Shire of Brookton

POLICY MANUAL

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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.

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Resolution Date: **19 June 2025**

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.

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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.

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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

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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.

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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.

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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).

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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.

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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.

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1.10 ADVERTISING OF SHIRE OF BROOKTON EMPLOYMENT VACANCIES

Objective:
This policy will:

- Ensure that local people are advised of all Council employment vacancies; and
- Advise the local community of Council's activities in employment of staff.

Policy Statement:
That for each employment vacancy, the Shire of Brookton will at least advertise that employment vacancy:

- in the *Brookton Telegraph News* local newspaper; and
- on the Shire of Brookton's Facebook page.

Guidelines:
This policy does not seek to limit the advertising of employment vacancies. It is expected that the Shire of Brookton would advertise employment vacancies in any additional forum that would improve the opportunity of a successful employment outcome for the Shire of Brookton.

Resolution No: **OCM 06.26-10**
Resolution Date: **18 June 2026**

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.

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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.

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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.

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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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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.

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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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

1.22 CODE OF CONDUCT BEHAVIOUR COMPLAINTS MANAGEMENT

1.0 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.

2.0 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.

3.0 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

4.0 Principles

4.1 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.

4.2 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.

4.3 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.

4.4 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.

5.0 Roles

5.1 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.

5.2 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.

5.3 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.

6.0 Procedure

6.1 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.

6.2 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.

6.3 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.

6.4 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.

6.5 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.

6.6 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).

6.7 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.

6.8 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.

6.9 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.

6.10 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.

6.11 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.

6.12 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.

6.13 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).

6.14 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.

6.15 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.

7.0 Decision Making

7.1 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.

7.2 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.

7.3 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.

7.4 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.

8.0 Implementing Council's Findings and Actions

8.1 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.

8.2 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: OCM 06.25-20
Resolution Date: 19 June 2025

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: OCM 06.25-20
Resolution Date: 19 June 2025

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 Operational Guideline 1.8 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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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 06.25-20**
Resolution Date: **19 June 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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: OCM 06.25-20
Resolution Date: 19 June 2025

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 06.25-20**
Resolution Date: **19 June 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 PURCHASING 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.
- "Fuel Card" is defined as a card that is specifically used to purchase fuel for Shire of Brookton vehicles.
- "Transaction Card" Any store card limiting purchases to a specific store.
- "Purchasing Card" A general term used for the purpose of this policy to encompass fuel, transaction and corporate credit cards.
- "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 Purchasing 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 Purchasing Cards.

An agreement shall be signed by the cardholder and the local government which sets out the cardholder's responsibilities and legal obligations when using Purchasing Cards. 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 Purchasing 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 Purchasing Cards

The Shire's Purchasing 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).

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 Purchasing Card will supply the Finance Department area with a statement of account each month.

The monthly statement of account from the provider of the Purchasing 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 purchasing transaction slip is not acceptable to support a 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 Purchasing 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

Purchasing cards that are lost or stolen must be reported immediately by the cardholder to the issuing banker/provider by telephone. At the earliest opportunity, written notification must also be given to the Manager Corporate & Community.

Misuse of Purchasing 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 Purchasing 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 Purchasing 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 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 Purchasing Card (either through internal transfer, retirement, resignation or conclusion of service contract) they must return the Purchasing 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 Purchasing 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 Purchasing 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 Purchasing Cards.

Cardholders Responsibilities

Officers who are issued with Purchasing Cards must -

1. ensure the care and safe keeping of the Purchasing 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. provide an early response to enquiries that may be made by the bank, creditors or related parties, as the case may be.

Resolution No: **OCM 08.25-08**
Resolution Date: **21 August 2025**

Appendix A

To: _____ Title: _____

From: Manager Corporate & Community Date: _____

CORPORATE CARD USER INSTRUCTIONS

You have been provided with a Shire of Brookton sponsored Purchasing 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 purchasing 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 Purchasing Card statement or Purchasing 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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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

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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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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.

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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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

2.22 COMMUNITY HOUSING – WHITE STREET UNITS

Introduction
This policy applies to the Independent Senior Residences at 40 White Street, known as the White Street Units.

Objectives
To detail the eligibility criteria for Shire owner/managed housing available to the community.

Policy

1. Compliance Eligibility Criteria – Affordable Housing

To be eligible to occupy a Williams Street Unit, an applicant must satisfy the following criteria:

- 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.
- have satisfactory references.

2. Qualitative Eligibility Criteria – Senior Housing

Should there be multiple applicants listed on the Shire of Brookton Housing Requests Waiting List, the Shire will assess these applicants by the following criteria:

1.	First priority –	is/are the applicant(s) in receipt of a pension from Centrelink or Veterans Affairs.
2.	Second priority -	do the applicant(s) not own a residence;
3.	Third priority –	is/are the applicant(s) an existing resident(s) of the Shire of Brookton.
4.	Fourth priority -	does the applicant(s) have close family ties to Brookton;
5.	Fifth priority -	does the applicant(s) have historical and community links to Brookton;
6.	Six priority -	Which application was received first.

3. Waitlist

When no Williams Street Unit are available, a waitlist of applicants is maintained.

Resolution No: **OCM 10.26-14**
Resolution Date: **15 October 2026**

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 06.25-20**
Resolution Date: **19 June 2025**

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 06.25-20**
Resolution Date: **19 June 2025**

2.25 FRAUD AND CORRUPTION CONTROL POLICY

Objective
The objective of the Fraud and Corruption Prevention Policy is to protect resources, including information, and safeguard the integrity and reputation of the Shire. This policy sets out the arrangements for the overall management of the risks and any instances of fraud and/or corruption.

Scope
The Shire does not tolerate fraud and corruption. Control of fraud and corruption is the responsibility of everyone in, or associated with, the Shire.

It is recognised that fraudulent activity and corruption are illegal and contrary to the Shire's organisational values and Codes of Conduct.

This policy ensures Employees, Elected Members, Committee Members, Contractors and Volunteers are aware of their responsibilities in relation to fraud and corruption prevention and control, the identification, treatment and recording of fraud or corruption risks, fraud or corruption auditing and detection processes, reporting responsibilities and obligations and investigation procedures.

This policy applies to all individuals acting on behalf of the Shire, including those engaged in procurement, project management, finance, and governance activities.

Definitions

Fraud – 'Fraud' is defined by Australian Standard AS 8001-2021 (Fraud and Corruption Control) as dishonest activity causing actual or potential financial loss to the organisation including theft of moneys or other property by persons internal and/or external to the organisation and/or where deception is used at the time, immediately before or

immediately following the activity. It also includes deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal benefit.

Corruption - is defined as an act done contrary to the interests of the Shire with intent to give or receive some advantage or benefit inconsistent with official duty and the rights of others.

Policy Statement

Responsibilities

All Elected Members, employees, contractors and volunteers of the Shire are required to observe the highest standards of ethics and integrity in undertaking their roles as custodians of the Shire's assets, financial resources and information. They are also expected to act in an open, honest and professional manner that reflects the high standing of the Shire.

It is recognised that fraudulent activity and corruption are illegal and contrary to the Shire's organisational values.

The Shire will take a proactive stance to ensure that incidences of fraudulent or corrupt activities or behaviours do not occur. Whilst the Shire endeavours to foster a culture which upholds trust (openness, honesty and integrity), it must be recognised that not everyone within an organisation may share those values. In responding to this, the Shire will ensure the creation of an effective internal control environment, supported by a positive organisational culture and effective leadership aimed at preventing fraud and corruption from occurring.

As such all Elected Members, employees, contractors and volunteers of the Shire are to report actual or suspected fraud and corruption and report potential sources of fraud and corruption.

Reporting Fraud and Corruption

All public officers have a legal obligation under the Corruption, Crime and Misconduct Act 2003 to report suspected serious misconduct to the Corruption and Crime Commission (CCC) and minor misconduct to the Public Sector Commission (PSC).

The Shire's designated Public Interest Disclosure (PID) Officer can also receive disclosures of suspected misconduct in accordance with the Public Interest Disclosure Act 2003. The PID Officer's contact details will be made publicly available on the Shire's website and intranet.
Disclosures can also be made anonymously, and the Shire will provide protections to disclosers in accordance with the Public Interest Disclosure Act 2003. Further information and reporting mechanisms are available via:

Corruption and Crime Commission
Public Sector Commission

Audit and Risk Committee:

The Audit and Risk Committee will be notified of instances of alleged fraud and corruption through risk reporting.

The Committee will also:

a. Oversee the effectiveness of internal control systems in fraud prevention and detection
b. Review all reports of fraud and corruption incidents
c. Monitor the implementation of fraud-related audit recommendations.

Prevention

The Shire proactively engages in preventative measures designed to help reduce the risk of fraud and corruption from occurring. These include:

Leadership	Setting and demonstrating the standards for ethical behaviours for the Shire
Risk Assessment	Identifying, Monitoring, Mitigating or Eliminating Fraud Hazards
Processes and Systems	Information Technology System controls Transparent, robust policies and processes - Code of Conduct - Procurement - User access policies - Contracts - Audit
Education and Awareness	Mandatory annual training for all employees, elected members, contractors, and volunteers, with additional targeted training for high-risk areas
Public Interest Disclosures	Public Information and accessible internal reporting procedures

Detecting

Early detection is an essential element of fraud and corruption control. Although notifications of fraud and corruption from internal and external sources are the most common method of detection, other detection measures include monitoring high-risk areas, internal reviews and audits, intrusion detection systems, conducting reviews focused on risk, or data mining and data matching.

Fraudulent and corrupt conduct is able to be detected through the Shire ’s robust internal control systems and mechanisms. These include:

- Audit Plan
- Procurement Policy
- Audit, Risk and Improvement Committee
- Public Interest Disclosures
- Data analytics and periodic review of financial and operational data to identify anomalies

Responding

When the Shire becomes aware of incidents of fraud and corruption the Shire will act promptly and decisively.

Responses include:

- internal investigations;
- referrals to external investigators where appropriate;
- referrals to the police and/or the Corruption and Crime Commission;
- remedies for dealing with misconduct, such as disciplinary action up to and
- including termination of employment;
- active recovery of proceeds of fraud or corruption where appropriate;
- internal reporting on fraud and corruption instances to the Audit, Risk and Improvement Committee
- review of internal controls by the Executive Management Team

All investigations will be conducted in accordance with the principles of procedural fairness and natural justice. The rights of individuals will be respected, and outcomes will comply with the Local Government Act 1995 and applicable industrial relations instruments.

Associated Documents
Shire of Brookton Code of Conduct for Employees
Shire of Brookton Code of Conduct for Council Members, Committee Members and Candidates
Contracts of Employment
Risk Management Framework and Policy
Register of Financial Interest Disclosures
Register of Gifts
Complaints Register
Register of Interest Disclosure

Resolution No: **OCM 12.25-06**
Resolution Date: **18 December 2025**

2.26 CONTRACT VARIATIONS POLICY

Objective
1. To provide guidance to staff on the principles and limitations applicable to the administration of contract variations.
2. This policy is to be read in conjunction with other tender & purchasing policies where relevant.

Policy
Pre-Contract Variations
Pre-contract variations are permitted pursuant to Regulation 20 of the Local Government (Functions & General) Regulations 1996 (the Regulations). If after a Tender has been publicly advertised and a preferred tenderer has been chosen, but before the Shire of Brookton and tenderer have entered into a contract, a minor variation may be made by the Shire. A minor variation will not alter the nature of the goods or services, nor will it materially alter the specification provided for by the initial tender.

In the event the chosen tenderer is unable or unwilling to enter into a contract that contains a minor variation, or if the tenderer and the Shire of Brookton are unable to agree on any other variation to be included in the contract as a result of the minor variation, then that tenderer ceases to be the preferred tenderer. The Shire may then choose the tenderer who submitted the next most advantageous submission.

A minor variation must be authorised by the CEO prior to the commencement of any negotiation.

Post Contract Variations
As per Regulation 21A, if a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless:
a. The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
b. The variation is a renewal or extension of the term of the contract as described in Regulation 11(2)(j).

A variation can only be approved by a Shire of Brookton Officer with the relevant delegation (as detailed within the Delegations Register) for the total project cost, not just the variation value. The total project cost is calculated by the initial contract price plus any variation/s.

Shire of Brookton Officers with sub-delegation authority can only approve variations up to 5% of the initial contract cost. Where the variance exceeds 5% of the initial contract cost, the variation/s must be reported to CEO for his/her authorisation. Where the total contract cost exceeds the CEO's delegation (which is 10% of the initial contract cost), the variation must be presented to Council for approval.

Following the issue of a purchase order for the procurement of goods or services, the contract for purchase may be varied where:

a. The contract enables the contract to be varied, and the variation is in accordance with variation provisions of the contract;
b. Additional goods or services that were not, or could not have been, foreseen at the time the purchase order was issued are required;
c. Sufficient funds are available in the appropriate capital or operating budget to meet the additional cost; and
d. The value of the contract as a result of the variation does not exceed the purchasing limit of the Officer approving the variation.

Resolution No: **OCM 06.26-08**
Resolution Date: **18 June 2026**

2.27 PRIVACY AND RESPONSIBLE INFORMATION SHARING POLICY

Policy Statement
The Shire of Brookton (Shire) is committed to protecting personal information and complying with the *Privacy and Responsible Information Sharing Act 2024*.

Objective
To provide clear guidelines for the responsible management of data, ensuring Council handles personal information lawfully and ethically. This Policy aims to align with privacy laws and supports public administration while protecting individual privacy.

This policy outlines how information will be collected, stored and managed, as well as providing guidance for responding to and preventing breaches, supporting responsible information sharing to enhance services and community outcomes.

Scope
This policy applies to all Council members and employees, external partners, contracted service providers and volunteers who have access to, and are responsible, for the management of information on behalf of Council.

Definitions

Term	Meaning
Policy	this the Shire of Brookton policy titled "Privacy and Responsible Information Sharing"
Personal Information	Refers to both Personal Information and Sensitive Information as defined below; *Personal Information:* Any information or opinion about an identifiable individual, regardless of its truth or format. *Sensitive Information:* A subset of Personal Information, including details about an individual's: 1. Racial or ethnic origin 2. Political opinions or affiliations 3. Religious or philosophical beliefs 4. Membership in associations or unions 5. Sexual orientation or practices 6. Criminal record 7. Health, genetic, or biometric information (e.g., biometric templates or data used for verification).
Cookies	A small data file stored on a device's browser. Its purpose is to help a website keep track of the user's visits and activity.
Unique Identifiers	Numbers, codes, or data used to identify and track an individual, entity, or object within a system, such as: 1. Personal Identifiers (Tax File Number, Driver's License Number, Passport Number);

	2. Digital Identifiers (IP Address, MAC Address) 3. Organisational Identifiers (Employee ID, Customer ID) 4. Object and Asset Identifiers (Barcode, QR Code, VIN (Vehicle Identification Number) 5. Health Identifiers (Medicare Number, Health Record Number)
Automated Decision-Making	The process where systems or algorithms make decisions based on data and predefined criteria, without human involvement, often used to improve efficiency and service delivery
De-identification	The process of removing personal details or replacing them with alpha-numerical codes, allowing data to be used for analysis while protecting privacy.

Policy Statement

Information and Data Collection

Council collects information to deliver services and meet operational needs, including:

- Contact details (name, email, phone, addresses)
- Physical details (signature, image, voice)
- Identification details (birth certificates, passports, Medicare and concession information)
- Electronic details (bank information, TFNs, police clearance and workplace medicals)

Information is gathered in different formats when engaging with Council for business purposes, including:

- Information provided in forms, applications, surveys and feedback channels;
- Data on customer interactions with the Shire's website and online services; and
- Audio and visual content including phone calls, voicemails, CCTV, recorded meetings and transcripts

Information will only be collected, when necessary, with legal justification.

Council will clearly identify which information is optional. People may choose not to provide optional information. This will not impact their ability to receive Council services or have their requests considered.

System-generated Information

Council's website uses cookies to collect anonymous traffic data to improve user experience. By using the website, individuals consent to receiving electronic messages at their provided contact address.

Council may review collected data and statistics to assess server activity, access to individual pages, and applications, with the aim of improving the delivery of information to its visitors. No effort will be made to identify users or trace their online behaviour, except in the rare case of an investigation or to address issues related to a security breach or inappropriate activity.

Council's website may include links to external sites that may be owned and controlled by third parties. Links to these sites do not indicate affiliation or endorsement by Council. Accessing third-party sites may be subject to terms and conditions that differ from those of Council, and using these links is at each individual user's own risk.

Information collected when interacting with Council -managed social media accounts, may be used to compile statistics that help focus communications. Users should be aware that these platforms handle personal information according to their own privacy policies and are encouraged to familiarise themselves with these policies.

Use and Disclosure

Council will use personal information exclusively for the purpose it was collected, or for purposes that can be lawfully anticipated, including:

- Managing Council rates assessment records and other local government documentation;
- Providing and sharing information about the Council's current and future services and facilities; and
- Overseeing processes such as approval submissions, animal registration, financial administration, land use evaluations, and compliance with local laws and regulations

Council may disclose customer and stakeholder information to third parties under specific circumstances including legal requirements, consent, or public interest. Disclosure may occur for law enforcement, research, service improvement, or to fulfil the intended purpose of the information. Information may also be shared to prevent serious threats to individuals or public safety, address family violence, or comply with child protection obligations.

Council will take reasonable steps to ensure that any third party receiving personal information adheres to privacy and confidentiality requirements.

Council may use personal information in automated decision-making to improve services, operations, or provide targeted content within the community, ensuring these processes are transparent, fair, and compliant with legal requirements.

Unique Identifiers

Council will manage unique identifiers securely and only collect them when necessary to perform functions or meet legal requirements with access limited to authorised personnel.

When Council generates unique identifiers, Council will use them exclusively for internal purposes and ensure they are neither shared nor applied beyond the systems where they are created.

When identifiers are no longer required, Council will de-identify personal information by removing or replacing details with codes or general data. This ensures privacy while allowing the data to be used for analysis or other purposes.

Data Storage and Protection

Council is committed to securely storing and protecting personal information, ensuring it is accessed only for approved purposes. Council will actively work to safeguard against misuse, loss, unauthorised access, and disclosure, with storage and protection methods complying with the WA *State Records Act 2000* and relevant standards.

Officer will manage and record complaints and seek to respond promptly once all necessary information is received. Any unavoidable delays will be communicated to the complainant.

The Chief Executive Officer will oversee compliance with privacy obligations and ensure Council meets statutory requirements, reinforcing the commitment to privacy protection and transparent responses.

Council will act swiftly to minimise harm and protect affected individuals during a data breach, notifying them immediately and investigating the cause. Council will strengthen data protection measures to ensure compliance with relevant laws to prevent future breaches.

A privacy interference may lead to a notifiable breach, including unauthorised access, disclosure, or loss of information. Individuals can escalate concerns to the Information Commissioner of Western Australia, who assists in submitting privacy complaints.

Safeguarding Transactions

Security measures employed by Council include encryption, multi-factor authentication, and risk assessments, put in place to protect information.

Council's website may contain links to third-party websites which are outside of the Shire's control and are therefore not covered by these conditions. Council accepts no responsibility for the security, content accuracy, or privacy practices of external sites.

Whilst Council takes all reasonable steps to protect details held, as with all information transmitted over the internet, complete security is not guaranteed.

Accessing Personal Information

To manage access to personal information, Council implements strict controls, ensuring only authorised personnel can view or handle the data. Access is granted based on roles and responsibilities, with regular reviews to ensure compliance with privacy policies. Security measures such as encryption and secure login protocols are also in place to protect personal information.

Council, in line with Australian privacy law, allows individuals to request amendments to their personal information if it is deemed inaccurate, outdated, incomplete, irrelevant, or misleading. This includes updating superseded details or rectifying inaccuracies, deficiencies, or false information. Individuals can also request annotations to clarify or challenge their records.

All requests are to be submitted in writing and may require formal identification before changes are made. Requests and applications can be directed to the Freedom of Information Officer:

- By Email: mail@brookton.wa.gov.au
- By post: PO Box 42, Brookton WA 6306, or
- In person: 14 White Street, Brookton WA 6306.

Further information can be obtained from Council's Freedom of Information Statement.

Complaints and Breaches

Council will address complaints promptly, following established procedures to resolve them, and ensures privacy law compliance if personal information is involved. The designated FOI Officer will manage and record complaints and seek to respond promptly once all necessary information is received. Any unavoidable delays will be communicated to the complainant.

The Chief Executive Officer will oversee compliance with privacy obligations and ensure Council meets statutory requirements, reinforcing the commitment to privacy protection and transparent responses.

Council will act swiftly to minimise harm and protect affected individuals during a data breach, notifying them immediately and investigating the cause. Council will strengthen data protection measures to ensure compliance with relevant laws to prevent future breaches.

A privacy interference may lead to a notifiable breach, including unauthorised access, disclosure, or loss of information. Individuals can escalate concerns to the Information Commissioner of Western Australia, who assists in submitting privacy complaints.

Resolution No: **OCM 10.26-09**
Resolution Date: **15 October 2026**

2.28 DATA BREACH POLICY

Policy Statement
The Shire of Brookton (Shire) is committed to protecting personal information and complying with the *Privacy and Responsible Information Sharing Act 2024*.

Under the *Privacy and Responsible Information Sharing Act 2024* (PRIS Act), public entities (including local governments) must have a Data Breach Policy to ensure timely identification, assessment, management and where a serious data breach is likely to cause harm, mandatory notification to the Information Commissioner and affected individuals in accordance with the Act.

Objective
To minimise damage caused by any data breaches by following the procedures aligned with the Data Breach Procedure.

Purpose
This Policy establishes the Shire's framework for preventing, detecting, assessing, reporting, and responding to data breaches involving personal information held by the Shire.

It is designed to prepare the Shire for compliance with the PRIS Act, including the Information Privacy Principles (IPPs) and the PRIS notifiable information breach scheme (commencing 1 January 2027) for serious breaches.

Definitions

Term	***Description***
Data Breach	A data breach occurs when personal information held by, or on behalf of the Shire (in electronic or hard copy form): • Is accessed without authority; • Is disclosed without authority; • Is lost in circumstances that are likely to result in unauthorised access or disclosure; or • Is accidentally or unlawfully destroyed, altered, or otherwise compromised.
Data Breach Response Plan	Detailed internal plan outlining the steps required for Shire staff to contain, access, investigate, and respond to an information breach.
Contracted Service Provider (CSP)	An eligible information breach occurs when both of the following conditions are met:

	1. A data breach has occurred, involving personal information held by a public sector agency, including where the information: • is accessed without authority. • is disclosed without authority; or • is lost in circumstances where unauthorised access or unauthorised disclosure is likely to occur; and 2. A reasonable person would conclude that access, disclosure, or loss is likely to result in serious harm to an individual to whom the personal information relates.
Eligible Information Breach	An eligible information breach occurs when both of the following conditions are met: 1. A data breach has occurred, involving personal information held by a public sector agency, including where the information: • is accessed without authority. • is disclosed without authority; or • is lost in circumstances where unauthorised access or unauthorised disclosure is likely to occur; and 2. A reasonable person would conclude that access, disclosure, or loss is likely to result in serious harm to an individual to whom the personal information relates.
Notifiable information breach (PRIS)	An assessed breach that meets PRIS criteria for notification to the WA Information Commissioner and affected individuals (commencing 1 Jan 2027).
Personal Information	Personal information means information or an opinion about an individual, whether: • true or not; and • recorded in any form or not; and • relating to a living or deceased individual, **where the individual is identifiable**, including where: • the individual's identity is apparent or can reasonably be ascertained from the information or opinion; or • the individual can be identified by reference to an identification number or other identifying, such as a fingerprint, retinal scan, or body sample.

Scope
This Policy applies to –

- The Shire of Brookton as a public entity under the PRIS Act (including Elected Members and employees when handling personal information in official duties).
- Contracted service providers (CSPs) that handle personal information for or on behalf of the Shire under a State services contract, where the contract stipulates PRIS compliance.

- All personal information in any form (electronic, paper, audio-visual) held or controlled by the Shire, including historical holdings (retrospectivity applies once PRIS privacy provisions commence).

Note: Under PRIS, local governments are "IPP entities." This Policy aligns with the 11 IPPs across the personal information lifecycle (collection, use, disclosure, storage, destruction) and embeds a notifiable information breach response consistent with PRIS definitions.

Implications
This policy provides principles for the minimisation of any Data Breach.

The Shire will maintain and continually improve a Data Breach Management Program that:

1. Prevents breaches via appropriate controls, training, and security practices (aligning to IPPs and best practice).

2. Detects and responds to suspected breaches promptly, following a structured 4-step incident process compatible with OAIC guidance (Contain → Assess → Notify → Review).

3. Assesses "serious harm" using PRIS/OAIC criteria and documents decisions in an Incident Assessment Report.

4. Reports and notifies PRIS notifiable information breaches to the WA Information Commissioner and affected individuals from 1 January 2027, in accordance with PRIS timelines and format requirements, and as soon as practicable after assessment.

5. Where Commonwealth OAIC obligations apply (e.g., Shire acts as an APP entity for certain federal programs), the Shire will mirror OAIC NDB requirements, ensuring integration with PRIS where both apply.

6. Manages contractors (CSPs) so contracts expressly require PRIS-compliant breach notification flows and cooperation with the Shire's response procedures.

7. Records all breaches (suspected and confirmed) in a secure register and reports systemic issues to the Executive and where required to the Audit, Risk and Improvement Committee as part of continuous improvement.

8. Engages with affected individuals respectfully, transparently, and in culturally appropriate ways, including consideration of Aboriginal data governance principles in PRIS**.**

Implementation

Data Breach Response (Summary)
The Shire will implement a detailed Information Breach Response Procedure (refer separate document) that follows best practice and aligns with PRIS and OAIC:

Step 1 — Contain & Secure
- Isolate systems, revoke compromised credentials, preserve evidence/logs, and engage ICT/third-party vendors as required.

- Begin a preliminary risk assessment (nature of data, sensitivity, volume, exposure).

Step 2 — Assess & Decide (Serious Harm Test)

- Conduct a documented assessment to determine if the breach is notifiable under PRIS (from 1 Jan 2027).

- Use the "serious harm" test (likelihood) with the PRIS/OAIC factors; consult legal/forensic expertise if needed.

Step 3 — Notify (If Notifiable)

- Prepare formal notifications for the WA Information Commissioner and affected individuals (content includes description, types of information, protective steps, and remedial actions).

- Provide clear support options (hotline/email) and protective advice (e.g., password resets, credit watch).

- Coordinate communications with WA Information Commissioner's Office and, if relevant, OAIC (where federal programs apply).

Step 4 — Review & Improve

- Identify root causes and implement corrective actions (policy, technical controls, training).

- Update the breach register and include metrics in quarterly Executive/Audit, Risk and Improvement Committee reports.

Timelines and thresholds

- PRIS notifiable scheme requires notification where serious harm is likely; the Shire will operate on a "as soon as practicable" basis after completing assessment, mirroring OAIC practice.

Contract Management (CSPs)

- All relevant State services contracts must include a data breach clause requiring CSPs to immediately notify the Shire of any suspected or confirmed breach, to cooperate with assessments, and where applicable, to assist with PRIS and OAIC notifications.

- CSPs must maintain a Data Breach Response Plan compatible with this Policy.

Training & Awareness

- The Shire will run mandatory privacy and breach-response training for staff and contractors, with refreshers following major breaches or technology changes.
- Executives and Coordinators will receive tailored training on serious harm assessments, PRIS notification duties, and media/communications management.

Security Controls & Preventative Measures

- Maintain a risk-based cyber security posture, physical security, and robust access controls and audit trails.

Authorities And Accountabilities:

There is no requirement for the CEO to delegate or authorise a decision-making function to an employee for efficiency regarding this policy.

Roles And Responsibilities

1. Council: Approves this Policy and receives significant risk updates through the Audit, Risk and Improvement Committee.

2. CEO (Principal Officer): Accountable for ensuring PRIS compliance, adequate resourcing, and endorsing serious breach notifications and communications.

3. All Executive Managers are responsible for the implementation of the policy within their respective units.

4. Privacy and Responsible Information Sharing Officer:
   a. Maintains the Data Breach Response Procedure, breach register, training and audit.
   b. Coordinates assessments, drafts notifications and liaises with the Information Commissioner and the public.
   c. Is responsible for the publication of and compliance with this policy and supporting procedures and providing interpretations in the event of the need for clarification.

5. ICT: Leads technical containment, forensic logs, evidence preservation, and vendor engagement; ensures cyber-security measures are maintained and improved.

6. Managers/Coordinators: Ensure their areas and CSP contracts incorporate PRIS obligations (including the breach clause) and escalate breaches immediately per Procedure.

7. All Staff and Contractors: Must report suspected breaches immediately via the nominated channels and follow training and directions.

Dispute Resolution

All disputes regarding this policy will be referred to by the Manager Corporate & Community Services in the first instance. In the event an agreement cannot be reached, the matter will be submitted to the CEO for a ruling.

Evaluation And Review

The impact of the policy will be evaluated by:

- Review of complaints of unauthorised collection, storage or sharing of Personal Information.

The policy is to be reviewed every three (3) years from its approval date, or more frequently if appropriate in line with legislative changes.

Related Documents

Shire of Brookton Complaints Handling Policy
Privacy Information and Responsible Sharing Policy (PRIS) Act 2024.

Resolution No: **OCM 10.26-09**
Resolution Date: **15 October 2026**

2.29 COMMUNITY HOUSING – MOKINE UNITS

Introduction

This policy applies to the Independent Senior Residences at 33 Whittington Street, known as the Mokine Units.

Objectives

To detail the eligibility criteria for Shire owner/managed housing available to the community.

1. Compliance Eligibility Criteria – Senior Housing

To be eligible to occupy a Mokine Unit, an applicant must satisfy the following criteria:

- 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.
- have satisfactory references.

2. Qualitative Eligibility Criteria – Senior Housing

Should there be multiple applicants listed on the Shire of Brookton Housing Requests Waiting List, the Shire will assess these applicants by the following criteria:

1.	First priority –	is/are the applicant(s) an existing resident(s) of the Shire of Brookton.
2.	Second priority -	does the applicant(s) have close family ties to Brookton;
3.	Third priority -	does the applicant(s) have historical and community links to Brookton;
3.	Fourth priority -	which application was received first.

3. Waitlist

When no Mokine Unit are available, a waitlist of applicants is maintained.

Resolution No: **OCM 10.26-14**
Resolution Date: **15 October 2026**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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.

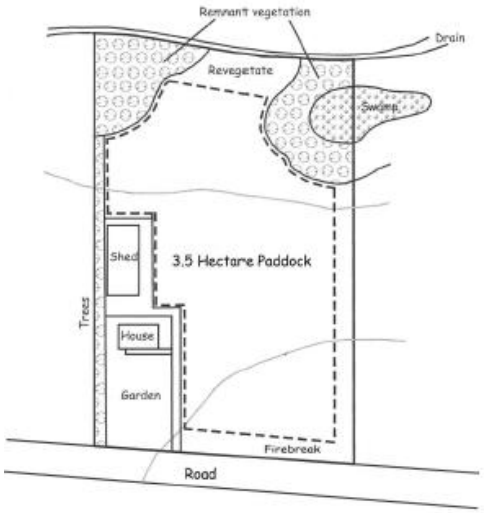
Base stocking rate & Animal Equivalents

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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.

Resolution No: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**

Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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 Brookton, 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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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: **OCM 06.25-20**
Resolution Date: **19 June 2025**

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 06.25-20**
Resolution Date: **19 June 2025**