of times at which the medication is taken per day. This information is to be recorded on their personnel file for reference in the event of an emergency. It is also necessary for the employer to record any known allergic reactions to any medication an employee may have (i.e. penicillin).

Any prescription and other medication must be used in accordance with medical advice. Any non-prescription or other medication must be used in accordance with the manufacturer's recommendations.

Failure to follow these requirements will result in disciplinary action or instant dismissal.

Fatigue

Fatigue can be the result of many different situations. Due to this, this procedure will directly reflect the implications of fatigue through the following external triggers, but not limited to:

- Lack of sleep
- Voluntary work
- External work commitments.

In the interest of safety and health it is important that employees remain alert and function at full capacity whilst at work. When affected by fatigue, actions may be impaired through lack of concentration and poor judgement, therefore increasing the potential to cause injury or harm to themselves, personnel or members of the public.

~~It is Shire of Brookton policy to provide a safe place of work for its employees.~~ It is an employee's responsibility to report to their supervisors any other work commitments or voluntary commitments outside of their employment with the Shire of Brookton. Depending on the circumstances, the Shire of Brookton may agree to come to a compromise with the employee to ensure there is a balance between regular hours worked at the Shire, sleep / rest and additional hours worked elsewhere (including paid and voluntary work). If this agreement is reneged by the employee, disciplinary action will result.

If deprivation of sleep is the cause of fatigue due to other external circumstances, a drug and alcohol screen will be required. If positive, disciplinary action will result.

In circumstances where the employee is unfit to remain at work in the judgement of their employer, the employee will be stood down from work without pay for the remainder of the day.

Employee Assistance Program (EAP)

The Shire of Brookton understands employees may be experiencing difficulties external to work that may influence their behaviour and health whilst at work. To assist with the recovery of the employee, the Shire of Brookton has in place a confidential Employee Assistance Program. The Shire of Brookton will offer a total of 3 counselling sessions. If further sessions are required, approval is to be granted by the Human Resources Manager.

If an EAP is offered as a result of a first offence and the employee declines the offer, they risk the consequence of instant dismissal on second offence.

Employees who have not failed to meet the guidelines for this procedure and feel an EAP would benefit them due to personal circumstances may utilise these services on ratification of the Human Resources Manager. Such employees do not contravene the guidelines of this procedure if they volunteer for the EAP service.

Disciplinary Action
If this procedure is in anyway contravened by an employee, the following will result.

General Guidelines
Any employee who tests positive to an alcohol breath screen or urine screen will be stood down from their work and will not be permitted to resume work until such time as they have proven they are fit for work. Any person who is found to be significantly fatigued will also be stood down from work without pay until such time as they have proven they are fit for work.

First Offence

i. The employee will be immediately suspended from duty without pay if found unfit to work.
ii. The employee will not be permitted to return to work until they have been tested again and proved negative for all prescribed substances.
iii. The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
iv. The employee will be counselled by their supervisor that will focus on;
    a) the unacceptability of the employee's behaviour
    b) the risk that such behaviour creates for the safety of the individual and other employees or members of the public
    c) the employee's responsibility to demonstrate that the problem is being effectively addressed;
    d) that any future breach of the policy will result in second offence or instant dismissal.
v. The employee will be formally offered the opportunity to contact a professional counsellor. The decision to undertake counselling or other treatment for alcohol or other drug or substance problem is the responsibility of the employee and cannot be made mandatory. However, refusal to accept counselling will result in instant dismissal on second offence. The Shire of Brookton will insist that the employee provides satisfactory evidence that the effect of work performance and/or safety has been addressed before they are permitted to return to work.

Second Offence

i. The employee will be immediately suspended from duty without pay if found unfit for work.

ii. The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.

iii. The employee will not be permitted to return to work until they have been tested again and proved negative for all prescribed substances.

iv. The employee will be counselled by their supervisor that will focus on;
   a) the unacceptability of the employee's behaviour
   b) the risk that such behaviour creates for the safety of the individual and other employees or members of the public
   c) the employee's responsibility to demonstrate that the problem is being effectively addressed;
   d) that any future breach of the policy will result in instant dismissal.

v. Counselling will be offered, refer to *First Offence (v)*, if counselling was not used in the first offence.
vi. The employee will be instantly dismissed without notice if found to decline the offer to an EAP on second offence.
vii. The employee will be submitted [fortnightly or randomly] for alcohol and / or drug screening for the period of [two months] paid by the Shire of Brookton. If tests are confirmed positive, instant dismissal will follow. If the employee refuses to comply, instant dismissal will follow.

Third Offence

i. The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
ii. The employee will be immediately dismissed from duty without notice.

Instant Dismissal

The following are guidelines to circumstances that will result in dismissal without notice:

1. Any attempt to falsify the drug and alcohol screen.
2. Cultivating, selling, or supplying drugs and/or other substances.
3. Unauthorised consumption of illicit drugs or alcohol whilst on the work site or during the working period.
4. Unlawful behaviour.

Other

If an employee is found to be heavily intoxicated, above the legal limit to drive, or extremely fatigued and they are to be sent home without pay, it is a requirement for the supervisor(s) to:

a) contact the employee's next of kin to arrange pick up; or
b) ~~If next of kin is unable to be contacted or unable to take employee home,~~ arrange alternative transport ~~must be arranged~~. The employee is to be advised that their vehicle must be collected that day.

~~**Reference**~~

- ~~Occupational Safety and Health Act 1984;~~
- ~~Occupational Safety and Health Regulation 1996, and 2005 amendments;~~
- ~~AS/NZS 4360: 2004 – Risk Management~~

Resolution No:
Resolution Date:

2.6 DISCRIMINATION, HARASSMENT AND BULLYING POLICY

Objective
The objective of this policy is to provide a definition and a framework of what constitutes discrimination, harassment or bullying in the workplace.

Policy
The Shire of Brookton and its employees are committed to providing a working environment where every employee is treated equally, fairly and without prejudice. For the purposes of this policy the term "employee/s" will extend to cover contractors, volunteers and any person performing work for or with the Shire of Brookton in any capacity.

Unlawful Discrimination
An employee is directly discriminated against if they are treated less favourably than another person in the same or similar circumstance, because of any one of the grounds of discrimination outlined below.

The following is a non-exhaustive list of the grounds of discrimination for which it is unlawful to discriminate against an individual:

- Age;
- Family responsibility or status;
- Race or colour;
- Sex including gender identity, sexual orientation and intersex status;
- Physical or mental disability;
- Marital status;
- Political or religious conviction;
- Pregnancy;
- Criminal record;
- Breastfeeding;
- Gender history;
- Impairment;
- National extraction or social origin; and
- Trade union activity

Sexual Harassment
The *Equal Opportunity Act 1984 (WA)* and the *Sex Discrimination Act 1984 (Cth)* provide that it is unlawful to engage in sexual harassment. Sexual harassment can be defined as any unwelcome conduct of a sexual nature, such as an unwelcome sexual advance or an unwelcome request for sexual favours, in circumstances in which a reasonable person would anticipate that the person harassed would be offended, humiliated or intimidated.

Some examples of sexual harassment include, but are not limited to:

- Physical contact (touching, rubbing, patting, embracing, brushing up against etc.);
- Gestures of a sexual nature;
- Leering or staring; •
- Offensive telephone calls, emails, text messages or notes;
- Sexual suggestive jokes or comments;

- Tales of sexual exploits;
- Repeated requests for a date;
- Unwelcome comments or questions about a person's sex life, appearance or dress;
- Sexually graphic material (poster, calendars, cartoons, graffiti, messages, emails).

Bullying

Bullying is defined as repeated and/or unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety, including an individual person's wellbeing. Unreasonable behaviour amounts to behaviour that a reasonable person in the circumstances would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Bullying is also unlawful under the *Occupational Safety and Health Act, 1984 (WA)* and the Occupational Safety and Health Regulations, 1996 (WA).

Some examples of bullying include, but are not limited to:

- Loud, abusive or offensive language or comments;
- Yelling and screaming;
- Unjustified criticism and insults;
- Unjustified threats of dismissal or other disciplinary action;
- Acts of sabotaging another's work by withholding information which is required to fulfil tasks;
- Spreading malicious rumours or misinformation;
- Inappropriate comments about an employee's appearance, lifestyle of family;
- Deliberately excluding an employee from workplace meetings or activities;
- Hiding documents or equipment or withholding vital information required for effective work performance;
- Constantly changing targets or work guidelines;
- Overloading an employee with work and impossible deadlines;
- Setting tasks that are unreasonably below or beyond an employee's level of skill;
- Threats of assault or violence or actual violence;
- Teasing and practical jokes; and
- Isolating or ignoring an employee on a constant basis.

Where an employee makes a threat of violence or assaults another employee, the police should be called.

Reasonable Management Action

The Local Government management has a right to take reasonable action to direct the way in which work is conducted, and to give employees lawful and reasonable directions to complete work in a certain manner. Reasonable management action is not workplace bullying.

Some examples of reasonable management action include, but are not limited to:

- The establishment and regular use of performance management systems;
- The setting of reasonable performance targets and deadlines;
- Providing employees with constructive feedback or counselling to assist workers to improve their work performance or the standard of their behaviour;
- Issuing a lawful and reasonable direction to an employee to complete a work task;

- Preparing and amending a roster for employees;
- Transferring an employee to a different work location for operational reasons;
- Implementing organisational change;
- Informing an employee about inappropriate behaviour in a confidential manner; and
- Taking disciplinary action against an employee.

What are the Ways in which Bullying can occur?

There are a variety of ways bullying behaviour can occur in the workplace such as verbally, through email or text message or via social media. Bullying can be directed at an individual employee or a group of employees and can be carried out by one or more employees. Bullying can occur between employees, downwards from managers to employees or upwards from employees to supervisors or managers.

Roles & Responsibilities

To ensure the intent of this policy is realised, various roles within the Shire of Brookton must assume certain responsibilities.

The Employer

The Shire of Brookton will endeavour to:

- provide all workplace participants with a workplace free from discrimination, sexual harassment and bullying;
- provide and maintain safe systems of work;
- provide a fair and effective procedure to investigate and resolve complaints of sexual harassment, discrimination and bullying;
- treat all employees fairly; and
- take suitable disciplinary action against any employee who is found to have sexually harassed, discriminated, bullied or victimised another employee.

All the Organisation's Employees

Employees are required to:

- report any incidents of sexual harassment, discrimination or bullying they may see happening around them to an appropriate manager or supervisor;
- follow all policies and procedures of the Shire of Brookton;
- ensure they do not victimise any person making a complaint of sexual harassment, discrimination or bullying;
- treat all employees fairly and with respect.

Consequences of Breaching This Policy

Any breach of this policy may result in disciplinary action up to and including termination of employment.

Variation to This Policy

This policy may be cancelled or varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.

Related Corporate Documents

- Grievance Policy
- Grievance Procedure

Resolution No:
Resolution Date:

2.7 GRIEVANCES, INVESTIGATIONS AND RESOLUTIONS POLICY

Objective
The objective of this policy is to provide a definition and a framework to investigate and resolve grievances that may arise in at the Shire of Brookton.

Policy
All employees have a right to express any genuine grievances or complaints via an impartial internal process.

All employees involved in a grievance process are expected to participate in good faith. For the purposes of this policy, the term "employee/s" will extend to cover contractors, volunteers and any person performing work for or with the Shire of Brookton in any capacity.

Roles
Complainant – An employee who raises a complaint about a matter regarding the workplace.
Respondent – An employee who is alleged to have acted in a manner which caused the complainant to raise a complaint.
Support Person – A Complainant and/or a Respondent may choose to bring a Support Person with them to a meeting, where practicable. The role of a Support Person is not to advocate on behalf of anyone, but to simply provide emotional support.
Witness – A person (including an employee) who is requested by the Local Government to assist the process by providing relevant information regarding the complaint.

What to do if you have a Complaint?

a) If an employee (Complainant) is the victim of behaviour of another employee (Respondent) which is inconsistent with the Council's policies, procedures or guidelines (Policies), the Complainant should, where reasonable or practicable, first approach the Respondent for an informal discussion.

b) If the nature of the complaint is deemed to be sufficiently serious, the complainant should contact their Manager directly and seek assistance in facilitating an informal discussion.

c) If the Respondent is the Chief Executive Officer, the grievance can lodged with the Manager Corporate and Community Services (MCC). Any grievance lodged against the Chief Executive Officer is to be dealt with by the Shire President under this policy.

d) If the inappropriate behaviour continues, the Complainant is encouraged to make a formal complaint to their direct manager. If the direct manager is the Respondent in the matter or if the employee feels uncomfortable approaching their manager, the Complainant should approach any other Manager.

e) The employee who receives the complaint must contact the Respondents direct line manager (in the case of the Chief Executive officer that is the Shire President) and decide upon the most

appropriate way to take the matter forward, whether it is an informal discussion with the Complainant and/or the Respondent, or the commencement of a formal investigation of the complaint.

Key Principles in the Complaint Resolution Process

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

i) Confidential – Only the employees directly investigating or addressing the complaint will have access to the information about the complaint. The Shire of Brookton may inform or appoint a third party to investigate or advise on the investigation. All parties involved in dealing with a complaint are required to keep the matter confidential. Information will only be placed on an employee's personal file if they are disciplined as a result of the complaint.

ii) Impartial (fair/unbiased) – Both parties will have an opportunity to put their case forward. No assumptions are made, and no action will be taken until available and relevant information has been collected and considered.

iii) Sensitive – The employees who assist in responding to complaints should be specifically trained or equipped to treat all complaints sensitively and ensure the process is free of coercion or intimidation.

iv) Timely – The Shire of Brookton aims to deal with all complaints as quickly as possible and in accordance with any legislative requirements.

v) Documented – All complaints and investigations must be documented. In formal grievance processes, records must be kept of all documents collected and/or drafted as part of that process. For more informal processes, a file note or note in a diary may be sufficient.

vi) Natural Justice – The principles of natural justice provide that:
- A Respondent against whom allegations are made as part of a grievance process has the right to respond to the allegations before any determination is made.
- A Respondent against whom an allegation is made has the right to be told (where possible and appropriate) who made the allegation.
- anyone involved in the investigation should be unbiased and declare any conflict of interest.
- decisions must be based on objective considerations and substantiated facts.
- the Complainant and the Respondent have the right to have a support person present at any meetings where practicable.

vii) 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.
- A Respondent is entitled to receive verbal or written communication from the Shire of Brookton 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 Brookton through the grievance process are investigated and considered.
- The Respondent has 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.
- All interviews of witnesses are conducted separately and confidentially.

Outcome of Making a Complaint

If a complaint is substantiated, there are a number of possible outcomes. If the complaint involves a performance issue, the manager of the Respondent may commence a formal or informal performance management process with the Respondent or elect to discipline the Respondent in accordance with the Disciplinary Policy.

If the complaint involves a breach of a Policy or any other behaviour that is inconsistent with the employment relationship, the manager of the Respondent, in consultation with senior management, may elect to discipline the Respondent in accordance with the Disciplinary Policy.

Vexatious or Malicious Complaints

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

Victimisation of Complainant

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

Variation to This Policy

This policy may be cancelled or varied from time to time. All Shire of Brookton's employees will be notified of any variation to this policy by the normal correspondence method. Related Corporate Documents Discrimination, Harassment, & Bullying Policy Grievances, Investigations and Resolutions Procedure Code of Conduct.

Resolution No:
Resolution Date:

2.8 RISK MANAGEMENT

Purpose

The Shire of Brookton's ("the Shire") Risk Management Policy documents the commitment and objectives regarding managing uncertainty that may impact the Shire's strategies, goals or objectives.

Policy

It is the Shire's Policy to achieve best practice aligned with AS/NZS ISO 31000:2018 Risk management in the management of all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.

Risk Management will form part of the strategic, operational, project and line management responsibilities and where possible, be incorporated within the Shire's Integrated Planning Framework.

The Shire's Senior Management Group will implement and communicate the Risk Management policy, objectives and procedures, as well as direct and monitor implementation, practice and performance.

Every employee, Elected Member, volunteer and contractor within the Shire is recognised as having a role in risk management.

Consultants may be retained at times to advise and assist in the risk management process or management of specific risks or categories of risk.

Definitions (from AS/NZS ISO 31000:2018):

- *Risk* means 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* means Coordinated activities to direct and control an organisation with regard to risk.

- *Risk Management Process* means 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.

Objectives

- Optimise the achievement of the Shire's vision, experiences, strategies, goals and objectives.
- Provide transparent and formal oversight of the risk and control environment to enable effective decision making.
- Enhance risk versus return within our risk appetite.
- Embed appropriate and effective controls to mitigate risk.
- Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
- Enhance organisational resilience.
- Identify and provide for the continuity of critical operations.

Risk Appetite

- The Shire defined its risk appetite through the development and endorsement of the Shire's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Procedures and are subject to ongoing review in conjunction with this policy.
- All organisational risks reported at a corporate level are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisation's appetite and are to be noted within the individual risk assessment and approved by the CEO.

Roles, Responsibilities & Accountabilities

Council's role with assistance from the Audit and Risk Committee is to –

- Review and approve the Shire's Risk Management Policy and Risk Assessment and Acceptance Criteria.
- Liaise with Office of the Auditor General in its assessment and reporting on financial statements and performance standards annually.
- Establish and maintain an Audit and Risk Committee under provisions of the *Local Government Act, 1995* with the charter to oversee the identification of relevant risks and associated actions of mitigation across all finance and operational areas.

The CEO is responsible for the allocation of roles, responsibilities and accountabilities. These are documented in the Risk Management Procedures (Operational Document).

Monitor & Review
The Shire will implement and integrate a monitor and review process to report on the achievement of the Risk Management Objectives, the management of individual risks and the ongoing identification of issues and trends.

This policy will be kept under review by the Shire's Senior Management Group and will be formally reviewed by Council biennially.

Resolution No:
Resolution Date:

~~2.9 ACCESS TO ADMINISTRATION RECORDS~~

~~**Purpose**~~
~~To set clear guidelines for access and removal of Shire of Brookton records.~~

~~**Policy**~~
~~1. **Internal access to records**~~
- ~~Records must be available to all Elected Members, staff and contractors who require access to them for business purposes of the Shire of Brookton.~~
- ~~Some records created by the Shire of Brookton will be of a sensitive or confidential nature and will require access to them to be restricted to one or more people.~~
- ~~Right of access to each record will be determined by the security classification attached to the record.~~
- ~~Confidential records will be restricted to those entitled to have access, as determined by the CEO.~~

~~2. **External access to records**~~
- ~~Access to Shire of Brookton records by members of the public will be in accordance with the *Freedom of Information Act 1992.*~~

~~3. **Accessibility**~~
- ~~Records will be stored in such a way that they can be identified and retrieved easily and quickly by Shire of Brookton staff and contractors.~~
- ~~Records where necessary will be housed in locked cupboards or areas which are not accessible to the public or other unauthorized personnel.~~
- ~~The location of the records must not impede retrieval requirements.~~

~~As a general rule records should not be removed from Shire of Brookton premises. However, it is sometimes necessary to remove files such as Building Applications and Permits. Where records are removed these must be recorded with the care of the record being the responsibility of the person to whom the record has been loaned.~~

~~**Resolution No:**~~
~~**Resolution Date:**~~

2.10 COMPLAINTS HANDLING

Objective
The Shire is committed to resolving complaints in a timely, fair and equitable manner.

~~It is important that customers residents and ratepayers are able to easily lodge a complaint and have the complaint considered by the relevant officer or department.~~

~~It is also important that if the customer is not satisfied with the outcome of the complaint that the matter is able to be referred to a higher level for consideration. The customer should be informed of their rights in this regard.~~

~~Complaints will be used to review and make positive changes to the Council's policies and procedures.~~

Policy
This policy covers the Shire's wastewater (sewerage) services, but does not relate to complaints that must be legally addressed in another manner such as the State Administrative Tribunal or under the Whistle-blowers Protection legislation.

Complaints will only be addressed if submitted to the Shire in writing (i.e. letter or email) unless otherwise deemed urgent by the CEO. Anonymous complaints will not be addressed by the Shire.

It is intended that complaints will be addressed within 15 business days from the date the complaint is received, however this will depend on the complexity of the complaint and the legislative parameters that need to be considered.

~~Procedure~~ Guideline
The complaints process is outlined in the following steps:

1. Customers are encouraged to discuss their complaint with the officer of the department which is the subject of the complaint and to attempt to resolve the issue at this level.
2. If the complaint cannot be resolved at the first point of contact the matter will be reviewed by the direct line manager and the complainant will be advised of the outcome in writing.
3. The advice to the complainant in step 2 may include the details of an independent party that the matter can be referred to if still unresolved or the complainant is still not satisfied.
4. Once the matter has been completed the CEO will review the circumstances of the complaint and make any relevant changes to the Shire's operations to lessen the probability of further complaints being raised.

Independent Parties
If the matter cannot be resolved to the customer's satisfaction, they have the right to refer the matter to one of the following independent parties.

For general complaints
The Ombudsman Western Australia http://www.ombudsman.wa.gov.au

For water services complaints
The Energy and Water Ombudsman http://ombudsman.wa.gov.ay/energyandwater/

Resolution No:
Resolution Date:

~~2.11 KOORRNONG RESIDENTIAL ESTATE~~

~~**Outcomes**~~
- ~~To set the fees for sale for the residential estate remaining lots.~~
- ~~To encourage sales.~~

~~**Objective**~~
- ~~To discourage speculation in land.~~
- ~~To encourage development and activation of the estate and townsite.~~

~~**Policy**~~
~~To encourage the sale and development of the individual lots;~~
- ~~The following purchase price for the respective remaining lot(s) for sale at "Koorrnong" (pursuant Section 3.58(4)(c)(ii)) of the Local Government Act 1995 shall apply:~~
  - ~~Lot 102 - $66,000 or nearest offer~~
  - ~~Lot 103 - $66,000 or nearest offer~~
  - ~~Lot 104 - $60,500 or nearest offer~~
  - ~~Lot 105 - $55,000 or nearest offer~~
- ~~A $5,000 rebate applies where the purchaser produces a Builder's Certificate giving notice of practical completion of a dwelling within 24 months of settlement of the sale of the property.~~
- ~~The CEO ensuring such condition is explicitly contained within the contract of offer documentation relating to the sale.~~
- ~~The Council may from time to time apply an alternative approach (i.e. tender, action, raffle) to market and promote the sale of the subject lots.~~
- ~~The following conditions will apply:~~
  - ~~The use of repurposed buildings (ie donga) is not permitted.~~
  - ~~The connection to an approved onsite effluent disposal system.~~
  - ~~A minimum internal floor area for a single house being 100m^2 (excludes a verandah, garage, or carport).~~

~~**Resolution No:**~~
~~**Resolution Date:**~~

~~2.12 AGED CARE~~

~~This Policy was revoked at the 19th September 2019 Ordinary Meeting of Council; Resolution number OCM 09.19-17, OCM 09.19-18.~~

~~2.13 LIQUIDITY MANAGEMENT STRATEGY – AGED CARE~~

~~This Policy was revoked at the 19th September 2019 Ordinary Meeting of Council; Resolution number OCM 09.19-17, OCM 09.19-18.~~

~~2.14 INVESTMENT MANAGEMENT STRATEGY - AGED CARE~~

~~This Policy was revoked at the 19th September 2019 Ordinary Meeting of Council; Resolution number OCM 09.19-17, OCM 09.19-18.~~

2.15 CONTIGUOUS RATING – SHIRE BOUNDARY PROPERTY

Objective
To recognise parcels of land located on the Shire's boundary adjoining other parcels of land in neighbouring shires as contiguous for the purposes of assessing rates.

Policy
It is Council Policy to support the contiguous rating of land zoned "Farming" only where the land is situated in a contiguous position to all other land, and the land is in the same ownership, including when the property crosses a Shire boundary.

The Shire of Brookton relies on Landgate to determine whether parcels of land that are within the Shire's boundary should be contiguously valued as one holding. Landgate uses set valuation principles and court precedent as the basis for determining the validity of claims relating to contiguously valued properties.

For example: a farming property comprising a number of lots/locations all in common ownership and being used as one large holding will normally receive a single value.

The Shire of Brookton recognises that there may be parcels of land located on the Shire's boundary that adjoin other parcels of land in neighbouring shires that are not considered by Landgate because they are separated by shire boundaries. Council considers that the owners of properties that would otherwise be assessed as being contiguous in nature, if they happened to be contained within the one Shire, should be given the opportunity to apply for a concession on their rates within the Shire of Brookton.

The owners of properties that fit the below criteria must apply for a concession from Council each and every year that that they wish to have their properties assessed. A detailed application form will be provided for this purpose, on the request of the property owner.

The property owner must be able to prove that all relevant parcels of land meet all of the following requirements:

- Contiguous (touching) with contiguously rated properties in neighbouring shire(s);

- All properties are held in the same ownership; and
- All properties are used for the same purpose.
- The property in the Brookton Shire must be rated at the minimum rate. The property owner must provide the following documentation for assessment: •
- Completed Shire of Brookton Rates Concession Application Form;
- Copy of relevant Shire of Brookton rates notice(s) (current year); and
- Copy of relevant adjoining shire rates notice(s) (current year).

The property owner will be required to pay the whole of the current year rates relating to the relevant Brookton property prior to a concession being awarded.

The concession will be calculated by deducting the amount that would otherwise be payable on the relevant property if it were contiguously rated by the relevant neighbouring shire from the amount that has been assessed/paid in the current year with the Shire of Brookton.

Applications for Contiguous Rating – Shire Boundary Concession must be submitted to the Shire of Brookton by the last instalment date of the current rating year. A rates refund will be processed to the ratepayer or as a credit on the property assessment, as indicated on the application form, before the end of the current financial year.

All other regular claims for contiguously valued properties held within the Brookton Shire boundary should be directly with the Shire of Brookton and will be assessed with the assistance of Landgate.

Resolution No: **OCM 02.25-05**
Resolution Date: **20 February 2025**

2.16 SIGNIFICANT ACCOUNTING POLICIES

Council will adopt the significant accounting policies for each financial year within the statutory format of Council's Annual Budget.

~~**Basis of Preparation**~~
~~Financial statements and documents will be The budget has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not for-profit entities) and interpretations of the Australian Accounting Standards Board, and the *Local Government Act, 1995* and accompanying regulations.~~

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

~~The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost. All right-of-use assets (other than vested improvements) under zero cost concessionary leases will be measured at zero cost rather than at fair value. The exception will be vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.~~

~~Accounting policies which have been adopted in the preparation of **Financial statements and documents will be** this budget have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, **Financial statements and documents will be** the budget has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.~~

~~The Local Government Reporting Entity~~

~~All funds through which the Shire of Brookton controls resources to carry on its functions **will be** have been included in the financial statements and documents. forming part of this budget.~~

~~In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between Funds) **will be** have been eliminated.~~

~~All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 15 Trust Funds to the budget.~~

~~2023/24 Actual Balances~~

~~Balances shown in this **Financial statements and documents will be** as 2023/24 Actual are estimates as forecast at the time of budget preparation and are subject to final adjustments.~~

~~Change in Accounting Policies~~

~~On the 1 July 2024 no new accounting policies are to be adopted and no new policies are expected to impact the annual budget.~~

~~Key Terms and Definitions – Nature or Type Revenues~~

~~Rates~~

~~All rates levied under the *Local Government Act 1995*. Includes general, differential, specified area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts and concessions offered. Exclude administration fees, interest on instalments, interest on arrears, service charges and sewerage rates.~~

~~Service Charges~~

~~Service charges imposed under Division 6 of Part 6 of the *Local Government Act 1995*. Regulation 54 of the *Local Government (Financial Management) Regulations 1996* identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services.~~

~~Excludes rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.~~

~~Profit On Asset Disposal~~

~~Profit on the disposal of assets including gains on the disposal of long term investments. Losses are disclosed under the expenditure classifications.~~

~~Grants, Subsidies and Contributions~~

~~Refer to all amounts received as grants, subsidies and contributions that are not non-operating grants.~~

~~Capital Grants, Subsidies and Contributions~~

~~Amounts received specifically for the acquisition, construction of new or the upgrading of non-current assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.~~

~~Revenue From Contracts With Customers~~

~~Revenue from contracts with customers is recognised when the local government satisfies its performance obligations under the contract.~~

~~Fees And Charges~~

~~Revenue (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.~~

~~Interest Revenue~~

~~Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.~~

~~Other Revenue / Income~~

~~Other revenue, which cannot be classified under the above headings, includes dividends, discounts, rebates and reimbursements etc.~~

~~Expenses Employee Costs~~

~~All costs associated with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences safety expenses, medical examinations, fringe benefit tax, etc.~~

~~Materials And Contracts~~

~~All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.~~

~~Utilities (Gas, Electricity, Water, Etc.)~~

~~Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.~~

~~Insurance~~

~~All insurance other than worker's compensation and health benefit insurance included as a cost of employment.~~

~~Loss On Asset Disposal~~

~~Loss on the disposal of fixed assets includes loss on disposal of long-term investments.~~

~~Depreciation On Non-Current Assets~~

~~Depreciation and amortisation expense raised on all classes of assets.~~

Finance Costs
Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

Other Expenditure
Statutory fees, taxes, provision for bad debts, member's fees or State taxes. Donations and subsidies made to community groups.

Significant Accounting Policies - Net Current Assets
Current and Non-Current Classification
An asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Shire's operational cycle. In the case of liabilities where the Shire does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability will be classified as current even if not expected to be settled within the next 12 months. Inventories held for trading will be classified as current even if not expected to be realised in the next 12 months except for land held for sale.

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

Prepaid Rates
Prepaid rates are, until the taxable event has occurred (start of the next financial year), refundable at the request of the ratepayer. Rates received in advance will be initially recognised as a financial liability. When the taxable event occurs, the financial liability is extinguished and the Shire will recognise revenue for the prepaid rates that have not been refunded.

Inventories General
Inventories will be measured at the lower of cost and net realisable value.

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

Superannuation
The Shire of Brookton contributes to a number of superannuation funds on behalf of employees. All funds to which the Shire of Brookton contributes will be defined contribution plans.

Land Held for Resale
Land held for development and sale will be valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed will be expensed.

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

Contract Assets

A contract asset is the right to consideration in exchange for goods or services the entity has transferred to a customer when that right is conditioned on something other than the passage of time.

Trade and Other Receivables

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Trade receivables will be recognised at original invoice amount less any allowances for uncollectible amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Trade receivables will be held with the objective to collect the contractual cashflows and therefore measures them subsequently at amortised cost using the effective interest rate method.

Due to the short term nature of current receivables, their carrying amount is considered to be the same as their fair value. Non-current receivables will be indexed to inflation, any difference between the face value and fair value is considered immaterial.

The Shire applies the AASB 9 simplified approach to measuring expected credit losses using a lifetime expected loss allowance for all trade receivables. To measure the expected credit losses, rates receivable is separated from other trade receivables due to the difference in payment terms and security for rates receivable.

Provisions

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

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

Employee Benefits - Short-term employee benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits will be measured at the undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave will be recognised as a part of current trade and other payables in the statement of financial position. The Shire of Brookton's obligations for employees' annual leave and long service leave entitlements will be recognised as provisions in the statement of financial position.

Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks, other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.

~~Bank overdrafts will be shown as short-term borrowings in current liabilities in Note 2 - Cash and Financial Assets.~~

~~Financial Assets at Amortised Cost~~

~~The Shire will classify financial assets at amortised cost if both of the following criteria are met:~~

- ~~the asset is held within a business model whose objective is to collect the contractual cashflows, and~~
- ~~the contractual terms give rise to cash flows that are solely payments of principal and interest.~~

~~Recognition of Assets~~

~~Assets for which the fair value as at the date of acquisition is under $5,000 will not be recognised as an asset in accordance with Financial Management Regulation 17A (5). These assets will be expensed immediately.~~

~~Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets will be recognised as one asset and capitalised.~~

~~Gains And Losses on Disposal~~

~~Gains and losses on disposals will be determined by comparing proceeds with the carrying amount. These gains and losses will be included in profit or loss in the period which they arise.~~

~~Depreciation~~

~~The depreciable amount of all fixed assets including buildings but excluding freehold land, will be depreciated on a straight line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements will be depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.~~

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

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

~~Major depreciation periods used for each class of depreciable asset are:~~

~~Asset Class~~	
~~Buildings – non specialised~~	~~1 to 100 years~~
~~Buildings – specialised~~	~~50 to 80 years~~
~~Furniture and Equipment~~	~~2 to 50 years~~
~~Plant and Equipment~~	~~2 to 100 years~~
~~Infrastructure Parks & Gardens~~	~~0 to 100 years~~
~~Infrastructure Footpaths~~	~~2 to 60 years~~
~~Infrastructure Sewerage~~	~~0 to 100 years~~
~~Infrastructure water supply~~	~~10 to 75 years~~
~~Infrastructure Roads~~	~~0 to 100 years~~
~~Right of use – plant and equipment~~	~~based on the remaining lease~~
~~Right of use – land~~	~~based on the remaining lease~~

Intangible assets – rehabilitation costs 40 years

Amortisation

The depreciable amount of all intangible assets with a finite useful life, will be depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held for use.

The assets residual value of intangible assets is considered to be zero and useful live and amortisation method will be reviewed at the end of each financial year.

Amortisation will be included within Depreciation on non-current assets in the Statement of Comprehensive Income.

Borrowing Costs

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they will be capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

Leases

At inception of a contract, the Shire shall assess whether the contract is, or contains, a lease. A contract is, or contains, a lease if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration.

At the commencement date, a right-of-use asset will be recognised at cost and a lease liability.

At the present value of the lease payments that are not paid at that date. The lease payments will be discounted using the interest rate implicit in the lease, if that rate can be readily determined. If that rate cannot be readily determined, the Shire will use its incremental borrowing rate.

Lease Liabilities

The present value of future lease payments not paid at the reporting date will be discounted using the incremental borrowing rate where the implicit interest rate in the lease is not readily determined.

Revenue Recognition

Accounting Policies for the recognition of income and revenue from contracts with customers is described in Note 13 and 14.

Interests in Joint Arrangements

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

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

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

Goods and Services Tax (GST)

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

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

~~Cash flows will be presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.~~

~~**Critical Accounting Estimates**~~
~~The preparation of **financial statements and documents** a budget in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.~~

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

~~**Rounding Off Figures**~~
~~All figures shown in the preparation of financial statements will be this statement are rounded to the nearest dollar.~~

~~**Comparative Figures**~~
~~Where required, comparative figures will be have been adjusted to conform with changes in presentation for the current financial year.~~

~~**Budget Comparative Figures**~~
~~Where required, comparative figures will be have been adjusted to conform with changes in presentation for the current financial year.~~

Resolution No:
Resolution Date:

2.17 SALARY SACRIFICING

Objective
Salary packaging enables employees to receive fringe benefits in lieu of part of their salary or wage.

The tax cost associated with certain fringe benefits may be lower than the tax on their pay, which can result in financial benefits to the employee, particularly if the goods are exempt from FBT.

Policy Statement
The Shire of Brookton will support employees making purchases for goods, through the employer, that are 'otherwise deductible' from the Australian Taxation Office and or exempt from FBT.

Examples of purchases that would be deemed eligible include Laptop computers, briefcases and vehicles under certain circumstances.

Procedure

To commence salary sacrificing, an ~~How it works is that the~~ employee identifies the item they wish to purchase and seeks authority from the Manager Corporate and Community Services (MCC) to purchase the relevant item (it must comply with certain taxation rules ~~however~~). The employer provides a form to employee confirming that they authorise the employer to deduct from their pay the equivalent amount (less GST) from their next pay (or over an agreed number of pays) until the value of the purchase has been 'sacrificed' by the employee. Once the value has been reached, the employer then purchases the item and provides the item to the employee for their use and ownership.

Reimbursements to Council for eligible salary sacrifice items must be paid by the employee at the same time of receiving the benefit or in advance of the purchase by the Council. Retrospective or Council financed purchases will not be authorised. To make salary sacrifice arrangements employees must complete the appropriate form (available from Council's Finance Officer) and be signed by the Manager Corporate and Community Services (MCC) or CEO prior to the purchase or 'sacrifice' taking place.

Guidelines relating to vehicle purchases made under a salary sacrifice arrangement include the following;

That with respect to the purchasing of light fleet vehicles and the provision of private staff use of certain vehicles, Council endorses the current Human Resources Policy "Remuneration Packaging" and continue to allow for the salary packaging of vehicles upon request from an employee and subject to the discretion of the Chief Executive Officer, within the following guidelines.

a) Vehicles predominately required for operational reasons are not eligible (e.g. Works vehicles);
b) Vehicles that are provided under a novated lease and/or "cashed out" from an existing employer provided vehicle to an employee with unrestricted private use;
   i) must be utilised by the employee for work purposes and that employee is not able to utilise "pool" vehicles for work or private purposes;
   ii) may be hired by the employer for other employee or Councillor work requirements at the discretion of the owner of the vehicle (every attempt must be made to utilise a non-novate lease vehicle in the first instance) and if so hired, may be charged at the prevailing rate provided for in the Local Government Industry Award 2020 ($0.72 cents per kilometre at 2020);
   iii) in the event of damage incurred to the vehicle by the hirer in part ii (above), the Council will meet the cost of any damage or insurance excess to a maximum of $500;
   iv) should not result in the Council nor the employee being disadvantaged.

Resolution No:
Resolution Date:

2.18 USE OF CORPORATE CREDIT CARDS

Objective
To provide details for the use, allocation, control and safe custody of corporate credit cards.

The policy looks to ensures that operational and administrative costs and the risks associated with credit card use are minimised while providing cardholders with a convenient method of purchasing goods and services on behalf of the Shire.

Policy Definitions
- "Credit Card" is defined as a facility allowing the cardholder to pay for goods and services on credit.
- "Business Expense" is defined as any expense necessary to the conduct of the business or is allowed under the terms of the employee's contract of employment with the Shire or relevant Council policies.
- "Personal Expense" is defined as any expense not of a business nature.

Policy
Shire of Brookton Corporate Credit Cards may be used where it is inappropriate or inconvenient to use the Shire's normal payment systems.

The preference should always be to use the Shire's normal payment systems including purchase systems established with local businesses for purchases of fuel.

The maximum credit limits shall be based on the cardholder's need with Council holding a $21,500 maximum credit card facility.

The Chief Executive Officer will approve the issue of all Corporate Credit Cards and Fuel Cards. The Corporate Credit Card limits are:
1. $10,000 for the Chief Executive Officer;
2. $5,000 for the Manager Corporate & Community;
3. $5,000 for the Manager Infrastructure & Works;
4. $1,500 for the Community Emergency Services Manager

All new and existing cardholders shall be provided with a copy of the policy in relation to the use of Corporate Credit.

An agreement shall be signed by the cardholder and the local government which sets out the cardholder's responsibilities and legal obligations when using Corporate Credit. A copy of the agreement is included as an appendix to this policy.

The CESM is only allowed to utilise the Corporate Credit Card for declared emergency requirements and for the purpose of fuel reimbursements as defined under the Local Government Grants Scheme Guidelines.

The CESM is required to seek permission in relation to the expenditure from the Shire's of Pingelly and Corrigin and DFES if required.

CESM reimbursements between third part councils (Pingelly & Corrigin) and DFES will be invoiced through the quarterly payments.

Guidelines

Authority for Approval of Corporate Credit and Fuel Cards

The Manager Corporate & Community is responsible for arranging the issue of the Corporate Credit Card on advice from the Chief Executive Officer.

Approved Bankers

The Shire of Brookton's Corporate Credit Cards are to be issued by its transactional banker.

Purchases and Use of Corporate Credit Cards

The Shire's Corporate Credit Cards shall only be used for purchases of goods and services in the performance of official duties for which there is a budget provision.

Under no circumstances are they to be used for personal or private purposes or for the withdrawal of cash through a bank branch or any automatic teller machine.

Where purchases are made ~~by facsimile,~~ over the telephone or on the internet, a tax invoice should be requested to support the purchase along with completion of the Corporate Credit Card Authorisation Form.

If no invoice or receipt is available, as much detail about the transaction should be recorded and used to support the payment when required. (Date, Company, Address, ABN, amount, any GST included). The Officer will provide a Statutory Declaration certifying the purpose and other details of the purchase.

Where a payment is made for entertainment, it is important to note on the invoice/receipt the number of persons entertained and the names of any Shire of Brookton's employees in that number.

Accounts and Settlement

The provider of the credit card will supply the Finance Department area with a statement of account each month.

The monthly statement of account from the provider of the corporate credit card will be forwarded to each cardholder for certification and for the supply of receipts and tax invoices to support the Shire's claim for the GST component of purchases and services obtained.

Cardholders are to certify that the account details are correct. The Manager Corporate & Community, or in the case of the Manager Corporate & Community the Chief Executive Officer, will then review the expenditure before it is returned to Finance Department area for payment.

A credit card transaction slip is not acceptable to support the claim. A tax invoice should provide a brief description of the goods and services supplied along with the suppliers ABN. The cardholder is to provide the relevant or correct expense account for the expenditure.

The cardholder's certification must be provided within 7 days of receipt and prior to the end of the credit cards settlement period.

Any disputed amounts on the Corporate Credit Card statement should be brought to the attention of the Chief Executive Officer at the first opportunity by the Manager Corporate & Community.

Card Lost or Stolen
Cards that are lost or stolen must be reported immediately by the cardholder to the issuing banker by telephone. At the earliest opportunity, written notification must also be given to the Manager Corporate & Community.

Misuse of Corporate Credit Cards
Cards which show unreasonable, excessive or unauthorised expenditure will be subject to audit and may result in the withdrawal of the card from the cardholder or other penalty.

Recovery of Unauthorised Expenditure
Unauthorised expenditure or expenditure of a private nature that is proved to be inappropriate will be recovered by deductions from the officer's salary.

Internal Audit of the Corporate Credit Card System
From time to time an internal audit will provide a report on the control, use, viability and adherence to authorised policy and procedures to the Manager Corporate & Community.

Reward/Bonus Points
Where the Corporate Cards carry rewards or bonus points, usually to encourage the use of the card by the issuing institution, these rewards or points will be accumulated in the name of the Shire of Brookton. The Shire's management (Chief Executive Officer) will decide how these points are to be utilised. Under no circumstances are rewards or bonus points to be redeemed for any officer's private benefit.

Return of Cards
When the Chief Executive Officer or other Officer cease to occupy a position that is authorised to be issued with a corporate credit card (either through internal transfer, retirement, resignation or conclusion of service contract) they must return the card to the Manager Corporate & Community (or in the case of the Manager Corporate & Community to the Chief Executive Officer) at least one week prior to vacating the position so that the card may be cancelled and the account settled.

Finance Department Responsibilities
The Finance Department area's responsibilities in relation to the Shire's Corporate Credit Cards include:

1. Maintaining a Card Register of all cardholders including the card number, expiry date of the credit card, credit limit and details of any limits on the goods and services the cardholder has authority to purchase.
2. Arranging the issue/cancellation of the Corporate Cards.
3. Arranging for all cardholders to sign the Card User Instruction Agreement (see Appendix A) on receipt of the new card and ensure the signed agreement is filed in the Card Register.
4. Processing payment of card expenditure on receipt of the card statement from the Bank after certification from the cardholder. Ensure that all receipts and tax invoices are in place prior to authorisation for payment.
5. To keep cardholders informed of any changes to policy and procedures on the use of the Corporate Cards.

Cardholders Responsibilities
Officers who are issued with Corporate Cards must -

1. Ensure the care and safe keeping of the card.
2. Adhere to the policy and procedures in relation to use of the card and its financial limits.

3. Ensure receipts and tax invoices are received when the card is used and to produce them as evidence for settlement with the Bank.
4. Ensure the monthly card statement is certified correct and approved for payment when received from the Finance Department area and return to Finance Department together with the receipts and tax invoices within seven (7) days of receipt.
5. Ensure relevant and correct expenditure account details (account numbers) are provided against each item of expenditure on the card statement to assist with the allocation of expenses and claims for the reimbursement of GST from the Australian Taxation Office.
6. To provide an early response to enquiries that may be made by the bank, creditors or related parties, as the case may be.

Resolution No:
Resolution Date:

Appendix A

To: _____ Title: _____

From: Manager Corporate & Community Date: _____

CORPORATE CARD USER INSTRUCTIONS

You have been provided with a Shire of Brookton sponsored Corporate Credit Card in line with your official duties. The limit of this card is $ _____.

The following guidelines are provided for your information.

1. The card is issued in your name. It is a corporate card and all transactions made with it are the responsibility of the Shire of Brookton.
2. The card is to be used for official expenditure in the performance of official duties for which there is Budget provision. Under no circumstances is it to be used for personal or private purposes.
3. Being in your name, you are responsible for the care and safe keeping of the card and therefore held accountable to the Shire of Brookton for its proper use.
4. The card is not to be used to withdraw cash even for official functions.
5. Any unauthorised, excessive or unreasonable use of the card will result in an enquiry and appropriate disciplinary action.
6. When using the card, the holder is required to obtain Tax Invoices to support all purchases. A credit card statement or credit card transaction slip is not acceptable as support for purchases. (Only a Tax Invoice allows the Shire to reclaim the GST component of purchases from the Australian Taxation Office). A Tax Invoice should provide a description of the goods or services supplied, the suppliers Australian Business Number and identifies any GST component of the amount paid.
7. When a Statement of Account is provided, you are required to certify the correctness of the expenditure and return the Statement to the Manager Corporate & Community together with all supporting Tax Invoices and appropriate expense accounts to charge the costs.
8. If the card is lost or stolen, you must immediately notify the Bendigo Bank by phone on 1800 035 383 (24 hour service). The Manager Corporate & Community should be notified on the next working day.
9. The card must be returned to the Manager Corporate & Community if you vacate the position either through resignation, retirement or the conclusion of the Service Contract.
10. Please acknowledge the above by signing and returning this statement to the Manager Corporate & Community.

_____ _____

Name Title

_____ _____

Signature Date

2.19 FINANCIAL RESERVES POLICY

Objective
The Shire of Brookton will establish and maintain Financial Reserves as are statutorily, contractually or prudently required for known or reasonably predicted future financial liabilities that require funding over multiple years to avoid unreasonable fluctuations in funding requirements.

Policy
The Local Government Act 1995 provides for the establishment of Reserve Accounts the following accounts shall be maintained by Council and shall be for the purpose indicated with the minimum balances to be funded as detailed in the Reserve Strategy.

Reserve Name	Purpose
a) Leave Reserve	This reserve is for the funding of annual and long service leave requirements.
b) Plant and Vehicle Reserve	This reserve is for the purchase of major items in the Shire's plant and vehicle replacement program. Inclusive of the Community Bus.
c) Furniture and Equipment Reserve	This reserve is for the replacement of major items of furniture and equipment.
d) Sewerage Scheme Reserve	This reserve is to fund the expansion, ongoing renewal, maintenance and asset management needs of the Brookton Sewerage Scheme.
e) Madison Square Units Reserve	This reserve is to be used to fund any upgrades or major maintenance on the Madison Square Units.
f) Brookton Community Resource Centre	This reserve is to be used to fund any upgrades and services for the Brookton Community Resource Centre.
g) Building and Facility Reserve	This reserve is for the construction, demolition, acquisition, renewal or upgrade of Shire owned Public and Community buildings and facilities.
h) Infrastructure Reserve	This reserve is for the construction and upgrade of roads, bridges, paths and water infrastructure within the Shire.
i) Waste Reserve	This reserve is to fund the compliant management and future rehabilitation of the Brookton Refuse Site.
j) Aged Housing Reserve	This reserve is to be used to fund any upgrades or major maintenance on the Independent Living Units.
k) Innovations and Development Reserve	This reserve is to fund innovative projects, identified in the Integrated Planning and Reporting (IPR) framework, to grow and develop the Shire of Brookton.

Resolution No:
Resolution Date:

~~2.20 PURCHASING~~

~~This Policy was revoked at the 15th November 2018 Ordinary Meeting of Council; Resolution number 11.18-11 and replaced with Policy 2.36 – Procurement.~~

2.21 FINANCIAL HARDSHIP

Objective

To give effect to the Council's commitment to support:

1. Shire of Brookton ratepayers experiencing financial hardship or difficulty in meeting their commitments regarding payment of rates and/or charges; and
2. The whole Shire of Brookton community to meet the unprecedented challenges from events, such as the COVID19 pandemic or a major bushfire.

This Policy is intended to ensure fair, equitable, consistent and dignified support to ratepayers suffering hardship is offered, while treating all members of the community with respect and understanding of difficult individual circumstances.

Tenants who also have an agreement with a landowner to receive a rate notice are also covered by this policy.

Scope

This policy applies to:

- Outstanding rates and services charges as at the date of adoption of this policy;
- Rates and service charges levied for the respective year;
- All ratepayers with outstanding rates and service charges experiencing financial hardship or in situations of vulnerability as prescribed in the definition contained; and
- A guide used for external stakeholders when assisting customers in financial hardship e.g financial counsellors.

It is reasonable that those with the capacity to pay rates will continue to do so. Accordingly, this Policy is not intended to provide rate relief to ratepayers with the capacity to pay, but rather those who are not able to pay their rates based on evidential financial hardship and the statutory provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* that allows the Council to exercise discretion applied to individual circumstances.

Definitions

Rates Debtor

A rates debtor is defined as a ratepayer of the Shire of Brookton and must be owner or part owner of the property and be liable for payment of rates.

Small Business

A small business has the same meaning as under the *Small Business Development Corporation Act 1983*: a business undertaking which is wholly owned and operated by an individual person or by individual persons in partnership or by a proprietary company within the meaning of the *Corporations Act 2001* of the Commonwealth and which:

a. has a relatively small share of the market in which it competes;
b. is managed personally by the owner or owners or directors, as the case requires; and
c. is not a subsidiary of, or does not form part of, a larger business or enterprise.

Financial Hardship
A ratepayer will be considered to be in financial hardship if paying their rates account will affect their ability to meet their basic living needs, for themselves, family or other dependents. The ratepayer has the intention but not the financial capacity to pay.

Financial Hardship Payment Arrangement
An agreement made with a ratepayer who is willing and has the intention to pay but is unable to meet their repayments or existing financial obligations due to serious and/or exceptional hardship or vulnerability.

Statements

(a) Assessment of Financial Hardship

Financial hardship occurs where a person is required to pay rates and service charges that will adversely affect their ability to meet basic living needs for themselves and their dependents. The Shire recognises that circumstances, like COVID19 or a major bushfire event, may increase the occurrence of payment difficulties, financial hardship and vulnerability within the community.

Therefore, this policy is intended to apply to:

a) all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.; and
b) where the payment of Shire rates and service charges will affect their ability to meet basic living needs due to exceptional circumstances.

If a person claims to be in financial hardship the Shire may assess the circumstances within ten business days to determine the extent of financial hardship. If the Shire cannot undertake the assessment within this period, the matter may be referred to a financial counsellor for assistance.

(b) Financial Hardship Criteria

While evidence of financial hardship is required, the Council does recognise that not all circumstances are alike, and will therefore take a flexible approach to individual circumstances including, but not limited to, the following situations:

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

Ratepayers are required to provide information about their individual circumstances including their capacity to make some level of payment, and where possible enter into a payment arrangement. The Council will be considerate of all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying with relevant statutory responsibilities.

(c) Payment Arrangements

If the Shire accepts a situation of financial hardship a payment arrangement may be offered (accounting for the specific circumstances) to the ratepayer with solicited input from his or her representative.

Payment arrangements facilitated in accordance with Section 6.49 of *the Local Government Act 1995* are of an agreed frequency and amount. These arrangements will consider the following:

1 That a ratepayer has made genuine effort to meet rate and service charge obligations in the past.
2 The payment arrangement/schedule will establish a known end date that is realistic and achievable.
3 The ratepayer will be responsible for informing the Shire of any change in circumstance that jeopardises an agreed payment schedule.

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

(d) Interest Charges

A ratepayer that meets the Financial Hardship Criteria (above) and enters into a payment arrangement may request a suspension or waiver of interest charges. Applications are required in writing and will be assessed on merit.

~~A ratepayer that meets the Financial Hardship criteria will not attract interest or penalty charges on rates/services charge in the 2020/21, subject to the period of time that the Local Government (COVID-19 Response) Ministerial Order 202 remains effective (SL2020/67 – Gazetted 8 May 2020).~~

(e) Deferment of Rates

Under the Rates and Charges (Rebates and Deferments) Act 1992, eligible and registered pensioners may be able to defer payment of the rates and Emergency Service Levy charges (not that the Emergency Services Levy is a State Government charge). An applicant should register an entitlement with the Shire as soon as they become eligible for a rebate or deferment.

(f) Debt recovery

If the payment arrangement is not adhered to the Shire Administration may commence debt recovery proceedings in accordance with part 2 of the ACCC and ASIC's Debt Recovery Guidelines for Collectors and Creditors, and in accordance the Shire's Debt Recovery Procedures.

However, the CEO will suspend the Shire's debt recovery processes whilst negotiating a suitable payment arrangement with a ratepayer. Where a ratepayer is unable to make payments in accordance with the agreed payment arrangement, informs the Shire and entertains an alternative arrangement before defaulting on the 3rd due payment, then the Shire Administration will continue to suspend debt recovery processes. Then, should a ratepayer not reasonably adhered to the agreed or alternate payment arrangement, at 1st of July of each year the Shire will offer one further opportunity to clear the total debt by the end of the following financial year, subject to reasonable hardship circumstances being demonstrated in writing. Should this not occur debt recovery procedures as prescribed in the *Local Government Act 1995* will be enacted.

(g) Applying for Financial Hardship

The ratepayer is required to submit a Financial Hardship Application provided by the Shire of Brookton.

(h) Review & Assessment Process

The Rates Officer is required to check all information and supporting documentation has been provided and complete the Financial Hardship Checklist.

A ratepayer's application will be reviewed within ten (10) business days and if it meets the policy criteria it will be submitted to the Chief Executive Officer or Manager Corporate and Community for final assessment.

In addition to financial hardship, the following will be considered in assessing the application for a concession under this policy:

Size of debt and span of time over which the debt has accumulated;

- Freehold ownership or mortgaged;
- Sole residence;
- Advertised for lease and/or sale;
- Profile and history of the ratepayer such as; pensioner status, any previous communications, demonstration of historical genuine efforts to pay, and history of default and/or non-responsiveness.

1. Application Approval

The following concessions may be applied on a case-by-case basis:

1) Acceptance of temporarily reduced payments; or
2) Acceptance of an agreed Payment Arrangement.

Ratepayers will be notified in writing of the result of their application.

2. Review

The Council remains open to a review of all circumstances and decisions made under this policy at the request of the ratepayer.

3. Communication and Confidentiality

All communications, information and actions performed under this policy will be conducted with the highest level of confidence.

Initial communications should be conducted with the Rates Officer, Manager Corporate and Community or Chief Executive Officer and may involve a third party at the ratepayer's request. Information on pertinent information being shared in confidence with the Council to ensure an informed and fair determination is made.

Resolution No:
Resolution Date:

2.22 NEW BUSINESS INCENTIVES

Objective
To strengthen the local economy and improve employment opportunities by stimulating business developments suitable to the environment and community of the Shire of Brookton.

Policy
Council will provide new businesses in the Shire of Brookton a financial incentive of up to $1,000 by the waiving the statutory planning and/or building application fees (where applicable to the local government) as a one off.

At the time of lodging a planning and/or building application with the Shire of Brookton the applicant must provide their ABN to qualify for this incentive.

Resolution No:
Resolution Date:

~~2.23 BUY LOCAL~~

~~This Policy was revoked at the 15th November 2018 Ordinary Meeting of Council; Resolution number 11.18-11 and replaced with Policy 2.36 – Procurement.~~

~~**Resolution No:**~~
~~**Resolution Date:**~~

~~2.24 FEES AND CHARGES FOR COMMUNITY FACILITIES & ACTIVE RESERVES~~

~~**Objective**~~
~~To ensure fair, equitable and transparent model is applied to the setting of fees and charges for the use of Community Facilities and Active Reserves.~~

~~To provide a framework for determining and reviewing the fees and charges, and the level of subsidy provided.~~

~~**Policy**~~
~~Council provides active reserves and community facilities for overall community benefit and as such subsidises the use of these facilities to a substantial level in support of this expectation. The fees and charges levies for the use of these facilities are not intended to recover the full cost of provision.~~

~~1. Fees and charges for community facilities and active reserves will be established based on recouping a percentage of operating and renewal costs.~~
~~2. The target revenue is 10% - of which 5% will be from commercial, private and other use, and 5% from community groups. Thus, Council is effectively subsidizing to 90%.~~
~~3. The structure of the fees and charges recognizes the distinct categories of user groups, and fees and charges are set to reflect these different users.~~
~~4. Use on a casual basis for competitions, festivals, events etc. Will attract fees based on a fee structure that recognizes the different financial capacities of community and commercial organisations.~~

5. To support the participation in junior sports and other Council designated activities, a further 50% donation of the set fees and charges will apply.
6. All clubs which are separately incorporated will be treated as an individual club.
7. Fees and charges will be set based on the previous year's annual operating costs.
8. Fees for regular user groups will be based on a 'per session' method of calculation – that is, that a notional cost for use of a facility per session will be determined and will be multiplied by the number of sessions a particular group conducts during their playing season.
9. Schools are required to book facilities and reserves prior to use and will be charges according to the relevant fee in the schedule.
10. Clubs requiring exclusive use of facilities do so under a lease arrangement and will be responsible for the utilities and future improvements of their facilities, unless determined by Council.

Categories of users are:

- Commercial means activities run by private companies for commercial gain.
- Private Function means functions organized by individuals – birthday parties, funerals etc.
- State Govt and other agencies means Main Roads WA, Wheatbelt Dev. Comm., etc.
- Community Groups means groups that are run by volunteer committees.

Resolution No:
Resolution Date:

2.25 HALL HIRE

Objective

To provide the framework for the management of Council's Memorial Hall and WB Eva Pavilion hire program. This aims to ensure that:

a) A range of user groups have fair and equitable access to Council's community facilities. To provide a framework for determining and reviewing the fees and charges, and the level of subsidy provided.
b) The WB Eva Pavilion is made available to members of the local community at no cost during periods of power outage.

Policy

1. Bond and Hire Fees

- The Hirer must pay the bond and hire fees at the time of making the booking. A booking is only confirmed once payment in full has been made.
- Hire fees are charged on a scale as detailed in Table A and listed in the Shire's Fees and Charges Schedule.
- The bond will be returned to the hirer when staff have inspected the venue after the function.
- Damage and cleaning shall be the responsibility of the person or organisation hiring the facility to be conducted immediately at the conclusion of the hire period, and where:
  - Any damage to or loss of equipment, or additional cleaning required, will be charges to the Hirer as per the current replacement or repair cost of equipment, plus 15% administration fee;
  - Any damage to the buildings, including fittings, chattels, curtains, furniture and surrounds will be charges to the Hirer as per the replacement or repair cost of that item, plus 15% administration fee;

2. Furniture and Equipment

The Hirer must ensure that furniture is not ~~be~~ dragged over the floor surfaces. Trolleys are provided for the movement of chairs, tables and other furnishings.

3. Alcohol Consumption

It is the responsibility of the Hirer to:

- Obtain written permission from the Shire CEO to allow alcohol to be consumed at the venue.
- Obtain an Occasional Liquor Licence from **the appropriate authority**. ~~Department of Racing, Gaming and Liquor~~.
- ~~Provide a copy of the Occasional Liquor Licence to the Shire of Brookton CEO.~~
- ~~Display the Occasional Liquor Licence prominently during the hire period.~~
- ~~Ensure that the requirements of the Liquor Licence are fulfilled.~~
- ~~Ensure that minors are not permitted in the bar or licensed area.~~
- ~~Organize and oversee staffing of the bar with personnel sufficiently trained in the responsible service of alcohol.~~

4. Cleaning ~~supplies~~

It is a condition of hire that:

- All food scraps are removed from the premises before the end of the hire period.
- All indoor bins are emptied into outdoor bins before the end of the hire period.
- Kitchen facilities, crockery and cutlery are left in a clean state with all equipment in working order.
- Shire staff are notified of all breakages.
- All tables are cleared, wiped and stacked on the trolley.
- The hirer informs shire staff of any spills/damage as soon as possible.

5. Decorations

The use of decorations requires:

- The permission to decorate from the Shire of Brookton ~~CEO~~ at the time of booking, including candles, confetti, blue tac, sticky tape, nails, pins, screws or anything that could deface the surfaces such as chemicals, paint etc.
- All decorations to be completely removed after the function.

6. Compliance with Acts and Regulations

- The hirer will comply with the provisions of the Health Act 2016, Food Act 2008, Liquor Licensing Act 1988 and any other act, regulation or local law in force at the hiring time and which is applicable to the hiring and use of the venue;
- ~~The~~ Shire staff or contractors ~~CEO~~, ~~health inspectors, liquor licensing officers and police~~ have the right to enter any function for the purpose of making an inspection or enforcing any of the conditions;
- ~~The~~ Shire staff or contractors ~~CEO, health inspectors, liquor licensing officers and police have the right to~~ may close down a function and remove all patrons from the building if regulations are not being met.

7. Other Conditions

- Council venues are a smoke free environment including inside the building or within ten metres from the entrance;
- Council's piano can only be moved under the supervision of Shire staff. Please contact staff regarding piano use.

- The hirer is responsible for any disorderly behaviour, unsuitable dress, obscene or insulting language in any part of the venue.
- The Shire of Brookton ~~CEO~~ and/or the hirer have the right to refuse admission to any person.

8. Insurance

- ~~Individuals hiring a Shire venue are covered under the Shire's Casual Hirers Liability Insurance.~~
- Incorporated bodies, sporting clubs, associations, corporations and any persons hiring a Council venue for commercial or profit-making purposes, are required to provide their own Public Liability Insurance to an amount as prescribe by the Shire.

9. Power Outages

- During power outages the WB Eva Pavilion ~~is to~~ will be made available by the Shire Administration to members of the local Brookton community to use at no charge between the hours of 8.00am and 8.00pm, unless other extended by the CEO, when:
  - The mains power is not available for a period extending beyond 1 hour; and
  - The temperature is forecast to exceed 33 degrees Celsius.
- The Pavilion may be closed at an earlier time should the CEO believe such action is warranted or necessary.
- Community members seeking to use the WB Eva Pavilion must:
  - Afford a courtesy to others using the facility.
  - Provide their own food, drinks and entertainment - alcohol is not permitted.
  - Leave the Pavilion in a clean and tidy condition upon the use ceasing.

Resolution No:
Resolution Date:

~~2.26 NO SCHOOL, NO POOL DETERMINATION NO.1~~

~~This Policy was revoked at the 19th September 2019 Ordinary Meeting of Council; Resolution number OCM 09.19-17, OCM 09.19-18.~~

~~2.27 RECORDS INFORMATION MANAGEMENT~~

~~**Purpose**~~

~~To define accountabilities and responsibilities for the implementation and ongoing development of records and information management across the Shire. To support the Shire's commitment to the management of its records and information.~~

~~**Scope of Policy**~~

~~This policy applies to the Brookton Shire community, including Council members, staff, Shire associates, Shire controlled entities and all persons performing duties or services for the Shire, whether as a visitor, an appointee, consultants, contractors or volunteers.~~

~~**Definitions**~~

- ~~Records means are records information in any format, created, received and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business. (AS ISO 15489: Records Management).~~

- Retention and Disposal Schedules means a systematic listing of categories, or series, of records created and/or kept by an organisation that plans the life of those records from creation to ultimate disposal. (State Records Commission Standard 3: Appraisal of Records).

Policy Statement

1. The Shire's records and information will be managed as core strategic assets essential to the business of the Shire.

2. Ownership and proprietary interest of records and information created or received during the course of business is vested in the Shire.

3. The Shire is committed to developing and implementing records and information management practices which support the Shire's business and legislative requirements.

4. The Shire will retain and dispose of its records and information in accordance with the retention and disposal schedules approved by the State Records Office.

5. The Shire is committed to capturing and preserving records and information of significant historical or cultural value to the Shire and the State.

Responsibilities

- Chief Executive Officer
  The CEO is responsible for ensuring the Shire's compliance with the State Records Act 2000 including the principles and standards established by the State Records Office.

- Manager Corporate and Community
  The Manager Corporate and Community Services (MCC) is responsible for developing and implementing policies, procedures, systems, tools and techniques, training and support programs, and monitoring compliance with records and information management policies and directives and advising staff of any risks associated with non-compliance.

- Other Mangers/Supervisors
  All Managers and supervisors are responsible for fostering and supporting a culture that promotes good recordkeeping and information management practices and ensuring that staff and contractors in their area are aware of, understand and comply with records and information management policies and procedures.

- Staff, Consultants, Contractors and Volunteers
  All staff, consultants, contractors and volunteers are responsible for creating, collecting, classifying, securing, keeping and disposing of records and information relating to the business activities they perform, in accordance with this policy and any supporting procedures.

Supporting Procedures

Records and Information Management Procedures (as contained in the Administration Procedure Manual).

Related Documents/Links

Shire of Brookton Recordkeeping Plan
Disclosure of Personal Information Procedures
Western Australian Shire Sector Disposal Authority

~~Electronic Transactions Act 2011 (WA)~~
~~Evidence Act 1906 (WA) Freedom of Information Act 1992 (WA)~~
~~State Records Act 2000 (WA)~~
~~Australian/International Standard ISO/AS 15489: Records Management~~

~~**Resolution No:**~~
~~**Resolution Date:**~~

2.28 CONTIGUOUS RATING – WITHIN THE SHIRE OF BROOKTON

Objective
To provide guidance and clarity on the treatment of contiguous valuation of land requests for Unimproved Valuations (UV) and Gross Rental Valuations (GRV) made to the Valuer Generals Office.

Policy
Contiguous ~~rural~~ land held in the same ownership, used and occupied as one property and which would reasonably be expected to sell as one holding, can be rated as a single entity.

This Policy is to be exercised in accordance with the Valuation of Land Act 1978, Sections 4(1), 18, 23 and that final approval is granted by the CEO.

Definitions
"Contiguous" means "adjoining" that requires land to physically abut or touch. However, for the purposes of this policy a wider interpretation which acknowledges the practical aspects of land utilisation and farming operations applies:

a) Where survey boundaries abut or adjoin.
b) Where locations or lots are separated by a road, drain or watercourse reserve, they may be deemed contiguous.
c) Where a property is actively used as one and would reasonably be expected to sell as one landholding, even though boundaries do not strictly adjoin, the property may be deemed contiguous.

"Same Ownership" means:

a) Identical names as per Certificate of Title.
b) Where names on the certificates of title for contiguous lots have common however not identical parties, the Shire of Brookton may endorse specific family names as being the "owner" for entry in the Shire's valuation rolls.

Principles
"Group Valuations for Contiguous Unimproved Valuation (UV) Properties" involves an application is to be made to the Valuer Generals Office on land/location/lots that meets all of the following requirements:

1. Land/location/lots are contiguous;
2. The land/location/lots are used for one purpose; and
3. The land/location/lots are under the same ownership.

An applicant must provide the following documentation:

- A statutory declaration detailing the land is used for one purpose; and
- Copies of Certificates of Titles.

Endorsement
To be exercised in accordance with the valuation of Land Act 1978, Sections 4(1), 18, 23 and that the final approval is granted by the CEO.

Resolution No:
Resolution Date:

2.29 WORKING FROM HOME

Objective
To outline the policy for staff seeking to enter into a fixed term working from home arrangement. The policy and associated procedure assists staff and their managers to clearly set in place a working from home arrangement as part of a staff member's overall negotiated flexible working arrangement.

Policy
The Shire of Brookton is committed to policies and procedures which support flexibility in the workplace.

The Shire of Brookton recognises that there are circumstances where allowing a staff member to regularly work from home may assist the staff member to balance his/her work, health issues and/or family or other responsibilities.

~~However~~, The Shire of Brookton also recognises that it is not always appropriate for a staff member to carry out part or all of his/her duties from home and there are reasons why approval of a Working from Home Arrangement may be refused or limited.

Preliminary Considerations
In all cases where a staff member is seeking to enter into a Working from Home Arrangement, the staff member and his/her Manager must consult and take into account the following:

Eligibility
The Manager must examine the request for a Working from Home Arrangement in the context of the:

1. Shire of Brookton's Equal Opportunity and Diversity Policy and the broader responsibility to consider flexible working arrangements (where the request is related to family responsibilities) under the Western Australia Equal Opportunity Act 1984 and under the Fair Work Act 2009 (Commonwealth);
2. The suitability of the staff member's job;
3. The reasons for the staff member wanting to work from home;
4. The ability of the staff member to complete the work within the agreed Hours of Work detailed in relevant Awards or Agreements;
5. The delegation of work from / to the staff member;
6. The effect on co-workers and customers of the Shire of Brookton;
7. The proposed methods for monitoring and assessing the staff member's work;
8. The days and hours of the proposed Working from Home Arrangement in the context of the staff member's overall working days and hours and in accordance with relevant Awards and Agreements;
9. The staff member having a suitable Home-Office; and

10. The equipment and resources necessary for the staff member to effectively work from home.'

In the context of this policy "flexibility":

a) Applies to variance of hours worked from the home office across the seven (7) days each week at the standard rate of pay to accommodate personal circumstances, while continuing to perform the tasks of the position to a satisfactory standard. Such hours must still receive the approval of the line manager.

b) Does not apply to or include different locations on a roaming or mobile basis.

Suitability

The Manager should consider the general nature and requirements of the staff member's work duties and the staff member's ability to work autonomously. A staff member who requires close supervision or close interaction with other staff may not be suitable for the independent nature of a Working from Home Arrangement.

Duties considered suitable for a Working from Home Arrangement may include; research, project preparation, project design and programming, policy writing, projects, report and grant writing, and planning.

Such duties would usually be definable, office-based tasks involving minimal face-to-face contact with other staff or customers of the Shire of Brookton. Such duties should be ones which are unlikely to cause a risk to the staff member's health or safety.

Duties involving manual handling are unlikely to be suitable for a Working from Home Arrangement. Any Working from Home Arrangement must be able to be discharged during the agreed Hours of Work, as detailed in the relevant Awards or Agreements.

Staff members and managers may seek advice from WALGA or LGIS regarding the suitability of the proposed Working from Home Arrangement.

Carer Responsibilities and Medical Conditions

A Working from Home Arrangement may assist the staff member to discharge carer responsibilities or to manage a long-term health issue.

However, the staff member must be able to carry out his/her work at home as efficiently and effectively as an equivalent staff member working on Shire of Brookton premises. A staff member seeking a Working from Home Arrangement to assist with the management of a long-term health issue must provide written advice from a recognised medical practitioner in the form of a letter or detailed medical certificate.

Workcover

A staff member who is working from home under an approved Working from Home Arrangement will be covered by the Shire of Brookton's WorkCover insurance if performing Shire of Brookton work in accordance with the Working from Home Arrangement in his/her Home-Office.

The staff members home/office needs to meet the Shire of Brookton's requirements for that staff member to work safely. The Shire will conduct an inspection of the proposed work site to ensure Occupational Health and Safety requirements are in place.

Approval of a Working From Home Arrangement

Each request for a Working from Home Arrangement must be considered on a case-by-case basis and approved by the staff member's manager and in accordance with relevant Awards and Agreements. The final approval for any Working from Home Arrangement rests with the CEO.

Managers may seek advice from WALGA or LGIS at any step of the process in approving, modifying or denying a proposed Working from Home Arrangement. Before the Shire of Brookton will approve a Working from Home Arrangement, the staff member and his/her manager must follow the procedure for approval as outlined in the Working from Home Procedure. As part of the approval process, the staff member must enter into a Working from Home Agreement with the Shire of Brookton. The terms and conditions of the Working from Home Agreement are as set out in the Agreement and as outlined in Terms and Conditions of a Working from Home Arrangement of the Working from Home Procedure.

Any Working from Home Arrangement must have an end conclusion. Any Working from Home Arrangement cannot be any longer than a continuous period of six (6) months and is subject to review on a case by case basis. If the staff member requires an extension of the arrangement, then this must be requested in writing at least fourteen (14) days prior to the expiration of the current arrangement of Working from Home.

~~Arrangements are not permanent. Any Working from Home Arrangement cannot be any longer than a continuous period of six (6) months and is subject to review on a case by case basis.~~

~~The final approval for any Working from Home Arrangement rests with the CEO.~~

Responsibility

- The MCC has responsibility for the review and implementation of the Working from Home procedure.
- Managers/Supervisors have responsibility for considering all home-based work requests in accordance with this Policy and for approving or denying a Working from Home Arrangement and a proposed Home-Based Work Agreement in the first instance.
- The OH&S representative/s has responsibility for providing advice, when requested, to the staff member or the staff member's manager, on the completed Working from Home Arrangement Self-Assessment Checklist checking for Occupational Health and Safety and any other considerations and providing a referral to a list of external experts who could conduct Site Inspections.
- The CEO has ultimate responsibility for approving or denying Working from Home Agreements.

Scope of Policy

The policy applies to all staff of the Shire of Brookton seeking to enter into a regular arrangement to carry out part of his/her duties from home, for a specified period of time.

Definitions

- ***Agreed Working from Home Hours*** means days, times and/or hours of work agreed between the Manager and the staff member for the staff member to carry out his/her duties at the Home-Office.

- ***Home Office*** means the area designated by the staff member within the staff member's home as the worksite in which the Staff Member will carry out the home-based work as per the Working from Home Arrangement.

- ***Hours of Work*** means ordinary hours to be worked by a staff member, as detailed in relevant Awards or Agreements.

- ***Manager*** means the CEO, MCC or any Supervisor who has the responsibility for the management of the staff member.

- ***Qualified Representative*** means an independent person, persons or organisation appointed by the Shire of Brookton to undertake Site Inspections of the Home Office on request, this may include the services of WALGA or LGIS.

- ***Agreed Working from Home Hours*** means days, times and/or hours of work agreed between the Manager and the staff member for the staff member to carry out his/her duties at the Home-Office. The Qualified Representative will be sourced from preferred suppliers and will be on the list of Approved Occupational Rehabilitation Service Providers recognised by Worksafe WA.

- ***Site Inspection*** means an inspection of the Home Office carried out by a Qualified Representative appointed by the Shire of Brookton to ensure the Home Office meets OHS standards. Any costs related to site inspections is to be negotiated between the Shire and the staff member requesting the Working from Home Arrangement.

- ***Staff Member*** means any person who is an employee of the Shire of Brookton including, for the purpose of this Procedure, contracted staff, seeking to enter into a Working from Home Arrangement.

- ***Working From Home Arrangement*** means an approved arrangement for a staff member to regularly carry out defined duties from his/her Home-Office during the Agreed Working from Home Hours, on an ongoing basis or for a specified period of time however no longer than a continuous period of 6 months, the terms of which are set out in a Working from Home Agreement entered into between the staff member and the Shire of Brookton.

- ***Working from Home Arrangement Self-Assessment Checklist & Occupational Health and Safety and Other Considerations*** means a checklist completed by the staff member confirming that their Home Office meets occupational health and safety requirements and identifies any possible risks associated with the Home Office. This document must be satisfactorily completed and submitted to the Organisational Development Officer for review before the Home Office is considered suitable for the proposed Working from Home Agreement.

Resolution No:
Resolution Date:

2.30 LIGHT VEHICLE

Objective
This policy seeks to:

- Ensure Shire light vehicles are managed in a cost-effective manner providing maximum benefit to employees and the organisation.
- Provide framework for the allocation, operation, management and change-over of light vehicles.
- Outline the assigned level of private use of a Shire motor vehicle to a Shire employee.
- Ensure the organisation's Fringe Benefits Tax obligations are met.

Definitions

- ***Allowance*** means an annual vehicle allowance (as per light motor vehicle table) paid to an employee in lieu of private use of a Shire vehicle.
- ***Assigned Employee*** means an employee of the Shire, their partner and others as authorised by the CEO in accordance with this Policy.
- ***CEO*** means the Chief Executive officer of the Shire of Brookton.
- ***Change Over*** means the disposal and acquired replacement of a Shire vehicle.
- ***CU*** means commuter use to and from an employee's residence only, immediate before and after attending work, based on the most efficient and effective route.
- ***Drivers Licence*** means a Western Australia Class "C" driver's license issued the Department of Transport.
- ***RU*** means restricted private use within 500km radium of the Brookton Post Office or as determined by Contract and to a total of 40,000 kilometres per annum, based on 65% being private use. Vehicle use greater than 40,000 kilometres in a financial year the employee is to pay a weekly fee of $153.00 towards the running costs of the vehicle until the end of that financial year.
- ***Tool of Trade Vehicle*** means a vehicle purchased by Council to meet a particular business need, including pool vehicles.
- ***UWA*** means unlimited use within Western Australia and includes periods of leave, excluding Long Service Leave.

Policy Statement/s

1. General – Drivers

1.1. Drivers of Shire vehicles must hold a valid Western Australian driver's license with their current residential address recorded through the Department of Transport as indicated on the license.
1.2. Employees must advise their line supervisor as soon as possible, if their driver's license has expired or been cancelled for any reason.
1.3. Operating a Shire motor vehicle whilst disqualified from driving may subject the employee to serious disciplinary action that may include termination of employment.
1.4. The driving of the vehicle provided under this policy shall be limited to employees and elected members in performing Local Government business, unless the designated usage is UWA or RU which allows for the driving of the vehicle by the assigned employee and their spouse/ partner. Details of the spouse or partner must be provided to Council's insurer to enable coverage to be arranged.
1.5. The driving of a motor vehicle by a person on 'learner (L) plates' or 'Probation (P) plates' in relation to private use is not permitted.
1.6. Smoking is prohibited in all Shire vehicles.

2. General – Vehicle Use

2.1 All employees allocated a vehicle are held responsible for ensuring that the vehicle is maintained in a clean and roadworthy condition at all times, safeguarding the security and value of the Council asset and for minimising unnecessary insurance claims and repair costs.

2.2 Specifically, the employee allocated a vehicle is responsible for:

a) Ensuring that the vehicle is washed and cleaned internally and externally and kept clean and tidy at all times.
b) Checking tyre pressure on a regular basis in accordance with tyre pressure recommendations.
c) Checking engine oil, radiator coolant and battery levels on a regular basis.
d) Arranging servicing of the vehicle through the Shire's dedicated Fleet Management Officer.
e) Ensuring the vehicle is only driven by authorised drivers in accordance with this policy.
f) Payment of all fines relating to traffic offences committed by the respective driver.
g) Monitoring usage and recording of logbook details.
h) Ensuring any financial costs incurred due to the unlawful operation of the motor vehicle during business hours or private use is paid by the offending employee.
i) Ensuring under no circumstances that the vehicle is used for any business of a competitive nature for which the employee derives an income (or not), or, operates in contradiction of the employee's contract of employment.
j) Ensuring when using their vehicle so as not to cause any poor public relations for the Shire.
k) Ensuring the vehicle is garaged off the road at the employee's residence.
l) Ensuring the vehicle is to be available for the use of other staff during working hours when not in use by the assigned employee.

3. General – Authority

3.1 The Chief Executive Officer is authorised to manage this policy on behalf of Council, including the oversight of purchasing and assignment of motor vehicles in the interest of fit for purpose and operational effectiveness.

3.2 Vehicle extras/options (ie floor mats, seat covers etc.) can be approved at the discretion of the Chief Executive Officer, subject to budgetary constraints and reasonable justification.

4. Fringe Benefits Tax (FBT)

4.1 All employees assigned a work vehicle are required to complete vehicle travel logbooks as directed to assist in the correct calculation of Fringe Benefits Tax (FBT).

4.2 An employee or elected member using a Shire vehicle is to ensure the details of usage is provided to the assigned officer to ensure the logbook accurately reflects the vehicle usage.

5. Fuel

5.1 A fuel card may be allocated for the vehicle owned by Council with private use privileges. Fuel for the vehicle is to be only purchased using this fuel card or a Council credit card if one is provided to the employee.

5.2 The employee is required to provide all details of fuel purchases, including receipts and tax invoices, as required by Council's purchasing procedures and policy.

5.3 Current odometer readings must be supplied when refuelling, where required.

5.4 The filling of portable fuel containers using a vehicles fuel card or credit card is not permitted.

6. Insurance

6.1 In the event of an accident the Shire will meet the 'excess' payment of any claim, unless the

employee's accident record becomes excessive or the circumstances warrant a payment in full or part by the employee due to poor driving/neglectful action.

6.2 In the event an officer's behaviour (traffic offence, e.g., drink-driving) invalidates the Shire's insurance, then the employee will become liable for the total damage claim to both the Council vehicle and other property involved. The same will apply to any form of malicious damage caused or performed by the employee.

6.3 In the event an officer completing any form of malicious damage caused or performed by the employee then the employee will become liable for the total damage claim to both the Council vehicle and other property involved.

6.4 The employee contribution in accordance with Statements 6.1, 6.2 and 6.3 shall be at Chief Executive Officer's discretion and will be subject to the provision of a police report if so required.

7. Vehicle Change Over

7.1 All motor vehicles are to be changed over at least every five (5) years or prior to an odometer reading between 90,000 kms and 99,000kms, whichever comes first.

7.2 The CEO may obtain quotes for change-over of a light vehicle at an earlier period (ie 15,000 km intervals) with the view to presenting this information to Council for consideration of changing a vehicle at minimal cost to the Shire or increased operational need.

7.3 When changing over a vehicle consideration shall be given to:

a) 'fit for purpose' to accord with operational need;
b) Time of purchase accounting for new model release and manufacture date of the vehicle to minimise vehicle depreciation;
c) FBT liability and payments having to be made by the Shire.

8. Private Use

8.1 All Shire vehicles are deemed to be 'pool vehicles' during normal business hours and are not 'exclusive' in use to an assigned employee or Department.

~~8.2 The following light vehicle use applies under this policy:~~

~~a. Group A Vehicle: Chief Executive Officer~~
~~Maximum value of vehicle - $60,000 (GST Exclusive)~~
~~b. Group B Vehicle: Authorised Managers/Supervisors~~
~~Maximum value of vehicle - $55,000 (GST Exclusive)~~
~~c. Group C Vehicle: Authorised Officers~~
~~Vehicles provided will be the vehicle purchased to a specification/value required for the Shire of Brookton's work requirements. Private use is incidental to any purchasing decision.~~

8.3 Details of the permitted private use of a Council vehicle will be documented in the employment contract/Letter of appointment of the employee provided the benefit.

8.4 Employees are not permitted to use a Shire vehicle for any purpose relating to the earning of income outside of Shire employment, or for any purpose which could be perceived as detrimental to the Shire's corporate image.

8.5 The Chief Executive Officer may amend or withdraw an employee's private use should this policy be intentionally breached in the CEO's opinion.

9. Commuter Use

Commuter Use vehicles are defined as any business travel in the course of employment duties and private travel to and from work only. Employees who have commuting use of a shire vehicle would ordinarily reside within the boundaries of the Shire of Brookton or would require written approval by the Chief Executive Officer. To ensure the vehicle provided is exempt from FBT the following conditions apply:

9.1 Travel between home and work to be immediately before and after attending work and by the most direct practical route.

9.2 Incidental travel is permitted for:

a. minor, infrequent and irregular travel – for example stop off at supermarket before or after work. The stops are to be for brief periods only and for no more than 30 minutes.

b. stops that are on the employee's direct route to or from work or their home and requires a minor deviation which adds no more than two kilometres to the ordinary length of the trip.

9.3 Any other private use outside incidental travel outlined above requires written approval of the Chief executive Officer.

9.4 Employees assigned a commuter use vehicle may be required to complete a vehicle travel logbook if directed.

9.5 The vehicle is not available for use during periods of an employee's leave: including long service leave, annual leave, parental leave and sick/carers leave. The vehicle must be returned to the Shire of Brookton unless otherwise approved.

10. Surrender of Entitlement

10.1 Upon termination of employment, an employee allocated a motor vehicle shall surrender all entitlements of vehicle use effective the day of separation from the Shire.

10.2 The employee must return the vehicle in a clean and tidy condition.

11. Assignment to Others

11.1 The CEO is authorised to temporarily assign the use of a Shire vehicle to a Councillor or Contractor to assist in performing a task/works on behalf of the Shire.

11.2 All care shall be taken by Councillor or Contractor in using a Shire vehicle, with written acknowledgement to the CEO of their review and understanding of this policy before access is provided to the vehicle.

Resolution No:
Resolution Date:

2.31 EMPLOYEE LEAVE

Objective

The objective of this policy is to afford structure and clarity around the taking of personal leave, particularly sick leave, by individual employees to ensure that equity, accountability and consistency in approach and procedure is achieved, and afford some additional benefit to the taking of other forms of leave.

Definitions

- ***Employee*** means an employee of the Shire of Brookton currently that is on the payroll on a full-time and part-time basis.
- ***Immediate Family Member*** means an employee's spouse or de facto partner and their child, parent, grandparent, grandchild, sibling.
- ***Personal leave*** means sick leave, Carer's leave, but no compassionate leave, annual leave or long service leave.
- ***Annual Leave*** means the amount of hours or days an employee of the organisation is permitted to be away from their employment position on full pay for the purpose taking a break or holiday.

- ***Compassionate Leave*** means leave taken when an employee's immediate family member dies or contracts/develops a life-threatening illness or injury that may result in imminent death or permanent disability.
- ***Long Service Leave*** means leave granted after having continuously worked 10 years for the Shire.
- ***Leave without Pay*** means an approved temporary absence from the employee's position in a no-pay status as requested by the employee and agreed by the employer.
- ***Community Service Leave*** means the absence of an employee from work while engaging in certain service activities such as a voluntary emergency management activity or jury duty.

Policy

1.0 Personal Leave

1.1 The Shire acknowledges:

a) Personal and compassionate leave entitlements will be paid to an employee in accordance with the relevant industrial award and the related procedure.

b) An employee's anniversary of appointment is the basis point for accrual of personal leave.

c) An employee can take personal/carer's leave if he/she or an immediate family member is sick, injured or has an emergency.

1.2 An employee seeking approval for personal (sick) leave for absences of 2 days or greater may ~~will~~ be required to submit a medical certificate or other documentation that supports the employee being unable to attend work because of injury or personal illness. Failure to comply with such a requirement may result in the employee not receiving payment for the period of absence.

1.3 An employee seeking approval for personal leave (sick) may be required to submit a medical certificate, statutory declaration, or other supporting evidence of illness:

a) For a single day of leave on a Monday or Friday or immediately before or after a public holiday or rostered day off; or

b) If the manager/supervisor considers that the staff member is taking a series of single day's personal leave to a pattern, or on a regular or frequent basis.

1.4 An employee that does not accord with statement 1.2 or a request under statement 1.3, may be subject to review of conduct~~ed~~ and potential disciplinary action in accordance with the applicable legislation.

1.5 An employee taking personal leave for a compassionate purpose ~~leave~~, may, upon request from the CEO, be required to produce documented evidence of the circumstance (ie death, critical illness or injury) for which this leave is being requested.

An employee who has used all of their personal and annual leave entitlements will be placed on leave without pay for up to 4 weeks, with the matter to be re-assessed by the CEO beyond this period.

2.0 Annual Leave

An employee's anniversary of appointment is the basis point for the accrual of annual leave.

2.1 The Chief Executive Officer may exercise discretion and:

a) Decline an employee's request to take annual leave where there is an immediate or projected operational need.

b) Direct an employee where an employee's entitled annual leave entitlement is assessed as a financial liability for the organisation to:
   i. Take annual leave; or
   ii. Prepare an "annual leave clearance plan"; or
   iii. Consider a partial pay-out of the employee's annual leave (see statement 2.2 below).

2.2 An employee may request in writing a 'pay out' of annual leave entitlement where:
a) The employee has completed at least 3 years of full-time employment with the Shire.
b) The employee's annual leave entitlement exceeds 190 hours.
c) The 'pay out' amount does not exceed 50% of the employee's total accrued annual leave entitlement ~~(ie 4 weeks)~~ and does not contravene the provisions of the Award.
d) The employee acknowledges ~~through execution of a deed~~ that the Shire is not responsible for any taxation implications that may arise for the employee as a result of the 'pay out' of annual leave.
e) The 'pay out' of annual leave by the Shire is to be:
   i. formally applied for and approved by the employee's line Manager and endorsed by the CEO at least 1 month prior; and ~~to the employee's employment anniversary date~~.
   ii. transacted upon a written agreement ~~(deed of payment)~~ being duly executed by both the employee and the Chief Executive Officer.

~~2.3 An employee may purchase through a written request an additional annual leave entitlement from the Shire under the following conditions:~~
~~a) The purchase of additional annual leave by the employee is at the employee's 'standard' hourly rate up to a maximum of 5 working days per year (leave loading does not apply).~~
~~b) The payment of additional annual leave by the employee:~~
~~i. Must be completed prior to the leave being taken.~~
~~ii. may be deducted (subject to written consent) from the employee's fortnightly pay over a period of no greater than 12 months, and for a period as agreed with the CEO.~~
~~c) The taking of additional annual leave:~~
~~i. is to be formally applied for and approved by the Chief Executive Officer at least 1 month prior to the leave being taken; and~~
~~ii. must be taken within a 12 month period.~~

~~2.4 An employee may request an increase in their annual leave allocation by an additional one week (pro-rata) based on a full waiver of their current 17.5% leave loading entitlement, subject to the following conditions:~~
~~a) The request must be presented to the CEO through a written application.~~
~~b) A deed of acceptance must be executed between the employee and CEO acknowledging the agreed amendment will constitute a change in employment conditions that is binding on both parties.~~

3.0 Leave Without Pay or Accrued Leave at ½ Pay

3.1 An employee may request to take 'leave without pay' or 'entitled leave' at ½ pay (typically this would apply to an extended illness period or the like), subject to:

a) The employee having completed 3 years of full-time employment with the Shire of Brookton ~~organisation~~.

b) The request for un-paid or at ½ pay leave not exceeding 6 months.
c) In the case of an application for leave without pay, the employee's applicable leave entitlements (accrued annual leave and entitled long service leave) having been exhausted prior.
d) The department or section of the organisation is not likely to be compromised in its performance (ie can back fill the position) during the period upon which the leave period is requested.
e) The employee providing a written assurance that a minimum 2 month notice period will be given should the employee decide not to return from leave.

3.2 The exception to 3.1 is:
a) The grant of unpaid leave in accordance with 4.1 below.
b) Where an employee has recently commenced employment and has previously arranged or requires urgent leave. In this instance such leave may be granted at the discretion of the CEO.
c) Where the CEO holds the view there is exceptional or mitigating circumstances for 'leave without Pay' to be granted on merit.

4.0 Time in Lieu/Rostered Days Off/Flexi Time

4.1 All full-time depot-based employees are entitled to one rostered day off every two weeks structured on working 76 hours each pay period, with the nominated day determined by the Chief Executive Officer. Should a depot-based employee not have accrued 7.6 hours over 9 days of work the short fall of hours for their rostered day off shall be taken as unpaid leave.

4.2 All full-time administration office employees, other than Chief Executive Officer, Manager Infrastructure and Works and Manager Corporate and Community ~~Services~~, are entitled to one rostered day off every four weeks structured on working 80 hours each pay period.

Accrual of time in lieu hours must not exceed 30.4 hours (ie 4 days) in total, unless prior written approval has been obtained from the CEO.

4.3 An employee may be able to vary their standard starting and finishing times at the discretion of their direct line manager and depending on their responsibilities and duties so long as the employee commences and finishes between the hours of 6.00 am to 6.00 pm.

5.0 Long Service Leave

5.1 An employee must, ~~prior to~~ three (3) months prior to their ~~out for~~ Long Serve Leave being due, make application to:

a) Take all or part of their long service leave entitlement using the required leave form for consideration and endorsement of management; or
b) Defer their long service leave entitlement for consideration by the Shire of Brookton ~~Council~~, but in doing so needs to detail their reasons for this request and provide a time frame for when this leave will be taken.
c) Have all or part of their long service leave paid out. Such payment shall be transacted upon a written agreement ~~(deed of payment)~~ being duly executed by both the employee and the Chief Executive Officer.

5.2 Any acceptance to 5.1 b) and 5.1c) will only be accepted at the hourly rate of pay when the long service pay falls due.

6. Additional Leave

All employees are granted 2 additional Local Government Recreation (LGR) leave days per annum on a pro-rata basis that must be taken during the Council approved Shire closure period between Christmas and New Year each year or as otherwise approved by the CEO.

7. Community Service Leave

An employee who:

1. is registered as a volunteer with an emergency service organisation based in or providing services within the Shire of Brookton; and

2. ~~are~~ is actively called upon to assist with ~~an~~ emergencys ~~situation~~;

is entitled to be paid for the hours absent from work to assist with those emergencies for up to five (5) days annually.

Resolution No:
Resolution Date:

~~2.32 EMPLOYEE REMUNERATION – REVOKED NOVEMBER 2021~~

~~*Policy revoked November 2021 Ordinary Meeting of Council.*~~

~~**OCM 11.21 08**~~
~~***COUNCIL RESOLUTION***~~
~~***MOVED Cr Lilly SECONDED Cr Watts***~~

~~***That Council pursuant to Section 2.7(2)(b) of the Local Government Act (1995) revoke Employee Remuneration Policy No 2.32 as detailed in Attachment 15.11.21.02A.***~~

~~***CARRIED BY SIMPLE MAJORITY VOTE 6/0***~~

2.33 ~~COMMUNITY FUNDING AND DONATIONS~~ COMMUNITY CHEST FUND POLICY

~~**Introduction**~~

~~While there are many and varied needs for funding assistance across all types of community groups and organisations, this is also a need to present a guided and consistent approach to the allocation of funding by the Local Government. Accordingly, this policy seeks to provide clarity around the types and levels of funding allocation exclusively to community groups and organisations within the Brookton municipality or are jointly associated with a neighbouring municipality.~~

Policy Objective

The objectives of this policy is to ensure:

- The Shire assists with delivery of essential community events, programs, projects and services that meet the objectives of the current Strategic Community Plan and Innovations Pathway.
- Council allocates financial support to the community in the most effective and transparent manner that includes the types and levels of funding provided to the community.
- All applications received which fall within the policy and its associated guidelines are equally considered for support.

- Council maintains an equitable, transparent and consistent process in distributing funding.

Financial Implications

~~The implementation of this policy is supported by funds allocated in the Shire of Brookton's annual budget process through its Community Chest fund. This allocation will be set between $20,000 to $40,000 inclusive of any unallocated funding being carried over from one financial year to the next financial year.~~

Council will allocate to the Shire of Brookton Community Chest fund between $20,000 to $40,000 inclusive of any unallocated funding being carried over from one financial year to the next financial year

Once the funding is exhausted, no further funding will be allocated until the next financial year.

~~**Policy Content**~~

~~The Shire's Funding and Donations Policy consists~~ of **Council will provide funds from the Community Chest Fund for two** ~~three~~ funding programs:

- Annual Community Funding ~~Grants~~
- ~~Matched Funding Grants~~
- Individual Funding ~~Donations~~

Annual Community Funding ~~Grants~~

Funding category	Funding Amount	Guidelines
Community & Strategic Partnership ~~Grants~~	Maximum of 50% of the total fund prescribed within the Shire's annual budget to a maximum of $10,000 per application as cash support per financial year.	• ~~Only available to groups and organisations within an incorporated body framework.~~ Only available to incorporated bodies. • Designed to increase community access to essential events, programs, capital projects and improvements to buildings and structures ~~[refer to notation c)],~~ and services offering broad benefit to the local community. • Demonstrates a high level of community support, benefit or need for the event, program, capital project or service. • Organisations with existing partnerships will be required to provide proof of all acquittals for the previous funding term and an audited financial statement from the previous financial year as a part of the application. • Applications for this category are limited to one application per organisation every year. • Applications can be made at any time throughout the year.
Community Support ~~Grants~~	Maximum $6,000 cash support per financial year. ~~With matched funding of 1/3 – Community Group 2/3 Shire Grant.~~	• Only available to incorporated bodies. • Available to applicants to support a community project, program, or event (excludes capital works to buildings). • Funding requires matched funding of 1/3 – Community Group 2/3 Shire Grant.

Funding category	Funding Amount	Guidelines
		• Applicants must demonstrate their ability to match (cash/in-kind) Shire of Brookton grant support. • Applications can be made at any time throughout the year.
Equipment Purchase ~~Grant~~	Maximum $1,000 cash support per financial year.	• Only available to incorporated bodies. • Can be used for the purchase of equipment, uniforms etc. • Applications must demonstrate the benefit of the equipment purchase to the wider community. • Equipment purchased must remain the property of the organisation and not be for the exclusive use of any individual. • ~~Applicants must demonstrate their ability to match Shire of Brookton grant support~~. • Applications can be made at any time throughout the year.
Not for Profit Community Organisation - Assistance ~~Donation~~	Maximum $1,000 per annum ~~for an incorporated organisation~~	• Only available to incorporated bodies. • ~~As annual donation~~ Funding toward offsetting the cost of Shire rates, building utilities (gas, electricity, water), and / or insurance costs incurred by the organisation who own and occupy their own building within the Shire of Brookton. • Satisfactory evidence of such costs being incurred by the organisation in the same financial year must be produced. ~~The utilities~~ Invoices must be in the name of the organisation applying. ~~seeking the donation~~. • The organisation must demonstrate financial need for such support.

Individual Funding ~~Community Donations~~

Funding category	Funding Amount	Guidelines
Individual ~~Donation~~	Maximum $500 cash per financial year per individual. ~~Maximum of $500 per financial year for school-based individuals who are boarding away from their principal place of residence that is located in the Shire of Brookton.~~	• Must be currently residing in the Shire of Brookton. • May be temporarily boarding away from their principal place of residence that is located in the Shire of Brookton • Funding can be used for travel program attendance fees associated with participation in State, National or International representation in sport, arts, music or cultural programs. • Documented evidence of costs must be presented to the Shire as part of the application.

Funding category	Funding Amount	Guidelines
Not for Profit Community Organisation ~~groups~~ Member ~~donation~~	Maximum $500 cash per financial year per group.	• Funding can be used for travel or program attendance fees associated with participation in State, National, or International representation in sport, arts, music or social or cultural programs or conferences. • Funding to assist the Shire in staging a civic or community event (i.e. Australia Day Celebrations). Applications require simplified letter to CEO detailing function to be performed and funding sought.
Youth Leadership Development ~~Sponsorship Grant 12 - 29 Years – Individual Sponsorship~~	Maximum $5,000 cash support per financial year.	• Must be aged 12 - 29 Years. • Must be currently residing in the Shire of Brookton. • Participation in an activity that strengthens learning; • Professional development opportunity • Conference attendance • Leadership training course or camp ~~• Public speaking~~ ~~• Debating~~ • Education focus • The program must be a reputable and recognised program with accredited trainers or program operators. • Applicants must demonstrate their obtain skills can benefit/give back to Brookton and the broader community. • The training/course must be completed within 12 months of the sponsorship being awarded. • Applications can be made at any time throughout the year. • Only one sponsorship is available per financial year. • Documented evidence of costs (proof of registration) must be presented to the Shire as part of the application.

Funding received through the above programs can consist of cash, in kind contributions and fee waivers.

~~Notation:~~ **Council will not consider any Community Chest Fund application**: ~~No donation or grants will be issued:~~

a) from ~~to~~ any individual or organisation based outside the Shire of Brookton.
b) For activities that constitutes the administrative function or celebration of a particular group or organisation; or
c) Capital works and/or improvements to property (land, building or structure) that is not Brookton Community based and or operated on a not for profit basis.*

~~**Delegated Authority**~~

~~The CEO is authorised by Council, following consultation with the Shire President to approve an application (subject to the application meeting the guidelines contained within this policy) for an amount not exceeding $500 in cases where the application is of an urgent nature or where the request falls outside the normal cycle of Ordinary Council meetings and cannot be processed in the normal Council meeting cycle.~~

~~Where the CEO has approved an application, the CEO will, at the next available Ordinary Council meeting, inform the Council in writing of the application and the amount granted.~~

Guidelines for Community Chest Fund ~~Funding and Donations Policy~~

The information included in these guidelines applies to applications received ~~in response to~~ Community **Chest Fund** funding ~~& Donations Policy~~.

1. Selection Criteria

The Shire of Brookton will assess all applications for Community **Chest Fund** funding, ~~grants and donations~~ against the following criteria:

a) The organisation is a Not for Profit or Community Organisation permanently operating in the Shire of Brookton municipality.

b) The person is an individual person permanently residing in the Shire of Brookton municipality or an individual boarding at school outside of Brookton whose family still permanently resides in the Shire of Brookton ~~municipality~~.

c) The demonstrated positive contribution the project or organisation will make to the community.

d) The applicant certified within the application that they are authorised to apply for the Shire of Brookton support and to represent the applicant organisation or individual.

e) The applicant certified that the information provided in the application is true and correct and can provide evidence upon request.

f) Sufficient financial information has been provided to clearly identify the full project budget and the items on which the funding will be spent.

g) Where required, sufficient financial information supporting the viability of Applicant Organisations has been provided.

h) The applicant has the resources and capacity to carry out the activities specified in the application.

i) The availability of equipment, services and required staff hours for in kind contribution requests.

Community Chest funding will not be provided to the ~~This Policy does not Apply to the~~ following:

a. Capital projects that do not offer broad community benefit, as determined by Council, and do not apply to Shire owned property.

b. Commercial organisations and businesses,

c. Any organisation (whether commercial or not for profit) whose primary activity or office is outside the Shire of Brookton ~~Municipal boundary~~.

d. Retrospective costs.

e. Deficit funding for organisations that are experiencing a shortfall in revenue.

f. Core organisation operating costs including, but not limited to, ~~i.e.~~ staff wages and training costs, utilities, lighting costs, lease fees, rates, levy's, ~~and other administrative costs and conduct of meetings and celebrations etc.~~ except where ~~the~~ an incorporated, not for profit organisation is seeking assistance under the "Not for Profit Community

Organisation Assistance" section of this Policy and the guidelines for this donation category are satisfied.

g. Applications from organisations that have received ~~confirmed~~ ~~Community~~ ~~Partnership~~ funding support in the same financial year.

h. Organisations or individuals with outstanding debts to the Shire of Brookton or outstanding funding acquittals.

i. Non-incorporated organisations, unless they are supported by an Auspice Organisation or utilising the support to become incorporated.

j. Applications from Commonwealth or State Government Organisations.

2. Application and Approvals Process

a) All funding requests are to be made in writing through the completion of an application form.

b) Applications ~~for Community Partnership Grants and Matched Funding Grants and Community Donations~~ can be lodged at any time throughout the year. Applications should be lodged a minimum of 6 weeks prior to the event or program commencement date.

c) Applicants for ~~Matched Funding Grants and Community Donations~~ will generally be given written advice of the outcome of their application (subject to submission of all required documentation) following the next available Ordinary Council Meeting.

d) Should an organisation act as an Auspice Organisation for individuals applying for support, this will not impede their ability to apply for support themselves. However, Auspice Organisations are responsible for acquittals being completed and will be ineligible to receive support until all acquittals for projects they are supporting are received.

e) Organisations will not receive funding unless acquittals for previous funding support have been completed and received by the Shire.

f) Organisations and individuals can submit multiple applications per financial year for Matched Funding Grants, but **will not receive greater than the Council imposed maximum** ~~the maximum support they can receive is $3,000~~ per financial year.

~~g) Individuals can submit multiple applications per financial year for Community Donations, provided subsequent applications are for a different program (sport, arts, music, social or cultural). The maximum support individuals residing in the Shire of Brookton municipality can receive is $500 per financial year. The maximum support an individual boarding at school can receive is $500 per financial year.~~

~~h) Grants and Donations will only be issued subject to funding being available.~~

~~i) The Chief Executive Officer is to submit quarterly reports to the Audit and Risk Committee detailing all Matched Funding Grants and Community Donations that have been made since the previous quarter.~~

~~j) Under no circumstances must the Shire of Brookton Municipal Budget allocation be exceeded.~~

3. Recognition of Shire of Brookton support

The Shire of Brookton must be recognised for the support provided for all Community Chest Fund provided. ~~Annual Grants, Matched Funding Grants and Community Donations.~~ Recognition requirements for all funding programs must be detailed to the Shire as part of the application process.

4. Acquittals and Unspent Grant Funds

Successful applicants will be required to provide acquittal documentation to the Shire of Brookton within 30 days of the completion of the project.

Acquittal documentation should ~~will~~ include:

a) Measuring qualitative aspects, such as the success of the activity
b) Financial information, such as receipts accounting for the expenditure of monies
c) Examples of promotional materials applicable to the project
d) Evidence of agreed recognition requirements
e) Photos from the event or program (where applicable).

Funds which are unspent at the completion of the event, program, project, activity or service must be returned to the Shire of Brookton within 60 days. Further funding will not be available until an acquittal and unspent funds (if applicable) have been received.

Resolution No: **OCM 09.24-20**
Resolution Date: **19 September 2024**

2.34 INFORMATION COMMUNICATIONS TECHNOLOGY – SECURITY AND USE

Objective
The key objectives of this policy are to:

1. Provide understanding and guidance on the acceptable use of the Shire of Brookton's Information and Communication Technology (ICT) assets and resources.
2. Demonstrate the Shire's commitment to upholding the relevant legislative and administrative requirements, whilst:

a) mitigating data loss and damage to the Shire's assets and reputation.
b) promoting organisational productivity.

Scope
This policy encompasses all information, ICT Services and ICT assets that are owned, managed or operated by the Council, and recognises the importance of maintaining effective controls over information security, operational guidelines and records management procedures, and applies to anyone accessing or using the Shire of Brookton's ICT facilities, including all employees, contractors, volunteers and Elected Members.

Statement
This policy and any procedures developed and adopted are mandatory and will support the Shire's Risk Management Policy and Records and Information Management Policy.
The Shire of Brookton (the Council) will ensure the confidentiality, integrity and availability of Council's information, ICT Services and ICT assets.

Policy

- All information, including electronic records, files and communications that forms part the Shire's computer network is considered a corporate asset and shall be treated as such.
- The following basic principles on information security must be upheld in using of Shire's ICT facilities:
  - *Confidentiality* – Ensuring information is accessible only to suitably authorised persons.

- *Integrity* – Maintain confidence accuracy and comprehensiveness of information and processing methods.
- *Availability* – Making certain authorised users have access to information when required.
- *Compliance* – Confirming that the Shire meets all legislative obligations.
- *Responsibility* – Ensuring users of the Shire's ICT resources do not adversely affect other users or systems.

- Each user is responsible and accountable for their use of the Shire's ICT facilities and have an ethical and legal obligation not to use Shire property improperly. Specifically, access, transmission, retrieval, storage and/or display of material relating of personal expression that is defamatory, discriminatory, harassing and/or illegal in nature and/or is for political gain is strictly forbidden. A violation of misuse, depending on severity, nature and status of the user, may result in a reprimand, loss of ICT access, report to a higher authority for investigation and possible disciplinary action, or termination of employment.
- All users have a responsibility to avoid, prevent and report any unauthorised access, disclosure, duplication, modification, diversion, destruction, loss, misuse or theft of Shire information. Misuse may consist of, but is not limited to:
- Use of ICT equipment and material inconsistent with the Shire's values, mission, business functions or objectives.
- Allowing another person unauthorised use or access to any resource outside the scope of user's authority and role or is contrary to the applicable guidelines and legislation.
- Use of the Shire ICT system and content for illegal, offensive or other inappropriate activities.
- Use, or knowingly allowing another party, to use any Shire system and/or equipment to defraud or obtain money, property, services or other items of value, or for political gain by false representation.
- Publishing information which violates or infringes upon the rights of any other person or group.
- Use which could expose the Shire to unfavourable publicity or negatively impact the Shire's reputation.
- At a minimum the CEO will: establish, endorse and maintain standards, specifications and controls for the secure design, implementation, management and disposal of ICT services, assets (including information assets) and equipment.
  - All users have an obligation to understand the value and sensitivity of information they handle and to manage it accordingly.
  - All users have an obligation to not release information that they know, or should reasonably know, is information that is confidential to the Council.
- The Chief Executive Officer (CEO) and Manager Corporate and Community Services (MCC) are the only employees who have the authority to:
  - determine a document is confidential.
  - accept a document under conditions of confidentiality.
  - determine a document is no longer confidential.
  - to make accessible or to disclose information that is either confidential or not confidential.

~~*Note: In relation to the above, consultation may be entertained with the Shire President prior to any action being taken in relation to this statement.*~~

- All users must keep secure and routinely change their personal access PASSWORD in accordance with the directives of the Shire's ICT support provider.

- All users must take reasonable care when downloading, accessing or executing files on or from internet services to prevent the introduction of viruses or harmful software.

- All software products used for Shire business must be authorised and licensed before being installed on any Shire equipment.
- Users must not open any suspicious attachments or links, and thereafter report any suspect activity (ie emails) to the Shire's ICT support provider for review.
- All hardware devices provided by the Shire shall:
  - Remain property of the Shire unless ownership is granted under another agreement.
  - Be used in compliance with this policy, applicable licenses, notices, contracts and agreements.
  - Be kept in a neat and tidy condition.
- All users must read, understand, and sign the Shire's ICT Use Agreement Declaration, provided as **Appendix A** to this policy.

Resolution No:
Resolution Date:

Appendix A – ICT Use Agreement Declaration

As a user of the Shire's ICT facilities, including electronic records, files and communications that forms part the Shire's computer network and I respectfully:

1. Acknowledge and agree to the statements detailed in this policy.

2. Undertake to ensure that my PASSWORD is kept confidential.

3. Acknowledge that unauthorised use of my personal USER ID may result in the integrity of the system being compromised.

4. Accept that I am responsible for ensuring the Shire equipment and my personal USER ID provided to me is not shared with any other person and is only used for proper and authorised activities relating to Local Government business.

5. Accept I am accountable for any actions undertaken using my USER ID and PASSWORD.

6. Understand Shire monitors and records email and internet activity undertaken by those users who have access to resources provided by the Shire of Brookton.

I have read, understood, and will always adhere to the conditions this policy.

Name:	
Signature:	Date:

This declaration form once signed must be submitted to the Shire appointed ICT Officer.

2.35 PROCUREMENT

Objective

The objectives of this policy are to ensure all purchasing activities:

- Demonstrate that best value for money is attained for the Shire,
- Are compliant with relevant legislation including any Acts and Regulations that apply to procurement,
- Are documented and recorded in compliance with the *State Records Act 2000* and associated records and information management policies and procedures as adopted by the Shire from time to time,
- Mitigate probity risk by establishing consistent and demonstrated processes that promote openness, transparency, fairness, and equity to all potential suppliers,
- Deliver sustainable benefits such as environmental, social, and local economic factors in the context of overall value for money assessment; and
- Are conducted in a consistent and efficient manner across the Shire and that ethical decision making is demonstrated.

~~**Statement**~~

~~The Shire of Brookton (the Shire) is committed to delivering best practice in the procurement of goods, services and works that align with the principles of transparency, probity and good governance as promoted in the *Local Government Act, 1995* and subsidiary regulations.~~

~~The procurement processes and practices to be complied with are defined within this Policy.~~

Policy Scope

This policy encompasses all procurement undertaken by the Shire.

Ethics & Integrity

Misconduct

All employees of the Shire authorised to undertake purchasing activities must:

- Apply accountable and ethical decision-making principles within the work environment.
- Behave in accordance with legislation, the Shire of Brookton Code of Conduct and the Shire of Brookton adopted policies.
- Understand and observe the definitions, guidelines and legislative obligations in the Corruption *Crime and Misconduct Act 2003* and any Auditor General (WA) recommendations or guidelines as issued from time to time.
- Report any information about actual or potentially fraudulent, corrupt, or illegal activities including breaches of the Shire Code of Conduct to the CEO.

Purchasing Principles

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

- All purchases of goods and services must have an allocated Council budget prior to purchase.
- Full accountability shall be taken for all purchasing decisions and the efficient, effective, and proper expenditure of public monies based on achieving value for money
- All purchasing practices shall comply with relevant legislation, regulation, and requirements consistent with the Shire's policies and Code of Conduct.

- Purchasing is to be undertaken on a competitive basis where all potential suppliers are treated impartially, honesty and consistently.
- All process, evaluation and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies, audit requirements and relevant legislation.
- Any actual or perceived conflict of interest are to be identified, disclosed, and appropriately managed.

Value for Money

Value for money is determined when the consideration of price, risk and qualitative factors are assessed to determine the most advantageous outcome to be achieved for the Shire. As such, purchasing decisions must be made with greater consideration than obtaining lowest price, but also to incorporate qualitative and risk factors into the decision.

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

- All relevant Total Costs of Ownership (TCO) and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance, supplier changeover costs and disposal;
- The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality, including but not limited to an assessment of levels and currency of compliances, value adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications etc.;
- Financial viability and capability and capacity to supply to the Shire without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable;
- The safety requirements associated with both the product design and specification offered by suppliers and the evaluation of risk when considering purchasing goods and services from suppliers;
- Purchasing of goods and services from suppliers that demonstrate sustainable benefits and good corporate social responsibility; and
- ~~Providing opportunities for businesses within a fifty (50) kilometre radius of the Shire of Brookton municipal boundary are to be given the opportunity to quote for providing goods and services wherever possible and where the supplier can demonstrate compliance with the principles of this policy.~~

Purchasing Requirements

Legislative/Regulatory Requirements

The requirements that must be complied with by the Shire, including purchasing thresholds and processes, are prescribed within state Legislation, ~~the~~ state Regulations, this Policy and associated purchasing procedures in effect at the Shire of Brookton.

~~Purchasing that is $250,000 or below in total value for the life of the contract (excluding GST) must be in accordance with the purchasing requirements under the relevant threshold as defined in this Procurement Policy. Purchasing that exceeds $250,000 in total value for the life of the contract~~

~~(excluding GST) must be put to public Tender when it is determined that a regulatory Tender exemption is not deemed to be suitable - refer to Purchasing Value Definition below.~~

Purchasing Value Definition

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

1. Exclusive of Goods and Services Tax (GST);
2. The actual or expected value of a contract over the full contract period, including all options to extend; or the extent to which it could be reasonably expected that the Shire will continue to purchase a particular category of goods, services or works and what total value is or could be reasonably expected to be purchased. A best practice suggestion is that if a purchasing threshold is reached within three (3) years for a particular category of goods, services or works, then the purchasing requirement under the relevant threshold (including the tender threshold) must apply.

Purchasing from Existing Contracts

Where the Shire has an existing contract in place, it must ensure that goods and services required are purchased under these contracts to the extent that the scope of the contract allows. When planning the purchase, the ~~Shire~~ Officer must consult its Contracts Register through the Finance Team in the first instance before seeking to obtain quotes and tenders on its own accord.

Purchasing Thresholds

The table below prescribes the purchasing process that the Shire must follow, based on the purchase value:

Purchase Value Threshold	Purchasing Requirements
$0 up to $1,000	Purchase of a good or service using a Purchase Order or Corporate Credit Card issued by the Shire following at least one (1) oral or written quotation being requested, and the officer being satisfied with: • Quality of the good or service to an adequate industry/trade standard; • Delivery of the good or service within a timely manner based on need; • Level of customer service being attentive, respectful, and friendly; • Cost of the good or service is competitively priced taking into account the price preference section of this policy. Where goods and services can be acquired locally, the officer is to request a local price and acquire the good or service from the local supplier providing the above criteria is met.
$1,001 up to $3,000	Request at least one (1) written quotation from a supplier after providing a brief, outlining the specified requirements, and the officer being satisfied with: • Quality of the good or service to an adequate industry/trade standard; • Delivery of the good or service within a timely manner based on need;

Purchase Value Threshold	Purchasing Requirements
	• Level of customer service being attentive, respectful, and friendly; • Cost of the good or service is competitively priced taking into account the price preference section of this policy. Where goods and services can be acquired locally, the officer is to request a local price and acquire the good or service from the local supplier providing the above criteria is met.
Over $3,001 and up to $15,000	Request at least two (2) written quotations from a supplier after providing a brief, outlining the specified requirements ~~either through:~~ ~~• An existing panel of pre-qualified suppliers administered by the Shire or~~ ~~• A pre-qualified supplier on the WALGA Preferred Supply Program or State Government Common Use Arrangement (CUA) or~~ ~~• From the open market.~~ Where the value of the procurement is considered high risk, the Officer shall seek advice from the CEO to establish if a formal contract process is required. Where two (2) written quotations cannot be provided, the Officer must provide written evidence of why quotations could not be provided. The Officer must also demonstrate that every attempt was made to source written or verbal quotations. ~~Where the value of the procurement is considered high risk, the Officer shall seek advice from the CEO to establish if a formal contract process is required.~~
$15,001 and up to $40,000	Request at least three (3) written quotations from a supplier after providing a brief, outlining the specified requirements ~~either from:~~ ~~• An existing panel of pre-qualified suppliers administered by the Shire or~~ ~~• A pre-qualified supplier on the WALGA Preferred Supply Program or State Government Common Use Arrangement (CUA) or~~ ~~• From the open market.~~ Where the value of the procurement is considered high risk, the Officer shall seek advice from the CEO to establish if a formal contract process is required. Where three (3) written quotations cannot be provided, the Officer must provide written evidence of why quotations could not be provided. The Officer must ~~also~~ demonstrate that every attempt was made to source written ~~or verbal~~ quotations.
$40,001 and up to $250,000	Request at least three (3) written quotations from suppliers by formal invitation under a Request for Quotation, containing price and detailed specification of goods and services required. The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy.

Purchase Value Threshold	Purchasing Requirements
	Obtain 3 written quotations from alternative suppliers, with the following conditions applying: • Staff will allow a minimum of 10 working days for a quote to be provided. If more than 10 working days is provided, all suppliers will be allowed the same time to respond. Shorter periods will only be permitted with CEO approval should circumstances require. • The request for quotation should include as a minimum the following: ○ Written specification ○ Price schedule ○ Conditions of responding ○ Validity period of offer. • Offer to all prospective suppliers at the same time any new information that is likely to change the requirements. • Respondents should be advised by writing as soon as possible after the final determination is made approved. If an officer unable to obtain 3 written quotes this should be documented and the purchase approved by the CEO ~~The Finance Team shall facilitate the quotation process.~~ ~~Quotations within this threshold may be obtained from:~~ • ~~an existing panel of pre-qualified suppliers administered by the Shire; or~~ • ~~a pre-qualified supplier on the WALGA Preferred Supply Program or State Government CUA; or~~ • ~~from the open market utilising the electronic tendering portal and placing an advertisement in the local paper.~~ Requests for quotation from a pre-qualified panel of suppliers (whether administered by the Shire through the WALGA preferred supply program or State Government CUA) are not required to be invited using a Request for Quotation form, however at least three written quotes are still required to be requested.
$250,000 and above	Conduct a public tender process in accordance with the provisions of the *Local Government Act 1995*, Local Government (Functions and General) Regulations 1996 and relevant Shire Policy and procedures. OR Obtain 3 written quotations under Tender Exempt arrangements (i.e. WALGA PSA, CUA or other tender exemption under F&G Reg.11(2)) with the following conditions applying: • Staff will allow a minimum of 10 working days for a quote to be provided. If more than 10 working days is provided, all suppliers will be allowed the same time to respond. Shorter periods will

Purchase Value Threshold	Purchasing Requirements
	only be permitted with CEO approval should circumstances require. • The request for quotation should include as a minimum the following: o Written specification o Price schedule o Conditions of responding o Validity period of offer. • Offer to all prospective suppliers at the same time any new information that is likely to change the requirements. • Respondents should be advised by writing as soon as possible after the final determination is made approved. • Purchase will be referred to Council for decision, unless prior delegation provided to CEO ~~Where the purchasing requirement is not suitable to be met through a panel of pre-qualified suppliers, or any other tender exempt arrangement, conduct a public Request for Tender process in accordance with Part 4 of the Local Government (Functions and General) Regulations 1996, this policy and the Shire's tender procedures.~~ The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy. If a decision is made to undertake a public Tender for contracts expected to be $250,000 or less in value, the tendering procedures must still be followed in full.

Utilising Purchasing Practice When Not Required To Do So

Staff engaged in procurement should ensure that they obtain value for money and be accountable for their actions. If staff have any doubt about whether value for money is being obtained, additional quotes should be sought.

Where it is considered beneficial to the Shire of Brookton, an employee may utilise a purchasing practice to complete a purchase of a value less than the threshold. For example:

- tenders may be called in lieu of seeking quotations for purchases under the $250,000 threshold; or
- more than three quotations may be sought for a purchase under the $250,000 threshold; or
- more than two quotations may be sought for a purchase under the $15,000 threshold.

~~**Approval Limits**~~

- ~~The Chief Executive Officer has delegated authority from Council to undertake purchases of goods and services which are, or expected to be, up to the value of $250,000.~~
- ~~The Chief Executive Officer may on delegate authority from Council to any employee to maintain efficient and effective purchasing operations.~~

Purchasing Exemptions

Certain circumstances may arise where it is not reasonably practicable to adhere to the requirements of this Policy. The following purchases are specifically exempt from the requirements of this policy:

1. Exempt From Obtaining Any Quotation

a) The purchase of goods "off the shelf" at a store open to the general public where there is a displayed price for those goods. Most commonly this will include, but not be limited to, grocery items, minor stationary, fuel, sundry vehicle consumables and sundry hardware. ~~No quotations are required for the procurement of non-bulk fixed price retail grocery, alcohol and sundry hardware products sourced off the shelf from retail stores that are open to the public. It is considered that the nonnegotiable pricing, together with strong competition within the grocery and hardware sector is sufficient to provide best pricing.~~
~~Note:~~ The Shire issues monthly purchase orders to some retail businesses in Brookton, with a limit on the dollar amount allowed per transaction, to allow for efficient work operations ~~to continue~~.

b) The purchase is under public auction and has been authorised by Council.

c) The purchase non-contracted or non-contestable utilities, including electricity, water, postal or telephone services;

d) Annual memberships and subscriptions.

e) Provision of contributions to community groups, in accordance with agreements to assist with their administrative, and operating costs, or as directed by a resolution or policy of Council.

f) Eligible staff reimbursements (TAFE, Training Course Fees, eligible travel costs, including meals, and accommodation, telephone, and internet).

g) Purchased where a legitimate sole source of supply exists.

2. Exempt From Obtaining the Required Number of Quotation

h) An emergency event as defined by the Local Government Act 1995 and detailed below under 'Emergency Purchases'.

i) The purchase is for petrol, oil, or other liquid, or gas, used for internal combustion engines.

j) The purchase of insurance through Local Government Insurance Services. The suite of LGIS insurances are provided as part of a mutual where WALGA Member local governments, including the Shire of Brookton, are the owners of LGIS.

k) The supply of goods or services obtained through the Western Australian Local Government Association ("WALGA") Preferred Suppliers Program.

l) Reactive maintenance of plant and machinery which does not exceed $~~5~~10,000 (GST Exclusive), per transaction Reactive maintenance is defined as unscheduled maintenance, such as machinery break down, or where a routine inspection identifies additional works are required.

m) Artwork.

n) Procurement of performing arts defined as forms of creative activity that are performed in front of an audience, such as drama, music, or dance.

o) Purchases from the original equipment manufacturer, or a sole agent thereof, particularly where warranty provisions may otherwise officer be void.

p) Software support/ licences/ renewals/ maintenance. No quotations are required for contracts for the provision, licensing, annual renewal, annual leave payment, maintenance, or support of information technology hardware, or software, where:

i. The value of the contract is less than $100,000 (GST Exclusive); and

ii. The responsible officer has good reason to believe that because of the unique nature of the product and/or services, it is unlikely that there is more than one potential supplier.

~~***Note:** This exemption must be approved by the Chief Executive Officer, or Manager Corporate and Community.*~~

q) At the discretion of ~~a Manager, or~~ the CEO, which may be applied upon receiving written justification for the waiver, and only in the following situations.

i. The purchasing officer has sought the required number of quotations from suitable suppliers, however an insufficient number of suppliers were willing to provide a valid quotation; or

ii. The goods or services are to be supplied by, or obtained through, the Government of the State, or Commonwealth, or any of its agencies, or by another Local Government, or Regional Local Government.

r) In an instance where any of the exemptions, or exclusions, under r.11 of the Local Government (Functions and General) Regulations, apply.

An exemption from obtaining the required number of quotation between $1,000 and less than $250,000 is required to be approved by the Chief Executive Officer after consideration of a written request from the Officer justifying the requirement for an exemption.

~~**Inviting Tenders *under* the Tender Threshold**~~

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

~~If a decision is made to undertake a public Tender for contracts expected to be $250,000 or less in value, the Shire's tendering procedures must be followed in full~~.

~~**Sole Source of Supply**~~

~~Where the purchasing requirement is over the value of $1,000 and of a unique nature that can only be supplied from one supplier, the purchase is permitted without undertaking a tender or quotation process. This is only permitted in circumstances where the Chief Executive Officer of the Shire is satisfied and can evidence that there is only one source of supply for those goods, services or works. The Shire must use its best endeavours to determine if the sole source of supply is genuine by exploring if there are any alternative sources of supply. Once determined, the justification must be endorsed by the Chief Executive Officer, prior to a contract being entered into.~~

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

~~**CEO Discretion**~~

~~Where it is not practical to obtain multiple written and/or verbal quotations for amounts between $1,000 and less than $250,000 the Chief Executive Officer may approve the purchase of goods and services where deemed appropriate after approving a written request from the Officer justifying the reasons for the purchase.~~

Anti-Avoidance

The Shire shall not enter into two or more contracts or create multiple purchase order transactions of a similar nature for the purpose of "splitting" the value of the purchase or contract to take the

value of the consideration of the purchase below a particular purchasing threshold. ~~particularly in relation to Tenders and to avoid the need to call a public Tender~~.

Emergency Purchases

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

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

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

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

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

Records Management

Records of all purchasing activity must be retained in compliance with the *State Records Act 2000*.

Buy Local

As much as practicable, the Shire will:

- Where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- Consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- Ensure that procurement plans address local business capability and local content; and
- Provide adequate and consistent information to potential suppliers.

Buy Local Eligibility

- A preference is applicable to locally based contractors and suppliers within a fifty (50) kilometre radius of the Shire of Brookton town centre; and
- To qualify as a local contractor a supplier must have had a permanent office and staff within the fifty (50) kilometre radius for a period of at least six (6) months prior to the closing date of the quotation/tender submission.

Price Preference for Local suppliers/contractors

- A 10% price preference of up to a maximum of $1,000 in value applies to all goods and services for those supplier(s) that meet the eligibility requirements (as above);
- Where the procurement is for goods and services for a period exceeding twelve (12) months, the 5% price preference of up to a maximum of $500 shall be applied per annum.

~~**Purchasing from Disability Enterprises & Aboriginal Businesses**~~

~~Pursuant to Part 4 of the Local Government (Functions and General) Regulations 1996, the Shire may purchase from Disability Enterprises and Aboriginal Business contingent upon demonstration of value for money.~~

Panels of Pre-Qualified Suppliers

Objectives for Panels

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

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

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

Establishing a Panel

Should the Shire determine that a Panel is beneficial to be created, it must do so in accordance with Part 4, Division 3 the Local Government (Functions and General) Regulations 1996. Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the Panel. Panels may be established for a minimum of two (2) years and for a maximum length of time deemed appropriate by the Shire. Evaluation criteria must be determined and communicated in the application process by which applications will be assessed and accepted.

Where a Panel is to be established, the Shire will endeavour to appoint at least two (2) suppliers to each category, on the basis that best value for money is demonstrated. In each invitation to apply to become a pre-qualified supplier (through a procurement process advertised through a state-wide notice), the Shire must state the expected number of suppliers it intends to put on the panel. Should a Panel member leave the Panel, they may be replaced by the next ranked Panel member determined in the value for money assessment should the supplier agree to do so, with this intention to be disclosed in the detailed information set out under Regulation 24AD(5)(d) and (e) when establishing the Panel.

Distributing Work amongst Panel Members

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

a) Obtain quotations from each pre-qualified supplier on the Panel with respect to all purchases; and/or

b) Purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; and/or

c) Purchase goods and services on a rotational basis from each pre-qualified supplier and endeavour to provide an even amount of work amongst prequalified suppliers.

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

a) Each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the

~~suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; and/or~~

~~b) Service requests that are not possible to obtain a fixed price may be rotated between pre-qualified supplier(s) to obtain the most advantageous result for the Shire which may take into account the existing familiarity with a supplier's previous work on a specific Council asset; and/or~~

~~c) Should the list of panel members be exhausted with no panel member accepting the offer to provide goods/services under the Panel, the Shire may then invite suppliers that are not on the panel to provide the goods/services in line with the purchasing thresholds. In every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond twelve (12) months, which includes options to extend the contract.~~

~~Purchasing from the Panel~~

~~The invitation to apply to be considered to join a panel of pre-qualified suppliers must state whether quotations are either to be invited to every member (within each category, if applicable) of the Panel for each purchasing requirement, whether a ranking system is to be established, or otherwise. Each quotation process, including the invitation to quote, communications with panel members, quotations received, evaluation of quotes and notification of award communications must all be captured on the Shire's electronic records system. A separate file is to be maintained for each quotation process made under each Panel that captures all communications between the Shire and Panel members.~~

~~Recordkeeping~~

~~Records of all communications with Panel members, with respect to the quotation process and all subsequent purchases made through the Panel, must be kept. For the creation of a Panel, this includes:~~

- ~~The Procurement initiation document such as a procurement business case which justifies the need for a Panel to be created.~~

~~Procurement planning and approval documentation which describes how the procurement is to be undertaken to create and manage the Panel including (but not limited to):~~

- ~~Request for Applications documentation;~~
- ~~Copy of public advertisement inviting applications;~~
- ~~Copies of applications received;~~
- ~~Evaluation documentation, including clarifications sought;~~
- ~~Negotiation documents such as negotiation plans and negotiation logs;~~
- ~~Approval of award documentation;~~

~~must be kept.~~

Legislation and other References

Local Government Act 1995
Local Government Act (Financial Management) Amended Regulations 2015
Local Government (Functions and General) Regulations 1996
Shire of Brookton Employee Code of Conduct
Corruption Crime and Misconduct Act 2003
State Records Act 2000

Resolution No:
Resolution Date:

2.36 LEASE, LICENCE AND TENANCY AGREEMENTS

Objective

This Policy seeks to enable responsible management of community assets by use of an equitable methodology for specifying terms, calculating charges, and applying fees applicable to lease, license and tenancy agreements for community groups and other commercial organisations or individual persons by classification.

Definition

For the purpose of this policy:

Not-for-Profit Group means a group or organisation incorporated under the *Associations Incorporation Act 2015* and has its primary base of operation located within the Shire of Brookton.

Commercial means a person, company or organisation that has intent to make or is making a profit in the course of doing business.

Policy

1. This policy applies to the leasing, licensing tenancy of real property owned, or under the care, control and management of the Shire of Brookton, including Crown Land.

2. Where appropriate, organisations will be granted a lease or license agreement at a subsidised rate in recognition of their perceived benefit to the community, and their ability to pay.

3. All lessees, licensees, and commercial tenants irrespective of classification must have public liability insurance to the value as prescribed by the Shire's insurer and detailed in the agreement. Evidence of such is to be presented to the Shire each year during the term of the agreement.

4. Classifications of lease, licence, and tenancy agreements:

Level One

a) Applies to a 'not-for-profit' community organisation or group incorporated under the *Associations Incorporation Act 2015.*
b) The organisation or group is specific to the Shire of Brookton and affords significant community benefit.
c) The organisation or group has limited revenue-raising ability (net of cost of service) e.g. community play group.
d) The organisation or group (as lessee or licensee) will pay annual lease or license 'peppercorn' rent of $10.00 (incl. GST).
e) The maximum term for a lease or license agreement is 5 years, with a further 5 year option at the discretion of Council.
f) The Council (as lessor) will pay costs applicable to preparation and registration of the lease or license agreement.
g) The organisation or group (as lessee or licensee) will pay for utilities, general wear and tear, and garden maintenance.
~~h) The organisation or group (as lessee or licensee) may qualify for annual financial subsidy for utility costs through the Shire Community Chest grant funding program – refer to Policy 2.34 – Community Funding and Donations Policy.~~

i) The organisation or group (as lessee or licensee) may request a waiver of the local government's planning, building and environmental health application fees.

Level Two

a) Applies to a 'not-for-profit' community organisation or group incorporated under the *Associations Incorporation Act 2015.*
b) The organisation or group is specific to the Shire of Brookton and affords significant community benefit.
c) The organisation or group has revenue-raising ability or receives external funding assistance (e.g. has a Sale of Liquor license or generates revenue from meals or receives funding from State Government or from its members as subscriptions).
d) The organisation or group (as lessee or licensee) will pay annual lease or license rent of $350.00 (incl. GST).
e) The maximum term for a lease or license agreement is 5 years, with a further 5 year option at the discretion of Council.
f) The organisation or group (as lessee or licensee) is to pay 50% of costs applicable to preparation and registration of the lease or license agreement.
g) The organisation or group (as lessee or licensee) is to pay for all utilities, general wear and tear and garden maintenance as detailed in lease or license agreement.
~~h) The organisation or group (as lessee or licensee) may qualify for annual financial subsidy for utility costs through the Shire Community Chest grant funding program – refer to Policy 2.34 - Community Funding and Donations Policy.~~

Level Three

a) Applies to commercial leases, licenses and tenancy agreements with an individual person, company or organisation that holds an Australian Business Number (ABN), and where due process has been entertained under Section 3.58(3) of the *Local Government Act, 1995* unless an exemption applies under Regulation 30 of the *Local Government (Functions and General) Regulations, 1996.*
b) Applies to residential tenancy agreements with an individual person, and a company or organisation that holds an Australian Business Number (ABN).
c) The use must have all relevant statutory approvals, where deemed applicable.
d) The maximum term for a commercial lease or license agreement is 5 years, with a further 5-year option at the discretion of Council.
e) The maximum term for a residential and commercial tenancy agreement is 12 months with possible extension at the discretion of the Council, although periodical agreements may be applied at the discretion of the CEO for residential tenancy agreements.
f) The individual person, company or organisation (as Lessee, licensee or tenant) is to pay for the rental valuation and document preparation, where applicable.
g) The individual person, company or organisation (as Lessee, licensee or tenant) is to pay market rent as demonstrated and accepted by the CEO, unless otherwise determined by Council through its Schedule of Fees and Charges or by independent resolution.
h) The individual person, company or organisation (as Lessee, licensee or tenant) is to pay for all utilities, general wear and tear, and garden maintenance as detailed in the lease, license or tenancy agreement.

Note - This section does not apply to tenancy agreements that form part of contract with the Shire.

Resolution No:
Resolution Date:

2.37 LIBRARY SERVICES

Objective
The purpose of this policy is to provide the Shire of Brookton (the Shire) and the community with a clear and consistent framework for the management of the library and its resources.

The policy will:

- Provide a framework for the management of the Shire's library, the services and resources.
- Clarify the roles and responsibilities of stakeholders.
- Ensure consistency in the management of the library.

~~**Policy statement**~~
~~The Shire of Brookton supports the principle of open, free and unrestricted access to information in all its forms to its community regardless of age, race, gender, religion, nationality, language, disability, geographic location, social status, economic status and educational attainment.~~

~~The Shire of Brookton library service is considered an integral part of the community through its strategic focus from the Brookton 20 in maximising its performance and knowledge and its lifestyle and community. The Shire recognises its role as an active connector by linking people to information and providing resources to assist in skill development. The Shire is committed to the ongoing development of the library as part of future integrated community hubs.~~

~~The library service provides accessible and relevant content to the community meeting the business, recreational, cultural and lifelong learning needs of the wider community.~~

~~The Shire recognises that its library has an important role in the community by giving the community and individuals access to a wide and varied range of information, ideas, opinions and skills. The Shire of Brookton recognises the role of public libraries as essential in developing an informed society through providing programs that improve literacy and information literacy and providing lifelong learning opportunities that contribute to economic prosperity by helping people improve their skills and life chances. Such programs include Better Beginnings and authors talks.~~

~~The Shire recognises that the role of public libraries is developing rapidly with a stronger focus on formal and informal learning and community development. Libraries across Western Australia also play an important role in technology, equitable access to online information as well as ensuring opportunities for creation of content and recording and preserving the identity of the community in which they are located.~~

Scope
This policy applies to staff and all users of the Shire's library service. The Policy aims to further the principles of the Library Board Act that outlines the provision of a free public library service for the betterment of the community. This policy covers the principles of provision of services and resources, including technology and support for literacy and the ongoing education of the community.

Background

This policy exists to ensure that a consistent level of access to the library service is provided to the whole community by providing guidance to staff on key principles. The policy also seeks to guide customer expectations regarding the role of the library service.

Consultation with stakeholders
Key stakeholders include the residents of the Shire of Brookton, Shire of Brookton Elected Members, Shire of Brookton staff, and any member of the general public who is a user of the Shire of Brookton library.

This policy has been developed with reference to regulations of the Library Board Act (which are binding on the Library Service) and the Australian Library and Information Association's policies (which are endorsed voluntarily.)

Implications ~~(Financial, Human Resources)~~
The Library Services Policy will guide Shire staff in ensuring fair and equitable access to the services and resources provided by the library. Service and development are to be met out of the current operating budget which is reviewed on an annual basis. This policy will be regularly reviewed to ensure that it remains relevant to community requirements and industry standards. Staff will receive ongoing training and development to ensure the provision of best practice delivery.

Stakeholder and users of the Library must hold current membership of the library to borrow items or to use the e-resources available. Library users must be registered and issued with a Library card for borrowing and access purposes. Library membership is only available to Shire of Brookton residents who can provide suitable identification.

Children under the age of 18 are encouraged to join the library with the consent of a parent or guardian.

Lost, damaged or stolen library items are charged back to the library borrower at cost price and loss or damage to a library card incurs a replacement fee as described in the Shire's Fees and Charges schedule.

Implementation
This Policy will support the Shire's ongoing and legislated task of providing a public library service. The Shire Administration will review demand for services, developments in communication technology in order to continuously improve services. A copy of this policy will be made available to all members at time of registration on request.

Roles and Responsibilities
Staff of the Shire of Brookton, under the direction of the Chief Executive Officer (CEO), are responsible for the implementation of and compliance with this policy. Supported by associated and documented procedures, well-managed relevant and up to date services will be provided to the community within a facility that is safe, maintained, inclusive and welcoming. The Manager Corporate and Community (MCC) will provide interpretation in the event of need for clarification or where there is a dispute. The MCC will be responsible for the review of this Policy.

Dispute Resolution
All disputes in regard to this policy will be referred to the MCC in the first instance. In the event that an agreement cannot be reached, the matter will be submitted to the CEO for a ruling.

Resolution No:
Resolution Date:

2.38 EMPLOYEE TRAINING

Objective
The intent of this policy is to enhance Shire's operational capacity and technical knowledge through attendance of training, study and conference aligned to professional development, operational need and mutual benefit for the organisation and the employee.

Definitions
Conference means a meeting, convention, forum, seminar, summit or symposium that affords professional development and enhancement of technical knowledge for the employee.

Employee means a fulltime and part-time employee of the Shire of Brookton.

Training/study means all internal and external courses, programs and sessions undertaken by the employee that will result in formal accreditation, certification and/or qualification in writing.

Up skilling means all internal and external courses, programs and sessions undertaken by the employee that will result in formal accreditation, certification and/or qualification in writing.

Policy

1. The Shire encourages, supports, and will fund the training/up skilling of employees at its cost to:
   a) Enhance team co-operation and collaboration as well as achieve compliance against legislative requirements.
   b) Enable performance of an employee's prescribed functions and responsibilities details in their relevant Position Description and assessed as necessary (by the CEO) to effectively perform their role.
   c) Assist in performing other duties within the organisation that related to:
      - Occupational Health and Safety (OHS)
      - First Aid
      - Emergency support and assistance (i.e. additional licences, tickets, certificates, etc.)
      - Cross training and up skilling (i.e. cover other positions when vacant or to support other functions when required)

2. The Shire will <u>not</u> support nor fund training/study that does not:
   a) Directly relate to the individual employee's position description;
   b) Form part of their professional development identified in their performance appraisal;
   c) Substantially benefit the organisation in prescribed functions or assist as in accordance with 1b) above.

3. All training/study is to be validated by the Organisational Development Officer against 2.0 above prior to any enrolment/registration, and:
   a) Must be approved by the employee's line manager for internal training/study;
   b) Must also be approved by the CEO for external training/study.

4. Excluding 1 a) and b) above and specific allocation in an employment contract, an employee who has received approval for training study will be required to sign a 'training/study agreement form" agreeing to reimburse the cost, including all expenses incurred by the Shire (other than officer's time/study leave) should they:
   a) Not complete/pass the full training/course with the agreed time – 100% of costs repaid.
   b) Terminate employment within 12 months – 100% of costs repaid.
   c) Terminate employment between 12-24 months – 50% of costs repaid.

Such cost will be repaid by the employee upon resignation and prior to the termination date of employment.

5. For the purpose of this policy all reasonable expenses (ie registration fees, travel, accommodation, meals) applicable to undertaking the employee training study will be funded by the Shire, other than approved professional development study – refer to Statement 6 below.

6. For external study applicable to an employee's professional development the Shire will only fund 50% of the study fees and materials to a maximum of $7,000 based on:
   a) Reimbursement of receipts being presented to the Organisational Development Officer; and
   b) Qualification of a 'pass' or better for each unit of the course completed.

7. The number of employees attending external training/conferences from any one department or section at the same time is limited to two (2) employees, unless otherwise approved by the CEO.

8. Study leave (including the sitting of exams) of up to 16 hours may be granted at the discretion of the CEO depending on the type and nature of the course.

9. External training/conferences may be supported outside of Western Australia subject to Council being satisfied the training/conference is warranted and provides mutual benefit to the organisation and employee.

10. The CEO may decline or defer employee training/study and conferences should there be:
    a) A conflict with operational requirements.
    b) Inadequate funds within the current year budget.
    c) Insufficient evidence to substantiate 'value' for the organisation and the employee.

11. Training for a casual employee shall be at the discretion of the CEO and should only be granted in accordance with 1b) above.

Resolution No:
Resolution Date:

2.39 PENSIONER REBATES ON COMMERCIAL AND RURAL PROPERTIES

Objective
To set the method of calculation for pensioner and seniors' rebates on properties where there is a curtilage or dual/commercial use such as farming and agricultural properties.

Policy
Section 28(2) of the *Rates and Charges (Rebates and Deferments) Act 1992* provides that:

"*Where although land is used as the ordinary place of residence of an applicant or registered person it is not the sole use of that land, the administrative authority may apportion the prescribed charge, and any rebate allowable, according to –*

(a) The extent to which the land is so used as a place of residence; and
(b) Any other use on a basis proportionate to the respective uses."

This provision enables the Shire of Brookton to allow a concession, in an equitable way, to the part of the rates levied relating to the residential use of a commercial property, if the circumstances warrant. For example, a pensioner resides in a house located on land also used for agricultural or farming purposes.

Principles
Concessional rebates are applied in a fair and equitable manner for all concessional ratepayers (ie. Pensioner).

Provisions
A rebate shall only be applied if the resident has demonstrated they are entitled to such rebate by completing the appropriate application form, including provision of their concession details.

Calculations
A Pensioner Declaration Commercial & Farming Properties form is to be completed to identify the percentage of land in use for residential purposes. If the area used for residential purposes cannot be determined, then an arbitrary two (2) hectares is to be used as permitted by the Office of State Revenue.

If the ratepayer is eligible the Finance Officer is to use the following method to calculate the rebate to be applied:

The rates levied are to be portioned based on the respective areas

$$\left(\frac{\text{Area used for residential purposes only (Ha)}}{\text{Total area of property (Ha)}}\right) \times \text{Rates Levied (\$)} = \text{Portion of rates on which a concession can be applied (\$)}$$

For example if the rates levied are $2,000, the total property area is 60 Ha and the area solely used for residential purposes is 5 Ha on which concession would be applied is as follows

$$\frac{5}{60} \times 2000 = 166.67$$

The concession is to be applied is $166.67

If the ratepayer is a pensioner, and they are entitled to a 50% rebate, the rebate amount to be claimed from the Office of State revenue would be $83.33 and senior 25% $41.67, calculated as follows

Pensioner 50% rebate	166.67 x 0.50 = $83.33
Senior 25% rebate	166.67 x 0.25 = $41.67

Resolution No:
Resolution Date:

Shire of Brookton
Growing the future

Pensioner Declaration Commercial & Farming Properties

ASSESSMENT NUMBER: _____

OWNERS: _____

I/We hereby confirm that my property, at which I reside, is –

PROPERTY ADDRESS: -_____

- Used for residential purposes only ☐
- Used for residential & commercial purposes ☐
  (If ticked please indicate the % of land used for residential purposes_____)

OWNER SIGNATURE: _____ **DATE:**_____

OWNER SIGNATURE: _____ **DATE:**_____

This declaration forms part of your application for registration under the Rates and Charges (Rebates & Deferments) Act 1992. Any person who wilfully makes a false declaration in any declaration for registration under the Act, or who remains registered as a pensioner under the Act knowing that he or she is not qualified is guilty of an offence (Penalty $1,000)

2.40 COMMUNITY ENGAGEMENT POLICY

Objective
This policy provides the framework and principles for undertaking community engagement to encourage participation and to strive to continuously improve its community engagement methods.

The outcomes and benefits of effect community engagement include:

1. Increased community awareness about services, planning and program delivery.
2. Increased awareness of community views and the issues that should be considered as part of the decision-making process.
3. Increased awareness of the needs, priorities, and diversity of the community, which in turn ensures that service provision and planning functions are aligned appropriately.
4. Increased levels of community ownership and acceptance of decisions.
5. Council and the community working together to address local issues where appropriate.

Statement
Council will:

- Be open and honest about the purpose of any consultation activity to be transparent with its decision-making processes.
- Use a range of approaches to engage community views and enable everyone who is interested to contribute.
- Undertake to make balanced decisions using the outcomes of community engagement, whilst considering other influences such as budget constraints, identified risks, statutory obligations and strategic directions.

Whilst it is not always practical or appropriate to engage the community on all Council decisions, it is crucial that community members are sufficiently informed of major issues, plans, projects and all matters likely to affect them and have opportunities to participate meaningfully in community engagement processes.

Policy
This policy applies to all facets of Council's operations including Council's corporate, land use, strategic and financial planning and daily services and activities.

This policy and the following community engagement principles underpin all of Council's community engagement processes and activities. These will guide Elected Members, employees, contractors and external consultants authorised to act on behalf of Council on best practice in engaging with the Community.

Principles
The following principles are to be applied to all levels of community consultation:

- Use simple language explaining the purpose of engagement premised on potential level of impact on the community, so the duration and level of community engagement can be set.
- Provide all information necessary so the community can make informed statements during the engagement process.
- Encourage broad community engagement to ensure that a diverse range of views and ideas are expressed and considered.

- Maintain transparency and explain the process to be undertaken.
- Engage across a range of diverse groups using a range of communication mediums (e.g. print media, social media, on-line survey etc) depending on the proposal.

Furthermore, the Shire will commence community engagement when:

- The Council resolves to formally engage.
- Community engagement can enhance decision-making, project outcomes or future opportunities.
- There is legislation or policy requiring engagement or consultation.

Level of Engagement
The following matrix applies in determining the most suitable approach relative to the potential or likely "Level of Impact" of a project, plan, service, or action.

As stated in the matrix there are 4 levels of engagement:
a) Inform
b) Consult
c) Involve
d) Collaborate

More than one level of engagement is generally required.

Expected level of impact	Criteria (one or more of the following)	Engagement approach generally taken	Level of engagement generally required	Engagement methods that should be used
High Shire wide	High level of impact on all or a large part of the Shire of Brookton. Any significant impact on attributes that are considered to be of high value to the whole of the Shire, such as the natural environment or heritage. Likely high level of interest across the Shire. Potential high impact on state	Early engagement with community and stakeholders. Involves a broad range of stakeholders and community members. Utilises a variety of engagement methods to give people who want to contribute, the opportunity to do so. Updates are provided to local community. Engagement plan developed in collaboration with the relevant departments and approved by the Chief Executive Officer. Budget allocated to deliver community engagement.	Inform Consult Involve Collaboration	Mail drop Media Release Brookton Telegraph Shire website Email Social Media (Facebook) Focus or Working Group depending on nature of proposal Surveys

	or regional strategies or directions.	Process is evaluated to assess the quality and overall effectiveness of the engagement and assist the Shire's commitment to continually improve our engagement practice.		Feedback and submission forms Posters
High Local	High level of impact on a local area, small community or user group(s) of a specific facility or service. Significant change to any facility or service to the local community. Potential for a high degree of community interest at the local level.	May range from seeking comment on a proposal to involving the community and stakeholders in discussion on proposed options. Comprehensive information is made available to the community to enable informed input. Uses a combination of engagement methods to encourage broad participation at different levels. Feedback is collated and made available (personal details: phone numbers, addresses, email addresses will not be published on the Shire's website).	Inform Consult Involve	Mail drop Media Releases Brookton Telegraph Shire website Email Social Media (Facebook) Possible Focus or Working Group depending on nature of proposal Surveys Feedback and submission forms Posters
Low Shire wide	Lower level of impact across the Shire. Level of interest among various communities or stakeholders. Potential for some, although not significant,	Approach may range from seeking comment on a proposal to involving the community and stakeholders in discussion and debate on proposed options. Ensures informed input through making comprehensive information available to the community.	Inform Consult Involve	Mail drop Media Releases Brookton Telegraph Shire website Email

	impact on state or regional strategies or directions.	Uses a combination of engagement methods to encourage broad participation at different levels. Feedback is collated and made available. Updates are provided to the local community.		Social Media (Facebook) Possible Focus or Working Group depending on nature of proposal Surveys Feedback and submission forms Posters
Low Local	Lower level of impact on a local area, small community or user group of a specific facility or service. Only a small change to a facility or service at the local level. Low interest at the local or user group level.	Approach consists of advising the community or stakeholders of a situation or proposal or informing of a decision or direction. Communication strategy that provides high quality, accessible information to those affected by and interested in the change or decision. Communication channels relevant to the target audience are used.	Inform	Mail drop Media Releases Brookton Telegraph Website Email Social media Advertising Posters

Note: The Matrix does not negate nor alter statutory advertising and consultation processes as prescribed by legislation but may be applied as additional process depending of the nature of the matter or proposal.

No Consultation
The Shire Administration will not engage community consultation when:

- A final decision has already been made by Council or another agency.
- Council cannot influence a decision by another agency or party.
- The decision to be made concerns a minor operational matter with minimal impact on the community and/or stakeholders.
- Implementing a project or decision that has already been subject to engagement.
- There is insufficient time due to legislative or legal constraints, or urgent safety issues to be addressed.

In these events, the Shire Administration may inform the community why the decision was made without community engagement.

Consultation Form
The community engagement form template provided as Appendix 1 to this policy is to be used in receiving input for community members.

Resolution No:
Resolution Date:

Appendix 1.

Submission Form

(Insert: SUBJECT of Community Engagement)

(Insert: Description of subject Community Engagement proposal)

To: Chief Executive Officer
Shire of Brookton
PO Box 42
Brookton WA 6306 or email: mail@brookton.wa.gov.au

Please note – all information provided on this submission form will be published in the Shire of Brookton agenda and minutes relevant to this submission. Phone numbers and email addresses will be redacted for the Shire's website.

Name: _____

Organisation/Company *(if applicable)*: _____

Email: _____

Please indicate your position: Support ☐ Object ☐ Indifferent ☐ Suggest Amendment/s ☐

Please state your interests, concerns, objections, support or suggested amendments, whether as a private citizen, or on behalf of a company or other organisation.

_____

_____

_____

_____

_____

_____

_____

Signature: _____ **Date:** _____

Please attach additional comment/pages if required.

G:/Master Documents/ Forms/ Council Property/Submission Form/2020 - Submission Form Template.docx

2.41 INTEGRATED PLANNING AND REPORTING (IPR) AND ANNUAL BUDGET PREPARATION

Objective

To provide structure and guidance on:

- Review of the Shire's Integrated Planning and Reporting (IPR) Framework, and
- Preparation of the Annual Budget for each year.

Policy

a) Integrated Planning and Reporting (IPR) Framework review shall accord to the following program:

IPR Plan	Review	Direction
Strategic Community Plan (SCP)	*September* - *Minor Review every second year.* - *Major Review every fourth year.* - *Offset to following year of the Local Government election cycle.*	*Minor Review – Assess Community Aspirations based on a 'desktop' approach with Elected Members.* *Council may initiate consultive 'check-in' process with the Community to be conducted by Shire Administration.* *Major Review – To involve the use of an independent person or company to perform min. six weeks community consultation on Community Aspirations - Elected Members and Shire staff participation excluded from this process.*
Corporate Business Plan (CBP)	*November/December* • *each year.*	*Assess projected annual program of works and implement changes for the coming financial year to the CBP and Corporate Compendium.* *All amendments to CBP and Compendium to be implemented prior to preparation of annual budget for the following financial year.* *Strategic projects to be drawn from Book of Initiatives.*
Asset Management Plan (AMP)	*November/December* *1. each year.*	*Assess Policy, Strategy, and Plans specific to each asset class to inform the LTFP.* *All amendments to be implemented prior to preparation of annual budget for following year.*
Long Term Financial Plan (LTFP)	*November/December* • *each year.*	*Review and amend the LTFP based on changes to the AMP and Shire's fiscal position.* *All amendments to be implemented prior to preparation of annual budget for following year.*
Workforce Plan (WP)	*November/December* • *each year.*	*Assess Organisational Structure, staff resourcing, training and upskilling and together with adjustment of roles and responsibilities, as necessary.*

		Ensure all amendments to Workforce Plan are implemented prior to preparation of annual budget for following year.
Innovations Pathway	*November/December* - *every second year immediately following the Local Government election cycle.*	*Assess effectiveness of framework, including Advisory Group representation and performance, Book of Ideas and Book of Initiates.* *Reset representation on Advisory Groups and amend Terms of Reference, as required.*

b) Preparation of the Annual Budget shall occur each year with:

- Every endeavour to accord with the following 'Annual Budget Preparation Guide'.
- Specific reference being applied to and the budget being informed by the Council's IPR framework plans.

Resolution No:
Resolution Date:

Annual Budget Preparation Guide
Annual Budget

Month	***Function***	***Week***	***Responsibility***
February	- *Review salaries and wages*	*Week 1 - 2*	*CEO/Managers*
	- *Review depreciation*	*Week 2*	*MCC/SFO*
	- *Review plant allocations*	*Week 2*	*MCC/SFO*
	- *Review ABC allocations*	*Week 3*	*MCC/SFO*
March	- *Create budget workbook*	*Week 1*	*MCC/SFO*
	- *Commence data input*	*Week 1 - 4*	*MCC/SFO*
	- *Review fees and charges*	*Week 2 - 3*	*MCC/SFO*
	- *Reference IPR Plans*	*Week 3 - 4*	*MCC/SFO*
	- *Review financial reserves*	*Week 3 - 4*	*CEO/Managers/SFO*
	- *Review capital items*	*Week 4*	
April	- *Data input (Con't)*	*Week 1 - 4*	*MCC/SFO*
	- *Review capital items (Con't)*	*Week 1 - 2*	*CEO/Managers/SFO*
	- *Workshop - Fees & charges*	*Week 2*	*Staff/Councillors*
	1. *Set increase – rates*		
	2. *Set increase – rubbish and sewerage*		
	- *Model rates*	*Week 3*	*MCC/SFO/FO*
May	- *Data input (Con't)*	*Week 1 - 4*	*MCC/SFO*
	- ***Workshop** – First review of draft*	*Week 1*	*Staff/Councillors*
June	- *Data input (Con't)*	*Week 1 - 3*	*MCC/SFO*
	- *Confirmation of grants income*	*Week 1*	*MCC/SFO*
	- *Consolidate carry forward position*	*Week 2*	*MCC/SFO*
	- ***Workshop** – Second review of draft*	*Week 3*	*Staff/Councillors*
July	- ***Council Meeting** – Budget adoption*	*Week 3*	*Staff/Councillors*
August	- *Budget notification to LG Dept.*	*Week 1*	*MCC/SFO*

CEO means Chief Executive Officer
MCC means Manager Corporate and Community
SFO means Senior Finance Officer
FO means Finance Officer

2.42 INTERNAL AUDIT CHARTER

Objective

The objectives of this internal audit charter are to:

a) Provide assurance to Council that the Shire's financial and operational controls designed to manage the organisation's risks and achieve its objectives, are operating in an efficient, effective and ethical manner.

b) Assist management in improving and monitoring the Shire's risk management, internal control and legislative compliance functions.

Policy

- Scope

  Internal audits may cover any programs and activities of the Shire and encompass the review of all financial and non-financial policies and operations.

- Independence

  Independence is essential to the effectiveness of the internal audit function.

  Internal audits will be performed by dedicated employee or external contractors appointed through a transparent Expressions of Interest process.

  Internal auditor is accountable to the CEO for the efficient and effective operation of the internal audit function and will report functionally to Council through the Audit and Risk Committee.

- Authority and Confidentiality

  Internal auditors are authorised to:

  1. Have free and unrestricted access to all Shire's records and other documentation, premises and Shire employees.
  2. Obtain assistance as required from Shire employees.

  Internal auditors are responsible and accountable for maintaining the confidentiality of the information they receive during the course of their work.

- Roles and Responsibilities

  The internal audits shall encompass examination and evaluation of the Shire's governance, risk management and internal controls coupled with performance to achieve the Shire's strategic objectives with a structured focus on adequacy and effectiveness.

  Each audit may include (but not limited to):

  a) Evaluating risk exposure relating to achievement of the Shire's strategic objectives.
  b) Evaluating the reliability and integrity of information and the means used to identify, measure, classify and report such information.
  c) Evaluating the systems established to ensure compliance with those policies, plans, procedures, laws and regulations which could have a significant impact on the organisation.
  d) Evaluating the means of safeguarding assets and verifying the existence of such assets.
  e) Evaluating the effectiveness and efficiency with which resources are

engaged/employed.

f) Evaluating operations or programs to ascertain whether results are consistent with established objectives and goals.
g) Monitoring, evaluating and identifying improvements to governance processes.
h) Monitoring and evaluating the effectiveness of the Shire's risk management processes.
i) Providing advice related to governance, risk management and internal control as appropriate.
j) Reporting significant risk exposures and internal control issues, including fraud risks and governance issues
k) Evaluating specific operations at the request of Council, Audit and Risk Committee or the CEO.

- Program

Internal audit activities:

a) Shall be performed on a half yearly basis with at least two activities conducted as determined by the CEO and reported to the Audit and Risk Committee.
b) Need to be coordinated to help ensure adequacy of overall audit coverage and minimise duplication with the Shire's external auditing conducted by the Officer of the Auditor General.
c) The methodology, assessment criteria and checklist (where practical) provided in Appendix A to this policy should be adhered to in performing an internal audit:

Resolution No:
Resolution Date:

Appendix A

a) Methodology

The following generic approach should routinely be applied to each internal audit:

i. ***Audit Objectives and Scope*** – audit subject, relevant legislation (where applicable) and intended outcomes to be documented.

ii. ***Audit Schedule*** – required resources, information, timeframe, method of approach (ie documentation review, interviewing, observation) and expected participants to be scheduled.

iii. ***Audit Pre-planning*** – Audit Schedule and discussion with department manager and affected employees to be entertained.

iv. ***Audit Execution*** – Audit process (includes sighting and examination of hard-copy or electronic records, and verification of compliance with the management systems, procedures and effective implementation of processes and internal controls) to be progressed in a fair and unbiased manner.

v. ***Audit Recor*ding** – All evidence and notes prepared together with identified deficiencies, non-compliances, other observations, summary of findings and response from the relevant Manager is to be recorded.

vi. ***Audit Reporting*** - All findings with reference to supporting evidence and recommended improvement/corrective action is to be presented to the CEO and then Audit and Risk Committee in a concise audit report.

b) Assessment Criteria

The internal audit to consist of the following assessment categories/rankings:

i. ***Achieves Compliance (MC)*** – Achieves compliance with the International Organization for Standardization (ISO) 9001 where all requirements have been effectively met.

ii. ***Basic Improvement (BI)*** – Identifies a small issue or flaw that requires some adjustment or basic improvement to be implemented.

iii. ***Minor Non-Compliance (MI)***- Indicates issues exist of minor nature but not complete failure and requires some process improvements to be instigated.

iv. ***Major Non-Compliance (MA)*** – Identifies significant flaws and requires many changes to be addressed as a priority.

2.43 RATES EXEMPTION FOR CHARITABLE PURPOSES

Objective

The purpose of this policy is to identify a process to be followed when an organisation wishes to apply for an exemption of rates pursuant to Section 6.26 (2) (g) of the *Local Government Act 1995* (the Act), where it is claimed the land is used exclusively for charitable purposes.

This policy provides an equitable basis and administrative framework to assess applications for rates exemptions that is compliant with legislation and guided by best practice.

Scope

This policy applies to charitable and not-for-profit organisations that own land with the Shire of Brookton and are liable for payment of rates.

Policy

~~Section 6.26 (2) of the Act identifies several situations where land is not rateable. Most are clearly defined and straightforward to apply. However, Section 6.26 (2) (g) is open to some interpretation and therefore this policy seeks to clearly define under what basis, this section of the Act is to be applied by Council.~~

~~By providing support and guidance to applicants who provide assistance to members of the public as such, a benefit to the community. Claimants are required to evidence their right to an exemption, and demonstrate the land is used exclusively for charitable purposes.~~

~~Council is committed to adhering to the Act and providing support and guidance to applicants who provide assistance to members of the public and as such, a benefit to the community.~~

~~Claimants~~ Charitable and not-for-profit organisations that own land with the Shire of Brookton and who wish to claim a rates exemption are required to evidence their right to an exemption, and demonstrate the land is used exclusively for charitable purposes.

~~The Act does not define what a charitable purpose is, therefore the definition under the Commonwealth Law can be applied. Under section 12 (1) of the *Charities Act 2013*, defines a charitable purpose as means any of the following;~~

- ~~*the purpose of advancing health;*~~
- ~~*the purpose of advancing education;*~~
- ~~*the purpose of advancing social or public welfare;*~~
- ~~*the purpose of advancing religion;*~~
- ~~*the purpose of advancing culture;*~~
- ~~*the purpose of promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia;*~~
- ~~*the purpose of promoting or protecting human rights;*~~
- ~~*(h)the purpose of advancing the security or safety of Australia or the Australian public;*~~
- ~~*the purpose of preventing or relieving the suffering of animals;*~~
- ~~*the purpose of advancing the natural environment;*~~
- ~~*any other purpose beneficial to the general public that may reasonably be regarded as analogous to, or within the spirit of, any of the purposes mentioned in paragraphs (a) to (j);*~~
- ~~*the purpose of promoting or opposing a change to any matter established by law, policy or practice in the Commonwealth, a State, a Territory or another country, if:*~~

- ~~*in the case of promoting a change—the change is in furtherance or in aid of one or more of the Purposes mentioned in paragraphs (a) to (k); or*~~
- ~~*in the case of opposing a change—the change is in opposition to, or in hindrance of, one or more of the purposes mentioned in those paragraphs.*~~

~~It must not be a disqualifying purpose under Section 11 of the *Charities Act 2013*.~~

The key considerations when assessing an application for exemption pursuant to Section 6.26(2)(g) of the Act are:

- The use of the land, not the purpose of the applicant.
- The use must come under the provisions of the *Charities Act 2013*.
- The land must be used exclusively for a charitable purpose.
- The land use must be for a public benefit, where the benefit is available to members of the public generally or a particular section of the public.

When considering Australian case law, the proper test for determining whether land is used exclusively for charitable purposes is:

- if land is used for a dual purpose, then it is not used exclusively for charitable purposes although one of the purposes is charitable; and
- if the use of the land for a charitable purpose produces a profitable by-product as a mere incident of that use, the exclusiveness of the charitable purpose is not thereby destroyed.

~~**Principles**~~

~~Rates exemptions are applied in a clear, transparent and equitable way to all eligible claimants, with relevant consideration given to the impact on other ratepayers and the sustainability of the Shire's finances.~~

Provisions

1. Application for a rates exemption under Section 6.26(2)(g) of the Act

1.1 All applications must be made in writing by completing an Application for Rates Exemption Form (Appendix A) and provide any supporting documentation according to the checklist on the application form.

1.2. If any information has not been provided or is unclear, the applicant may be required to provide the additional information before the application will be assessed.

1.3. If the property is leased, a copy of the lease is required with the application to ascertain if the lessee is liable for payment of the rates in the terms of the lease.

1.4. Rates and charges must be paid on time until a determination is made. A refund may be made if the application is successful.

1.5. Applicants need to provide clear and concise information regarding the nature of their activities to illustrate eligibility for the exemption to facilitate Council's decision making.

2. Making a Determination

2.1. An application will be assessed by the Finance Administration Officer (Rates) and if it meets the criteria to be considered for an exemption, a report will be presented to Council with an officer recommendation to either approve or decline the request.

2.2. The applicant must be a registered charity with Australian Charities and Not-for-profits Commission (ACNC) or an incorporated Not-for-Profit organisation.

2.3. The applicant must own the property on which rates are levied or be a tenant liable for payment of the rates under a lease.

2.4. The land must be used exclusively for charitable purposes, as defined in the Charities Act 2013.
2.5. The applicant must not conduct any commercial operation from the property.
2.6. The applicant must not hold a liquor licence for the provision of alcohol for sale to the public for profit.
2.7. Council may request additional information from an organisation making application if it considers it necessary to do so.
2.8. Information requested under clause 2.6 may include, but is not limited to copies of the Constitution of the organisation, recent financial statements of the organisation and information demonstrating precisely how any land that is subject of the application is used.

3. Grant of a Rates Exemption

3.1. An exemption shall only be granted if the applicant has demonstrated they are eligible under the relevant legislation, by completing the appropriate application form and providing supporting documentation.
3.2. The Council decision will be actioned by the officers and a note will be made against the property assessment.
3.3. Applicants will be notified in writing of Council's determination, with correspondence to include details of:
  a) the date the exemption applies from,
  b) the relevant section of the Act,
  c) the review period (i.e. 2 years); and,
  d) the amount of general rates reversed.
3.4. An exemption is only applicable to the rates component of the annual rates and charges. Where exemption from rates is approved, the property will still be subject to the Emergency Services Levy and any other service charges.
3.5. If the property has been used for the stated purpose as at 1 July of the relevant financial year, the exemption can be applied from that date and a refund given if rates have been paid prior to the determination.
3.6. Where the land use has changed during a financial year, any exemption granted is only applicable from the date of the change.
3.7. A partial exemption can be applied where only part of a defined lot is used for a charitable purpose.
3.8. The granting of an exemption in any year does not guarantee an ongoing exemption.
3.9. All exemptions are to be reviewed at least every two years as part of the annual budgeting process. Where the application is based on a lease that is due to expire, it may need to be reviewed annually.

4. Rejected Applications

4.1. Where an application is declined, the applicant has options to challenge the determination.
  4.1.1. The applicant may object under Section 6.76 of the Act, on the basis that the land or part of the land was not rateable land.
  4.1.2. The applicant has the right to appeal a decision made under Section 6.76 to the State Administrative Tribunal (SAT).
  ~~4.1.3. Apply for a concession under Section 6.47 of the Act. Such applications would be considered on a case by case basis and determined by Council.~~

~~4.2. Where all appeals are not successful, the final option available to the applicant is to apply to the Minister for Local Government, to make a final determination, under Section 6.26(4) of the Act.~~

5. Roles and Responsibilities

The Manager of Corporate and Community ~~Services~~ shall be responsible for referring matters to Council in regard to this policy. The Finance Administration Officer (Rates) shall be responsible for ensuring compliance and the day to day operations of this policy.

Resolution No:
Resolution Date:

Appendix A (print on letterhead)

APPLICATION FOR RATE EXEMPTION

Applicant Name

Address of Business

Telephone **Facsimile**

Contact Name **Mobile**

ABN

	YES	NO
1. Is the organisation an incorporated body? (1)		
2. Is the organisation not-for-profit?		
3. Is the organisation a Public Benevolent Institution for taxation purposes? (2)		
4. Does the organisation own or lease the rateable land?		
(if leased, is the lessee responsible for rates under the lease agreement?) (3)		
5. Is the organisation exempt from payment of rates under Legislation?		
(Other than the Local Government Act) (4)		
6. Does the organisation run any commercial activities? (5)		

(1) If yes: please provide certificate of incorporation.
(2) If yes: please provide relevant taxation information.
(3) If yes: please provide certificate of lease.
(4) If yes: please provide details of Legislation.
(5) If yes: please provide further information as outlined below.

Please attach copies of the organisation's constitution and evidence of other exemptions being received by the organisation.

Organisations are required to provide financial information, including:

- Profit & Loss Statement (2 years)
- Balance Sheet (2 years)
- Sources of income, i.e. donations, business income, grants etc.
- Rents received if housing organisation.

Such information should be accompanied by the attached Statutory Declaration signed by two authorized persons or office bearers of the organisation verifying the accuracy of the information.

Organisations are required to outline the nature of their operation, providing information such as:

- Client group for service provision
- Type of service provided, e.g. food, accommodation, shelter etc.
- Frequency of service provision, i.e. on a full time basis or daily, weekly, monthly etc.
- Whether payment is received for service.

Organisations are required to provide a full list of land or lease holdings that are owned or occupied and attach a description of the purpose applied to each holding.

Such information should be accompanied by the attached Statutory Declaration signed by two authorized persons or office bearers of the organisation verifying the accuracy of the information.

Applicants are advised that in order to illustrate full eligibility to claim a rate exemption and to facilitate Local Government decision making, as much information as possible about the nature of their operation should be provided.

STATUTORY DECLARATION

Statutory Declarations Act 1959

We, _____ [insert name of office bearer #1] and

_____ [insert name of office bearer #2] of

_____ [insert name of organisation] in the State of Western Australia hereby solemnly and sincerely declare as follows:

1. The financial information as provided presents fairly in accordance with relevant legislation, applicable accounting standards and other professional mandatory reporting requirements, the financial position, the results of operations and cash flows.
2. The nature and extent of non-charitable activities has been fully disclosed.
3. The description and purpose of each land or lease holding has been fully disclosed.

AND WE MAKE this solemn declaration by virtue of the *Statutory Declarations Act 1959* and, subject to the penalties provided by the Act for the making of false statements in statutory declarations, conscientiously believing the statement contained in this declaration to be true in every particular.

Declared at _____
[Insert name of location]

This [ ] day of [ ] month 20

Signature of office bearer #1 _____

Print name and Position of office bearer _____

Signature of office bearer #2 _____

Print name and Position of office bearer #2 _____

2.44 INVESTMENTS

Objective
The objective of the Investment Policy is to invest the Shire of Brookton'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, and having regard for the community/local banks, while ensuring that its liquidity requirements are being met.

Scope
This Policy applies to all funds (including general funds, reserve funds and other restricted funds) invested by the Council.

~~Section 6.14 of the *Local Government Act 1995* provides for monies held in the Municipal and Trust funds to be invested in accordance with Part III of the *Trustees Act 1962*. Regulation 19C of the *Local Government (Financial Management) Regulations 1996* has placed restrictions on what local governments can invest in and for how long.~~

~~**Delegation of Authority**~~
~~Delegation and sub-delegation applies to this policy – refer to the Shire of Brookton Delegation Register.~~

~~**Prudent Person Standard**~~
~~The investment will be managed with the care, diligence and skill that a prudent person would exercise.~~

~~**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
The only types of authorised investments under *Local Government Act 1995* – section 6.14(1), and the
Local Government (Financial Management) Regulations 1996 – Regulation 19C, are as follows;

- Deposits with an authorised institution and the term is to be no more than 36 months;
- Bonds that are guaranteed by the Commonwealth Government, or a State or Territory government with a term to maturity of up to 3 years, and;
- Australian currency only.

Authorised Institutions
Investments are limited to authorised institutions, in accordance with *Local Government (Financial Management) Regulations 1996* section 19c, being:

- Authorised deposit taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or
- The Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation 1986.*

Prohibited Investments

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

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

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

Credit Risk Management

To control the credit quality on the entire portfolio, a global credit framework will apply to limit the percentage of the portfolio exposed to any particular rating category.

Investments, whenever possible are to be placed with community/local banks giving consideration to interest rates and keeping within the limitations of the global credit framework. The maximum available limits in each Standard & Poor's credit rating category are as follows:

Standard and Poors - Credit Ratings:

S & P Long Term	Maximum % in
AAA	100%
AA	100%
A	100%
BBB	100%
S & P Short Term	**Maximum % in**
A-1+	100%
A-1	100%
A-2	80%
A-3	20%

Standard and Poors - Credit Ratings

Investments obtained are to comply with three key criteria relating to:

- Portfolio Credit Framework: Limit overall exposure of the portfolio as a whole, according to credit rating.
- Counterpay Credit Framework: Limit exposure to individual counterparties/institutions, based on credit rating.
- Term to Maturity Framework: limits based upon maturity of securities to ensure adequate working capital needs are met.

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

Counterpart Credit Framework

The Shire of Brookton will invest funds with authorised financial institutions that provide a service to the local community by establishing branches or agencies in the Shire of Brookton. Such institutions must maintain a minimum Standard and Poors rating of A for short term investments.

Term to Maturity Framework

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

Investment Type	0 to 12 months		1 to 3 years	
	Min.	Max.	Min.	Max.
Deposit with authorised deposit-taking institution (ADI)	0%	100%	0%	0%
Government Bonds	0%	20%	0%	20%

Legislative and Strategic Context

Legislation covering investments of surplus funds include:

a) Local Government Act 1995 Section 6.14
b) The Trustees Act 1962 – Part III Investments as amended by the Trustees Amendment Act
c) Local Government (Financial Management) Regulations 1996 – Regulation 19, Regulation 19C, Regulation 28 and Regulation 29
d) Australian Accounting Standards

Resolution No:
Resolution Date:

2.45 RECOVERY OF RATES AND SERVICE CHARGES POLICY

Objective

~~To set clear guidelines and to establish a formal procedure for the collection of outstanding rates and service charges and the charging of interest in relation to these debts.~~

~~**Principle**~~

To ensure the collection of rates and service charges is clear, transparent and consistent, with relevant consideration given to the impact on other ratepayers and the sustainability of the Shire's finances.

~~**Scope**~~

~~This policy is applicable to all ratepayers within the Shire of Brookton.~~

Policy Statement

Any rates and service charges due to the Shire of Brookton that remain outstanding, unless a formal Special Payment Arrangement has been entered into, shall be recovered in accordance with this policy and any such action shall comply with the relevant legislation and regulations.

Council will:

- Take all appropriate action to ensure the maximum amount of rateable income is received in any one financial year;
- Recover all outstanding rates and service charges, utilising the relevant legislation and legal processes in accordance with the *Local Government Act 1995*, and the policy guidelines;
- Have regard to individuals "*Financial Hardship*" relating to rates and service charges, when administering this Policy (refer Policy 2.21 Financial Hardship); and
- Consider all requests from person's experiencing difficulties with making payments of rates and service charges. Such persons will be required to apply to the Chief Executive Officer to enter into a Special Payment Arrangement, to warrant the Council's consideration and leniency.

~~**1.0 Recovery of Rate Arrears**~~

~~Rate Notices are due for payment 35 days from the date of issue as per Section 6.56 of the *Local Government Act 1995*, whereby:~~

~~a) Interest on overdue rates and charges shall be imposed at a rate as prescribed in Section 70 of the *Local Government (Financial Management) Regulations 1996* as per section 6.51 (1) of the *Local Government Act 1995*, calculated daily.~~

~~b) Ratepayers may elect to pay their account in full or by 2 or 4 instalments and pay the first instalment amount as indicated on the rates notice by the due date. Of note:~~

~~i) Interest shall be imposed on assessments opting for the instalment plan as prescribed in Section 68 of the *Local Government (Financial Management) Regulations 1996*.~~

~~ii) Notices for subsequent instalments will be issued not less than 28 days before each instalment is due as per Section 6.41 (2)(b) of the *Local Government Act 1995*~~

~~iii) Payment of a rate or service charge on any land may not be made by instalments if, at the date for payment on the first instalment, any part of a rate or service charge imposed on the land in a previous financial year (or interest accrued thereon at the date of issue of the rate notice) remains unpaid.~~

~~c) Eligible persons registered to receive a pensioner or senior rebate under the *Rates and Charges (Rebates and Deferments) Act 1992* have until 30 June in that rating year to be eligible for the rebate of deferment of their rates and Emergency Services Levy (ESL) without incurring any late payment penalties. Of note:~~

~~i) Those registered pensioners who are eligible to defer their rates and ESL amount are required to pay only the waste and service charges by 30 June and the rates and ESL balances will automatically be transferred into a deferred account during the end of year procedures~~

~~ii) Those registered pensioners/seniors who are eligible for the rebate are required to pay the rebated amount as specified on the rates notice by 30 June of that rating year for the claim to Office of State Revenue to be successful.~~

~~**Note:** The *Local Government (COVID-19 Response) Order 2020* is taken into account for the provisions of payment of rates and service charges.~~

RATES & SERVICE CHARGES

1.1 Debt Recovery Process

The following process is to be followed for the recovery of rates and service charges. Legal proceedings will continue until outstanding rates and service charges are paid in full or otherwise determined by the Chief Executive Officer and/or the Council:

1) Final Notice

Where the rates remain outstanding fourteen (14) days after the due date shown on:

- the Annual Rates Notice and the ratepayer has not elected to pay by the instalment option or enter into a Special Payment Arrangement; or
- the Rates Instalment Notice and the ratepayer has not elected to enter into a Special Payment Arrangement;

a Final Notice shall be issued requesting payment in full within (14) days.

~~a) Eligible pensioners registered the *Rates and Charges (Rebates and Deferments Act) 1992* are exempt as they are entitled to pay by the 30th June under legislation.~~

2) Notice of Intention to Summons (Demand Letter)

a) Rates remaining unpaid after the expiry date shown on the Final Notice will be examined for the purposes of issuing a Demand Letter (Notice of Intention to Summons)

b) The Demand Letter is to be issued within sixty (60) days of the expiry date on the Final Notice and must specify that the ratepayer has fourteen (14) days to pay in full or alternatively enter into a Special Payment Arrangement with the Shire. Failure of refusal to enter into an agreed Special Payment Arrangement will result in referral to Council's debt collection agency.

b) Where amounts remain outstanding, three attempts to contact the ratepayer will be made by telephone, mail and email (where provided).

c) If payment has not been made the Finance Administration Officer (Rates) will issue a Notice of Intended Legal Action letter to the ratepayer, demanding payment within seven (7) days.

d) For debts outstanding, the Shire shall refer the debt to a debt collection agency for collection of the outstanding balance.

e) The Manager Corporate and Community will approve the final list to be sent to the debt collection agency.

f) The ~~approved~~ contracted Debt Collection Agency shall issue a Letter of Demand, the letter shall advise of impending legal action for recovery of the unpaid amounts, allowing seven (7) days for payment.

3) General Procedure Claim

a) If no response is received and no Special Payment Arrangement has been entered into following the Letter of Demand, the ratepayer is to be processed by Council's debt collection agency for the lodgement of a General Procedure Claim

~~b) In accordance with Section 6.56 of the *Local Government Act 1995*, the cost associated with legal action, inclusive of the lodgement of the General Procedure Claim, are recoverable from the property owner/s and are to be debited to the rates account, exclusive of any company search fees.~~

c) Ratepayers are required to liaise with the Council's debt collection agency for payment of the outstanding debt.

d) When a ratepayer has elected to enter into a Special Payment Arrangement and has not made the specified payments for three (3) consecutive payments, a Default Letter will be issued for payment in full within fourteen (14) days. Rates remaining unpaid will be referred to council's debt collection agency to be issued with a General Procedure Claim.

e) If the General Procedure Claim is paid in full before entering into Judgement, then a *Notice of Discontinuance (NOD)* may be requested by the ratepayer and granted at the discretion of the Manager of Corporate and Community, at the cost of the ratepayer.

4) Non-Service of General Procedure Claim

a) When a General Procedure Claim is unable to be served, the bailiff or debt collection agency may be able to provide an alternative address. In the case of a rental property, the Managing Agent may be contacted to ascertain the ratepayers new address.

b) If a new address is supplied for the owner/s of the property, the address will be recorded and a Rates Notice re-issued for payment within fourteen (14) days. If payment is not received, the General Procedure Claim will be re-issued to the new address.

c) Where an owner resides in a property, which can not be accessed by the Bailiff, or the property is vacant, a *"skip trace"* will be completed by the debt collection agency to verify the residential address of the owner. If required, a substituted service claim can be filed at court to have the General Procedure Claim issued via post to the verified residential address of the owner.

5) Property Sale and Seizure Order

a) Where a General Procedure Claim has been issued and served and the amount remains outstanding fourteen (14) days after the issue date of the Claim, legal proceedings will continue through the debt collection agency until payment of rates are received. This includes Judgement and Enforcement of the Claim. Enforcement of the claim may include a Property Seizure Order of goods and or land.

a) The Property Sale and Seizure Order is at first a Goods Order and if the Property Sale and Seizure is returned *"Nulla Bona"* (no goods), then a land warrant will be issued.

b) If a Property Sale & Seizure Order against goods and or land is proposed to collect outstanding rates due on a property, the Council's prior approval shall be obtained before the Property Sale and Seizure Order is lodged.

6) Seizure of Rent (Section 6.60)

In cases where the owner of a leased or rented property on which rates outstanding cannot be located, or refuses to settle rates owed, a Notice will be served on the lessee under the Provisions of the *Local Government Act 1995* – Section 6.60*,* requiring the lessee to pay the Shire of Brookton the rent due under the lease/tenancy agreement as it becomes due, until the amount in arrears has been fully paid.

7) Lodging a Caveat on the Title of Land

In accordance with section 6.64 (3) of the *Local Government Act 1995*, where payment of the rates or service charges is in arrears, the Shire can lodge a caveat, with this registered on the title for the land that has unpaid rates and service charges. The cost of the lodging a caveat can not be charged to the property. This option will be at the discretion of the Chief Executive Officer and/or Council.

8) Sale of Land (Section 6.64)

Where Rates and Service Charges are outstanding for a period of three (3) years or more, the Council may:

a) From time to time lease the land;
b) Sell the land;
c) Have the land transferred to the Shire of Brookton;
d) Have the land transferred to the Crown; or
e) Sell the land as per the *Local Government Act 1995* – Section 6.64. Council approval will be obtained prior to the above course of action being undertaken.

The above action under Section 6.64 of the *Local Government Act 1995*, will be reported on a confidential basis to the Council, for approval.

1.2 Roles and Responsibilities

The Manager ~~of~~ Corporate and Community shall be responsible for referring matters to Council in regard to this policy. The Finance Administration Officer (Rates) shall be responsible for ensuring compliance and the daily operations of this policy.

Resolution No:
Resolution Date:

2.46 WORKS DEPARTMENT UNIFORM

Objective

To have staff wear uniforms so that they promote an acceptable uniform appearance to the general public and meet safety standards

Policy

Each employee is to be provided with a Uniform Kit that includes:

- 3 pairs of long pants (Safety Variety with reflectors)
- 5 long sleeve shirts (Safety Variety with reflectors)
- 2 Jumpers (Safety Variety with reflectors)
- 1 Rain Coat (Safety Variety with reflectors)
- Safety Boots - issued upon start if required
- 1 Wide Brim Hat

Policy Guidelines

1. Staff eligible under this policy include Works staff, gardeners, and cleaners.

2. Casual and Permanent Part- time staff will be receive a modified uniform kit that includes a pro-rata uniform kit, that is sufficient for their requirements.

3. Uniforms will be replaced on an as needs basis upon presentation of old uniforms.

4. Staff will be required to wear the Uniform Kit at work. Staff arriving at work not wearing articles of the Uniform Kit will be directed to return home to change before commencing work.

5. An employee is allowed to enter the workplace without the required uniform where a medical certificate is provided with a reason justifying for noncompliance, or extenuating circumstances considered acceptable by the Manager Infrastructure and Works.

Resolution No:
Resolution Date:

2.47 ADMINISTRATION STAFF UNIFORM

Objective
To encourage administration staff to wear uniforms so that they promote a professional appearance to the general public.

Policy
That Administrative staff employed under the Local Government Industry Award, be provided uniforms, in accordance with the following:

1. Upon commencement Council will provide uniforms selected by the employee of a value up to $500; and

2. Council will provide uniforms up to a value of $300 annually.

Policy Guidelines

1. Only permanent full time and permanent part time employees.

2. Administrative staff, who have a clause relating to the provision of uniforms in their contract, are excluded from this policy.

3. In this policy “uniforms” is defined as the FBT exempt Local Government uniform arranged by WALGA.

4. Nothing in this policy requires staff to purchase uniforms or restricts staff from purchasing and/or wearing their own, additional office attire if they choose.

Resolution No: OCM 09.24-21
Resolution Date: 19 September 2024

2.48 SHIRE OF BROOKTON STAFF UNIFORM – SHIRE BRANDED POLO SHIRT

Objective
To have staff able to wear Shire clothing at work and suitable events so that they promote an acceptable uniform appearance to the general public and display pride in their employment with the Shire of Brookton.

Policy
Council will provide staff with one Shire of Brookton branded polo shirt that includes the Shire of Brookton logo.

Guidelines
1. Staff eligible under this policy include all permanent and full time staff.

2. Staff not eligible under this policy include all casual part time and full time staff.

3. The Shire of Brookton will purchase and issue shirts in an efficient manner. Some newly employed staff may need to wait for a period until the Shire of Brookton completes an order.

4. The Shire of Brookton branded polo shirts may have additional logos added for relevant staff at the CEO's discretion. For example, Shire staff working from the Brookton CRC may also have the CRC logo included on the shirt.

5. Staff wishing to obtain additional shirts will be able to purchase these at cost price when the Shire of Brookton completes an order.

6. The purchase of additional shirts cannot be completed under Policy 2.48 Uniform Allowance.

Resolution No:
Resolution Date:

2.49 EMPLOYEE ALLOWANCES

Objective
To clarify the payment of allowances not included in formal employee awards and agreements.

Policy
Council will provide employees the following allowances where the employees Award or Agreement is silent on the matter.

<u>First Aid Allowance</u>
1. An allowance of $17.33 per week will be paid to an employee who holds an appropriate first aid qualification and who is appointed by the employer to perform first aid duty.

2. Clause 1 will not apply where the requirement to hold a first aid certificate is a requirement of the position.

3. The First Aid Allowance is payable during periods of paid leave.

Grave Digging Allowance

1. An amount of $150 will be paid to a staff member every time he / she is required to dig a new grave and / or open up an existing grave.

Guidelines

1. The First Aid Allowance will be paid to those employees appointed and not those who hold a first aid qualification.

2. The Shire of Brookton reserves the right to specify the necessary first aid qualification required by staff to be eligible to be appointed.

3. The Shire of Brookton will advertise within the relevant work place any opportunities to be appointed to perform first aid duties.

4. The Shire of Brookton reserves the right to
   - not appoint an employee to perform first aid duties in a workplace.
   - appoint multiple employees to perform first aid duties in a workplace.

Resolution No:
Resolution Date:

2.50 SUPERANNUATION CONTRIBUTIONS

Objective

The purpose of this policy is to ensure that staff have the opportunity to access health and wellbeing initiatives and choices in the workplace.

Policy

1. Application

   This Policy applies to all employees whether the full-time, part-time or casual.

2. Superannuation Benefit

   Employees will have freedom of choice over the complying fund that their Superannuation Guarantee Charge (SGC) are paid into.

   The superannuation default fund shall be the Aware Super fund.

   Employees may elect to contribute additional superannuation, either as a deduction (after tax) or as salary sacrifice (before tax).

   The Shire will match the additional employee contribution to a maximum of 15.5% of an employee's salary. This total contribution will includes the SGC component, that is – SGC component plus any matching component will not to exceed 15.5%.

   It should be noted that as the SGC component increases, the threshold for maximum matching contribution by the Shire will decrease.

   Employees can voluntarily contribute more than the threshold but will not receive any additional contribution from the Shire.

The additional contribution and the voluntary contribution can be deposited in to the employee's fund of choice.

3. Variation to This Policy

This policy may be cancelled or varied from time to time. All employees will be notified of any variation to this policy.

Resolution No:
Resolution Date:

2.51 CARAVAN PARK – MAXIMUM STAY

Objective

To establish guidelines for staying in the Caravan Park.

Definition

~~Short Stay:~~ Short stay site means a site at a caravan park which is to be occupied consecutively by the one person or one group of persons, for no longer than 3 consecutive months.

~~Long Stay:~~ Long stay site means a site at a caravan park which is to be occupied consecutively by the one person or group of persons for ~~any period of time~~ longer than 3 consecutive months.

Policy

Caravan Park and Camping Bays

The Brookton Caravan Park is dedicated for visitors and tourists and does not accept long term stays on caravan park or camping bays.

~~The maximum permitted stay in the Brookton Caravan Park bays is 28 days.~~

Any stay longer than

1. Twenty eight days using a caravan or similar requires the ~~is to seek~~ permission in writing from the Chief Executive Officer or Manager Corporate and Community. The Chief Executive Officer or Manager Corporate and Community ~~has the authority to~~ may accept or reject a stay up to a maximum of 3 months
2. Four days using a tent or similar requires the permission in writing from the Chief Executive Officer or Manager Corporate and Community. The Chief Executive Officer or Manager Corporate and Community may accept or reject a stay up to a maximum of 1 week.

Park Chalets

To ensure adequate chalets are available for very short stay accommodation at the Brookton Caravan Park, the maximum number of days accommodation ~~long term~~ shall be 28 continuous days ~~or more~~ on the one site. Only two chalets are permitted to exceed a five day stay at any one time~~.) chalets is limited to two (2)~~.

~~Fees & Charges~~

~~Long term chalets will pay fees as set by Council in the adopted Schedule of Fees and Charges as part of the budget process each year, including weekly servicing.~~

~~Tenancy~~
~~A fixed term Tenancy Agreement is to be entered into with an agreed stay period. Should the tenant wish to renew the agreement, notice in writing to the Chief Executive Officer no later than 30 days prior to the agreement expiry date is required.~~

~~The Chief Executive Officer reserves the right to terminate any tenancy immediately at its absolute discretion, fees may apply.~~

Resolution No:
Resolution Date:

2.52 EMPLOYEE WELLBEING POLICY

Objective
The purpose of this policy is to ensure that staff

- have the opportunity to access health and wellbeing initiatives and choices in the workplace are encouraged to access health and wellbeing initiatives at home.

Policy
Council will encourage the health and wellbeing of our employees at work and promote employee work life balance, so our employees are able to fulfil work and lifestyle responsibilities efficiently and effectively.

This policy applies to all permanent full time or part time employees of the Shire of Brookton

Council initiatives include:

1. Wellbeing Program

The Shire of Brookton, with the assistance of the LGIS as the Shire of Brookton's workers compensation insurer, offers employees access to health services including:

a) Health Assessments
b) Skin Cancer Screenings
c) Annual Flu Vaccinations
d) Health Seminars/ Workshops
e) Ergonomic Assessments
f) Manual Handling Training

Services will be offered from time to time and will be promoted and made available to all employees. As the services are dependent on funding, limited spaces may be available, however every effort will be made to provide these services to all those interested in participating.

Where possible the Shire of Brookton will offer these services, particularly flu vaccinations, from local health providers of the employee's choice.

2. Swimming Pool Discount

The Shire of Brookton will provide interested permanent full time and part time employees with an annual single or family membership for the Brookton Aquatic Centre at no charge to encourage fitness and general wellbeing.

3. Gymnasium Discount

The Shire of Brookton will provide interested permanent full time and part time employees Brookton Gymnasium memberships at no charge to encourage fitness and general wellbeing within the workforce.

Employee's taking up this offer will no other special benefits. All employees will:

- will be required to pay the $70 Gymnasium key deposit. This deposit is refundable on return of the key;
- need to meet all induction requirements of the Shire; and
- need to accept and understand the obvious and inherent risks in activities undertaken at the Shire of Brookton's All Hours Gym and acknowledge activities whilst at the gym may involve a risk of physical harm and that by participating in these activities voluntarily, they do so at their own risk.

This membership is only applicable to the employee and not the employees family.

This membership does not include any benefit associated with any organised activities or sports activities at the facility.

4. Smoke Free Workplace

The Shire is committed to promoting a smoke free workplace. Smoking in the following places is prohibited –

- all Shire buildings;
- all Shire vehicles and plant; and
- Outdoor courtyards and gathering places.

Resolution No:
Resolution Date:

2.53 DISPOSAL OF INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) EQUIPMENT

Objective

This policy outlines the procedures and guidelines for the Shire of Brookton in the disposal of Information and Communication Technology (ICT) equipment, ensuring protection of sensitive data, environmental sustainability, and compliance with Western Australian regulations and standards.

Definitions

ICT Equipment - Electronic devices used within the Shire of Brookton for processing, storing, or transmitting information.

End-of-Life - When ICT equipment is deemed obsolete or no longer functional.

Sanitization - Removing data from storage devices to prevent retrieval or reconstruction.

Policy Statement

All ICT equipment within the Shire of Brookton will be disposed of in a manner ensuring:

a) Protection of sensitive and confidential information.

b) Environmental responsibility.
c) Compliance with Western Australian regulatory standards and best practices.

Roles and Responsibilities

Brookton ICT Team: Responsible for identifying and overseeing the disposal of End-of-life equipment.
Manager Corporate & Community (MCC): Ensures that data sanitization procedures are compliant with Western Australian regulations and coordinates disposal logistics.

Procedures

a) Identification of End-of-Life ICT Equipment.
- Regular audits to spot equipment that's obsolete or non-functional.
- Maintain a dynamic inventory of assets nearing end-of-life.

b) Data Sanitization
- Adhere to Western Australian standards for data wiping.
- Physically destroy un-wipeable drives and devices.
- Keep meticulous logs of sanitization

c) Recycling and Disposal
- Partner with Western Australia-approved e-waste recyclers.
- Ensure disposal techniques adhere to local environmental standards.
- Retain disposal records, inclusive of disposal certificates when relevant.

d) Physical Transportation
- Ensure secure methods for transportation of ICT equipment to disposal facilities.
- Properly package equipment to prevent damage or potential data leaks

e) Documentation and Audit
- Record all disposed equipment details: serial numbers, disposal methods, date, and personnel.
- Annually audit the disposal process, ensuring alignment with this policy and Western Australian regulations.

Vendor Management

Prior to outsourcing, the Shire of Brookton should vet vendors for compliance with Western Australian data protection and environmental rules.
Vendor agreements must clarify roles, responsibilities, and expectations concerning data sanitization.

Policy Review

This policy is subject to an annual review to ensure ongoing alignment with Western Australian regulations and the specific needs of the Shire of Brookton.

Breaches

Breaches, including unauthorized disposal or subpar sanitization, will be subject to the appropriate corrective measures and may have legal implications.

Conclusion

The Shire of Brookton commits to a responsible ICT disposal process, ensuring the safety of its data, compliance with Western Australian standards, and environmental sustainability.

Approval and Implementation
This policy has been approved by the Shire of Brookton Council. The Brookton ICT Team is entrusted with its implementation and the necessary training for staff.

Resolution No: **OCM 10.24-09**
Resolution Date: **17 October 2024**

2.54 PERSONALLY OWNED DEVICES

Objective
This policy provides the basis for defining accepted practices, responsibilities and procedures for the use of personally owned Personal Computers (PC), mobile devices, including mobile phones, smart phones and tablets that the Shire of Brookton authorises to connect to enterprise systems. The central concept of this policy is that the employee, through an opt-in decision, trades some control over his or her PC, personal mobile device to access enterprise resources (such as the network or email). It is important that the consequences and obligations of this arrangement are well understood.

These obligations include, but are not limited to

- Employee acceptance that a personal device may be remotely wiped (i.e., erasing Shire data-only or, if needed, all data and applications) by SoB as part of its data sanitisation requirements.
- Employee understanding that he or she is solely responsible for backing up any personal content on the device, as that information cannot be guaranteed to be protected by selective wipes.
- Employee agreement to keep the device updated and in good working order.
- Employee accepts that SoB will set the standards for operating system and application version control and agrees to abide by those standards.
- Employee acknowledgment that SoB and its agents will in no way be responsible for damaged, lost or stolen personal devices while the employee is performing organisational business
- Employee agreement to allow IT to load a mobile device management software agent and any other software deemed necessary by the organisation on personally owned devices upon the organisation's request
- Employee acceptance that enterprise work may be tracked to meet the legal and fiduciary responsibilities of the SoB and its agents
- Employee understanding that participation in the BYOD program is voluntary, and by no means constitutes a request by the SoB, direct or implied, to conduct enterprise business on the personal mobile device of predetermined and regularly scheduled business hours.

It is the policy of SoB to protect and maintain the security and privacy of Shire information assets. The use of mobile devices supplied by Shire agencies shall be primarily for enterprise business. However, SoB will permit the use of personally owned devices, subject to the following broad guidelines:

- The decision to be eligible to use a personally owned mobile device for organisation business will be based on a documented business need and appropriate management approval. Guidelines for eligibility are in Appendix A.

1. Definitions

BYOD

The acronym “BYOD” stands for Bring Your Own Device” and applies to:

Personal Computer (PC)

This refers to a Personal desktop Computer in the Employees Residence.

Smartphone

A smartphone is a mobile device that includes cellular voice, messaging, scheduling, email and Internet capabilities. Smartphones may also permit access to application stores, where aftermarket ‘apps' can be purchased. The smartphone vendor may have a software developer kit that allows developers to use native APIs to write applications. Examples include iOS and Android Phone.

Tablet

A tablet is a mobile device that has a touchscreen display typically larger than that of a smartphone and includes messaging, scheduling, email and Internet capabilities, with no cellular voice capabilities. Tablets like smartphones also permit access to application stores, where aftermarket ‘apps' can be purchased. The tablet vendor may have a software developer kit that allows developers to use native APIs to write applications. Tablet device subtypes include slates (no standard keyboard), and hybrids (detachable keyboard). The primary use is the consumption of content, however as apps mature content creation on tablets is becoming commonplace.

Mobile Device

This refers to any mobile phone, smartphone, tablet or hybrid device.

Mobile Applications

This refers to software designed for any or all of the mobile devices defined in this policy.

2. Scope

This policy applies to all users, (e.g., employees, contractors, consultants, and customers who access and/or use the Shire of Brookton’s IT resources from non-Shire of Brookton issued and owned devices.

3. User Roles and Responsibilities

User Responsibilities

Despite individual ownership of the PC or mobile device, SoB expects the user to assume certain responsibilities for any device that contains Shire of Brookton information or connects to Shire of Brookton resources. Users must ensure that they comply with all sections of this agreement.

Conditions

- Users are required to enrol their device(s) into the mobile device manager environment in use by SoB (such as Virtual Private Network (VPN), Meraki or Windows Intune) and maintain their devices in compliance in order to access enterprise systems hosted or contracted by SoB.
- Users are limited to enrolling 2 concurrent mobile devices with the organisation at any one time.

- Users must maintain a device compatible with the organisation's published technical specifications (defined in Appendix B). SoB will periodically review the suggested specifications and, based upon security and support requirements, make modifications. All modifications will be communicated to the intended audience if the modification affects a number of devices currently in use. These modifications could result in a decrease in functionality or support until the device is upgraded or updated. In rare cases, extreme security flaws or findings may dictate a total loss of access until the device again meets standards.
- A baseline security set will be enforced on the device. Any modifications or changes to the baseline security set on the device will cause the device to be out of compliance. If a device falls out of compliance, then it may be blocked from access until it meets minimum security requirements.

Loss or Theft

- Upon loss or theft of a device, users must submit a report to the CEO. This allows the device to be remotely wiped over the network before cancelling any mobile operator services.
- The act of remotely wiping data from the device does not cancel the service in effect for the device. It shall be the user's responsibility to contact their carrier and cancel any individual voice and data services after the remote wipe of the device is completed.

4. Violations & Uncertainty

Users shall report violations of this agreement to his/her manager or SoB's Chief Executive Officer or Manager Corporate and Community upon learning of such violations. If a User is uncertain whether an activity is permissible, s/he will refrain from the activity and obtain authorisation from the manager before proceeding.

Applications and Downloads

- Users must ensure that they install application updates in accordance with SoB guidelines.
- Users may download and install applications from the platform's public application store as long as the application complies with this policy. Approved public application stores:
    - Apple – Apple App Store/Itunes
    - Android – Google Play Store
    - Windows – Windows Store
    - Amazon – Amazon App Store

Backup and File Sharing or Synchronisation

- Users are responsible for backing up all personal information on their personal hard drives or other non-State-owned backup systems. SoB and its agents cannot be held liable for erasing user content and applications when it is deemed necessary to protect enterprise information assets or if a wipe is accidentally conducted.
- Authorisation by the Chief Executive Officer or Manager Corporate and Community is required for employees sending SoB information to their personal email address for work purposes.

Functionality and Feature Management

- Upon SoB's request, users must allow the installation and/or update of the mobile device management software agent (Such as Virtual Private Network (VPN)Meraki or

Windows Intune), and any necessary add-ons pertaining to the mobile device management software agent, on the user's device.

- The device functionality must not be modified unless required or recommended by SoB or by the mobile carrier as agent of SoB.
- The use of devices that are “jailbroken”, "rooted", or have been subjected to any other method of altering or disabling built-in protections or compromising in any way the device operating system, is not permitted and constitutes a material breach of this policy.
- Users must accept that, when connecting the personal mobile device to SoB resources, SoB's Information Communications Technology – Security and Use Policy will be enforced on the device. The policy implemented may include, but is not limited to, policy elements such as passcode, passcode timeout, passcode complexity and encryption.
- Users must accept that, when connecting the personal mobile device to Shire of Brookton resources, SoB will establish and enforce standards for operating system and application version levels and will from time to time require users to update the operating system or applications to approved versions.
- Users must accept that SoB has the right to wipe the device if it is lost, stolen, retired or otherwise compromised, or when a separation or layoff from employment occurs.
- Users are solely responsible for backing up any personal content on the device, as that information cannot be guaranteed to be protected by selective wipes.
- Users must take appropriate precautions to prevent others from obtaining access to their mobile device(s). Users will be responsible for all transactions made with their credentials, and are prohibited from sharing individually assigned passwords, PINs or other credentials.
- Users are responsible for promptly, and without alteration, bringing or sending the mobile device to the IT security department and handing over necessary device access codes upon notification that the device is needed for discovery or other litigation purposes.
- Users may not provide access credentials for devices connected to the SoB internal systems to any other individual, and each device in use must be explicitly granted access after agreeing to the terms and conditions of this document.

5. User Privacy

Through mobile device management software installed on a user's device the organisation gains a level of access to the personal device that could potentially enable it to obtain access to private information, such as location, phone number, application inventory, make\model and carrier. SOB has put in place appropriate physical, electronic and managerial procedures to restrict access to this private information to a limited set of administrators.

Shire of Brookton's mobile device management software does not collect keystroke activity or the internal content of installed applications.

6. Data and System Security

All organisation data that is stored on the device must be secured using SoB’s mandated physical and electronic methods at all times. Users must take the following physical security preventative measures to protect Shire of Brookton data and systems.

- All users shall abide by SoB standard information security directives for the device at all times.
- Device users must comply with directives from SoB to update or upgrade system software and must otherwise act to ensure security and system functionality. Users must also

adhere to SoB mandates to delay system software upgrades when presented with a formal instruction, until noted otherwise.

- Personally owned mobile devices connecting to the network must meet the security criteria listed in Appendix C.
- The device should NEVER be connected to a public WiFi service which does not have password/encryption enabled on it.
- Mobile devices must not be left active, even for a short period of time.
- Mobile devices must not be left in a vehicle parked in a publicly accessible area or communal parking area overnight.
- A mobile device displaying sensitive information being used in a public place (e.g., train, aircraft or coffee shop) must be positioned so that the screen cannot be viewed by others, thus protecting SoB information. A tinted/polarised screen guard may be used to decrease the viewing angles of any mobile device.

There are consequences for end users who do not comply with the policies detailed in this document:

Any inappropriate use of Information Resources or failure to comply with this agreement may result in disciplinary action, up to, and including immediate dismissal from employment, criminal prosecution where the act constitutes a violation of law, and an action for breach of contract if applicable.

7. Technical Support Processes

How to Get Support

The SoB will provide BYOD support to assist users in enrolling their device in the mobile device manager.

The SoB will not support device replacement, device upgrade, device operational questions or embedded software operational questions (such as questions related to the browser, email system, etc.). The SoB will only provide assistance on questions related to SoB back-end software and the delivery of SoB content to the device. All other inquiries must be directed to the end-user's mobile operator or other issuing retailer supporting the personal device.

Warranty and Replacement Responsibility

If an employee's device breaks or becomes damaged while conducting enterprise business, neither the SoB, nor its agents, will reimburse the employee for any repairs or replacements. Consult with your device's manufacturer or retailer for applicable warranty agreements or repair services.

The employee is responsible for notifying the help desk prior to sending their device for repair or replacing their personal device. Upon notification, SoB will perform a factory reset on the device. This process will remotely wipe all data natively stored on the device and return it to factory default settings. It will be user's responsibility to back up personal applications and data prior to this event.

8. Miscellaneous

Termination of Employment

Upon termination of employment, SoB will perform a selective wipe of SoB applications and data from all devices where possible. Should a selective wipe not be possible, SoB will perform a complete wipe of all devices with the organisation's information on them. It is the user's

responsibility to back up personal application and personal data (only) prior to this event, and to restore only personal information after the device has been cleared of contents. Users must confirm the removal of any SoB data and any backups thereof from the personal mobile device, before any payment of severance, pension or other compensation can be dispensed.

Individuals are not authorised to restore any application or data that originated through the relationship with the SoB. Any attempt to restore such information will be subject to legal action against the individual.

The help desk will verify that all organisation-related information has been removed. Costs associated with device wipe will be met by the Shire of Brookton.

Terminated employees must sign off on having no other copies of SoB information stored on their devices.

Exceptions
Security exceptions will be determined by and should be routed to the IT security department. Exceptions to this policy ultimately may only be approved by the CEO.

Investigations and Litigation
In the event of the SoB or its agents needing access to the device for investigatory, discovery or other purposes in litigation, the employee is obliged to hand over the device along with the necessary passcodes.

9. Related and Other Documents

The Council sets policies, establishes control objectives and controls and references practices that secures SoB information assets.

10. User Agreement

By accessing SoB information resources and data, you acknowledge that you have read this document in full and understand the terms of use and your responsibilities as a designated user. You agree to these terms in their entirety and agree to fully, and to the best of your ability, comply at all times to the responsibilities contained herein.

Furthermore, you agree to make no claims on your organisation to protect any personal data and fully understand that you have accepted this policy under no coercion of any kind from your employer.

Finally, you understand that violations of this agreement can result in revocation of BYOD eligibility and subject you to potential disciplinary actions, up to, and including, termination of program eligibility.

The SoB can, at any time and at its discretion, modify this user agreement. Continued use of SoB information resources and data signifies your acceptance of any changes to this agreement.

Appendix A: Guidelines for Eligibility

- There is a justifiable business requirement for having mobile access to SoB information.
- The user agrees to opt in to SoB management policies and procedures defined here and in related policy documents.

- The user's device satisfies the conditions listed in Appendix B and Appendix C.

Appendix B: Eligible and Ineligible Devices and Platforms
The following device and platform types are eligible for the BYOD program (see Table 1). These choices are subject to change at any time. Users should check periodically for updates. Users will be notified if their devices are automatically detected as no longer being eligible. Devices that are not supported include but are not limited to Windows Phone, Mac & Linux.

Table 1. Eligible Devices and Platforms

Platform	Device	Software Version
Android	N/A	11 or higher
IOS	iPhone\iPad	15 or higher
Windows	PC	Windows 10 22H2
Windows	PC	Windows 11
Windows	PC	MS Outlook for Email
Windows	iPhone	MS Outlook for Email

Appendix C: Security Criteria for Personally Owned Mobile Devices and PC's
All personally owned mobile devices connecting to the network or accessing organisation information must meet the following security criteria:

- All users of SoB resources must select strong passwords and change passwords in accordance with the SoB Information Communications Technology – Security and Use Policy.
- All personal mobile devices and PC's must be configured with a minimum password length of four characters.
- All personal mobile devices and PC's must be secured with a password-protected screensaver when left unattended and must be configured to automatically lock after a predefined period of inactivity.

Resolution No:
Resolution Date:

Appendix D – Personally Owned Devices Declaration

User Agreement

By accessing SoB information resources and data, you acknowledge that you have read this document in full and understand the terms of use and your responsibilities as a designated user. You agree to these terms in their entirety and agree to fully, and to the best of your ability, comply at all times to the responsibilities contained herein.

1. Furthermore, you agree to make no claims on your organisation to protect any personal data and fully understand that you have accepted this policy under no coercion of any kind from your employer.

2. Finally, you understand that violations of this agreement can result in revocation of BYOD eligibility and subject you to potential disciplinary actions, up to, and including, termination of program eligibility.

3. The SoB can, at any time and at its discretion, modify this user agreement. Continued use of SoB information resources and data signifies your acceptance of any changes to this agreement.

I have read, understood, and will always adhere to the conditions this policy.

Name: _____

Signature: _____ Date:_____

Termination Sign-Off

I acknowledge that on termination I have no other copies of Shire of Brookton information stored on my personally owned devices.

Name: _____

Signature: _____ Date:_____

2.55 EMPLOYEE HOUSING

Introduction
This policy applies to Shire owned and managed residential properties leased to employees.

Objectives
- To meet employee needs for suitable housing within the scope of the Shire's capacity to do so.
- To establish processes and guidelines for the use of Shire owned and managed housing.
- To ensure that all employees have an understanding of minimum housing standards for Shire facilities.

1. Allocation of Employee Housing

1.1 Pursuant to 'Delegation 1.17 – Staff Housing' the CEO is empowered to make all arrangements in regard to allocation and maintenance of all Shire staff accommodation provided by Council.

1.2 The Shire does not routinely provide housing to employees. The provision of housing is at the Shire's discretion and is not an entitlement under any Employment Award.

1.3 To meet contractual requirements, the Shire may provide specified employees housing at a subsidised rental determined by Council.

1.4 Council has determined to subsidise the rental of the housing provided to the following positions at a subsidised rental included in the Officer's employment contracts:

a. Chief Executive Officer (CEO)
b. Manager Corporate and Community Services (MCC)
c. Manager Infrastructure and Works (MIW)
d. Manager Projects (MP)
e. Aquatic Centre Manager

1.5 The allocation of the individual residential properties to all employees, subsidised and otherwise, will be completed by the CEO.

1.6 The Shire may offer residential tenancy to other employees at a market rental. The CEO will determine the market rental of the Shire residential properties.

2. Residential Tenancy Agreements

2.1 Prior to being granted occupancy of Council residential accommodation, employees will enter into a residential tenancy agreement under the *Residential Tenancy Act, 1987*

2.2 The Shire will include in the Residential Tenancy agreement offered to staff for the lease of a Shire owned or managed residence that includes:

a. That the tenancy agreement will be a periodic (monthly) tenancy as per the conditions of the *Residential Tenancy Act, 1987; and*
b. the requirement for a security bond of four weeks rent.

2.3 Prior to commence the tenancy the employee will:

a. provide all rent and bond monies in accordance with the provisions of the *Residential Tenancy Act, 1987*;
b. participate in an initial condition inspection of the rental accommodation and execute a condition report prepared by the Shire that will form part of the tenancy agreement.

2.4 The residential tenancy agreement will be tied to the continuing employment of the employee. With the termination of employment, the Shire will move to terminate the tenancy agreement under the provisions of the *Residential Tenancy Act, 1987.*

2.3 The tenant shall be responsible for payment of connection and supply of all utilities including electricity, gas, internet and telephone unless otherwise separately agreed as part of an employment package.

2.4 The Shire will pay for reasonable water consumption costs at a Shire owned residential property leased to an employee if the tenant maintains the garden of that rental property as part of their tenancy.

3. Keeping of Pets

3.1 The keeping of pets will be considered under the provisions of the Residential Tenancy Act, 1987 and consent may be granted subject to:

a) an additional pet bond payment; and/or

b) conditions relating to the keeping of the pet.

4. Smoking

Smoking is prohibited in all Shire residential rental properties.

5. Property Inspections

5.1 All leased residential accommodation is to be subject to a 'landlord' quarterly inspection in year 1 and thereafter every 6 months for continued longer term tenancies. This excludes routine or urgent maintenance and repairs to be performed by the Shire.

6. Property Maintenance and Up-keep

6.1 The tenant is responsible for the general condition and appearance of the premises. This includes but is not limited to general cleaning and upkeep of the interior, exterior and landscape, reasonable wear and tear excepted.

6.2 The Shire will perform all necessary maintenance and utility meter readings within the scope and responsibility as a 'landlord' defined under the *Residential Tenancy Act, 1987*.

6.3 The Shire is responsible for all major maintenance and repairs including but not limited to roofs, foundations, exterior wall structures and coverings. The CEO is to ensure all maintenance works to Shire residential property is performed in accordance its Asset Management Plan.

Resolution No:
Resolution Date:

2.56 COMMUNITY HOUSING

Introduction
This policy applies to Shire owned and managed community housing dwellings.

Objectives
To detail the eligibility criteria and confirm the priority allocation for Shire owner/managed housing available to the community.

To establish processes and guidelines for the use of Shire owned and managed residential properties, including community housing dwellings and permanent caravan park sites that are owned and/or controlled by Council.

To ensure that all individuals have an understanding of minimum housing standards for Shire facilities.

1. Allocation of Housing

1.1 Eligibility Criteria – Senior Housing

To be eligible to occupy a Senior Citizen Community Housing Unit, an applicant must satisfy the following criteria:

- Be listed on the Shire's *Housing Requests Register*. If there is no waiting list a community housing unit will be allocated on a 'first come/first serve' basis.
- Be an Australian citizen or permanent resident, with proof of identity (ie passport, driver's license or similar).
- Be 55 years of age or above.
- Currently residing within Western Australia
- Be able to live 'independently' as assessed by a qualified medical practitioner or similar qualified person.

Subject to suitability, preference may be given to local/ex-local residents of the Shire of Brookton.

1.2 Eligibility Criteria – Low Income Community Housing

To be eligible to occupy a Low-Income Community Housing Unit, an applicant must also meet the following:

- Be listed on the Shire's *Housing Requests Register*. If there is no waiting list a community housing unit will be allocated on a 'first come/first serve' basis.
- Be an Australian citizen or permanent resident, with proof of identity (ie passport, driver's license or similar).
- Be 55 years of age or above.
- Be Currently residing within Western Australia
- Be able to live 'independently' as assessed by a qualified medical practitioner or similar qualified person.
- Be registered with the Department of Communities – Housing (Housing Authority) and satisfy all other criteria as set by the Department.
- Be eligible at the time of application, while on the waiting list and before an offer of housing is made.

Subject to suitability, preference may be given to local/ex-local residents of the Shire of Brookton.

1.3 Housing Requests Register

The Officer responsible for the management of Shire housing will maintain a *Housing Requests Register*.

To be listed on this register an applicant must complete and submit to the Shire a housing application form, as amended from time to time, that includes at least:

- Applicant's name
- Applicant's contact details
- Date of application
- House/unit type requested
- Stated annual income at the time of registering interest
- Satisfaction completion of the required eligibility criteria evidence
- References of previous rentals

1.4 Allocation Process

When a residence or caravan site becomes vacant, the Officer responsible will:

a. confirm with selected applicant(s) listed at the top of the Register their continued interest in a nominated house, unit, or caravan site;
b. seek input/assessment from the WA Housing Authority and any other statutory or advisory bodies as required;
c. review references relating to previous rental history; and
d. prepare a report to the Council for a decision.
e. refer the matter to the Council for review of the applications and determination of the allocation of housing based on assessment against applicable eligibility criteria, as detailed in this policy, and input from points b) and c) above.

1.5 Efficient Allocation of Housing

a. Council reserves the right to terminate or to not re-new a tenancy under the terms Residential Tenancy Act 1987 (the ACT) to make best use of Shire housing.

   For example, where a single tenant occupies a multiple bedroom residence, Council or may seek to move this tenant to a newly vacant single bedroom unit to allow the multiple bedroom dwelling to be offered to an eligible family tenant.

b. Should there be no immediate demand for Senior Citizen Housing, the Council may exercise discretion in allocating a residential unit to:
   - a person not assessed as a Senior Citizen under Section 4.1 of this policy;
   - a corporate entity with a business presence in the Shire of Brookton; or
   - some other tenant suitable to Council;

   providing any such arrangement under this provision is to be based on:
   - the balance of this policy being satisfied; and
   - the rental arrangement structured on a periodic tenancy agreement and market rental rates.

1.6 Setting and Review of Rent

The Council, as part of its annual budget process, will review the rental charges for all premises (excluding low income community housing), and may adjust the weekly rent to accord with market trends and average rental charges for the same or similar forms of accommodation in the market place.

This policy recognises Low Income Community Housing rental charges are assessed on 25% of the tenant's income and reviewed annually. The Community Housing applicants that are eligible to receive the Commonwealth Rent Assistance (CRA) and will be charged 100% of the entitled CRA in addition to the 25% of their income.

2. Residential Tenancy Agreements

2.1 Prior to being granted occupancy all selected tenants will:

a) Sign a residential tenancy agreement and pay the required rent and bond monies in accordance with the provisions of the *Residential Tenancy Act, 1987*.

b) Participate in an initial condition inspection of the rental accommodation and execute a condition report prepared by the Shire that will form part of the tenancy agreement.

2.2 The maximum term for a tenancy shall be 12 months for all community housing tenancy agreement.

The CEO may exercise discretion to set a lesser tenancy term than the prescribed maximum, depending on individual circumstance and terminate a tenancy agreement by negotiation.

2.3 The tenant shall be responsible for payment of connection and supply of all utilities, unless:

a) the tenancy is for a designated, permanent caravan site that includes all utility costs; or

b) there is an inability for the utility provider or the Shire to determine individual consumption/usage.

3. Keeping of Pets

3.1 The keeping of pets will be considered under the provisions of the Residential Tenancy Act, 1987 and consent may be granted subject to:

a. an additional pet bond payment; and/or

b. conditions relating to the keeping of the pet.

4. Smoking

Smoking is prohibited in all Shire residential rental properties.

5. Property Inspections

5.1 All Shire housing is to be subject to a 'landlord' quarterly inspection in year 1 and thereafter every 6 months for continued longer term tenancies. This excludes routine or urgent maintenance and repairs to be performed by the Shire.

5.2 The Shire is also responsible for inspecting the condition of the residences on a regular basis for maintenance, safety, building and health code compliance issues.

6. Property Maintenance and Up-keep

6.1 The tenant is responsible for the general condition and appearance of the premises. This includes but is not limited to general cleaning and upkeep of the interior, exterior and landscape, reasonable wear and tear excepted.

6.2 The Shire will perform all necessary maintenance and utility meter readings within the scope and responsibility as a 'landlord' defined under the *Residential Tenancy Act, 1987*.

6.3 The Shire is responsible for all major maintenance and repairs including but not limited to roofs, foundations, exterior wall structures and coverings. The CEO is to ensure all maintenance works to Shire residential property is performed in accordance its Asset Management Plan.

Resolution No:
Resolution Date:

2.57 FEE WAIVER POLICY

Objective
To provide a consistent framework for assessing and determining requests for the waiver of fees and charges relating to venue and facility bookings and seeks to ensure:

- A standard process for applicants to follow;
- Consistent and fair assessment of each request received; and
- Transparency and accountability to the community.

Assessment Criteria
Council will only consider to waive fees and charges for events relating to Council's venues/facilities that

- Have Community Impact in areas of social cohesion, cultural enrichment, community well-being;
- that provide educational opportunities or enhance learning for the community;
- that are free and open to the public; or
- are from not for profit, community organisations and groups.

Council will not consider to waive fees and charges for events relating to Council's venues/facilities that

- charge an entry fee
- return fundraising to an organisation
- are from business groups or government departments conducting events relating to their core business or interest
- Are from religious groups holding religious ceremonies
- Are from political groups
- ~~fees that~~ are Statutory fees or charges

Council will not waive the requirement for the payment of Bonds for facilities.

Resolution No: OCM 11.24-11
Resolution Date: 21 November 2024

2.58 SETTING A RESERVE PRICE FOR THE SALE OF PLANT ASSETS BY AUCTION

Objective
To establish a fair and transparent reserve price for the sale of plant assets through auction, ensuring that the assets are sold at a value that reflects their market worth.

Policy Statement
The Shire of Brookton supports the use of public auction as a method of sale for plant assets.

Where a plant asset is offered for sale by public auction, the reserve price for such a sale will be the value of the proposed sale that is included in the Council's Annual Budget.

Guidelines

- Where the sale of a plant asset is not included in Council's Annual Budget, Council approval is required for the sale of that asset by public auction.

- Council approval is required for the reserve price for a sale of a plant asset to be different to the value of the proposed sale included in Council's Annual Budget**.**

Resolution No: **OCM 12.24-11**
Resolution Date: **19 December 2024**

3.0 DEVELOPMENT POLICIES

3.1 RELOCATED SECOND-HAND BUILDINGS

Objective
The primary objectives of this policy are to:

1. To ensure compliance with the relevant provisions of Council's Local Planning Scheme in a manner which is realistic, and which ensures that the relocation of second-hand buildings is undertaken to an approved acceptable standard which pays regard to local amenity and aesthetics.

2. To provide clear standards as to what constitutes an acceptable type of relocated second-hand building to be used for residential purposes.

3. To ensure the style, construction and design of relocated buildings is in keeping with the character of the surrounding buildings and the locality in general.

Policy

1. Preliminary
Should any part of this Policy be inconsistent with the Local Planning Scheme, the Scheme provisions shall prevail.

Further, this policy does not bind the Council in any respect of any application for Planning Approval, however Council ~~s~~hould have due regard to the objectives and provisions of this Policy in determining an application for planning approval.

2. Application
This policy applies to all proposals for the relocation of second-hand buildings (including repurposed buildings) on land situated within the Shire of Brookton.

This policy does not apply to new prefabricated buildings or other new transportable buildings built and re-fitted within an industrial area that have not been previously installed on any other location.

3. Requirement for Planning Approval

3.1. Determination

- Applications for the relocation of second-hand buildings on property within the Shire of Brookton require Council Planning Approval prior to a Building Permit being issued and relocation taking place.

- All applications for the relocation of second-hand buildings will be assessed against this policy prior to a decision being made under the provisions of the Scheme.

- Repurposed Dwelling will not be supported on residential zoned land within the Brookton townsite unless the Council is completely satisfied the final design and

presentation accords as a minimum to the existing housing standard and will not be detrimental to the visual amenity and or residential property values in the area.

- In determining the application, Council (or CEO under delegated authority) may approve the application with or without conditions. The Council may also refuse the application should the proposed development not accord with the objectives of this policy.

- Planning approval is valid for a period of two (2) years from the date of approval, during which time a Building Permit must be issued, and development substantially progressed or the approval will lapse.

3.2. Information

All applications for planning approval to relocate a second-hand building must be accompanied by the following prior to consideration:

- Signed and completed Application for Planning Approval Form;
- Photographs clearly showing the four elevations of the building;
- Site plan showing the proposed location of the building and distances from property boundaries, other buildings and any natural features on the property;
- Floor plans, elevations, cross sections, and specifications;
- Certification from a practicing structural engineer that the design and condition of the building is suitable for transportation and re-erection (where the building is a purpose-built transportable building, sufficient documentation proving this will suffice);
- Certification from a registered pest control company that the building is free from termites if of a timber frame construction;
- A statutory declaration that the building is free of hazardous material (including asbestos)
- A Bushfire Attack Level (BAL) assessment if the Building is to be located within a designed Bushfire Prone Area as illustrated on the Department of Fire and Emergency Services mapping website: https://www.dfes.wa.gov.au/regulationandcompliance/bushfireproneareas/Pages/default.aspx

3.3. Need for a Building Permit

Notwithstanding that Council may grant Planning Approval, a Building Permit is generally required to be sought and issued prior to relocation of the building commencing.

3.4. Advertising

An application for a relocated second-hand building within the Brookton townsite may need to be advertised in accordance with Clause 64 of the Planning and Development (Local Planning Scheme) Regulations 2015 where surrounding properties and/or residences may be affected by the relocation of the building taking place.

3.5. Building Inspection

A suitably qualified person (i.e. Structural Engineer or Building Surveyor) is required to inspect the building prior to its relocation in order to ascertain its suitability for relocation.

4. General Provisions

4.1. Minimum Dwelling Standard

If the relocated second-hand building is to be used for residential purposes, the following minimum dwelling standard is required to be provided:

- At least one (1) bedroom separate from the other rooms in the dwelling;
- A lounge/dining area;
- A kitchen; and
- A separate toilet, bathroom & laundry facility.

To be used as a dwelling, the building will be assessed against and must comply with the requirements for Class 1 buildings under the Building Code of Australia.

Buildings that are not designed for predominant use as a dwelling and do not meet the above criteria will not be approved for use as a primary residence.

Mobile park homes will only be considered if the above criteria for minimum dwelling standard is met and the mobile home is consistent with all other relevant requirements of this policy, particularly Section 5.3 relating to amenity.

Second-hand repurposed dwellings (ie dongas) will not be supported within the gazette Brookton townsite.

4.2. Non-Residential Building Standard

Relocated buildings to be used for non-residential purposes will be assessed based upon their suitability for the proposed use, the zone in which they are to be located and against all other relevant provisions of this policy relating to asbestos, amenity and design. If considered necessary, Council will prohibit the use of the building for residential purposes through a condition of approval.

If the relocated building is to be used as an outbuilding, the application will be assessed against the relevant provisions of Council's prevailing Outbuildings Policy.

4.3. Hazardous Materials

Second-hand dwellings must have all hazardous materials (ie asbestos) materials removed prior to relocation taking place. Council will require documentation demonstrating cement sheeting (walls and roof) is hazardous free where the age of the building indicates asbestos hazardous materials may have been utilised in construction.

4.4. Amenity

When giving consideration to an application for planning approval, Council may give consideration to:

- The building in its relocated position being rendered visually acceptable by the use of verandas, screening and / or landscaping;
- The design, scale and bulk of the proposed building being compatible with the type of buildings that exist in the locality in which it is to be located; and
- With respect to the relocation of second-hand buildings within the Brookton Town site, Council may not approve the relocation should the building not be in-keeping

to the residential amenity premised on scale, design, materials or general condition.

4.5. Conditions

Council may place a condition(s) on the grant of planning approval if deemed appropriate to ensure the relocated second-hand building meets the objectives of this policy and preserves the amenity of the locality. These conditions may include the following if deemed appropriate by Council:

- The exterior of the building being painted in a manner that is consistent with the colours and styles of the surrounding buildings.
- The construction of verandas and / or alterations to the roof pitch and / or materials to ensure the relocated building is consistent with the design of surrounding buildings.
- Other conditions to ensure an individual building meets all relevant Council requirements and policies.

Resolution No:
Resolution Date:

3.2 DEVELOPMENT REQUIREMENTS FOR RURAL SUBDIVISION

Objective

The purpose of this Policy is to outline Council's requirements for subdivision for rural/farming and rural-residential zoned land. Council will from time to time require conditions be placed on a subdivision approval for certain works to be undertaken, particularly relating to road construction and the preparation of fire management plans. Other related matters include drainage, electricity supply and water supply.

Policy

Road Construction

The following outlines the construction requirements for roads to either serve a subdivision of rural/farming or rural-residential zoned land, or to construct an unmade road reserve in the Shire of Brookton.

Road Types

There are five types of rural and rural residential road types that are identified in the Shire. These are:

- Rural Residential Road
- Major Rural Road
- Standard Rural Road
- Minor Rural Road Type A
- Minor Rural Road Type B

Rural Residential Road applies to new roads (either on an existing road reserve or a road reserve created as part of a subdivision) that are to be constructed to serve a Rural Residential development (Lot sizes normally 2ha – 5ha). Council will require the sealing of Rural Residential Roads serving lots of 5ha or less in area as a reflection of the relatively high traffic volumes that are created by this form of subdivision.

A Major Rural Road is a road that carries large volumes of traffic or connects significant areas of the Shire to other rural areas or the town centre. Sealing of these roads may occur should traffic volumes or use by heavy vehicles warrant this. Existing examples of major rural roads in the Shire are Corberding Road, Brookton-Kweda Road and Copping Road between the Great Southern Highway and the BALCO plant.

A **Standard Rural Road** generally carries moderate volumes of traffic from major roads to farming areas. The majority of existing shire roads would be classified under this category.

A **Minor Rural Road Type A** is a road that has the potential to serve a maximum of 10 farming locations or lots (with lot sizes normally greater than 30-40ha) and is typically a no-through road.

A Minor Rural Road Type B is a road that has the potential to serve a maximum of 5 farming locations or lots (with lot sizes greater than 30-40ha) and is typically a no-through road.

Road Reserve Requirements
Where a new road reserve is proposed to serve a subdivision, a reserve width of 25 metres will normally be required, unless topography requires a greater width. In rural areas, lot truncations of 8m will be required for lots on road corners.

Road Construction Requirements
The following outlines the normal construction requirements for each road type. Council reserves the right to determine the standard of road required for each subdivision application or application for construction of an existing road reserve.

Rural Residential Roads

- Road pavement to have a minimum 6.0m wide bitumen seal with 2.0m wide gravel shoulders.
- Seal to be two coat bitumen and aggregate.
- Road construction to be a minimum of 150mm compacted base-course and a minimum 150mm compacted sub-base.

Major Rural Roads

- Pavement width to be a minimum of 10.0m (7.0 roadway, 2 x 1.5m shoulders).
- Can be a gravel road unless otherwise required by Council due to envisaged traffic volumes or the use of the road by heavy vehicles.
- Pavement to be a minimum of 150mm compacted gravel.

Standard Rural Roads

1. Pavement width to be a minimum of 8.0m (5.6m roadway, 2 x 1.2m shoulders).
2. Pavement to be a minimum of 150mm compacted gravel.

Minor Rural Roads Type A

3. Pavement width to be a minimum of 6.0m (4.0m roadway, 2 x 1.0m shoulders).
4. Pavement to be a minimum of 150mm compacted gravel.

Minor Rural Roads Type B

5. Pavement width to be a minimum of 6.0m (4.0m roadway, 2 x 1.0m shoulders).
6. Pavement material to be natural (in situ) where suitable.

7. Where gravel is required, pavement to be a minimum of 75mm compacted gravel.

All Roads

8. A cross fall of 4% either side of the centreline crown.
9. Through horizontal curves, one-way cross fall or super elevation shall be applied in accordance with Austroads publication 'Rural Road Design 1989'.
10. Crossovers to be constructed to each property entrance to a design that avoids property access roads draining onto the Shire road.
11. Crossovers to be located a minimum of 50m away from intersections and junctions and provide 300m clear sight distance in either direction.
12. Piped crossovers to be a minimum width of 9.6m for rural properties and 7.6m for urban properties and to include headwalls.
13. Roadside drains to be a minimum of 300mm – 500mm deep with batters having a minimum slope of 1 in 3.

Costs Associated with Road Construction

The construction of roads associated with a subdivision, either on new road reserves or those already existing but not constructed, will be at the cost of the subdivider. This requirement also relates to roads to be constructed for public road access to each new lot in a boundary realignment application (i.e. where no additional lots are created over that existing prior to the boundary realignment taking place).

The proponent may be required by Council to engage a Consulting Engineer to plan, design and supervise the road construction at their cost. The design may include a comprehensive water drainage plan.

A 3% maintenance retention amount is to be lodged with Council for a period of 12 months on roads subject to a subdivision application.

A 1.5% supervision loading is payable throughout the project on roads subject to a subdivision application.

Clearance of Subdivision Condition

Where the subdivider requests Council clear a condition of subdivision relating to road construction prior to the construction having taken place, Council may accept a cash bond that is equivalent to the full estimated construction cost of the road(s). The subdivider will be required to enter into a written agreement with Council for the operation of the bond.

The bond is to be paid to Council, held in trust and may be used by Council to either:

- Design and construct the road(s) itself as a private work; or
- Pay a contractor engaged by the subdivider or the Shire to undertake the works to Council's specifications.

Should there be a residual amount remaining in trust at the completion of the construction, this is to be refunded to the subdivider. Should the trust amount not be sufficient to cover all costs associated with the design and construction of the road(s), the outstanding amount is to be provided by the subdivider.

Drainage
Open drains are permitted for new subdivisions. Stormwater is to be retained on site and not allowed to drain onto a Shire controlled road.

Water
For new Rural-Residential subdivision with lot size of 4ha or less in area, a reticulated potable water supply is required to be provided in accordance with Clause 5.3.2 of Statement of Planning Policy No.11 'Agricultural and Rural Land Use Planning'.

On lots greater than 4ha, an on-site potable water supply will suffice, in accordance with Clause 5.1.4 of the Shire of Brookton Town Planning Scheme No. 4.

Electrical Power
Western Power sets the provision of power as a condition of subdivision. This authority will decide whether the supply is to be under ground or above ground.

Fire Management Plans
Council may require a Fire Management Plan be prepared and implemented for all subdivision of rural land depending on the circumstances in each case. As a requirement the Shire generally adhere to the provisions of WAPC Policy DC 3.7 'Fire Planning'. A notification is to be placed on the titles of each lot created informing each subsequent landowner of the existence of the Fire Management Plan where applicable.

Resolution No:
Resolution Date:

3.3 SEWERAGE CONNECTION FOR SUBDIVISION OF LAND

Objective
The purpose of this policy is to provide direction when apply conditions to subdivision approval in the Brookton Town site in line with the State Government Country Sewerage Policy.

~~**Policy**~~
The following sewerage connection conditions apply to all approved applications for subdivision on any lots within the Brookton Town site boundary where the newly created lots cannot accommodate an approved onsite effluent disposal system.

Policy
Prior to Council clearing the conditions imposed by the Western Australian Planning Commission the proponent of the subdivision must, at their cost –

- Provide an easement approved by Council on the Certificate of Title of each lot, as part of the subdivision process, for the future extension of the sewer main. The area required for the easement to be specified by Council in accordance with the requirements of the legislative provisions relating to sewerage scheme extensions.
- Lodge a memorial on the Certificate of Title of each of the newly created lots, notifying subsequent owners that connection to the sewer will only be available when Council deems it necessary or economically feasible to extend the existing sewerage scheme main to the lot.
- Provide written acceptance that future extension of the existing sewerage scheme to the

newly created lots is not guaranteed.

Resolution No:
Resolution Date:

3.4 TOWN PLANNING FEES REFUND

Objective
To provide clear guidelines for the refund of Town Planning Application Fees.

Policy

~~**Refund Of Development Application Fees**~~
Where Council has resolved to refuse to grant Planning Approval, any fees that have been paid to Council are not refundable. The applicant is to be made aware that the fee is for the determination of an application, not its approval.

Where a development application has been lodged and is subsequently withdrawn by an applicant or not been processed by the Shire within the statutory time fame, and a request for refund of the planning fees is made, the following refund guidelines will apply:

a) Where the application has been assessed and determined: no refund.
b) Where an application has been assessed but not determined: 50% refund.
c) Where an application has not assessed and determined: 100% refund.

~~Discretion is afforded to the CEO in interpreting a) to c) above.~~

~~**Other Matters**~~
~~Council will have regard to the *Town Planning (Local Government Planning Fees) Regulations 2000* and subsequent amendments for matters not covered by this Policy.~~

Resolution No:
Resolution Date:

3.5 RESIDENTIAL DEVELOPMENT ON FARMING ZONED LOTS/LOCATIONS WITHOUT FRONTAGE TO DEDICATED AND CONSTRUCTED PUBLIC ROADS

Objective
This policy is to provide clarity around residential development on farming zoned lots/locations without frontage to dedicated and constructed public roads.

Policy
To comply with Clause 40(2) of the Shire of Brookton's Town Planning Scheme No 4, which states Council shall "require such other arrangements are made for permanent access as shall be to the satisfaction of the Council" the following are minimum acceptable access requirements:

- **Absence of a dedicated public road**

Where there is no frontage to a dedicated public road reserve, the Council will support at the applicant's cost, a carriageway access easement being created, and registered and constructed on the neighbouring title(s) with the respective landowner's consent for the purpose of providing permanent access to the subject property, to the satisfaction of the Shire of Brookton. Where no such formal access arrangement exists, the Council will condition on a formal planning approval this requirement to be met on a 'land locked' parcel of land.

- **Use of an unconstructed dedicated public road**
  Where there is a dedicated yet unconstructed road frontage the Council will support at the applicant's cost minimal construction for vehicle access to a 2 wheel drive all weather standard. Such access will need to be compliant with legislative requirements and standards, and be applied for, assessed, and approved by the Shire Administration prior to any construction.

Advice Notes

- Compliance with this policy is not required where direct road frontage is achieved through the creation of a battle-axe lot via subdivision and amalgamation.

Resolution No:
Resolution Date:

3.6 OUTBUILDINGS

Objective
To provide a guide for the assessment and determination of applications for planning approval for outbuildings (sheds/garages) in all zones.

1. BACKGROUND

Under the Shire of Brookton's Local Planning Scheme No. 4, Planning Approval is may be required for a shed (outbuilding) in some zones.

The Shire's Local Planning Scheme has no criteria under which an application for an outbuilding is to be determined. As such, the objective of this policy is to give clarity as to what the development standards are in relation to outbuildings within specific land use zones.

2. OBJECTIVES OF THE POLICY

The primary objectives are to:

2.1 Limit the impact of outbuildings by specifying maximum areas and height, location, material colour, landscaping and the like.

2.2 Ensure aesthetic and amenity impacts on neighbouring properties are considered when determining outbuilding proposals.

2.3 Recognize "Sheds" and "Sea Containers" in the Residential and Commercial zones are defined as outbuildings where the floor area greater than 10m². Outbuildings with a floor area of 10m² or less do not require a Planning Approval or Building Permit.

2.4 Recognize that outbuildings that accord to the deemed-to-comply provisions of the

Residential Design Codes are exempt from planning approval in accordance with Clause 61; Part 7; Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

3. POLICY

3.1 Ablution facilities within outbuildings will only be approved in accordance with this policy for 'Farming' zoned allotments of 10 hectares or more in area to support on farm agricultural activities. In all other circumstances an application for planning approval is to be submitted with accompanying justification for consideration and determination by Council on merit.

3.2 The construction of an outbuilding on vacant land in all zones other than the Rural and Rural Smallholdings zones is not permitted without an application for a residence having been approved and construction having first commenced.

3.3 Sea containers are only supported as outbuildings for storage purposes in the Residential, Rural Residential, Rural Enterprise, Commercial, and Special Use zones where the applicant can demonstrate the sea container will not have a detrimental impact on the amenity of the property or surrounding area and is not highly visible from the street. Sea containers for storage purposes in General Industry, Light Industry, and Rural zones do not require planning approval.

3.4 Within the Residential zone and on lots of less than 2ha in all other Zones, outbuildings other than a carport or garage will not be permitted in the area between the house and the front boundary of the property. Front setbacks for carports and garages in the 'Residential' and 'Commercial' zones will be subject to the *Residential Design Codes* standards.

3.5 This Policy does not apply to large scale agricultural, industrial, and commercial buildings that are assessed against the General Development requirements as presented in Table 5; Schedule 1 of Local Planning Scheme No.4.

	CRITERIA			
Zone	**Maximum Total area for all outbuildings on the lot (m2)**	**Maximum individual area of proposed outbuilding (m2)**	**Maximum Wall Height (m)**	**Maximum Roof height (m)**
Residential R10 and above	75	75	3.0	4.0
Residential R10 and below	10	75	3.0	4.0
Rural Residential, Rural Enterprise and Rural smallholding	200	150	3.0	4.0
Rural (below 1 hectare)	100	75	3.0	4.0
Rural (between 1 hectare and 10 hectares)	200	150	3.0	4.0

Resolution No:
Resolution Date:

3.7 TREE CROPPING

Objective
The objective of this Local Planning Policy to:

- Achieve a consistent, efficient and equitable system for assessing and approving tree crop applications;
- To align the grant of planning approval by Council with industry guidelines and standards as specified in relevant codes of practice and other documents and ensure a consistent approach to the establishment of Tree Cropping as an acceptable land use;

This policy aims to be consistent and complementary with existing regulations and not to place additional undue burden on landowners and investors wishing to pursue tree crop development.

Policy

Background
Tree crops have the potential to become an important land use in medium to low rainfall agricultural areas in Western Australia (WA). Landholders and private investors are looking to capitalise on emerging opportunities for farm forestry and carbon off set in these regions, diversify income streams and to gain the on-farm environmental benefits that integrated tree cops can provide. Given the increasing opportunities and interest in tree crop development, it is timely for local governments to ensure that these developments are adequately supported and addressed in local planning.

A body of legislation, policy and guidelines relevant to tree crops already exists and a range of government agencies and other stakeholders are involved in regulating and managing tree crop issues.

Additional background information relating to tree crops is provided in the report *'Opportunities and Issues Associated with Farm Forestry in the South East Avon Low Rainfall Region'*.

Definitions

- *Applicant* means a person or entity (e.g. company or organisation) responsible for management of the tree crop. The applicant does not have to be the owner of the trees or the land on which trees are planted (e.g. the Applicant could be a third-party management agency). The applicant is responsible for ensuring adherence to this policy and other relevant legislation and regulations.

- *Tree crop* means trees:
  - Planted with the intent of producing commercial products and carbon off set benefits. Commercial products include all wood and non-wood products and benefits that can be sold to a third party. Wood products are produced when trees are harvested, such as woodchips or sawlogs, while non-wood products and benefits include products such as environmental services; and

- Under the management of one applicant with an aggregate area greater than 10 hectares in the Shire of Brookton.

- *Landowner* means a person or entity that holds the title to the land.
- *Management Plan* means a plan that provides details on the way in which a tree crop will be developed and managed and aims to demonstrate the means by which the principles of environmental care, cultural and fire management objectives are achieved. Management Plan should include the following components:
  - Establishment plan;
  - Plantation Management plan; and
  - Fire Management plan.
- *Code of Practice* means practices applied to Timber Plantations in Western Australia 2006, produced by Forest Industries Federation WA, Forest Products Commission Australian Forest Growers, or as revised.
- *Guidelines* means the 'Guidelines for Plantation Fire Protection 2001' produced by the Fire and Emergency Services Authority WA, or as revised.

Areas of Application

This policy applies to land zoned "Rural" in the Shire of Brookton Town Planning Scheme No. 4.

Application and approval requirements

1. When is an application required?

A tree crop development application must:

a) be submitted and approved prior to the commencement of the development.
b) have an aggregate area of 10 hectares or greater.

Of note, an application may cover multiple tree crop developments on different titles provided they are under the management of one applicant.

2. Tree Crop Development Application requirements.

In addition to Shire requirements for development applications, an application is to contain the following parts:

- **Registration, which must contain the following information:**
  - Title details of the subject land;
  - Name of the Landowner(s);
  - Name of the Applicant (tree crop manager);
  - Address and contact details of the Applicant;
  - Area (hectares) to be planted and species to be planted; and
  - Signatures of the Applicant and the Landowner(s).

- **Management Plan:**
  - A checklist of information that should be included in a Management Plan is provided in Attachment 2. The checklist is based on the guidelines in the Code of Practice.
  - The Management Plan must address the policy measures described in Section 6 of this Policy.

- **Map which should show the following:**
  - Location of tree crops;

- Access roads;
- Structures and buildings;
- Natural features including native vegetation and water courses; and
- Other relevant information such as hazards or significant features.

3. Modification to Tree Crop Development Application

An Applicant may modify the existing application addition of new tree crops or expansion of existing tree crops. Additional areas of tree crops may therefore be managed under existing Management Plans, without the need for the Applicant to prepare a new Management Plan for every new tree crop development. However, the Applicant must ensure that the management measures in an existing Management Plan are relevant to new tree crops and the sites on which they will be developed and meet the requirements of this policy.

If this is not the case the Applicant is required to submit a modified or new Management Plan.

If an Applicant transfers management responsibilities to another organisation they are required to notify the Shire and provide details of the new managing entity.

Additional policy measures

The following policy measures must be addressed in the Management Plan.

A. General tree crop management

The Shire encourages all tree crop developments to be undertaken with appropriate consideration to the specifications and guidelines in the Code of Practice and Guidelines for Plantation Fire Protection.

The Code of Practice provides management goals and operational guidelines to tree managers to “ensure tree crop operations in WA are conducted in a manner that is in accordance with accepted principles for good plantation management, while recognising that a primary aim of tree crops is to be economically competitive and sustainable”.

B. Access and roading

When planning tree crop developments, applicant’s should consider how tree crops will be accessed for management, harvesting and removal of products (if applicable). Potential access roads should be identified on a map to be lodged with the development application.

The harvest and haulage of tree crop products results in ‘wear and tear’ of local roads and other transport infrastructure and the Shire is seeking to minimise adverse effects on local roads within its control, and therefore may impose a financial road contribution to be applied at the time of harvest as a condition of development approval.

C. Fire management

A fire management plan must be included as part of the overall Management Plan.

Any Fire Management Plan must be consistent with Guidelines for Plantation Fire Protection 2011, produced by the Fire and Emergency Services Authority of WA, or as revised. Should the Fire Management Plan not be consistent with the guidelines then the application for development approval may be refused.

D. Subdivision

Any established tree crop development will not be accepted as justification for an application for subdivision, nor any proposed tree cropping or an approved application for tree cropping on any land be deemed a precursor to subdivision of 'Farming' zoned land.

Resolution No:
Resolution Date:

3.8 SIGNAGE

Objective

To enhance the amenity and character of all areas within the Shire of Brookton through the provision of acceptable standards of development for advertisements.

Policy

Signage is considered to have a major impact on the amenity of the Shire, particularly in relation to roadside advertising. Except where specifically exempt under the Shire of Brookton's Local Planning Scheme No. 4 (LPS 4), all advertisements within the Shire require the prior approval of Council. This policy is to provide guidance for the location and desired standards when applications for planning approval are being considered.

1. This policy is for all signage that is visible from outside the property, complex or facility concerned, either from private land or from public places or streets.
2. Should the application be on or adjacent to a Main Road reserve, approval from Main Roads WA is also required.
3. Signs denoting property and/or owner name and/or property address do not require approval.
4. Exempted advertisements, as detailed in Schedule 3 of LPS 4 do not require Planning Approval.
5. Where an advertisement proposal requires approval a development application form shall be used.
6. All advertisements shall comply with the criteria contained in Table 1 of this policy.
7. Approval for the continuation of approved signage requires that a request shall be made to the Shire in writing, prior to planning approval expiring.
8. Temporary candidate signage associated with a local, state or federal election is exempt from this policy and the provisions of the Shire of Brookton Local Planning Scheme No. 4.

Location	Sign Purpose	Maximum Allowable Signage
All Locations	All Advertising	• Signage must be complementary to its surroundings. • Any signage which in the opinion of Council is distractive to motorists will not be approved.
Within Main Roads Road Reserve	Local Government or Community Organisation	• Maximum surface of 4.5m². • Additional approval is required from MRWA. • Should the organisation cease to operate, all relevant signage must be removed.
	Commercial Advertising	• Not supported

Adjacent to Main Roads Road Reserve	All Advertising	• Maximum surface of 4.5m². • All signage must comply with the setback requirements contained in Table 2 of LPS 4. • Consideration must be given to the grouping of signage. • Should the business cease to operate, all relevant signage must be removed by the applicant or landowner.
Road Reserve (Non Main Road)	Private and commercial advertising.	• Signage must be specific to an event and time period. Ongoing approval shall not be granted.
	Local Government or Community Organisation	• Signage must be specific to an event and/or time period.
Residential Zone	Home Business – Signage does not require approval if compliant with policy	• Flashing or illuminated signs shall not be approved. • Maximum surface of 1m². • Signage must relate to the business being conducted from the same property. • Should the business cease to operate, all relevant signage must be removed by the applicant or landowner.
	Domestic Advertising (Garage Sale Etc.) –	• Maximum surface of 1m². • Advertising must relate to the property upon which the signage is placed. • All signage approval shall be limited to a maximum of two months after which a new approval must be sought and granted.

Rural Residential Zone	All Advertising	1) Flashing or illuminated signs shall not be approved. 2) Maximum surface of 4.5m². 3) Advertising must relate to the property upon which the signage is placed.
Rural Enterprise Zone	All Advertising	• Flashing or illuminated signs shall not be approved. • Maximum surface of 1m². • Advertising must relate to the property upon which the signage is placed. • Should the business cease to operate, all relevant signage must be removed by the applicant or landowner.
Rural Zone	All Advertising	1) Maximum surface of 4.5m². 2) Consideration must be given to the grouping of signage.
Commercial Zone	All Advertising	• Maximum surface of free-standing signs to be 5m². • Advertising must relate to the property upon which the signage is placed. • Consideration must be given to the grouping of signage. • All signage approval shall be limited to the business for which approval has been granted. For any change of business, a new approval must be sought and granted.

Industrial Zone	All Advertising	• Maximum individual surface of 6m². • Maximum total area of signage 15m². • Advertising must relate to the property upon which the signage is placed. • Consideration must be given to the grouping of signage. • All signage approval shall be limited to the business for which approval has been granted. For any change of business, a new approval must be sought and granted.

Resolution No:
Resolution Date:

3.9 DEVELOPER CONTRIBUTIONS FOR ROAD AND FOOTPATH UPGRADING RELATING TO SUBDIVISION OF LAND

Objective

- To provide a basis for seeking financial contributions to the upgrading of the road and footpath network as a result of the subdivision process.
- To ensure consistency in the recommendations made to the Western Australian Planning Commission on subdivision applications.
- To provide clear and consistent advice to the community on the Shire's expectations for road and footpath upgrading.

Purpose

This policy sets the basis for seeking contributions for the upgrading of the Shire road and footpath network as a result of the subdivision. The policy will allow a consistent approach to be applied to all subdivisions and associated land development

Definitions

'Road' shall have the definition applied to it under the *Road Traffic Act 1974*, which includes any highway, road or street open to, or used by, the public and includes every carriageway, footpath, reservation, median strip and traffic island thereon.

"Footpath" shall mean any land or thoroughfare used by pedestrians and/or cyclists and shall include pathways, dual use paths and any other walkway designed for this use.

Statutory powers

This Policy relates to determinations made by the Western Australian Planning Commission under the *Planning and Development Act 2005*. This Act gives the Commission the power to require developer contributions as part of the subdivision of land.

The objectives of the policy are:

- To promote the efficient and effective provision of public infrastructure and facilities to meet the demands arising from new growth and development.
- To ensure that development contributions are necessary and relevant to the development to be permitted and are charged equitably among those benefiting from the infrastructure and facilities to be provided through the subdivision of land.
- To ensure consistency and transparency in the system for apportioning, collecting, and spending development contributions in line with conditions of subdivision approval.

- To ensure standard of social infrastructure and well-being of communities arising from or affected by new sub divisional development.

This Policy adopts and implements these principles for seeking developer contributions as part of the subdivision process.

Policy

- All applications for subdivision made within the Shire of Brookton, where there is an identified nexus between the requirements for a road and/or footpath upgrade, will be subject to the provisions of this policy. This policy does not supersede or influence any other requirement for developer contributions as part of the subdivision approval process toward other facilities or infrastructure, such as public open space, community facilities, etc.

- In making recommendations to the Western Australian Planning Commission on applications for residential, commercial or industrial subdivision where at least two additional lots will be created from the parent lot/s, the Council will consider seeking a financial contribution to be made towards the upgrading of the footpath network.

- In making recommendations to the Western Australian Planning Commission on applications for residential, commercial or industrial subdivision where there is more than five additional lots to be created from the parent lot/s, the Council will consider seeking a financial contribution to be made towards the upgrading of the road and footpath network.

- Contributions towards the upgrading of the road and footpath network will be based on the standards contained in Table No 1 of this policy. The standards will be reviewed as part of Council's periodic review of the Shire of Brookton's Policy Manual. Thereby allowances can be made for changing community expectations.

- The road and footpath upgrading contribution will be a pro-rata calculation of 50% of the road/footpath as contained in Table No 1, based on the per kilometre / per metre frontage of the parent lot/s to the road. Where a secondary street exists, the Council reserves the right to seek a contribution for the secondary street in addition to the primary street frontage, however the Council will take into account traffic movements and existing rights of entry.

- If a subdivision required that the created lots be provided with constructed road access that does not currently exist, this policy shall not supersede any requirements for the developer to pay the full construction costs to provide this road access.

- Nothing in this policy shall prohibit Council from seeking the construction of a footpath network within a subdivision at the developer's expense.

- ln terms of the expenditure of the financial contributions made as part of the subdivision of land, the following principles shall apply:
  - The upgrading of the road network shall comply with the Shire's Works Program; and
  - The upgrading of any footpath network shall occur within three (3) years following the completion of all subdivisions affecting a particular area, or prior to this date as determined by Council.

- The Council may vary the requirements of this policy, where it is considered that full compliance with the policy is not practical, or such variation is warranted in the circumstances

of the subdivision.

- This Policy does not apply to roads under the care and control of Main Roads WA.

Table no. 1	**Standard**			
Zone	**Minimum Road Width Pavement (metres)**	**Road Surface**	**Kerbing/ Drainage**	**Comment**
Residential R5 and above	6	Prime and seal	Yes	The sealing coat will be laid one year after the laying of the prime coat
Residential R2.5 and below	6	Prime and seal	No kerbing – open spoon drains	The sealing coat will be laid one year after the laying of the prime coat
Rural Enterprise	6	Prime and seal	No kerbing – open spoon drains	The sealing coat will be laid one year after the laying of the prime coat
Commercial	As appropriate	Asphalt	Yes	
Industrial	7	Asphalt	Yes	Kerbing to be provided if appropriate
Rural Residential	7	Prime and seal	Yes	Kerbing to be provided if appropriate
Rural	9.6	Gravel – Standard Roads 150mm thick Heavy Routes 300mm thick	No kerbing – open spoon drains	A sealed road standard may be required in specific circumstances.
Footpaths where identified in strategy or structure plan	1.6	Concrete – 75mm Road Base Hot Mix – 100mm Road Base		

All construction shall be to Austroads standards or in compliance with drawings submitted by an appropriately qualified engineer and approved by the Shire.

Resolution No:
Resolution Date:

3.10 STOCKING RATES – RURAL ENTERPRISE, RURAL RESIDENTIAL AND RURAL SMALLHOLDING ZONE LAND

Purpose
The purpose of this policy is to provide a guide for the assessment and determination of applications for Planning Approval involving the keeping of livestock on properties zoned *Rural Enterprise*, *Rural Residential* and *Rural Smallholding*, within the Shire of Brookton.

It is not intended that this policy be applied rigidly, but that each application be examined on its merits, with the objectives and intent of the policy the key for assessment.

Objectives
The objectives of the policy are to ensure that the keeping of livestock:

- is undertaken in a sustainable manner.
- does not have a significant negative impact on the natural environment.
- does not impact detrimentally on the health and/or amenity of adjoining landowners.

Background
As a result of their size, certain types of properties necessarily invite rural lifestyle and associated land uses inclusive of low-key stabling and training of horses, rearing and agistment of animals, etc. An assessment of these types of land uses in the subject area meet the definition of a *'rural pursuit/hobby farm'* as per the Shire of Brookton Local Planning Scheme No. 4.

The Shire recognises that the majority of landowners manage their properties in a sustainable manner, however, the keeping of livestock on smaller properties requires a higher level of management than broad acre farming due to the higher density of animals and closer proximity of neighbouring landowners which results in a higher potential for both environmental and amenity impacts. The Shire recognises that unsustainable land management practices often lead to land degradation problems such as soil erosion, dust nuisance, odour, water pollution and damage to vegetation.

This *Stocking Rates Policy* endeavours to guide Council when considering applications for planning approval when livestock is going to be kept, as part of a *rural pursuit/hobby farm* land use on properties in the specific zones. It also enables Council to appropriately condition planning approvals for *'rural pursuit/hobby farm'* land uses so as to protect the amenity of the locality.

Application of Policy
The policy is only applicable to land zoned *Rural Enterprise*, *Rural Residential* and *Rural Smallholding* within the Shire of Brookton.

In terms of the Shire of Brookton Local Planning Scheme No 4, a *'rural pursuit/hobby farm'* land use is not permitted on any *Residential zoned* property.

Basis for Policy
The Stocking Rates Guidelines of the Department of Agriculture and Food of Western Australia (*Stocking Rate Guidelines for Rural Small Holdings, 2000*), has been used as the basis for this policy. These guidelines provide a scientifically sound and practical means by which the appropriate stocking rate for land within the subject area can be determined and provide guidelines for the assessment of applications for the stocking of land.

Stocking Rates

Definition of Stocking Rate:

For the purposes of this Policy, stocking rates are defined and shown as Dry Sheep Equivalents (DSE) which is the number of adult sheep (wether) that can be sustained on each hectare all year round.

Stocking rates are the number of stock, e.g. sheep, cattle, horses, emus or other type of animal that can consistently be kept on a piece of pastured land all year round with minor additional feed and without causing environmental degradation. Environmental degradation can include wind and water erosion, tree decline, increasing levels of nutrients in groundwater and waterways, the spread of weeds into adjoining bushland and soil structure decline.

Stocking rates are largely based on the amount of pasture that each particular type of animal will consume, but are also influenced by feeding patterns, animal weight, foot structure and activity.

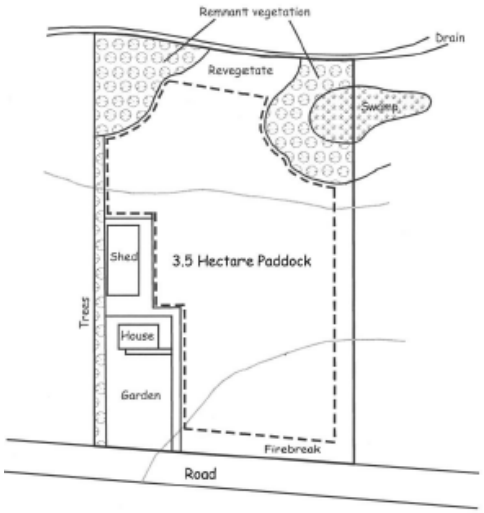
Base stocking rate & Animal Equivalents

The base stocking rate is the number of DSE that would apply to a property with the lowest level of pasture management in an average year. The recommended base stocking rate should:

1. Provide enough feed to maintain animals in good condition.
2. Avoid soil erosion by providing enough pasture cover to protect the soil throughout the year (at least 30% ground cover – hay, sawdust, etc.).
3. Be sustainable through average years.

In consultation with the *Department of Agriculture and Food of Western Australia*, a Base Stocking Rate for the Shire of Beverley (and by extension the Shire of Brookton), has been determined to be **5 DSE per hectare**. This Base Stocking Rate has been determined taking due cognisance of amongst others the annual average rainfall and length of the growing season.

Figure 1. Example Site Plan *(not to scale)*



Key Elements of example site plan – calculating the DSE for the above property:

- Parent Lot = 4.5 ha;
- Fencing the remnant vegetation, including a small swamp;
- Revegetating a 30 metre buffer to a seasonally flowing stream;
- Exclusion of house, shed, tracks and garden area (inclusive of fire break for shed and house);
- Leaves 3.5 ha of useable paddocks.

Calculated DSE:

5 DSE (Base Stocking Rate) x 3.5 ha (available paddock area) = **17.5 DSE**

Fencing
Appropriate fencing shall be made a Condition of Planning Approval for the keeping of livestock, with the following standards given as a guideline:

1.	SHEEP AND SMALL STOCK:	5 - 7 strand/line ring-lock, or similar
2.	CATTLE:	7 strand/line with electric fence*
3.	HORSE:	7 strand/line ring-lock or similar with "sighter" strands or electric*

** Non-lethal electric fencing systems shall be installed and operated as per the relevant Australian Standard (ASNZ 3014) and shall be installed so as to be on the inside of the subject property, and offset from the fence, with appropriately spaced warning signs, as shown in the samples in Figure 2.*

Figure 2
SAMPLE OFFSET ELECTRIC FENCE CONFIGURATION & WARNING SIGN

OFFSET EXAMPLE 1	OFFSET EXAMPLE 2	WARNING SIGN

Managing Wind Erosion Risk
Responsible grazing management is required, especially over summer, to maintain sufficient ground cover to reduce the risk of wind erosion. The ideal level of ground cover to minimize wind erosion is for about 50% of the soil surface to be covered by grass and pasture plant residues. At least 30% of the ground cover needs to be anchored to prevent soil being moved downwind during strong wind events. Grazing has to be managed so that it does not detach all of the pasture residues and the critical level of ground cover percentage is 30%. Once the amount of ground cover falls below 30% then wind erosion is likely to occur. Livestock should be removed from all paddocks once ground cover falls to 30%. In the case of horses, they should then be kept in a stable or small yard and hand fed to substitute for paddock feed. These paddocks should not be grazed again until new green pasture starts growing and ground cover is more than 30%.

Requirement for a Property Management Plan
Council will only consider applications for Planning Approval for a *rural pursuit/hobby farm* land use in excess of the Base Stocking Rate, where applicants submit a Property Management Plan which demonstrates that pasture improvement, nutrient and waste management methods are addressed.

Where it is proposed to keep livestock in excess of the base stocking rate, the following measures should be incorporated into the property management plan (where applicable):

- Drainage management practices that prevent direct runoff to watercourses or dams;

- Yards or pens should be sheeted with compacted soil, sand or sawdust if located on clay soils and should be regularly cleaned;
- Adequately fenced vegetation belts capable of effectively separating environmental features such as watercourses, from areas of intensive stocking; - Manure should be regularly collected;
- Supplementary feeding as a means of reducing grazing pressure;
- Areas of remnant vegetation, wetlands and watercourses should be fenced to exclude livestock;
- Where stables or other structures are proposed to be constructed for the housing of livestock, they must be located and managed so as not to detrimentally impact on the amenity of neighbouring residences;

Further to the above, the following information is required in the Property Management Plan:
Site plan of the property drawn to scale, indicating:

- Location of pasture areas, stables and yard areas/arenas;
- Fencing (including fencing of environmentally sensitive areas);
- Watercourses, wetlands, dams and areas prone to waterlogging;
- Existing vegetation;
- Manure Storage/composting area.

A written statement shall be provided that addresses the following (where applicable):

- The number and type of stock;
- Stabling practices;
- Collection, storage and disposal of manure, including fly management and odour control;
- Nutrient management plan;
- Pasture management techniques, including type and condition of pasture, rotation of pasture;
- Fertiliser application rates;
- Irrigation;
- Dust control;
- Weed control;
- Water availability and use;
- Soil type.

Conclusion
Where the keeping of animals results in challenges due to land degradation, nutrient enrichment/leaching, animal welfare or public nuisance, Council may require further reduction in the number of stock kept on a particular property. When Planning Approval is granted, the period of planning approval might be limited, at the Shire's discretion.

ANIMAL EQUIVALENTS FOR THE CALCULATION OF STOCKING RATES

Type of livestock	Weight (kg) and animal type	Dry Sheep Equivalent (DSE)
Sheep	50 kg Wether, ewe	1.0
	40-45 kg Lambing ewe (ewe and lamb)	1.5

	75 kg Rams	1.5
Cattle	425 kg Milking cow	10.0
	425 kg Dry cows, yearling, steer or heifer	8.0
	300 kg Yearling, heifer	6.0
	200 kg Smaller cattle (Dexter, Lowline)	4.0
	750 kg Bull, cow with calf	15.0
	Cow with young calf	10.0
Horses	450 kg Light	10.0
	1000 kg Draught	20.0
	250 kg Pony	5.0
Goats	30-35 kg Dry Angora	0.7
	35-40 kg Cashmere goat	1.0
	50-60 kg Dry milk goat	1.5
	Milking goat	2.0
Deer	120 kg Red deer	2.2
	50 kg Fallow deer	1.0
Other	55-120 kg Ostrich average (assumes half introduced feed)	1.4
	55 kg Emu average (assumes half introduced feed)	0.7
	150-210 kg Llama	3.0
	60-70 kg Alpaca	0.8

Note: Where a particular livestock is not mentioned in the table Council will determine the DSE.

CALCULATION OF DSE FOR A PROPERTY

The following section describes how the DSE for a specific property can be calculated for the purposes of applying for Planning Approval for a 'Rural Pursuit' land use.

Resolution No:
Resolution Date:

4.0 INFRASTRUCTURE POLICIES

4.1 DRUMMUSTER PROCESS

Objective
To ensure equity and consistency for community groups involved in fundraising through the DrumMuster.

Procedure
In recognition of their past efforts to revitalise the DrumMuster program in the Shire of Brookton, Council nominates Kweda Golf Club and Brookton Tennis Club as its DrumMuster inspectors by default and for every second collection.

Therefore, every alternate collection shall be advertised by the Shire Administration calling for other Community groups to provide inspectors for these collections, with all nominated inspectors having to attend an accredited Agsafe training course.

Resolution No:
Resolution Date:

4.2 PRIVATE PROPERTY ACCESS AND CROSSOVERS

Objective
To provide direction to staff when receiving requests for access to private property.

Policy

A. Access to property on land outside a townsite boundary:
Council will ~~provide culvert access or other appropriate~~ standard crossover access to property within the Shire ~~and~~ outside of a town site boundary, where it is considered necessary, appropriate or practicable. ~~A standard crossover is~~: ~~, subject to~~:

- ~~Such access being take from a public road~~ one crossover per lot or location adjoining a public road.
- ~~Only one access per rateable property provided at the Shire's cost;~~
- from the trafficable surface of the road to the property boundary;
- compacted gravel, minimum 7.32 metres wide;
- appropriate longitudinal drainage if required;
- Any additional access required shall be at the owner's expense.

B. Access to property on land within a town boundary:
~~Council will provide culvert access or other appropriate access to property within a town site, where it is considered necessary, appropriate, or practicable to do so, subject to:~~

1. ~~Such access being take from a public road.~~
2. ~~Only one access per rateable property provided with contribution from the Shire upon an approved building being constructed on the lot or planning approval and building licence being issued for the construction of an approved building on the lot.~~

~~Any additional access (or access to vacant land) being approved by the Shire and constructed to its specifications at the owner's expense.~~

- ~~The owner of land adjoining a Council road/street/way contributing a minimum of 50 % toward the construction of a standard crossover, based on:~~
  - ~~a maximum width of 6m to a hot mix seal standard or equivalent. Crossover to be constructed from the edge, or as near as practicable to the edge of a sealed road (or the anticipated edge in the event the road is unsealed) and to the owner's property boundary.~~
  - ~~Any extra width required on the crossover to be at the owner's expense.~~
  - ~~Additional cost for crossovers being constructed in brick paving, concrete or other similar material to be at the cost of the owner.~~

Council will meet 50% of the cost of construction of a standard crossover giving access from a public thoroughfare to the land, or a private thoroughfare serving the land, subject to:

a. prior approval of proposal and estimated cost of construction of a crossover;
b. written agreement of the landowner/occupier prior to commencement of works;
c. payment of the actual contribution cost to the landowner / occupier on completion, or cost recovery by the local government from the landowner / occupier; and
d. any variation to a standard crossover is to be at full cost to the land owner.

A standard townsite crossover specification is –

a. one crossover per property,
b. where adjoining road is bitumised, from the bitumen edge of the road to the property boundary, with the following materials
   - reinforced concrete – up to 2.5 metres wide, 125 mm thick;
   - bitumen seal – up to 2.5 metres wide, 2 coat seal on 150mm compacted gravel base course;
   - asphalt – up to 2.5 metres wide, minimum 60mm thick on 150mm compacted gravel base course; and
   - gravel / natural surface – to 4.8 metres wide, 150mm compacted gravel;
c. standard length of a crossover is 6 metres from the bitumised edge of the road, but may be varied where circumstance are deemed appropriate,
d. where the adjoining road is not bitumised, as per standard rural crossover specifications except to a width of 4.8m wide,
e. drainage under the crossover at Shire cost if required.

~~4.3 SLASHER AND ROTARY MOWER BAN~~

~~Objective~~

~~The objective of this policy is to provide for the safety of residents and firefighters during the prohibited burning period.~~

~~Policy~~

~~1. A ban on the use of slashers and rotary mowers shall apply from 1 December to 28 February each year between the hours of 6:00am to 6:00pm and from 6:00pm on the day before an extreme or above, fire danger rating is forecast from Bureau of Meteorology, unless the use is:~~

a) On a property within a townsite of any size that is reticulated or irrigated; or
b) On a property outside of the townsite that is:
   - less than 1.0 hectare in area;
   - irrigated or reticulated;
   - regularly slashed or mowed.

2. The ban shall be advertised as part of the Shire's Notes in the Brookton Telegraph, on the Shire's website, Facebook page and WhatsApp during the months of November, December, January, and February each year.

3. The Shire's Chief Bush Fire Control Officer be advised immediately on the decision to impose the ban for the 4 month period.

Resolution No:
Resolution Date:

4.4 USE OF COUNCIL EQUIPMENT AND MACHINERY FOR BUSHFIRE CONTROL

Objective
To guide the use of Council equipment when fighting bushfires.

Policy
1. All Council equipment and machinery is available for usage in controlling bushfires within or bordering the district conditional on equipment and machinery may only be utilised by regular Shire operators. competent and capable operators from other Local Governments, or those registered with a Brookton Fire Brigade that currently holds the relevant qualification and has experience to operate such equipment or machinery to ensure appropriate insurance cover is maintained.

2. The application of this policy rests with the discretion of the Shire President, Chief Executive Officer or Chief Bush Fire Control Officer once satisfied a person is suitably qualified as an operator.

Resolution No:
Resolution Date:

4.5 EXPENDITURE LIMIT – BUSH FIRE CONTROL OFFICERS

Objective
To authorise Shire expenditure relating to the control of bushfires in the Shire of Brookton.

Policy
The Chief Bush Fire Control Officer and registered Bush Fire Control Officers in charge of combating bush fires within the Shire may commit up to $1,200 of Shire funds for sustenance and fuel as considered necessary when attending to a bush fire under their control, without first having to obtain authorisation from the Shire President or the Chief Executive Officer, and subject to the following:

1. The expenditure is limited to purchases from the following retail businesses:

~~Brookton IGA~~
~~Stumpy's Gateway (BP) Roadhouse~~
~~Brookton (Liberty) Roadhouse~~
~~Brookton Rural Traders~~
~~Brookton Deli~~

~~2. The Chief Bush Fire Control Officer or registered Bush Fire Control Officer or CESM under direction is to sign for the goods in a legible manner or conversely obtain receipt from the retailer to be presented to the Shire Administration within the week following the bush fire incident.~~

~~3. The purchase of food is limited to bottled water, fruit and soft drinks, sandwiches and/or bread rolls, finger and reheated foods, tea bags, instant coffee, sugar, hydrolytes/sport beverages and milk, biscuits and the like. The purchase of alcohol, power, and milk drinks along with other food stuffs such a confectionary is not covered by this policy.~~

~~4. Expenditure exceeding the prescribe limit of $1,200 will require authorization from the Shire President or the Chief Executive Officer.~~

~~5. The Shire will not accept purchases that do not accord with provisions of this policy, unless otherwise authorised by the Shire President or the Chief Executive Officer.~~

~~**Resolution No:**~~
~~**Resolution Date:**~~

4.6 UNDEVELOPED ROAD RESERVES

Objective
This policy is designed to clarify the Shire's position in relation to the provision of road access.

Policy
1. The Shire of Brookton will not construct a road in an undeveloped road reserve where all adjoining land is owned or controlled by the one entity or farming enterprise.

2. Where a property is owned as a single entity that requires a road to be constructed in an undeveloped road reserve then the property owner shall:
   - Make a request in writing to Council.
   - Engage an approved contractor to undertake the endorsed road works.
   - Construct, at the property owner's expense, the road to a minimum 2wd access (driveway) standard to the Shire's satisfaction, subject to regulatory approvals (such as vegetation clearing permit) being granted.

Resolution No:
Resolution Date:

4.7 TEMPORARY ROAD CLOSURES

Objective
To restrict the winter use of unsealed roads by certain vehicles to avoid unnecessary damage and preserve the Shire's asset.

Policy
1. The ~~CEO~~ Shire of Brookton may ~~(under delegated authority)~~ close unsealed roads to all vehicles greater than 3 tonne gross weight when conditions arise and damage to the structure and or surface of the road is likely to occur. This would usually occur in winter after grading and when 10mm or more of rain is forecast.

2. Notifications of weather-related road closures must be made to adjoining Shires, broadcast via SMS to registered residents and businesses, and posted on the Shire/s website and social media ~~Facebook page~~ ~~(as per Notice of Road Closure proformas~~).

~~3. All notifications shall be in accordance with Section 1.7 of the Local Government Act, 1995 and where a road closure inadvertently exceeds a period of twenty-eight (28) days, the Shire Administration shall adhere to the provisions under Sections 1.7 and 3.50(4) of the *Local Government Act, 1995* and Section 4, Part 2 of the Local Government (Function and General) Regulations, 1996.~~

Resolution No:
Resolution Date:

4.8 RESTRICTED ACCESS VEHICLES

Objective
To seek to control the use of local roads by Restricted Access Vehicles so as to limit damage to roads and to ensure the safety of road users where possible.
~~To regulate Restricted Access Vehicles (RAV's) movements on local roads in the Shire of Brookton.~~

~~Main Roads WA (MRWA) to take over full responsibility for managing and enforcing all RAV approvals on Shire roads.~~

Policy
- ~~MRWA to assess and upgrade all current RAV 3 local roads to RAV 4.~~
- ~~MRWA to retain all Type A and B Low Volume (LV) conditions as they currently apply to local roads.~~
- ~~Applicants seeking to operate (RAV) on local roads are to be advised as follows:~~
  - ~~Approval is only valid on the Shire of Brookton local roads listed on the Permit Network 4 Permitted Road Table published on the MRWA website.~~
  - ~~Applicants are required to view the MRWA website to familiarize themselves with the LV conditions and abides by them.~~

Council supports access to local government roads in the Shire of Brookton by Restricted Access Vehicles, including road trains and B Doubles, to service local industry provided the roads to be used are deemed suitable.

Conditions of Use on Local Roads

The conditions that Council will seek to impose on use of local roads will be:

1. Unconditional access. Roads with these conditions would be of the higher standard and good condition. These routes would be made available to all vehicles and should be expected to be used as through routes for vehicles from outside the shire;

2. Low Volume Conditional Access (LVCA) Type 1. These roads would be of a decent standards and relatively good condition. It is Council's desire to have these roads made available for local traffic to allow economic freight use by local residents and ratepayers. The conditions for use of these roads include:
   - Not to be used as a through route. For local delivery and pickup only;
   - Current written approval from the Shire of Cuballing, endorsing use of the road, must be obtained, carried in the vehicle and produced upon request;
   - Operation is not permitted while the school bus is operating on the particular road. Operators must contact the relevant schools directly for school bus timetables; or where direct contact can be made with the school bus driver, operation is permitted once the school bus driver confirms all school drop-offs / pick-ups have been completed on the particular road;
   - Headlights must be switched on at all times; When travelling at night, the RAV must travel at a maximum speed of 40km/h and display an amber flashing warning light on the prime mover;
   - No operation on unsealed road segment when visibly wet, without road owner's approval; and
   - Direct radio contact must be maintained with other RAV's to establish their position on or near the road (suggested UHF channel 40).

3. Low Volume Condition Access (LVCA) Type 2. These roads can be of a low standard. It is Council's desire to have these roads made available for local traffic to allow economic freight use by local residents and ratepayers. The conditions for use of these roads include:
   - All conditions stipulated for Low Volume Conditional Access Type 1 roads; and
   - Road not to be entered until driver has established by radio contact that there is no other RAV on the road travelling in the oncoming direction; and
   - The RAV must not exceed a speed of 40 km/h.

Resolution No:
Resolution Date:

4.9 WASTE MANAGEMENT - BULK RUBBISH COLLECTION

~~**Objective**~~

~~An increase in the proportion of material recovered from the waste stream and a reduction in the proportion of waste destined for landfill.~~

Objective

- ~~To facilitate, encourage and promote economically sound, environmentally safe and efficient waste management practices, endorsed and supported by the community.~~

- To ~~maintain~~ provide a bulk waste management service~~s~~ for public and private property ~~that supports the policy directions of the State Government and other relevant agencies to reduce, re-use, recycle and safe disposa~~l.
- ~~To communicate the message for behaviour change and promote its adoption and acknowledge the success of individuals and organisations.~~
- ~~To encourage an increase in recycling activities while still maintaining a landfilling operation.~~

~~**Scope**~~

- ~~Refuse Facility (Reserve 24588, Lot 7857)~~
- ~~Domestic Waste Collection~~
- ~~Recycling~~
- ~~Green Waste Disposal~~
- ~~Street Litter~~

Policy Statement

1. ~~The Shire Administration is to~~ Council will provide a Brookton Townsite Residential Bulk Rubbish Pickup Service free of charge to residents and delivered to their residence upon request for a week and then removed. Staff are required to maintain a register of which residents utilise the service.

~~2. This service is to be advertised in the Brookton Telegraph and on the Shire's Facebook page from time to time and placed on the Council's Website as a service that residents can avail themselves of, and includes two different types of bins;~~

- ~~1 x Green Waste Bin (1 available)~~
- ~~1 x Bulk Waste Bin (2 available)~~

3. The bulk waste bins are:
   a) only available to properties within the Brookton Townsite and to properties zoned Residential, or Rural Residential and / or utilised for Residential purposes or Community Groups.
   b) not to be used for general household (putrescible) waste.
   c) ~~generally~~ to be placed at the relevant house for a week at a time however for operational reasons it may need to be left for a longer period of time.
   d) allocated on a first come, first serve basis for the relevant bin type.

4. Residents are only permitted to utilise the free service once per financial year per type of bin. Any additional request in each financial year are only permitted if the relevant charge ~~a $50 plus GST payment~~ is made in advance.

~~5. The provision or removal of bins is not to interfere with daily operational works requirements.~~

6. The Council adopted fee and charge for the service is $Nil for the first service in any financial year and ~~$50 plus GST~~ at the relevant charge for any subsequent request in that year.

Resolution No:
Resolution Date:

4.10 ROAD MAINTENANCE CONTRIBUTION

Background

The serviceable life of a road is dependent on the quantity and type of heavy vehicle passes. A road is usually designed to last for a defined period (typically between 20 to 50 years) during which time it is subjected to volume of vehicle traffic, often consisting of heavy vehicle passes on rural roads.

Ordinarily a road is designed and constructed to fit its intended purpose. If an industry or mining operation proposes a transport task that increases the volume of heavy vehicles that well exceeds the quantity of passes it was designed and constructed to carry, then the life of the road is likely to be consumed at a much higher rate than initially anticipated.

Should this occur, the road will require additional maintenance and may fail prematurely leaving the Shire with the cost to reconstruct the road at additional financial burden placed on the ratepayer.

This in the Council's view is unreasonable and onerous. Conversely, the view is also held that the proponent if gaining financially form the increased usage of the road should be charged at a fair rate to offset the cost of additional maintenance and reduction in the life of the road.

Objective

The objectives of this policy are to present a methodology and framework for heavy vehicle charging for a defined task on a sealed and unsealed Local Government Road.

This includes the calculation of heavy vehicle charges, qualifying scenarios, funding administration and development of agreements based on a fair and equitable arrangement accounting for all party's interests.

Definitions

Agreement: means an agreement between the Shire of Brookton and a proponent defining the conditions of access, including charges for a defined transport task.

Annual Design ESA (ADESA): means the predicted annual ESA used to design a road pavement structure. If unknown the design may be estimated based on an average annual ESA from historic traffic counts or the annual ESA reasonably expected for a particular Category of road under normal circumstances.

Equivalent Standard Axle (ESA): means the number of standard axle loads which are equivalent in damaging effect on a pavement to a given vehicle or axle loading. Every vehicle combination can be expressed as a number of ESA.

Extraordinary Load: means a freight task generating significant increase in the ADESA that can cause damage to the road pavement and reduction in the structural design life of a road with possible failure.

Preservation: means planned maintenance and rehabilitation designed to preserve or extend the serviceable design life of a road e.g. crack sealing, resealing with a bituminous sprayed seal, rehabilitation of gravel shoulders and replacing culverts and kerbs.

Proponent: means the party that is requesting to use of a Local Government road for a defined freight task.

Routine maintenance: means unplanned (reactive) activities applied to maintain serviceability of a road e.g. repairing potholes, cleaning drainage structures, repairing edge breaks and sweeping pavements.

Shire: means the Shire of Brookton.

Statutory Power

- *Road Traffic (Administration) Act 2008* Part 7, s.132 & s.136; Road authority may recover expenses of damage caused by heavy traffic.

In particular; s.132 (2) states:
"Where it appears to the road authority that has functions in relation to the repair of road infrastructure that, having regard to the average expense of repairing road infrastructure in the vicinity, extraordinary expenses have been incurred by the road authority in repairing the road infrastructure because of damage caused by heavy traffic, the road authority may recover the amount of the expenses as may be proved to the satisfaction of the court to have been incurred by the road authority because of damage caused by heavy traffic." and s.132(4) states: "A person against whom expenses are or may be recoverable under this section may enter into an agreement with the road authority for payment to it in respect of heavy traffic, and on making the payment as agreed the person is not to be subject to any proceedings under this section."

- Revised State Planning Policy 3.6 – Development Contributions for Infrastructure, developed under the authority of *Planning and Development Act 2005*, Section 26.

- *Local Government Act 1995* Part 6 – Financial Management, Div 5 – Financing Local Government Activities, Subdivision 2 – Fees and charges, 6.16 – Imposition of fees and charges.

Application

This policy applies to a party that plans to run a defined vehicle freight task on a Local Government Road(s). The task must be deemed to be of such volume (extraordinary load) that it is likely to cause damage resulting in "extraordinary expenses", which is damage deemed well beyond normally wear expected and calculated for a specific category of a road.

Extraordinary Load

An Extraordinary Load is assigned a nominal value of an annual ESA that is greater than 50% of the ADESA for the category of road concerned.

The Shire may decide a different percentage is warranted depending on the individual circumstances. A lower percentage or a sliding scale may be deemed appropriate in circumstances where it is clear the task is likely to cause damage resulting in extraordinary expenses incurred by the Shire.

The ADESA shall be determined using one of the following methods:

1. Historical pavement design information.
2. Engineering assessment based on traffic counts, pavement structure and condition performance.
3. From figures provided in Table 1 below:

~~Table 1: Nominal 50% ADESA for sprayed sealed Local Government roads[1]~~

~~Road Category~~	~~50% ADESA~~
~~Access road~~	~~400~~
~~Local distributor~~	~~2000~~
~~Regional distributor~~	~~12000~~
~~District distributor~~	~~40000~~

~~[1]WALGA & ARRB 2015, adapted from Table c.1~~

~~Negotiation~~

~~The following conditions may necessitate negotiation between the Shire and the Proponent to adjust the calculated charge, or to use an alternative methodology:~~

~~a) If the Category of road has been purposely constructed to a level that is markedly different to the ADESA in Table 1, then an appropriate ADESA shall be determined using available engineering data and judgement. The road category shall also be appropriately adjusted for the determination of cost from the WALGA User Guide.~~

~~b) If the road is in a very poor condition and likely to fail in the longer term, then the Shire will seek to negotiate with the proponent on a strategy and cost to bring the road to a serviceable condition before calculating an annual charge.~~

~~c) If the magnitude of the freight task is of such a volume that the road is likely to experience structural failure in a short period, then the Shire will l require an appropriate strategy and charge to upgrade the structural capacity of the road in advance. This will result in an increased ADESA, which will then be used to calculate ongoing charges.~~

~~d) The rates in the WALGA User Guide are current for 2015. The Shire and the proponent may agree on a suitable method to calculate escalation.~~

~~e) If the proposed ESA is excessively above the limits in the User Guide, or if for any other reason this method is deemed inappropriate, then the Shire may elect to calculate the charge using an alternative method.~~

~~Funding and Service~~

~~Funds collected from the Proponent shall be placed into a dedicated fund and shall only be used for routine maintenance, preservation and structural strengthening activities on the section of road concerned. The Shire will keep records of all works and costs. The Shire will also contribute a portion to the cost of works out of its own funds according to what Council would have reasonably allocated to the road if the proponents activities were not present.~~

~~Funds collected from the Proponent shall be placed into a dedicated fund and shall only be used for routine maintenance, preservation and structural strengthening activities on the section of road concerned. The Shire will keep records of all works and costs. The Shire will also contribute a portion to the cost of works out of its own funds according to what Council would have reasonably allocated to the road if the proponents activities were not present.~~

~~Agreement~~

~~The proponent shall enter into an Agreement that includes the following:~~

- ~~The type and axle configuration of the vehicles to be used for the task.~~

- The annual quantity of vehicle passes and the payload tonnage. If seasonal then this must be described.
- The routing including return journeys.
- The duration of the task.
- The annual and unit rate charge and method of calculation.
- Payment terms and conditions.
- The obligations of the parties, including works records, expenditure, evidence and audit requirements in relation to the determination of actual payload tonnages and notifications of changes to vehicles, payload or routing.
- Conditions on expiry of the agreement.
- Hours and conditions of operation.
- Breaches and terms of remedy for the Local Government and Proponent.
- Duties of the Shire and the Proponent.

Duties of the Shire of Brookton

The Shire will take all reasonable steps to keep the road in a serviceable condition for the duration of the agreement. This includes the maintenance of proper records to ensure transparency of expenditure of all collected charges.

Duties of the proponent

The proponent will be required to adhere to the conditions of agreement, including:

- obtaining the Shire's acceptance and approval to any change in the type of vehicles and axle configurations, annual payload or transport routing;
- the timely payment of financial contributions.

Authority

Any agreement must be formally endorsed by Council.

Review

This policy shall be reviewed by Council at least every two years.

References

- WALGA Heavy Vehicle Cost Recovery Policy – Guidelines FOR Sealed Roads.
- WALGA & ARRB 2015, User Guide – Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, WALGA, Perth, Western Australia.
- ARRB Group 2015, Technical Basis for Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, ARRB Group Project 009335 for WALGA, Perth, Western Australia.

Resolution No:
Resolution Date:

4.11 ASSET MANAGEMENT POLICY

Background
The community relies on the Shire of Brookton to deliver services. The Shire has finite resources and limited income streams to fund the delivery of these services which need to be aligned with the Community's aspirations identified via the Strategic Community Plan.

To ensure that resources are optimally allocated, decisions need to be made in an informed manner considering the acquisition, ongoing ownership, management and disposal of assets. The Shire also needs to continuously consider whether it needs to provide and/or own assets in order to deliver services or whether it can simply facilitate the provision of the service by a third party.

Scope
This policy covers all service delivery of the Shire of Brookton and relates to the management of assets under the care, control and responsibility of the Shire. The Policy applies to all physical assets and their components with a useful life of more than one year, and a replacement value of greater than $5,000 which require management by the Shire.

Physical assets include:
- Land
- Buildings
- Infrastructure
- Furniture and equipment
- Plant and equipment
- Cultural collections

Objective
The key objective of this policy is to ensure that there is an organisation-wide commitment to Asset Management which enables the Shire to meet its service delivery objectives efficiently and effectively, in a way that ensures:
- Assets are managed in accordance with relevant legislation;
- Assets are managed in accordance with recognised best practice;
- An asset "whole-of-life" or life cycle costing approach is taken in the management of the Shire's assets;
- Risk is considered in the development of asset strategies;
- Asset performance is measured against defined levels of service outlined in the Asset Management Plan;
- Assets are brought to account in accordance with the requirements of the appropriate accounting standards and reporting requirements;
- Informed decision-making is based on reliable data; and
- Asset management is sustainable.

The policy also assists the Shire in compliance with the provisions of the State Government's Integrated Planning and Reporting Framework by having an integrated approach to planning for the future.

Procedure
The Shire is committed to the following principles and actions to achieve the objectives of this policy:
- Develop and review annually the Shire's Asset Management Strategy and Plans;

- Ensure the integration of the Asset Management Strategies and Plans with the Shire's Strategic Community Plan and informing strategies, particularly the Long-Term Financial Plan;
- Allow the Strategic Community Plan to inform asset requirements to reflect community priorities;
- Ensure that the asset management system complies with relevant Australian Accounting Standards, relevant Legislation and Regulations, Australian Standards, recognised best practice principles and other Shire of Brookton policies;
- Consider options for the Shire to facilitate delivery of services by a third party;
- Develop documented service level agreements with key stakeholders to ensure the sustainability of assets and the Shire's services;
- Use life cycle costs as the basis for decision-making regarding asset acquisition, replacement, maintenance and disposal;
- Monitor asset utilisation and predict future demand changes;
- Identify, through risk management and condition assessments, initiatives to reduce exposure to injury, liability and asset and service failure;
- Develop and maintain operational plans for each asset class, identifying full life cycle costs, service level requirements, maintenance requirements, risks, refurbishment, replacement and disposal requirements;
- Provide relevant information to support asset management, including the effective collection, collation and analysis of asset data;
- Keep informed on issues relating to asset management best practice;
- The optimisation and rationalisation of assets in order to provide community services at the best possible value-for-money; and
- Measure and report on the efficiency and effectiveness of asset performance, including functionality, suitability, location, accessibility, utilisation and cost.

Asset Management Responsibility and Accountability

Responsibility for asset service delivery and asset management, including accountability and reporting requirements of day-to-day operations, will be clearly established and clearly communicated through the Asset Management Strategy and Asset Management Plans. This will ensure that both Elected Members and Shire staff are acutely aware of their roles and responsibilities in relation to asset management.

To manage assets effectively, responsibility for their control must be defined and assigned. Asset registers are to be kept up-to-date and provide timely and meaningful information that meets the decision-making requirements of the Shire's management.
At a minimum, the following broad roles and responsibilities are assigned through this policy:

Elected Members

1. Responsible and accountable for the stewardship of the Shire's assets;
2. Approve the Asset Management Policy;
3. Endorse Asset Management Strategies and Plans; and
4. Ensure that appropriate resources are allocated and funded in the Shire's financial planning process in order to achieve the strategic asset management objectives and implementation of asset plans.

Chief Executive Officer (CEO)

1. Ensure that systems are in place to develop, maintain and regularly review Council's Asset Management Policy, Asset Management Strategy and Asset Management Plans.

Management Group (CEO, Manager Infrastructure and Works ~~Assets~~, Manager Corporate and Community)

1. Maintain and review the Asset Management Policy in accordance with the Strategic Community Plan and the Corporate Business Plan;
2. Ensure that sound business principles are adopted in the preparation of Asset Management Plans in accordance with Asset Management Strategy;
3. Ensure the integration and compliance with the Asset Management Policy, Strategies and Plans with other policies and business processes of the Shire;
4. Ensure relevant Asset Management Plans are developed;
5. Ensure Asset Management Strategy and Asset Management Plans are maintained and reviewed every year; and
6. Ensure that strategies and resources are in place to train Councillors and Officers in key aspects of asset management and long-term financial planning.

Manager Infrastructure and-Works ~~Assets~~ (MIWA~~)~~)

1. Responsible for resource allocation from Council approved resources associated with achieving Council's Asset Management Strategy;
2. Responsible for the monitoring of the implementation of asset management across the organisation; and
3. Maintain and review the Asset Management Strategy every year in accordance with the Asset Management Policy.

Responsible Officers (applicable to each asset class)

1. Implement the Asset Management Policy, Strategies and Plans in accordance with this policy's objectives and commitments;
2. Ensure that resources under their control are appropriately allocated to the management of their asset class responsibilities;
3. Maintain and review every year Asset Management Plans relevant to their asset class in line with the Management Strategy;
4. Engage current and up-to-date technologies, methodologies and continuous improvement processes;
5. Facilitate acknowledged best practice in asset management.

Outcomes

Adherence to this policy will ensure that the Shire will continue to deliver or facilitate the delivery of financially sustainable services aligned with the aspiration s of the community.

Resolution No:
Resolution Date:

4.12 ROAD SAFETY AUDITS

1.0 POLICY OBJECTIVES

~~To set out the requirements for conducting Road Safety Audits in the Shire of Brookton.~~

To improve the safety of the road network and developments in Shire and ensure measures to eliminate or reduce road environment risks for all road users are fully considered with emphasis placed on fatal and serious crash risk.

To promote the development, design and implementation of a safe road system through the adoption of formal road safety auditing principles and practices.

~~2.0 POLICY SCOPE~~

~~This Policy applies to Shire of Brookton road infrastructure projects and to qualifying projects that are subject to the Development Application processes.~~

~~The Policy applies to all District Distributor, Local distributor and Local Access Roads within the Shire.~~

3.0 DEFINITIONS / ABBREVIATIONS

Audit Team means a team that shall comprise of at least two people, independent of the design team, including members appropriately experienced and trained in road safety engineering or crash investigation with knowledge of current practice in road design or traffic engineering principles who undertake the road safety audit.

Audit Team Leader means the person with appropriate training and experience with overall responsibility for carrying out the audit and certifying the report. An Audit Team Leader practicing in Western Australia must be an IPWEA/Main Roads Accredited Senior Road Safety Auditor.

Audit Team Member means an appropriately experienced and trained person who is appointed to the Audit Team and who reports to the Audit Team Leader. An Audit Team Member practicing in Western Australia must be an IPWEA/Main Roads Accredited Road Safety Auditor.

Corrective Action Report (CAR) means a tabular summary report prepared by the Audit Team to be completed by the Asset Owner, Project Owner, Project Coordinator or delegated representative to respond to identified findings and recommendations detailed in the audit report.

Crash investigation means an examination of crashes to identify patterns and common trends that may have contributed to crash causation or crash severity. This can include the detailed investigation of a single crash.

IPWEA refers to Institute of Public Works Engineering Australasia.

Main Roads means Main Roads Western Australia.

Permanent change means any permanent change to the road network, excluding like for like maintenance replacement works and temporary works.

Public road means a road either under the control of Main Roads, Local Government, or any other road accessible by the public (excludes private roads).

Road Safety Audit means a formal, systematic, assessment of the potential road safety risks associated with a new road project or road improvement project conducted by an independent qualified audit team. The assessment considers all road users and suggests measures to eliminate or mitigate those risks.

Road safety engineering means the design and implementation of physical changes to the road network intended to reduce the number and severity of crashes involving road users, drawing on the results of crash investigations.

Road Safety Inspection means a formal examination of an existing road or road related area in which a qualified team report on the crash potential and likely safety performance of the location, (formerly known as an 'Existing Road Safety Audit').

Safe System means a road safety approach adopted by National and State Government to generate improvements in road safety. The Safe System approach is underpinned by three guiding principles: people will always make mistakes on our roads but should not be killed or seriously injured as a consequence; there are known limits to the forces the human body can tolerate without being seriously injured; and the road transport system should be designed and maintained so that people are not exposed to crash forces beyond the limits of their physical tolerance.

Specialist Advisor means a person approved by the client who provides independent specialist advice to the audit team, such as, road maintenance advisors, traffic signal specialists, police advisors and individuals with specialist local knowledge.

4.0 POLICY STATEMENT

~~This policy requires that the following commitments be adopted as part of a strategic framework for the implementation of road safety audit principles and practices in the planning and development of infrastructure within the Shire of Brookton.~~

~~Include road safety audit goals and objectives in our Corporate Plan and Business Management Systems (BMS).~~

~~**Background**~~

~~In accordance with the Australian National and the Western Australia State Road Safety Strategies this policy adopts a Safe System approach to the delivery of a road safety audit service by placing emphasis on fatal and serious crash risk.~~

~~The road safety audit process is an assessment of road engineering projects and as such the Safe System sphere of influence is limited to two of the four cornerstones of the Safe System approach, namely, Safe Roads and Roadsides, and Safe Speeds.~~

~~This is to be achieved by focusing the audit process on considering safe speeds and by providing forgiving roads and roadsides. This is to be delivered through the Road Safety Audit~~

~~process by accepting that people will always make mistakes and by considering the known limits to crash forces the human body can tolerate with the aim to reduce the risk of fatal and serious injury crashes.~~

~~A road safety audit is a formal examination of a future road or traffic project in which an independent qualified team reports on potential crash occurrence and severity which may result from the introduction of the project.~~

~~Road safety audits are a proactive process to prevent the occurrence of road crashes. The road safety audit process provides project managers with a powerful mechanism to identify potential crash risk in the delivery of infrastructure projects and aims to reduce the risk of trauma and crashes on the road network.~~

~~In the implementation of this policy the road safety audit approach to be taken is: that it is not acceptable that any human should die or be seriously injured on the Western Australia road network, and specific road safety audit findings shall be highlighted in this regard.~~

~~**Application**~~

Road safety audits and road safety inspections must be conducted in accordance with the Austroads Guide to Road Safety Part 6: Road Safety Audit, and Main Roads Western Australia and Institute Public Works Engineering Australasia (WA division) complimentary checklists and procedures.

The road safety audit process must be completed using the Main Roads / IPWEA-WA road safety audit report template provided on the Road Safety Audit Portal website.

All road safety audits must be repeated if the project design materially changes, if there are many minor changes which together could impact on road user safety, or if the previous road safety audit for the relevant stage is more than 3 years old. Should a project not begin the next stage in its development within 3 years of the completion of the previous audit, the project must be re-audited. ~~This is to ensure that due consideration is given to the project's interface with the existing road network.~~

Relevant staff shall be trained in order to fulfil the training and experience requirements to achieve and maintain road safety auditor accreditation.

~~Where appropriate a reciprocal partnership agreement will be arranged with other local governments to create opportunities for road safety audit teams to include qualified independent team members from partnering local governments.~~

Road Safety Audit Team

- All road safety audit teams must comprise a minimum of two members.
- All audit teams must be led by a suitably qualified and experienced Western Australia IPWEA/Main Roads Accredited Senior Road Safety Auditor and shall be listed on the Road Safety Audit Portal so that the maximum emphasis is placed on road safety engineering and Safe System principles,
- All audit team members must be Western Australia IPWEA/Main Roads Accredited Road Safety Auditors and shall be listed on the Road Safety Audit Portal.
- Specialist advisors, such as, Police advisors or technical experts can assist the audit team by providing independent specialist advice on particular aspects of a project. There is no

requirement for a specialist advisor to be an Accredited Road Safety Auditor. Specialist advisors shall be listed as an "Advisor" in the audit report and shall not be listed as a team member.

- The audit team shall include a Local Government officer, (they can be a specialist advisor).
- Team Leaders/Members shall excuse themselves from participation in the audit if:
  - They have had any involvement in planning, design, construction or maintenance activities for road infrastructure for the project.
  - They perceive any possibility of duress or coercion by their employer or employer's staff in relation to the audit.
- Persons not accredited as a Road Safety Auditor or do not have relevant specialist skills may still participate as an observer if invited to do so by the Team Leader.

When to Audit

Black Spot Projects

Road Safety Audits shall be conducted on all Black Spot funded projects as per State Black Spot Program Development and Management Guidelines.

Road projects with a project value ≥ $1 Million

All road infrastructure projects that involve a permanent change to the Shire's road network with an estimated project value > $1 Million shall have a road safety audit undertaken at the following 3 stages as a minimum:

- Stage 2 - Preliminary design
- Stage 3 - Detailed design
- Stage 4 - Pre-opening (when the project is substantially complete and prior to opening to the public)

Road projects with a project value ≥ $150,000 and < $1 Million

All road infrastructure projects that involve a permanent change to the Shire's road network with an estimated project value ≥ $150,000 and < $1 Million shall have a road safety audit undertaken at the following 2 stages as a minimum:

- Stage 3 - Detailed design
- Stage 4 - Pre-opening (when the project is substantially complete and prior to opening to the public)

A detailed design road safety audit shall be carried out on a road project that involves a permanent change to the Shire road network with a project value < $150,000 if it is considered complex and/or high risk at the discretion of Council.

Land Developments

Road safety audits shall be conducted on land use developments that intersect the Shire road network in accordance with the requirements of this policy. The road project value warrants above shall be used to determine audit requirements, with the exception of projects with an estimated project value less than $150,000 that meet any of the following warrants:

- Subdivisions of more than 20 lots;
- Car parks providing access for more than 50 vehicles;
- Developments that are likely to generate traffic movements in excess of 100 movements per day;

- Projects that are likely to generate increased pedestrian or cycle movements, or where significant numbers of pedestrians or cyclists are nearby; or
- Project locations where potential road safety risks are identified by the Shire.

Land use developments that involve a permanent change to the public road network with an estimated project value less than $150,000 that meet any of the above warrants shall have a road safety audit undertaken at the following 2 stages as a minimum:

- Stage 3 - Detailed design
- Stage 4 - Pre-opening (when the project is substantially complete and prior to opening to the public)

The road safety audit shall include the internal road network and parking area within the development.

Existing Roads
Road safety inspections shall be undertaken for existing intersections or road sections where there is a traffic management or road safety concern, at the discretion of the Shire.

Close out
The Asset Owner, Project Owner, Project Coordinator, or the delegated representative shall complete the Corrective Action Report within one calendar month and arrange for the completed and signed report to be recorded on the Shire's records system and a copy forwarded to the audit team leader.

The Asset Owner, Project Owner, Project Coordinator, or the delegated representative shall be responsible for the proposed actions and comments resulting from the Corrective Action Report.

Resolution No:
Resolution Date:

4.13 GRAVEL, SAND AND CLAY SUPPLIES AND PIT REHABILITATION POLICY

Objective
To ensure that at all times, the Shire has sufficient materials and arrangements in place to meet the needs of road maintenance and construction programs. This will be achieved by:

1. Ensuring access to an adequate supply of high-quality road building materials.
2. Ensuring that an effective rehabilitation program is in place; and
3. Ensuring that all facets of these transactions are transparent and compliant with relevant legislation.

Policy
Access to Material
Council recognises that in order to access gravel, sand or clay it needs to pay a fair price and abide by its own policies and local laws. To this end, Council will undertake the following:

1. Approach the landowner at least four weeks prior to the time that the works are due to commence, to advise the landowner of the Shire's intention, advise of compensation and to enable the landowner to make any domestic arrangements in relation to stock, etc.

2. All pits opened on private property will be reclaimed before the plant shifts to the next programmed job, unless firm arrangements are made with the landowner for not reclaiming.

3. If the area is required for dam catchments, all topsoil shall be stock piled, or removed if suitable for road building.

4. If required by the land holder, the area shall be fenced, and suitable gates fitted to the fenced area, at the Shires expense.

5. Construction shall occur when necessary to create or repair affected haul roads.

6. All care will be taken to reduce, as much as possible, the impact or inconvenience to the landowner.

7. All Pits will be rehabilitated in accordance with this Policy.

8. The set a preferred rate of payment for materials of:
   a) $2.50 per m^3 (GST Inclusive) for gravel;
   b) $1.90 per m^3 (GST Inclusive) for sand;
   c) $1.50 per m^3 (GST Inclusive) for clay; and
   d) authorise the CEO, to negotiate with landowners to purchase gravel, sand or clay at a different rate where there is identified benefit to Council.

Council will review this rate of payment annually and publish this in Councils Fees and Charges.

Staff will report to Council on the purchase of gravel, sand and clay.

9. All transactions are to be in accordance with relevant legislation and include a written agreement, detailing all aspects of the proposed transaction, including rehabilitation of the quarry/pit. No works are to occur prior to the signing of the agreement by both parties.

~~10. Council will pay the full payment for the materials extracted.~~
~~Council will provide contra private works to the value of the materials extracted.~~

~~11. Landowners have an option to:~~
~~a) Claim full payment for the materials extracted.~~
~~b) Claim part payment and part private works up to the value of the material extracted; or~~
~~c) Receive no payment and have private works carried out to the value of the materials extracted.~~

~~The value of any private works provided will be determined by Councils adopted annual Fees and Charges for the provided private works and the quantity of gravel, sand or clay purchased by Council.~~

12. The private works in Part 10 above may only be carried out on the property from which material has been extracted and is subject to plant availability. Any works scheduled are to be performed during the budgeted financial year and are not to be carried over.

13. When landowner consent from the extraction of road building or other materials required for public works is not granted and the Chief Executive Officer and Manager Infrastructure and Works considers the acquisition of these materials is in the best interest of the public, the Chief Executive Officer will provide such notices and takes such actions as prescribed by the *Local Government Act 1995*, Section 3.27 (1) to secure the materials.

14. If materials are extracted without the landowner's consent, then the rates of royalty that would have been applicable and remedial actions to the land that would have been taken, will apply as if the landowner had given their permission.

15. Upon meeting all requirements of the Agreement in Part 7 (Access to Material) the Manager Infrastructure and Works shall ensure the landowner is adequately satisfied by way of a signed acceptance letter.

Pit Rehabilitation

The Shire recognises and accepts that pit rehabilitation is necessary to avoid soil compaction, decrease surface drainage, avoid erosion and minimise visual pollution.

1. In general, prior to opening a pit, a management plan of the site will be prepared which will include rehabilitation and monitoring.
2. Private operators are also required to submit for approval and abide to a pit management plan, which includes rehabilitation and monitoring, before establishing a pit.

3. Wherever possible, new pits will be established on cleared land, not existing bushland and not be located on a road verge.

4. Where necessary, the visual impacts of an operating pit will be minimised through the establishment of buffers between the pit and visual vantage points.

5. Where necessary, the dust and noise impacts of an operating pit will be minimised through the establishment of buffers between the pit and neighbours.

6. Throughout the life of the pit, topsoil, overburden and vegetation will be stockpiled separately ready for respreading in the rehabilitation process.

7. If weeds have developed on the topsoil mounds these will be removed prior to respreading the topsoil.

8. If necessary, drainage structures will be established within the pit, to reduce any ponding and/or surface erosion.

9. Rehabilitation will be done progressively throughout the life of the pit; and

10. The site will be monitored every year for three years after closure of the pit. If after three years, rehabilitation is considered inadequate, appropriate measures will be undertaken to bring the pit up to the appropriate rehabilitated standard.

Bush Sites

Where a proposed pit is located within bushland, the following will apply:

1. Reference to the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* and obtain the necessary clearing permits.

2. Prior to opening a gravel pit, seed from local endemic species will be collected from the site and stored for use in the revegetation phase of rehabilitation.

3. The general process of rehabilitation will be:
   a. Rip the floor of the pit at 1 one metre intervals across the contour.
   b. Shape the ripped pit so that the surfaces are as smooth as possible.
   c. Batter the edges down to blend in with the landscape with the batter slopes no steeper than 4H:1V.
   d. Return the overburden, and the topsoil to the pit.
   e. Then cross-rip the site at one metre intervals on the contour to encourage plant growth and
   f. Return all vegetation and debris to the pit.

4. Seeds collected prior to pit establishment should be scattered on the site at the time of year suited for germination (varies with location) if establishment from respreading vegetation has been inadequate. If a store of seeds is not available, seed from local endemic species should be collected from surrounding areas; and

5. If required by the landowner and the pit is located on farmland, it will be fenced to exclude stock to help ensure adequate regeneration at the Shire's expense.

Pastured Sites

1. Prior to establishment of the site, the landowner will be asked how they want the site rehabilitated.

2. For sites to be rehabilitated back to pasture the general process of rehabilitation will be:
   a. Rip the floor of the pit to a depth of at least 50cm along the contour.
   b. Shape the pit so that the surfaces are as smooth as possible, and edges are battered down to blend in with the landscape.
   c. Return the overburden and then topsoil to the pit and
   d. Pasture seed will be spread.

Abandoned Pits

1. As part of its annual budget deliberations, Council will determine an amount specifically for the rehabilitation of abandoned pits. This will take into account, a works program to ensure that over time, all abandoned pits are rehabilitated to a satisfactory level.

2. The method for rehabilitation will not change from that mentioned in the section on current pits.

3. If fill is no longer available, spoil from roadworks etc. will be used. Topsoil, if no longer on site, will be carted to the area to ensure regeneration will be satisfactory; and

4. The site will be monitored every year for three years after rehabilitation works. If rehabilitation is inadequate, appropriate measures will be taken to ensure success.

Resolution No: **03.25-11**
Resolution Date: **20 March 2025 – updated.**

4.14 MONTHLY FUEL MEASUREMENTS AND VARIANCE

Objective
To establish guidelines for measuring fuel usage and defining acceptable variances, along with procedures for investigating discrepancies exceeding the allowable tolerance.

Scope
This policy applies to all company vehicles and equipment using fuel provided by The Shire of Brookton.

Policy
Accurate fuel measurement and monitoring are critical to ensure operational efficiency, cost management, and environmental responsibility. A variance tolerance of 100 litres per month is permitted. Variances exceeding this threshold will trigger an investigation to determine the cause.

Responsibilities:
- **MIW:** Responsible for overseeing fuel measurement processes, maintaining accurate records, and initiating investigations when variances exceed the tolerance limit.
- **Drivers/Operators:** Required to accurately log fuel usage and report any discrepancies or issues immediately.
- **Works Co-Ordinator:** Responsible for ensuring all vehicles and equipment are in proper working order to prevent fuel wastage or leaks.

Procedures:
1. **Fuel Measurement:**
   - Fuel usage will be measured and recorded at each refuelling.
   - All fuel transactions must be logged with the date, time, vehicle/equipment identification, and the amount of fuel dispensed.
   - Monthly summaries of fuel usage will be compiled for review.

2. **Variance Tolerance:**
   - A monthly variance of up to 100 litres is acceptable.
   - Variances above 100 litres will be flagged for investigation.

3. **Investigative Procedure for Variances:**
   - **Initial Review:**
     - Verify the accuracy of the fuel records for the month in question.
     - Check for any clerical errors in the logs.
   - **Vehicle/Equipment Inspection:**
     - Conduct a thorough inspection of the vehicle or equipment to identify any leaks or mechanical issues that could cause excessive fuel consumption.
   - **Operational Review:**
     - Review the routes and usage patterns for inefficiencies or unauthorized usage.
   - **Driver/Operator Interview:**

        - Interview the driver/operator to identify any unusual activities or issues during the period in question.
    - **Fuel Supplier Verification:**
        - Confirm the accuracy of fuel deliveries from suppliers.

4. **Reporting and Documentation:**
    - Document all findings of the investigation in a detailed report.
    - Include recommendations for corrective actions if necessary.
    - Submit the report to management for review and further action.

5. **Corrective Actions:**
    - Implement necessary repairs or adjustments to vehicles/equipment.
    - Provide additional training to drivers/operators if misuse or improper logging is identified.
    - Adjust fuel management practices based on investigation outcomes to prevent future variances.

Compliance and Monitoring:

- Regular audits will be conducted to ensure compliance with this policy.
- Management will review variance reports and investigation outcomes quarterly to assess the effectiveness of the policy and make necessary adjustments.

Review and Revision:

- This policy will be reviewed annually and revised as needed to ensure its continued relevance and effectiveness.

Resolution No: **OCM 12.24-16**
Resolution Date: **19 December 2024**

~~5.0 REGIONAL POLICIES~~