

Notice of Meeting

Councillors: Please be advised that the next meeting of the

Kulin Shire Council

will be held on **Wednesday 19th May 2021**

Afternoon Tea	2.30pm
Council Meeting	3.00pm
<i>Concept Forum to follow</i>	
Dinner	6.30pm



Garrick Yandle
Chief Executive Officer
14 May 2021



DISCLAIMER: The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used. Please note this agenda contains recommendations, which have not yet been adopted by Council.

ORDER OF BUSINESS

- 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS - COUNCIL CHAMBERS**
- 2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**
- 3 PUBLIC QUESTION TIME**
- 4. DECLARATIONS OF INTEREST BY MEMBERS**
 - 4.1 Declarations of Financial Interest
 - 4.2 Declarations of Proximity Interest
 - 4.3 Declarations of Impartiality Interest
- 5. APPLICATIONS FOR APPROVED LEAVE OF ABSENCE**
- 6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
 - 6.1 Shire of Kulin - Ordinary Meeting
 - 6.2 RoeRoc Meeting – 22 April 2021 Attachment 1
- 7 MATTERS REQUIRING DECISION**
 - 7.1 List of Accounts – April 2021 Attachment 2
 - 7.2 Financial Reports – April 2021 Attachment 3
 - 7.3 Model Code of Conduct 2021 – Council Members, Committee Members and Candidates Attachment 4 & 5
 - 7.4 Discussion Template Noongar Heritage Agreement for Local Government Aboriginal and the Cultural Heritage Bill (Draft) 2020 Attachment 6
 - 7.5 All Ages Precinct Construction – Tender Award
 - 7.6 Adoption of Fees and Charges 2021-2022 Attachment 7
- 8 COMPLIANCE**
 - 8.1 Compliance Reporting – General Compliance April 2021 Attachment 8
 - 8.2 Compliance Reporting – Delegations Exercised April 2021
 - 8.3 Register of Delegations - Review Attachment 9
 - 8.4 APOG and Policy Manual Review Attachment 10
- 9 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 10 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
- 12 MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC**
- 13 DATE AND TIME OF NEXT MEETING**
- 14 CLOSURE OF MEETING**

1 DECLARATION OF OPENING

The President declares the meeting open

2 RECORD OF ATTENDANCE

Attendance

BD West	President	West Ward
G Robins	Deputy President	Town Ward
R Bowey	Councillor	Town Ward
L Varone	Councillor	East Ward
B Smoker	Councillor	West Ward
MS Lucchesi	Councillor	Central Ward
JK Noble	Councillor	Town Ward
RD Duckworth	Councillor	West Ward
G Yandle	CEO	
C Vandenberg	DCEO	
J Hobson	Works Manager	
T Scadding	Community Service Manager	
F Jasper	Executive Support Officer	

Apologies

Nil

Leave of Absence

Nil

3 PUBLIC QUESTION TIME

Nil

4 DECLARATION OF INTEREST BY MEMBERS

Nil

5 APPLICATIONS FOR APPROVED LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- 6.1 Shire of Kulin – Ordinary Meeting – 21 April 2021
- 6.2 RoeRoc Meeting – 22 April 2021

7 MATTERS REQUIRING COUNCIL DECISION

7.1 List of Accounts – April 2021

RESPONSIBLE OFFICER: DCEO
FILE REFERENCE: 12.06
AUTHOR: DCEO
STRATEGIC REFERENCE/S: 12.01
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Attached is the list of accounts paid during the month of April 2021, for Council's consideration.

BACKGROUND & COMMENT:

Nil

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires local governments to prepare each month a statement of financial activity reporting on the revenue and expenditure of funds for the month in question.

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That March payments being cheque no.'s 271 - 272 (Trip), 170 (Trust), 37309; EFT No's 17664 - 17725, DD7683.1 – DD7703.11 (Municipal), credit card payments, creditor payments, payroll and other vouchers from the Municipal Fund totalling \$624,911.99 be received.

VOTING REQUIREMENTS:

Simple majority required.

Attachment 2

7.2 Financial Reports – April 2021

RESPONSIBLE OFFICER: DCEO
FILE REFERENCE: 12.01
AUTHOR: DCEO
STRATEGIC REFERENCE/S: 12.01
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Attached are the financial reports for the periods ending 30 April 2021.

BACKGROUND & COMMENT:

Nil

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires local governments to prepare each month a statement of financial activity reporting on the revenue and expenditure of funds for the month in question.

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council endorse the monthly financial statements for the periods ending 30 April 2021.

VOTING REQUIREMENTS:

Simple majority required.

Attachment 3

7.3 Model Code of Conduct 2021 – Council Members, Committee Members and Candidates

RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 13.02
AUTHOR: CEO
STRATEGIC REFERENCE/S: 4.1.3
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Recent legislative changes have been made to the *Local Government Act 1995* requiring Council to adopt revised Code of Conduct. The Code is applicable to Council Members, Committee Members and Candidates.

BACKGROUND:

On 27 June 2019, the *Local Government Legislation Amendment Act 2019* was passed by Parliament. On Tuesday 2 February 2021, the following regulations were gazetted to take effect on Wednesday 3 February 2021:

- *Local Government (Administration) Amendment Regulations 2021*
- *Local Government (Model Code of Conduct) Regulations 2021*
- *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*

New sections of the *Local Government Act 1995* that provided for the new regulations were proclaimed concurrently and are also now in effect.

The Department of Local Government Sporting and Cultural Industries (DLGSC) recognises the speed with which these changes were made and has provided an implementation timeframe of up to three months for local governments to operationalise the new regulations.

It is expected that local governments will adopt the new regulations for implementation within three months from regulations taking effect (by 3 May 2021).

COMMENT:

The legislative amendments introduce a mandatory Code of Conduct by prescribing a Model Code. The Model Code provides for:

- Overarching principles to guide behaviour
- Behaviours which are managed by local governments
- Rules of conduct breaches which are considered by the Standards Panel.

The purpose of the model is to guide decisions, actions and behaviours. It also recognises that there is a need for a separate code for council members, committee members and candidates to clearly reflect community expectations of behaviour and ensure consistency between local governments. It also provides for a process to deal with complaints to ensure a consistent approach across the sector.

If a council member does not comply with any action required by the local government following a breach of the model Code, the local government may refer the matter to the Standards Panel as an alleged contravention of a rule of conduct. The Standards Panel has the authority to make binding decisions to resolve minor breaches.

To implement the Code, the Council must:

- Appoint a person to receive complaints by either affirming the current complaint officers or appoint a new or additional officer(s); and
- Approve a form for complaints to be lodged as attached

While local governments may not amend Division 2 (Principles) or Division 4 (rules of Conduct), additional behaviour requirements can be included in Division 3 (Behaviours) if deemed appropriate by the local government. Any additions must be consistent with the model Code of Conduct (section 5.104(3) of the Act). The Adoption of the model is recommended, providing consistency across the sector.

The model Code of Conduct supersedes the current Shire of Kulin Code of Conduct for Councillors, Committee Members and Staff. New regulations also prescribe minimum requirements for an employee Code of Conduct. The CEO will prepare and implement a Code of Conduct for employees accordingly.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

The Model Code of Conduct – Council Members, Committee Members and Candidates is to be adopted as required by section 5.104 of the *Local Government Act 1995*.

The adopted Code of Conduct must be published on the Shires official website as required by section 5.104(7) *Local Government Act 1995*.

POLICY IMPLICATIONS:

Model Code of Conduct – Council Members, Committee Members and Candidates will be included in an updated Policy Manual.

COMMUNITY CONSULTATION:

No consultation is required in relation to this report. The Code of Conduct must be published on the Shire website, and made available to all Councillors, Committee Members and Candidates.

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council:

1. Adopt Model Code of Conduct as contained within *Local Government (Model Code of Conduct) Regulations 2021* applicable to Council Members, Committee Members and Candidates (attached).
2. Request the CEO to publish the adopted Code of Conduct on the Shire of Kulin website in accordance with section 5.104(7) of the *Local Government Act 1995*.
3. Authorise the CEO to publish for the purpose of receiving complaints and withdrawal of complaints in accordance with Clause 11(3) of the *Local Government (Model of Conduct) Regulations 2021*.
4. Delegate to the CEO the power to appoint one or more persons to receive complaints and withdrawals of complaints in accordance with section 5.42 of the *Local Government Act 1995*.
5. Approve the Complaint Form as Presented in Accordance with Clause 11(2)(a) of the *Local Government (Model Code of Conduct) Regulations 2021*.

VOTING REQUIREMENTS:

Simple majority required.

Attachment 4 & 5

7.4 Discussion Template Noongar Heritage Agreement for Local Government Aboriginal and Cultural Heritage Bill (Draft) 2020

RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 26.04
AUTHOR: CEO
STRATEGIC REFERENCE/S: 2.2.2
DISCLOSURE OF INTEREST: Nil

SUMMARY:

The Aboriginal Cultural Heritage Bill 2020 (the Bill) presents a transformative and contemporary vision for the management of Aboriginal cultural heritage in Western Australia. It will achieve this by including an Aboriginal voice in the management of Aboriginal cultural heritage, and by providing for better decisions and improved protection.

The South West Native Title Settlement (Settlement) is the most comprehensive Native Title agreement negotiated in Australian history. It involves around 30,000 Noongar people and covers approximately 200,000 square kilometres of the South-West region. Whilst the effects of the Settlement, the enactment of new Aboriginal Heritage legislation and any recommendations arising from the Juukan Gorge inquiry won't be apparent for some time, Councils need to be aware of the issues and the potential each of these factors may have on both themselves and their communities.

BACKGROUND:

The Template Noongar Heritage Agreement for Local Government Aboriginal and the Cultural Heritage Bill (Draft) 2020 were considered at the Zone Meeting held Friday 27 November 2020, with the Zone resolving that:

Mr Marcus Holmes of Land Equity Legal and representatives of the Department of Premier and Cabinet and Department of Planning, Land and Heritage be invited to the February 2021 Zone Meeting to provide comments on the likely impact on Member Councils of the Draft Noongar Heritage Agreement for Local Government and the South West Native Title Settlement.

Neither the Department of Premier and Cabinet nor the Department of Planning, Land and Heritage were able to attend either the February or April Meetings of the zone.

The Executive Officer of the Central Country Zone has requested that this matter be listed for consideration at May Council meetings, to allow any comments from member Councils to inform the subsequent report for the Zone meeting scheduled for Friday 25 June 2021. It has been recommended that discussion and commentary on the issues covered within the recommendation initially considered for the meeting on Friday 23 April, as follows:

That the Central Country Zone:

- 1. Notes the suggestion from guest speaker Marcus Holmes, Principal of lawyers Land Equity Legal, that local governments defer consideration of entry into a Local Government version Noongar Heritage Agreement until Noongar Regional Corporations have been established, the Federal joint committee on the Juukan Gorge inquiry has released its final report, and the State's proposed Aboriginal Cultural Heritage Bill has been enacted;*
- 2. Recommends to its members that they ensure interim compliance with the Aboriginal Heritage Act 1972 and any applicable Aboriginal heritage risk management policies and procedures through the Department of Planning, Lands and Heritage and Department of Premier and Cabinet;*
- 3. Seeks ongoing consultation with the State Government, WALGA and SWALSC about the management of, resourcing and implications for local government of the Noongar Native Title Settlement; and*
- 4. Endorses the offer of legal advice and assistance to the Zone and/or its members from Land Equity Legal regarding local government management of Aboriginal heritage and the Noongar Native Title Settlement, and instructs the Executive Officer to confer with Mr Marcus Holmes regarding terms of any engagement of Land Equity Legal's services by the Zone and/or members and to then update the Zone by email as to such terms so that the Zone and/or its members (singly or collectively) can decide if they wish to take up a retainer.*
- 5. That the Zone defer any decision on the recommendations relating to the Template Noongar Heritage Agreement for Local Government Aboriginal and the Cultural Heritage Bill (Draft) 2020 until the Zone meeting scheduled to be held Friday 25 June 2021 at which time the Executive Officer will have prepared a report for the Zone's consideration.*

COMMENT:

The CCZ Executive Officer has requested that comments be provided by shires for inclusion in a report for the Zone meeting scheduled for Friday 25 June 2021. There may be other issues that Councils may wish to provide comment on that are not listed in the recommendation but may be important points for discussion.

The following points were highlighted by Marcus Holmes during his presentation and discussions with the Zone:

1. That the Template Noongar Heritage Agreement in its current form is an overly complicated document, not suited to small local governments such as those within the Central Country Zone.
2. There is no need for local governments to consider entering into any agreements until:
 - All Noongar Regional Corporations have been established;
 - The State's proposed Aboriginal Cultural Heritage Bill has been enacted and
 - The Federal Parliament's Joint Standing Committee on Northern Australia on the Juukan Gorge inquiry has released its final report.

More information on the Native Title Settlement can be found by following the link shown below:

www.wa.gov.au/organisation/departments-of-the-premier-and-cabinet/south-west-native-title-settlement

FINANCIAL IMPLICATIONS:

Unknown at this point in time.

STATUTORY ENVIRONMENT:

Land Administration (South West Native Title Settlement) Act 2016

Local Government Aboriginal and the Cultural Heritage Bill (Draft) 2020

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Advice received through WALGA via Central Country Zone.

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council consider the information provided by the WALGA Central Country Zone and Marcus Holmes, Principal of lawyers Land Equity Legal and provide comments to the Executive Officer of the Central Country Zone for inclusion in the report to the June 2021 Zone meeting.

VOTING REQUIREMENTS:

Simple majority required.

Attachment 6

7.5 All Ages Precinct Construction – Tender Award

RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 21.02 Parks and Reserves / Design and Construction
AUTHOR: CEO
STRATEGIC REFERENCE/S: 1.4 A liveable and safe community
1.4.3 Provide a variety of sport, recreation and leisure services and facilities for all life stages.
1.4.5 Opportunities for development and participation of young people (e.g. Youth Services Group).
2.2 A positive visitor experience
2.2.1 The Shire's capacity for tourism is grown, founded on iconic major events and distinct local attractions.

DISCLOSURE OF INTEREST:
Nil

SUMMARY:

For Council to consider awarding Invited Tender for Kulin All Ages Precinct Construction

BACKGROUND & COMMENT:

The following provides an overview and update of the procurement process undertaken with regarding the Kulin All Ages Precinct project.

- 30th January 2021.
 - EOI advertised to short list suppliers.
- 15th February 2021.
 - EOI submissions closed with submissions received from.
 - Convic
 - Environmental Industries
 - Landscape Australia
 - Ligna Construction
 - Phase 3 Construction
 - Skate Sculpture
- 24th February 2021.
 - Short Listed Suppliers notified as follows:
 - Convic
 - Landscape Australia
 - Ligna Construction
 - Phase 3 Construction
- 10th March 2021.
 - Project Briefing and Site Visit for Short Listed Suppliers held.
- 19th March 2021.
 - Invited Tender Documentation issued.
- 12th April 2021.
 - Invited Tender submissions closed with submissions received from.
 - Landscape Australia
 - Ligna Construction
 - Phase 3 Construction

An initial assessment of the Invited Tender was undertaken at the April 2021 Ordinary Council Meeting.

Tender Submissions received from:

- Landscape Australia
- Ligna Construction
- Phase 3 Construction

Tender Assessment.

- A transparent EOI and Tender process was been undertaken in line with Purchasing Policy and Local Government Act requirements.
- All Tender submissions currently exceed budget.
- Clarifications have been sought from tenderers regarding specific components of their relevant tenders.
- Ligna Construction's Tender be rejected due to it not providing sufficient information to meet the Selection Criteria.
- Engage in open conversations with both Landscape Australia and Phase 3 regarding their submissions to negotiate a revised tender submission as follows:

- Total Contract Budget \$600,000 with indicative prices for each Separable Portion as:
 - Separable Portion A \$300,000
 - Separable Portion B \$300,000
- Shire to provide specific in-kind personnel, plant and materials as previously articulated.
- Contractor to provide an indication of what they can deliver for the articulated budget.
- Refined Skate Area and Pump Track.
- Hangout Area connecting both zones be refined to reduce costs, as costs for this are currently budgeted across both areas which is complicated budget for contractors.
- Obstacle Zone bespoke equipment at reduced price.
- Revised submission brought to Council for Award.

The following resolution was passed by Council:

07/0421 Moved Cr Duckworth Seconded Cr Varone that Council:

- 1. Reject Ligna Construction tender due to non-compliance.**
- 2. Do not award any tender due to all tenders exceeding budget.**
- 3. Instruct the CEO to engage in open conversations with both Landscape Australia and Phase 3 regarding their submissions to negotiate a revised tender submission as follows:**
 - **Total Contract Budget \$600,000 with indicative prices for each Separable Portion as:**
 - **Separable Portion A \$300,000**
 - **Separable Portion B \$300,000**
 - **Shire to provide specific in-kind personnel, plant and materials as previously articulated.**
 - **Contractor to provide an indication of what they can deliver for the articulated budget with refined design of the following to reduce costs:**
 - **Refined Skate Area and Pump Track.**
 - **Hangout Area connecting both zones be refined to reduce costs, as costs for this are currently budgeted across both areas which is complicated budget for contractors.**
 - **Obstacle Zone bespoke equipment at reduced price.**

Request the revised submission be brought to Council for final decision.

Carried 7/0

On Thursday 29th April 2021, CEO met with Emerge Architect as well as the 2 preferred tenderers in Landscape Australia and Phase 3. Discussions were held regarding what design and budget refinement could be undertaken as part of the tender submission to provide an updated total contract budget submission of \$600,000.

This will be provided in advance of the meeting once revised submissions received.

Revised Tender Submissions were received from each tenderer as follows. (Tenders Submissions were not received prior to Agenda being sent. These will be provided prior to or on the day.

Landscape Australia

- Insert key information to be provided.

Phase 3

- Insert key information to be provided.

STATUTORY ENVIRONMENT:

Section 11 Local Government (Functions & General) Regulations 1996 – When tenders have to be publicly invited.

POLICY IMPLICATIONS:

A11 Procurement, Purchasing and Tenders.

FINANCIAL IMPLICATIONS:

The All Ages Activity Precinct project is funded within 2020/21 Budget for \$300K to undertake construction of Stage 1, as well as staff hours to assist with bulk earthworks and site preparation. This is funded by the following sources:

- Local Roads and Community Infrastructure Program (LRCIP) \$150K.
- Cultivating Kulin Committee \$100K.
- Council \$50K.

Council has received a further \$400K of LRCIP Extension funding from 1st January 2021 to 31st December 2021. This additional available funding could be utilised to construct Stage 2.

AGENDA OF ORDINARY MEETING TO BE HELD 19 MAY 2021

The All Ages Activity Precinct estimated budget for external contracts is as follows:

Total Budget	\$600,000
Stage 1 - Separable Portion A (Wheeled Zone)	\$300,000
Stage 2 - Separable Portion B (Obstacle Zone)	\$300,000

Recommended Process

- Based upon the above information it is recommended the All Ages Precinct Construction to be awarded at Council Meeting 19 May 2021

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Council works staff to be involved in bulk earthworks and site preparation, with hours already allocated within Council's 20/21 and 21/22 budgets.

OFFICER'S RECOMMENDATION:

Recommendation to be prepared at council 19 May 2021.

VOTING REQUIREMENTS:

Simple Majority

7.6 Adoption of Fees and Charges 2021-2022

RESPONSIBLE OFFICER: DCEO
FILE REFERENCE: 12.04
AUTHOR: DCEO
STRATEGIC REFERENCE/S:
DISCLOSURE OF INTEREST: Nil

SUMMARY:

A schedule of proposed fees & charges for the 2021/2022 financial year is attached to the agenda.

BACKGROUND & COMMENT:

In accordance with Section 6.16 of the *Local Government Act 1995*, a Local Government may impose and recover a fee or charge for any goods or service it provides or proposes to provide. Fees and charges can be imposed or amended during the year, but only by an absolute majority decision of Council.

The schedule of User Fees & Charges 2021/2022 has been provided as an attachment to the agenda. There is a column showing last year's charge next to a column showing the 2021/2022 proposed charge.

FINANCIAL IMPLICATIONS:

The schedule of fees and charges has been reviewed with the view of maintaining revenues at the required level to meet service needs and community expectations.

STATUTORY AND PLANNING IMPLICATIONS:

Section 6.16 of the *Local Government Act 1995*

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Advertising period is for a minimum of 4 weeks.

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

1. That Council adopt and incorporate the proposed schedule of fees and charges.
2. That the proposed fees and charges take effect 1 July 2021.

VOTING REQUIREMENTS:

Absolute majority required.

Attachment 7

8 COMPLIANCE

8.1 Compliance Reporting – General Compliance April 2021

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 12.05 Compliance 12.06 – Accounting Compliance
STRATEGIC REFERENCE/S: CBP 4.1 Civic Leadership, 4.1.8 Compliance methods
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

This report addresses General and Financial Compliance matters for April 2021. This process is not definitive, each month additional items and/or actions may be identified that are then added to the monthly checklist. Items not completed each month e.g. quarterly action - will be notations.

The report provides a guide to the compliance requirements being addressed as part of staff workloads and demonstrates the degree of internal audit being completed.

BACKGROUND & COMMENT:

The Compliance team and works staff commence the monthly compliance effort immediately after the Shire meeting each month. At that time, the Executive Support Officer will email the assigned staff member their compliance requirements for the coming month. As the month progresses, staff in conjunction with their manager, the CEO or DCEO will determine the extent of work/action needed to complete items. During Agenda week, the Compliance Team again meets to ensure the monthly report/list is reviewed and that compliance items are completed. In preparing the Agenda report, the CEO or DCEO will sign off on completed items.

Prior month items not completed previously will be reported in the following month so Council remains aware.

Outstanding

Update Records Management Disaster Plan
 Create Election Timeline – *To Commence this month*
 Staff Performance Reviews

Outstanding April

FBT Return – *In progress*
 Integrated Planning Quarterly Review – *In Progress*
 Policy Manual Review - *May*

Outstanding March

Bush Fire AGM – *Moved to August*
 Flu Vaccinations for Staff – *In progress – Date set: 16th June 2021*
 Occupational Health Safety Co-ordination - *Ongoing*

FINANCIAL IMPLICATIONS:

In terms of meeting compliance - normal administration expense. There may be items that require additional administrative effort to complete or require external assistance to resolve. In those cases, individual financial implications will be reported.

STATUTORY AND PLANNING IMPLICATIONS:

Nil

POLICY IMPLICATIONS:

Identified as necessary – this report Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER’S RECOMMENDATION:

That Council receive the General & Financial Compliance Report for April 2021 and note the matters of non-compliance.

VOTING REQUIREMENTS:

Simple majority required.

Attachment 8

8.2 Compliance Reporting – Delegations Exercised – April 2021

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 12.05 - Compliance
STRATEGIC REFERENCE/S: CBP 4.1 Civic Leadership, 4.1.8 Compliance methods
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

To report back to Council actions performed under delegated authority for the periods ending 30 April 2021.
 To provide a comprehensive report listing of the delegations able to be exercised following adoption of a more substantial array of delegations in June 2017.

BACKGROUND & COMMENT:

This report is prepared for Council detailing actions performed under delegated authority by the respective officers under each of the delegation headings:

ADMINISTRATION

Policy	Delegation	Officers
A1	Acting Chief Executive Officer	(CEO)
A2	Agreements for Payments of Debts to Council	(CEO/DCEO)
A3	Casual Hirer's Liability	(CEO)
A4	Complaint Handling	(CEO)
A5	Fees & Charges – Discounts	(CEO/DCEO/MW/MLS/CRC)
A6	Investment of Surplus Funds	(CEO/DCEO)
A7	IT & Social Media – Use of	(CEO)
A8	Legal Advice, Representation & Cost Reimbursement	(CEO)
A9	Payments from Municipal and Trust Funds	(CEO-to numerous staff – purchase orders)
A10	Use of Common Seal	(CEO)
A11	Writing Off Debts	(CEO)
A12	Housing	(CEO)
A13	Procedure for Unpaid Rates Finance	(CEO)

GOVERNANCE

G1	Applications for Planning Consent	(CEO)
G2	Building Licences and Swimming Pools	(EHO/Building Surveyor)
G3	Cemeteries Act 1986	(CEO)
G4	Health Act 1911 Provisions	(EHO)

HUMAN RESOURCES

H1	Grievance Procedures	(CEO)
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COMMUNITY SERVICES

CS1	Bushfire Control – Shire Plant for Use of	(CEO)
CS2	Bushfire Control – Plant Use for Adjoining Shires	(CEO)
CS3	Bushfire Prohibited / Restricted Burning Periods – Changes	(Shire President/CEO)
CS4	Bushfire Training Administration	(CEO)
CS5	Cat Ownership Limit – Cat Control	(CEO)
CS6	Dog Control – Attacks	(CEO)
CS7	Dog Ownership Limit – Dog Control	(CEO)
CS8	Sea Containers Use of – Town Planning	(CEO)
CS9	Second Hand Dwellings	(CEO)
CS10	Temporary Accommodation	(CEO)
CS11	Unauthorised Structures – Building Control	(CEO)
CS13	Freebairn Recreation Club Committee	(FRC Club Committee)
CS14	Kulin Child Care Centre Management Committee	(KCCC Mgmt. Committee)
CS15	General – Community Services Practices	(CEO)
CS20	Seed Collection	(CEO)

WORKS

W1	Gravel Supplies	(MW)
W2	Roads – Clearing	(CEO)
W3	Roads – Damage to	(MW)
W4	Roads – Roadside Markers – Management of	(MW)

W5	Stormwater Drainage	(MW)
W6	Street Trees	(CEO)
W7	Streetscape – Improvements	(CEO)
W8	Roadside Burning	(MW)
W9	Temporary Road Closures	(MW)
W10	General – Works Practices Approvals	

COMMENT:

The following details the delegations exercised within the Shire relative to the delegated authority for the month of October 2019 and are submitted to Council for information (excluding delegations under A9, Payments – refer to individual order and payment listed in Accounts paid).

A6 Investment of Surplus Funds

15/04/2021	11am Account	703,830.23
15/04/2021	Term Deposit	(703,830.23)

G1 Applications for Planning Consent

RJ & NM Cornwell – Storage Shed - Lot 1168 on Deposited Plan 204096 Gregson Road (corner Varley Road North), Holt Rock

G2 Building Licences and Swimming Pools

CD & FR Jasper – Shed – 14 Hodgson Street
 Greg Wicks – Patio – 7 Wright Street

CS20 Seed Collection

CEO granted permission to Robin Campbell to collect seed within the Shire of Kulin via email on 13th April 2021.

STATUTORY ENVIRONMENT:

Building Act 2011
Bushfires Act 1954
Cemeteries Act 1986
Health (Asbestos) Regulations 1992;
Health (Miscellaneous Provisions) Act 1911;
Local Government Act 1995
Public Health Act 2016
Shire of Kulin TPS2
Town Planning Development Act
Town Planning Scheme
Trustees Act, Part III,
Criminal Procedure Act 2004;

FINANCIAL IMPLICATIONS:

Nil in terms of exercising delegation and reporting to Council though there may be financial implications in the case of each delegation exercised.

STATUTORY AND PLANNING IMPLICATIONS:

Sections 5.18 and 5.46 of the Local Government Act 1995

POLICY IMPLICATIONS:

There are no known policy implications relating to this report.

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That Council receive the Delegation Exercised Report for April 2021.

VOTING REQUIREMENTS:

Simple majority required.

8.3 Register of Delegations – Review

RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 04.04
AUTHOR: CEO
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Council is required to review the Delegations Register on an annual basis. This document was last reviewed in May 2020.

A copy of the proposed 2021 Delegation Register for adoption by Council is attached.

BACKGROUND & COMMENT:

This Delegation Register June 2017 contained all the new delegations created as a result of the review of the Policy Manual and the development of the Administrative Procedures and Operational Guideline Manual (APOG).

One change have been identified by staff during this review, these relate to:-

A9 Payments from Municipal and Trust Funds:-
-add; *Senior Finance Officer \$1,000*

Each of the reviewed policies, practices or guidelines, details where the delegation is given and to whom.

FINANCIAL IMPLICATIONS:

Nil

STATUTORY AND PLANNING IMPLICATIONS:

Sections 5.18 and 5.46 of the Local Government Act 1995
Regulation 13 of the Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS:

Review of Delegations Register is required on an annual basis.

COMMUNITY CONSULTATION:

Not applicable – Council function.

WORKFORCE IMPLICATIONS:

Nil

OFFICER'S RECOMMENDATION:

That the Delegations Register May 2020 be adopted with the changes as highlighted.

VOTING REQUIREMENTS:

Absolute majority required.

Attachment 9 - Delegation Register 2021

8.4 Review of APOG & Policy Manual

NAME OF APPLICANT: CEO
RESPONSIBLE OFFICER: CEO
FILE REFERENCE: 04.04 Corporate Management – Policy Adoption
AUTHOR: CEO
STRATEGIC REFERENCE/S:
DISCLOSURE OF INTEREST: Nil

SUMMARY:

Council is required to review the Policy Manual on an annual basis. The policy manual was last reviewed at the June 2020 Council Meeting.

An updated electronic copy of the Administrative Procedures and Operational Guidelines (APOG) Manual will be sent out separately (due to size), procedures that have been highlighted by staff as requiring review are attached individually, however if Councillors wish to raise any proposed changes from the APOG they are welcome to.

The full Policy Manual document is attached.

BACKGROUND & COMMENT:

The Council adopted the renewed Policy Manual at the June 2020 meeting. It was decided in May 2017 to split the manual into pure “Policy items” and to separate out the Administrative Procedures and Operational Guidelines (APOG). The results of this change were significant but has been beneficial over time and is recommended to continue. Policy Manual now contains 24 pages of Policy, and the Administrative Procedures and Operational Guidelines (APOG) manual is up to 163 pages.

The change meant that the Policy Manual would hold the generally unchangeable fixed policy requirements of Council (requiring a direct report and a Council resolution to change) and the APOG would hold the more flexible operational instructions that could be amended by the CEO or Council as required. In the past year, most APOG changes have been the result of discussions at Council, though as can be seen below, many APOG items have been used.

APOG Review

This document is reviewed on an ongoing basis, with staff referring to it regularly as a guide.

FINANCIAL IMPLICATIONS:

In the update of the Policy Manual and APOG - Nil.

STATUTORY AND PLANNING IMPLICATIONS:

Review of the Policy Manual is completed on an annual basis.

POLICY IMPLICATIONS:

Nil

COMMUNITY CONSULTATION:

Nil

WORKFORCE IMPLICATIONS:

Nil

OFFICER’S RECOMMENDATION:

That the Policy Manual and APOG Reviews for May 2021 as detailed be adopted.

VOTING REQUIREMENTS:

Absolute majority required.

Attachments 10

9 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Meeting may adjourn to move into Concept Forum.

11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

12 MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

Nil

13 DATE AND TIME OF NEXT MEETING

Wednesday 16 June 2021 at 1:00pm

14 CLOSURE OF MEETING

There being no further business the President declared the meeting closed.

RoeROC

*Roe Regional Organisation of Councils
Corrigin – Kondinin – Kulin - Narembeen*

COUNCIL MINUTES

**Shire of Kondinin
Council Chambers
Thursday 22 April 2021**

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1. Opening and Announcements

RoeROC Chair, Cr Meeking opened the meeting at 1.04pm and welcome all attending.

2. Record of Attendance

Cr S Meeking	President, Shire of Kondinin (Chair)
Cr R Bowey	Councillor, Shire of Kulin
Cr K Mortimore	Councillor, Shire of Narembeen
Natalie Manton	CEO, Shire of Corrigin
David Burton	(Acting) CEO, Shire of Kondinin
Garrick Yandle	CEO, Shire of Kulin
David Blurton	CEO, Shire of Narembeen
Brendon Gerrard	Roe EHO

3. Apologies

Shire President and CEO from Lake Grace.
Cr B West – President, Shire of Kulin
Cr G Robbins – Councillor, Shire of Kulin
Cr R Cole – President, Shire of Narembeen
Cr D Hickey - President, Shire of Corrigin

4. Guests

Caroline Robinson
Jennifer Collins (DSR) via Zoom from 1.04pm

5. Minutes of Meetings

RoeROC Council Meeting – 18th February 2021

COMMENT:

Minutes of the RoeROC Meeting held 18th February 2021 are attached.

RESOLUTION

Moved: D Blurton

Seconded: G Yandle

That the Minutes of the RoeROC Meeting held on 18th February 2021 be confirmed as a true and correct record.

Carried 6/0

5.1 Business Arising from the Minutes

Eastern Wheatbelt Biosecurity Group – funding guaranteed through Royalties for Regions (R4R) for next year. Future considerations under review.

Request for details of funding from Biosecurity Group for direction.

6. Presentations

Jennifer Collins – DSR – Community Sports Continuance
Presentation on the future of sport in the region and overview of the recent project to align sporting fixtures across football, hockey and netball.

Jennifer left 1.45pm and did not return.

Caroline Robinson – Animal Welfare Plans Update
Caroline provided background information on the work carried out to date on the Animal Welfare Plans and sought feedback from the shires participating in the project.

Caroline left at 1.52pm and did not return.

7. Matters for Decision

7.1 Finances – presented by Shire of Corrigin

Financial Report

The Bending Tip has raised income of \$67,000 so far this year and this will be distributed to shires after the expenses have been deducted prior to 30 June 2021 including the cost for the development of the Bending Tip Management Plan and digging of new trenches

RESOLUTION

Moved: N Manton

Seconded: G Yandle

That the Financial Reports be received.

Carried 6/0

7.2 Bending Tip Reports – presented by Shire of Corrigin

Attached Report

May be possible for central liquid waste facility in future considerations which may add to additional fees – to be investigated further.

Garrick left 2.15pm

RESOLUTION

Moved: Cr Mortimore

Seconded: Cr R Bowey

That the Fees and Charges for 2021/2022 Bending Tip be endorsed.

Carried 5/0

7.3 Draft Terms of Reference – presented by Shire of Corrigin

Garrick returned 2.16pm

Draft Terms of Reference for RoeROC were presented following minor alterations from the previous meeting. The Terms of Reference are to be included as a preface to the agenda each month to ensure that delegate are aware of the purpose of the group and previously agreed arrangements.

RESOLUTION

Moved: Cr K Mortimore

Seconded: N Manton

That the Terms of Reference be noted by RoeROC and included in the Agenda for meetings.

Carried 6/0

7.4 CEO Portfolio's – presented by Shire of Corrigin

The last information of the shire portfolios is from 2008. Since then, there have been several changes to the CEO's in the region. Due to the changes, now would be a good time to look at the portfolio's and match them to the best suited CEO or change if required.

A discussion was held on the shire portfolios that were included in historical documents and delegates agreed that the idea of dividing up portfolios or topics for future discussion or investigation is to be discussed by the CEO's when they next meet.

Discussion Point

CEO's to discuss at CEO Forum

7.5 RoeROC Action Status – presented by Shire of Corrigin

N Manton presented a status report that may be included in future minutes to keep track of previous actions and decisions.

Discussion Point

To be included as a report in Agenda.

7.6 RoeROC EHO Services – Shire of Corrigin

The Shire of Corrigin have advised that Roe EHO, Lauren Pitman has reduced her hours to 1 day per week for the remainder of the school year as part of a flexible work arrangement.

There is also a need to set date for Roe EHO Brendon Gerrard performance review. (to be concluded by May by CEO's)

7.7 RoeROC Strategic Planning – Shire of Kondinin

Comment:

Looking through previous information, it would appear that RoeROC did have some Strategic Plans to give direction. This may have been as a result of the Royalties For Regions Regional Funding Component.

At the last meeting, several considerations were listed for potential joint projects, but no determining resolution made.

It is possible for RoeROC to use the combined strength of the communities to lobby stronger for services or assistance on a regional basis rather than trying to tackle issues on an individual Shire basis.

In considering a Strategic Meeting for the July RoeROC Meeting, the CEO's will be given a chance to see where the Strategic Plans of the various Shires align for possible projects involving some or all of the RoeROC Shires. Projects may consist of items like:

Better internet services for the region

Closure of mobile blackspots.

Renewable energy and battery back-ups for power failure

Possible sharing of NRM services.

Lobbying for virtual classrooms for our schools to broaden learning options.

Together with Lake Grace, our Shires home just shy of 5,000 residents which may increase the possibility of funding for projects.

Attachment – Feasibility Report

RESOLUTION

Moved: D Blurton

Seconded: K Mortimore

That:

1) The CEO's meet prior to the July Meeting to seek commonalities in the Shire's Strategic Plans or projects; and

2) A Strategic Projects session be held on the morning of the July Meeting to consider future regional strategic considerations

Carried 6/0

7.8 RoeROC CEO Meetings – Shire of Kondinin

Comment:

To fast track items for consideration and also allow for greater resource / ideas / knowledge sharing, the formalisation of RoeROC CEO's Meetings between the RoeROC Meetings may prove beneficial. This will also allow for information to be passed to any new CEO's as they enter and aid the transition process.

Discussion Point

CEO's to discuss at CEO Forum

8. Other Matters

8.1 N Manton – Glass Crusher

RoeROC own a glass crusher that is currently only being used by the Shire of Narembeen. Now that the container deposit scheme is operating and the amount of glass is likely to be significantly reduced the RoeROC shires may wish to consider selling the machine.

Action:, CEO's to look at solution for next Meeting.

Update from Brendon

Bendering Waste Facility

EHO's met on site with Talis regarding the development of the Bendering Tip Management Plan.

B Gerrard reported that the existing land survey is old and requires new survey. Quotes were obtained from two surveyors with the quote from Peter Gow being the most competitive.

The Bendering Tip Management Plan will be developed for the site to confirm the amount and location of existing waste in the facility and plan for the future capacity and rehabilitation of the site.

Report should be received June.

Public Health Plans

Lew Withers has been engaged to work with the Roe ROC shires in the development of Public Health Plans. Stage 1 research for each shire has commences and the reports are due towards the end of May

The next stage of the plan will be the survey and community consultation.

9. Closure

9.1 Next Meeting: 22nd July 2021

Meeting closed at 3.12pm and Chair thanked all for attendance.

CREDIT CARD Statement Summary 30 April 2021

Transaction Date	Officer	Creditor	Amount
1/04/2021	JUDD HOBSON	PATHWEST LABORATORY Medical Testing	\$35.00
1/04/2021	JUDD HOBSON	PATHWEST LABORATORY Medical Testing	\$35.00
3/04/2021	CASSI VANDENBERG	PUMA ENERGY Fuel	\$43.33
3/04/2021	JUDD HOBSON	PATHWEST LABORTATORY Medical Testing	\$201.00
4/04/2021	CASSI VANDENBERG	OFFICEWORKS Computer Hardware, WSN	\$750.00
6/04/2021	CASSI VANDENBERG	SPOTLIGHT ALBANY Linen, Contactors Accommodation 5 Bowey Way	\$525.00
6/04/2021	CASSI VANDENBERG	EG GROUP ALBANY Fuel	\$28.07
13/04/2021	CASSI VANDENBERG	GUMTREE AUSTRALIA Advertising, Bar Attendant	\$132.50
13/04/2021	CASSI VANDENBERG	PAYPAL Advertising, Bar Attendant	\$44.00
16/04/2021	GARRICK YANDLE	SIMPLEINOUT Monthly Subscription	\$26.99
21/04/2021	GARRICK YANDLE	MAILCHIMP Monthly Subscription	\$6.47
21/04/2021	CASSI VANDENBERG	TELSTRA Internet, Aquatic Centre	\$115.95
29/04/2021		BENDIGO BANK Cards Fee	\$20.00
29/04/2021	CASSI VANDENBERG	7 ELEVEN Fuel	\$28.79
30/04/2021	GARRICK YANDLE	THE PARTISAN Catering, All Ages Precinct Tender Meeting	\$49.39
30/04/2021	GARRICK YANDLE	KINKY LIZARD ESPRESSO Catering, All Ages Precinct Tender Meeting	\$19.00
30/04/2021	GARRICK YANDLE	KINKY LIZARD ESPRESSO Catering, All Ages Precinct Tender Meeting	\$9.20
			\$2,069.69

Business Credit Card

Date	Transaction	Withdrawals	Payments	Balance
Opening balance				\$6,197.42
1 Apr 21	PATHWEST LABORATORY, NEDLANDS AUS RETAIL PURCHASE 30/03 CARD NUMBER 552638XXXXXXXX706 1	35.00		6,232.42
1 Apr 21	PATHWEST LABORATORY, NEDLANDS AUS RETAIL PURCHASE 30/03 CARD NUMBER 552638XXXXXXXX706 1	35.00		6,267.42
3 Apr 21	PUMA ENERGY ARMADALE, ARMADALE AUS RETAIL PURCHASE 01/04 CARD NUMBER 552638XXXXXXXX823 1	43.33		6,310.75
3 Apr 21	PATHWEST LABORATORY, NEDLANDS AUS RETAIL PURCHASE 31/03 CARD NUMBER 552638XXXXXXXX706 1	201.00		6,511.75
4 Apr 21	OFFICEWORKS 06191, A LBANY AUS RETAIL PURCHASE 03/04 CARD NUMBER 552638XXXXXXXX823 1	750.00		7,261.75
6 Apr 21	SPOTLIGHT ALBANY, AL BANY AUS RETAIL PURCHASE 03/04 CARD NUMBER 552638XXXXXXXX823 1	525.00		7,786.75
6 Apr 21	EG GROUP 4232, ALBAN Y AUS RETAIL PURCHASE 04/04 CARD NUMBER 552638XXXXXXXX823 1	28.07		7,814.82
13 Apr 21	Gumtree Australia, S ydney AUS RETAIL PURCHASE 10/04 CARD NUMBER 552638XXXXXXXX823 1	132.50		7,947.32
13 Apr 21	PAYPAL *BJOBBOARD, 4 029357733 AUS RETAIL PURCHASE 10/04 CARD NUMBER 552638XXXXXXXX823 1	44.00		7,991.32

173BH102 / E-0 / S-240 / I-240 / 0007421415000862

Date Paid ___ / ___ / ___ Amount \$ _____

Business Credit Card - Payment options



Pay in person: Visit any Bendigo Bank branch to make your payment.



Internet banking: Pay your credit card using ebanking 24 hours a day, 7 days a week.
www.bendigobank.com.au



Register for Internet or Phone Banking call 1300 BENDIGO (1300 236 344). This service enables you to make payments conveniently between your Bendigo Bank accounts 24/7.



Pay by post: Mail this slip with your cheque to -
 PO Box 480
 Bendigo VIC 3552.
 If paying by cheque please complete the details below.



Bill code: 342949
Ref: 691211254

Bank@Post™ Pay at any Post Office by Agency Banking Bank@Post[^] using your credit card.

Business Credit Card

BSB number 633-000
Account number 691211254
 Customer name SHIRE OF KULIN
 Minimum payment required \$62.09
 Closing Balance on 30 Apr 2021 \$2,069.69
Payment due 14 May 2021

Date	Payment amount

Drawer	Chq No	BSB	Account No	\$	¢

[^]Fees will apply for payments made using Bank@Post. Refer to Bendigo Bank Schedule of Fees & Charges and Transaction Account Rebates.

Business Credit Card *(continued)*

Date	Transaction	Withdrawals	Payments	Balance
14 Apr 21	PERIODIC TFR 00074214151201 00000000000		6,197.42	1,793.90
16 Apr 21	SIMPLEINOUT.COM, FAR GO US RETAIL PURCHASE-INTERNATIONAL 15/04 19.99 U.S. DOLLAR CARD NUMBER 552638XXXXXXXX405 1	26.20		1,820.10
16 Apr 21	INTERNATIONAL TRANSACTION FEE	0.79		1,820.89
21 Apr 21	MAILCHIMP *MISC, MAILCHIMP.COM AUS RETAIL PURCHASE-INTERNATIONAL 19/04 CARD NUMBER 552638XXXXXXXX405 1	6.47		1,827.36
21 Apr 21	Telstra Direct Debit ,AUSTRALIA AUS RETAIL PURCHASE 19/04 CARD NUMBER 552638XXXXXXXX823 1	115.95		1,943.31
29 Apr 21	CARD FEE 5 @ \$4.00	20.00		1,963.31
30 Apr 21	7 ELEVEN 3025, CARLI SLE AUS RETAIL PURCHASE 28/04 CARD NUMBER 552638XXXXXXXX823 1	28.79		1,992.10
30 Apr 21	The Partisan, East Perth AUS RETAIL PURCHASE 29/04 CARD NUMBER 552638XXXXXXXX405 1	49.39		2,041.49
30 Apr 21	KinkyLizardEspresso, East Perth AUS RETAIL PURCHASE 29/04 CARD NUMBER 552638XXXXXXXX405 1	19.00		2,060.49
30 Apr 21	KinkyLizardEspresso, East Perth AUS RETAIL PURCHASE 29/04 CARD NUMBER 552638XXXXXXXX405 1	9.20		2,069.69
Transaction totals / Closing balance		\$2,069.69	\$6,197.42	\$2,069.69

**AUTOMATIC PAYMENTS HAVE BEEN SPECIFIED
FOR YOUR ACCOUNT.**

We suggest you carefully check all entries on your statement. Apparent errors or possible unauthorised transactions should be promptly reported to us.

The security of your Personal Identification Number (PIN) is very important. To avoid being liable for unauthorised transactions, you should follow the terms and conditions of your account. We also recommend some simple steps to protect your PIN:

- Memorise your PINs and passwords and destroy any communications advising you of new ones. Don't keep a record of your PINs or passwords, in written or electronic form.
- If you choose your own, ensure that it is not something easy to guess like your (or a family member's) birth date, name, phone number, postcode, driver's licence number or numbers that form a pattern.
- Don't tell anyone your PIN, not even friends, family or a bank representative.
- Ensure nobody watches you enter your PIN or password. A good practice is to cover the keypad when you put in your PIN or password.
- Watch out for email, SMS or call scams asking for details relating to your account. If you receive suspicious emails, please contact us immediately.

Please note: These are guidelines only. While following these steps will help you to protect your PIN, your liability for any losses arising from unauthorised transactions is determined in accordance with the ePayments Code. For further details, see <https://asic.gov.au/regulatory-resources/financial-services/epayments-code/> or visit bendigobank.com.au/mycard for all card related information. Business customers visit mybusinesscard.

Shire of Kulin

EFT & Chq Listing for period ended 30 April 2021

CHQ / EFT No.	DATE	DESCRIPTION	AMOUNT
TRIP			
271	15/04/2021	SUE KNAPP	\$1,000.00
		Trip Refund Request	
272	16/04/2021	NICOLE JENNIFER THOMPSON	\$1,500.00
		Trip Refund Request	
TRUST			
170	15/04/2021	SUE KNAPP	\$1,000.00
		Trust Refund Request	
MUNICIPAL			
EFT17664	14/04/2021	CHILD SUPPORT AGENCY	\$212.12
		Payroll Deduction	
EFT17665	14/04/2021	ATC WORK SMART	\$410.79
		CRC & Child Care Trainee, Stella Wade & Shaleigh Saunders	
EFT17666	14/04/2021	EDGE EQUIPMENT	\$11,661.65
		Equipment Hire	
EFT17667	14/04/2021	KULIN TRANSPORT	\$6,139.03
		Freight	
EFT17668	14/04/2021	KULIN SOCIAL CLUB	\$200.00
		Payroll Deduction	
EFT17669	14/04/2021	KULIN SHIRE TRIP FUND	\$970.00
		Payroll Deduction	
EFT17670	14/04/2021	KULIN SHIRE TRUST FUND	\$1,035.00
		Payroll Deduction	
EFT17671	14/04/2021	KULIN IGA	\$701.40
		Statement March 2021	
EFT17673	14/04/2021	KONDININ MEDICAL CENTRE	\$73.65
		Workers Compensation	
EFT17674	14/04/2021	OIL TECH FUEL	\$49,317.41
		Distillate & Unleaded Fuel	
EFT17675	14/04/2021	SHIRE OF KONDININ	\$233.30
		Reimbursement Electricity	
EFT17676	14/04/2021	SPYKER BUSINESS SOLUTIONS	\$80,904.14
		Supply & Installation of CCTV	
EFT17677	14/04/2021	ULTIMO PARTNERS PTY LTD	\$2,431.00
		Plant Hire	
EFT17678	14/04/2021	OFFICEWORKS BUSINESS DIRECT	\$521.33
		Stationery	
EFT17679	14/04/2021	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	\$40.80
		Office Deskpads	
EFT17680	14/04/2021	WA DISTRIBUTORS PTY LTD	\$356.75
		Cleaning Supplies	
EFT17681	16/04/2021	KULIN CARE CAR	\$300.00
		Car Detailing, MV 54	
EFT17682	22/04/2021	AVON WASTE	\$14,968.03
		Refuse Service March 2021	
EFT17683	22/04/2021	CHILD SUPPORT AGENCY	\$212.12
		Payroll Deduction	
EFT17684	22/04/2021	AUSTRALIA POST	\$497.31
		Postage & Freight	
EFT17685	22/04/2021	AUTOPRO NORTHAM	\$94.80
		Parts	
EFT17686	22/04/2021	BEST OFFICE SYSTEMS	\$77.00
		Photocopier Maintenance	
EFT17687	22/04/2021	BITUTEK PTY LTD	\$115,498.46
		Supply & Spray Bitumen	
EFT17688	22/04/2021	COUNTRY WIDE FRIDGE LINES PTY TLD	\$453.68
		Freight on Bar Purchase	
EFT17689	22/04/2021	CORSIGN (WA) PYT LTD	\$568.70
		Marker Post, WSNF Fence Road	

Shire of Kulin

EFT & Chq Listing for period ended 30 April 2021

CHQ / EFT No.	DATE	DESCRIPTION	AMOUNT
EFT17690	22/04/2021	LANDGATE	\$960.40
		Custom Shire Map	
EFT17691	22/04/2021	JULIE DALL	\$28.00
		Embroidery	
EFT17692	22/04/2021	DYNAMIC POOLS AUSTRALIA	\$9,878.00
		Supply & Installation of Aquarius Controllers Progress	
EFT17693	22/04/2021	ENGINE PROTECTION EQUIPMENT PTY LTD	\$24.97
		Parts	
EFT17694	22/04/2021	EASIFLEET MANAGEMENT	\$1,522.67
		Staff Novated Lease	
EFT17695	22/04/2021	EMERGE ASSOCIATES	\$6,017.00
		Youth Precinct Aquatic Centre	
EFT17696	22/04/2021	FEGAN BUILDING SURVEYING	\$1,419.00
		Contract Building Surveying	
EFT17697	22/04/2021	GANGELLS AGSOLUTIONS	\$4,235.12
		Various Building, Depot & Road Maintenance Supplies	
EFT17698	22/04/2021	GREAT SOUTHERN FUEL SUPPLIES	\$172.94
		Fuel	
EFT17699	22/04/2021	HOLCIM AUSTRALIA PTY LTD	\$1,650.00
		Parts	
EFT17700	22/04/2021	IT VISION	\$1,447.60
		Email Debtors Invoices/Statements Functionality	
EFT17701	22/04/2021	KULIN HARDWARE & RURAL	\$5,818.64
		Various Building, Depot & Road Maintenance Supplies	
EFT17702	22/04/2021	KULIN SOCIAL CLUB	\$200.00
		Payroll Deduction	
EFT17703	22/04/2021	KULIN SHIRE TRIP FUND	\$870.00
		Payroll Deduction	
EFT17704	22/04/2021	KULIN SHIRE TRUST FUND	\$935.00
		Payroll Deduction	
EFT17705	22/04/2021	KULIN COMMUNITY HUB PTY LTD	\$100.00
		Accommodation, Spyker	
EFT17706	22/04/2021	KULIN LIBRARY, POST OFFICE AND MAIL	\$1,423.30
		Library Service Fee & Christmas Voucher	
EFT17707	22/04/2021	KELYN TRAINING SERVICES	\$7,845.00
		White Card, Traffic Management/Control Courses	
EFT17708	22/04/2021	KONDININ MEDICAL CENTRE	\$737.00
		Pre Employment & Pilot Vehicle Medicals	
EFT17709	22/04/2021	KEY CIVIL PTY LTD	\$3,932.53
		Claim #5 - Final Payment, Jilakin & CBH Access RD	
EFT17710	22/04/2021	KULIN CARE CAR	\$150.00
		Interior Car Detail, Work Manager Vehicle	
EFT17711	22/04/2021	TA & SL MCADAM	\$100.00
		Vases & Craft Items	
EFT17712	22/04/2021	MERREDIN GLAZING SERVICE	\$4,211.90
		Supply & Install Single Roller Blinds, 52 Bowey Way	
EFT17713	22/04/2021	NEWDEGATE STOCK & TRADING CO	\$50,983.56
		Distillate & Unleaded Fuel	
EFT17714	22/04/2021	EXURBAN RURAL & REGIONAL PLANNING	\$2,274.22
		Town Planning Consulting Services	
EFT17715	22/04/2021	RYLAN PTY LTD	\$9,636.00
		Barrier & Mountable Kerb, High Street	
EFT17716	22/04/2021	EB & OM SLOGGETT	\$704.52
		Refrigeration Maintenance, FRC	
EFT17717	22/04/2021	SWAN BREWERY COMPANY PTY LTD	\$1,398.45
		Bar Purchase	
EFT17718	22/04/2021	SPYKER BUSINESS SOLUTIONS	\$914.60
		IT Connection, WSN Old Shire Office	
EFT17719	22/04/2021	T-QUIP	\$3,861.00
		Mow Master SP100 Sprayer	
EFT17720	22/04/2021	TIN HORSE AUTOMOTIVE	\$110.00
		Wheel Alignment, MV54	

Shire of Kulin

EFT & Chq Listing for period ended 30 April 2021

CHQ / EFT No.	DATE	DESCRIPTION	AMOUNT
EFT17721	22/04/2021	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	\$195.00
		Staff Training, Fiona Jasper	
EFT17722	22/04/2021	WURTH AUSTRALIA PTY LTD	\$306.06
		Depot Supplies	
EFT17723	22/04/2021	WA CONTRACT RANGER SERVICES	\$561.00
		Ranger Service	
EFT17724	22/04/2021	WA DISTRIBUTORS PTY LTD	\$578.80
		Cleaning Supplies	
EFT17725	28/04/2021	KONDININ BUILDING SERVICE	\$14,469.40
		Supply & Lay Concrete, Footpaths	
37309	22/04/2021	TELSTRA	\$2,023.80
		Phone Use & Equipment Hire	
DD7683.1	04/04/2021	REST SUPERANNUATION	\$411.47
		Superannuation Contributions	
DD7683.2	04/04/2021	COLONIAL FIRST STATE FIRST CHOICE WHOLESALE	\$822.76
		Superannuation Contributions	
DD7683.3	04/04/2021	AWARE SUPER	\$11,965.67
		Superannuation Contributions	
DD7683.4	04/04/2021	AUSTRALIAN SUPERANNUATION	\$625.78
		Superannuation Contributions	
DD7683.5	04/04/2021	BT SUPER FOR LIFE	\$500.02
		Superannuation Contributions	
DD7683.6	04/04/2021	BENDIGO SUPERANNUATION PLAN	\$190.43
		Superannuation Contributions	
DD7683.7	04/04/2021	MLC MASTERKEY SUPERANNUATION	\$302.83
		Superannuation Contributions	
DD7683.8	04/04/2021	DALHALL HOLDINGS PTY LTD	\$438.47
		Superannuation Contributions	
DD7683.9	04/04/2021	PRIME SUPERANNUATION	\$197.95
		Superannuation Contributions	
DD7700.1	18/04/2021	REST SUPERANNUATION	\$445.04
		Superannuation Contributions	
DD7700.2	18/04/2021	COLONIAL FIRST STATE FIRST CHOICE WHOLESALE	\$822.76
		Superannuation Contributions	
DD7700.3	18/04/2021	AWARE SUPER	\$11,921.97
		Superannuation Contributions	
DD7700.4	18/04/2021	AUSTRALIAN SUPERANNUATION	\$638.27
		Superannuation Contributions	
DD7700.5	18/04/2021	BT SUPER FOR LIFE	\$341.09
		Superannuation Contributions	
DD7700.6	18/04/2021	MLC MASTERKEY SUPERANNUATION	\$308.65
		Superannuation Contributions	
DD7700.7	18/04/2021	DALHALL HOLDINGS PTY LTD	\$438.47
		Superannuation Contributions	
DD7700.8	18/04/2021	PRIME SUPERANNUATION	\$197.27
		Superannuation Contributions	
DD7700.9	18/04/2021	BENDIGO SUPERANNUATION PLAN	\$100.28
		Superannuation Contributions	
DD7703.1	01/04/2021	BENDIGO BANK	\$4.54
		Bank Charges	
DD7703.2	01/04/2021	CARLTON UNITED BREWERIES PTY LTD	\$5,281.72
		Bar Purchase	
DD7703.3	15/04/2021	AUSTRALIAN LIQUOR MARKETERS PTY LTD - METCASH	\$4,418.83
		Bar Purchase	
DD7703.4	19/04/2021	BENDIGO BANK	\$0.15
		Bank Charges	
DD7703.5	20/04/2021	SYNERGY	\$111.25
		Electricity, Public Conveniences Dudinin	
DD7703.6	01/04/2021	FIRST DATA MERCHANT SOLUTIONS AUSTRALIA PTY LTD	\$435.89
		Bank Charges	
DD7703.7	01/04/2021	WESTNET INTERNET SERVICES	\$179.90
		Westnet Service	

Shire of Kulin

EFT & Chq Listing for period ended 30 April 2021

CHQ / EFT No.	DATE	DESCRIPTION	AMOUNT
DD7703.8	02/04/2021	BENDIGO BANK	\$135.94
		Bank Charges	
DD7703.9	07/04/2021	SYNERGY	\$1,124.00
		Electricity, Caravan Park	
DD7706.1	01/04/2021	CREDIT CARD - MASTER CARD	\$6,197.42
		Statement March 2021	
DD7709.1	02/04/2021	BENDIGO BANK	\$122.26
		Merchant Fees	
DD7711.1	21/04/2021	BENDIGO BANK	\$8.85
		Bank Charges	
DD7711.2	22/04/2021	SYNERGY	\$1,525.04
		Electricity, Street Lights & Information Bay	
DD7711.3	22/04/2021	BENDIGO BANK	\$6.45
		Bank Charges	
DD7711.4	28/04/2021	BENDIGO BANK	\$0.15
		Bank Charges	
DD7711.5	29/04/2021	CARLTON UNITED BREWERIES PTY LTD	\$1,260.83
		Bar Purchase	
DD7683.10	04/04/2021	CBUS SUPER	\$180.40
		Superannuation Contributions	
DD7700.10	18/04/2021	CBUS SUPER	\$89.01
		Superannuation Contributions	
DD7703.10	07/04/2021	BENDIGO BANK	\$9.30
		Bank Charges	
DD7703.11	14/04/2021	BENDIGO BANK	\$2.55
		Bank Charges	
6456788	07/04/2021	BULK PAYMENT	\$73,274.38
		Payroll	
6481974	21/04/2021	BULK PAYMENT	\$66,800.00
		Payroll	
Sub-total: EFT & Chq Payments			\$624,911.99
TOTAL PAYMENTS FOR MONTH ENDING 30 April 2021			\$624,911.99



Shire of Kulin

MONTHLY FINANCIAL REPORT

For the period ended 30 April 2021

Presented to Ordinary Council Meeting

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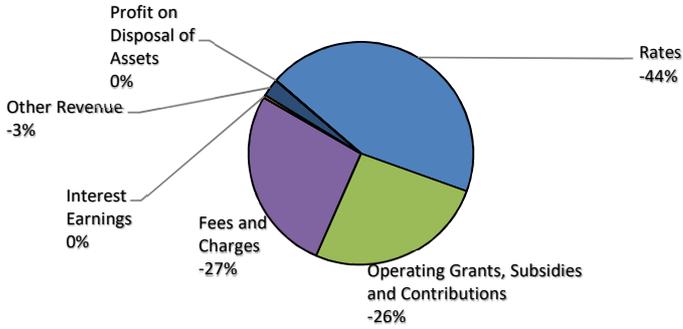
Note 7 Major Variances

**LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996**

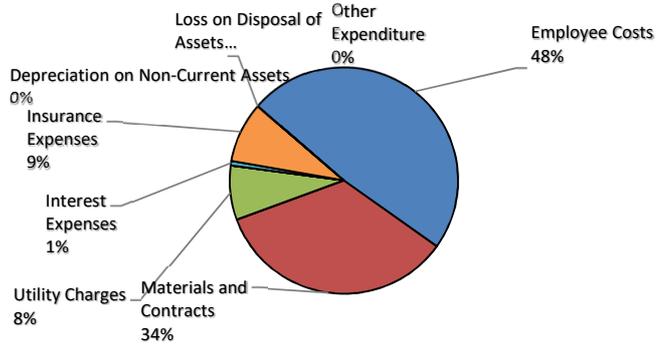
Shire of Kulin
SUMMARY INFORMATION - GRAPHS
 For the period ended 30 April 2021

OPERATING ACTIVITIES

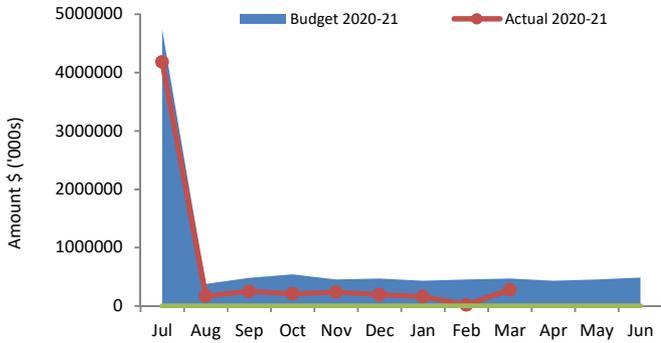
OPERATING REVENUE



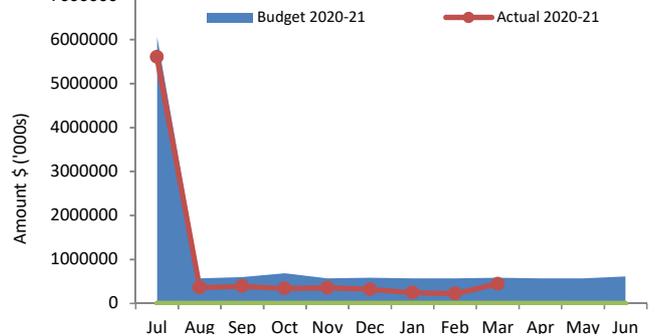
OPERATING EXPENSES



Budget Operating Revenues -v- Actual

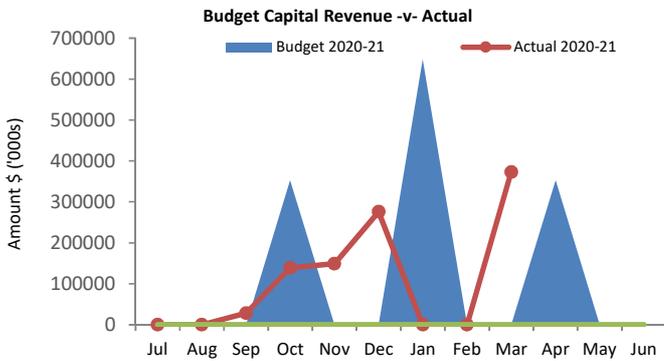


Budget Operating Expenses -v-YTD Actual

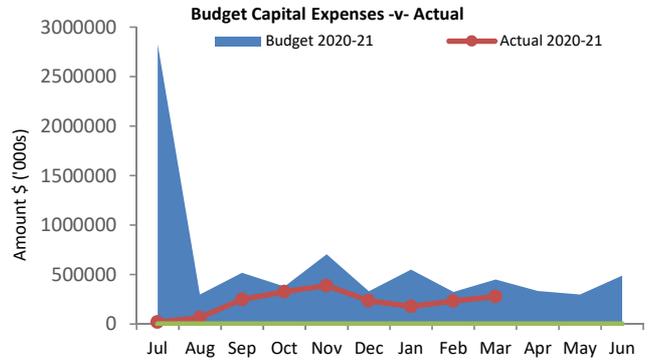


INVESTING ACTIVITIES

CAPITAL REVENUE



CAPITAL EXPENSES



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

Shire of Kulin
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the period ended 30 April 2021

	Ref Note	Annual Budget \$	YTD Budget \$	YTD Actual \$	Var. \$	Var. %	
Opening Funding Surplus(Deficit)	1(a)	1,671,941	1,671,941	1,657,227	(14,714)	(1%)	
Operating Revenues							
General Purpose Funding		1,717,020	1,283,139	1,114,188	(168,951)	(15%)	▼
General Purpose Funding - Rates	2	2,028,931	2,028,931	2,035,248	6,317	0%	
Governance		17,970	14,960	47,824	32,864	69%	▲
Law, Order and Public Safety		33,400	26,390	32,741	6,351	19%	▲
Health		0	0	354	354	100%	
Education and Welfare		270,440	234,100	186,205	(47,895)	(26%)	▼
Housing		108,282	90,220	84,077	(6,143)	(7%)	
Community Amenities		101,224	100,014	102,942	2,928	3%	
Recreation and Culture		214,449	184,600	202,411	17,811	9%	
Transport		257,681	250,215	236,610	(13,605)	0%	
Economic Services		1,235,800	924,730	740,902	(183,828)	(25%)	▼
Other Property and Services		120,864	96,530	129,911	33,381	26%	▲
Total (Excluding Rates)		6,106,061	5,233,829	4,913,413	(320,416)		
Operating Expense							
General Purpose Funding		(96,808)	(73,420)	(64,442)	(8,978)	(14%)	▼
Governance		(219,077)	(166,386)	(202,533)	36,147	18%	▲
Law, Order and Public Safety		(151,392)	(85,590)	(127,841)	42,251	33%	▲
Health		(120,039)	(96,870)	(53,810)	(43,060)	(80%)	▼
Education and Welfare		(323,674)	(269,620)	(255,232)	(14,388)	(6%)	
Housing		(263,405)	(219,390)	(213,114)	(6,276)	(3%)	
Community Amenities		(377,752)	(306,270)	(286,707)	(19,563)	(7%)	
Recreation and Culture		(1,231,739)	(1,030,104)	(961,485)	(68,619)	(7%)	
Transport		(3,382,226)	(2,812,100)	(2,751,371)	(60,729)	(2%)	
Economic Services		(1,101,998)	(920,180)	(871,483)	(48,697)	(6%)	
Other Property and Services		(93,007)	(100,840)	47,939	(148,779)	310%	
Total		(7,361,116)	(6,080,770)	(5,740,079)	(340,691)		
Funding Balance Adjustment							
Add back Depreciation	3(c)	3,175,584	2,381,688	2,245,742	(135,947)	-6%	
Adjust (Profit)/Loss on Asset Disposal	3(b)	(43,746)	0	0	0		
Total Adjustments		3,131,838	2,381,688	2,245,742	(797,054)		
Investing Activities							
Proceeds from Capital Grants	5	1,504,000	1,060,500	937,859	(122,641)	-13%	▼
Proceeds from disposal of assets	3(b)	171,000	42,750	130,127	87,377	67%	▲
Payments for property, plant and equipment and infrastructure	3(a)	(4,991,340)	(2,826,051)	(2,970,703)	144,651	5%	
		(3,316,340)	(1,722,801)	(1,902,717)			
Financing Activities							
Transfer from reserves	4	218,327	109,164	58,723	50,441	46%	▲
Repayment of debentures	6	(90,511)	(45,256)	(44,912)	(344)	1%	
Transfer to reserves	4	(316,263)	(158,132)	(309,523)	151,392	-96%	
		(188,447)	(94,224)	(295,712)			
Closing Funding Surplus(Deficit)	1(a)	43,937	1,389,663	877,874			

Shire of Kulin
STATEMENT OF FINANCIAL POSITION
For the period ended 30 April 2021

Description	Balance 30 June 2020 \$	Movement \$	Total Actual 30-Apr-21 \$
CURRENT ASSETS			
Cash at Bank	1,983,660	(112,957)	1,870,703
Cash at Bank Reserves & Restricted Funds	1,871,837	249,812	2,122,637
Sundry Debtors	265,734	(157,416)	108,318
Sundry Debtors - Rates	54,423	3,574	57,997
Accrued Interest	3,007	(3,007)	0
Stock on hand	52,446	104,235	156,681
TOTAL CURRENT ASSETS	4,231,106	84,242	4,316,336
CURRENT LIABILITIES			
Contract Liabilities	0		(476,897)
Sundry Creditors	(196,709)	(175,443)	(374,811)
Accruals	(276,683)	71,654	(205,029)
LSL - Current	(217,364)	0	(217,364)
GST Clearing Account	(11,443)	(31,099)	(42,542)
Loan Commitment - Current	(90,511)	44,912	(45,599)
ESL Collection	3,937	(4,808)	(871)
Rates Paid in Advance	(3,781)	2,810	(971)
TOTAL CURRENT LIABILITIES	(792,554)	(91,974)	(1,364,083)
NET CURRENT ASSETS	3,438,553	(7,732)	2,952,252
NON-CURRENT ASSETS			
Land & Buildings	21,065,490	(317,788)	20,800,564
Construction other than Buildings	325,900	(3,756)	408,267
Plant & Equipment	3,070,738	27,501	3,098,238
Furniture & Equipment	141,596	(6,733)	139,223
Motor Vehicles	1,465,714	(7,727)	1,457,986
Infrastructure	107,273,928	(653,906)	108,033,922
Shares - Kulin (Bendigo) Bank	5,000	0	5,000
Units Held - Local Government House Trust	71,221	0	71,221
TOTAL NON-CURRENT ASSETS	133,419,587	(961,970)	134,014,861
NON CURRENT LIABILITIES			
Loan Liability Non Current	(1,073,183)	0	(1,073,183)
Lsl Accrual - Non Current	(74,878)	0	(74,878)
TOTAL NON-CURRENT LIABILITIES	(1,148,061)	2,220	(1,145,841)
NET ASSETS	135,710,078	(967,482)	135,821,272
TOTAL ACCUMULATED RESERVES			
	1,871,837	250,800	2,122,637
Asset Revaluation - Infrastructure	80,027,800	0	80,027,800
Asset Revaluation - Property, Plant & Equipment	1,851,617	0	1,851,617
Asset Revaluation - Land & Buildings	11,639,170	0	11,639,170
Accumulated Surplus	40,319,655	111,193	40,430,848
TOTAL ACCUMULATED SURPLUS	133,838,241	(250,800)	133,698,635
TOTAL EQUITY	135,710,078	0	135,821,272

Shire of Kulin
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the period ended 30 April 2021

Note 1(a) - Net Current Assets Composition

	Budget Last Year Closing 30-Jun-20	Actual Last Year Closing 30-Jun-20	Year to Date 30-Apr-21
Current Assets			
Cash and Cash Equivalents	4,010,595	3,855,497	3,993,340
Accounts Receivable - Rates	69,220	54,579	56,155
Accounts Receivable - Sundry	271,384	265,734	108,318
Inventories	59,377	52,446	156,681
Other	3,007	3,007	0
Less: Current Liabilities			
Contract Liabilities	0	0	(476,897)
Sundry Creditors	(372,755)	(197,359)	(407,298)
Payroll Accruals	(86,562)	(106,150)	0
Provision for Annual Leave	(169,883)	(169,883)	(169,883)
Provision for Long Service Leave (Current)	(217,364)	(217,364)	(217,364)
ATO Liability	(17,828)	(11,443)	(42,542)
Borrowings (Current)	(90,511)	(90,511)	(45,599)
Adjustments to Current Assets			
Less: Reserves (Restricted Cash)	(1,871,837)	(1,871,837)	(2,122,637)
Add: Borrowings (Current)	90,511	90,511	45,599
Closing funding surplus/(deficit)	1,677,353	1,657,227	877,874

Current And Non-Current Classification

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

Note 1(b) - Banking Information

	General Ledger Balance 30-Apr-21	Bank Statement Balance 30-Apr-21
Cash at Bank - Unrestricted		
Municipal Funds	707,451	712,547
Freebairn Recreation Centre	140,255	140,331
Investments	1,019,403	1,019,403
Till Float	3,095	3,415
Petty Cash	500	500
	1,870,703	1,876,197
Cash at Bank - Restricted		
Reserve Funds	2,122,637	2,122,637
	2,122,637	2,122,637

Shire of Kulin
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the period ended 30 April 2021

Note 2 - Rating information

Rate Type	Rate in \$	Number of properties	Rateable Value	Budgeted Rate Revenue	Actual Rate Revenue
General Rate					
Gross Rental Value					
Residential	0.10187	134	1,189,708	121,196	121,146
Industrial	0.10187	13	116,376	11,855	11,855
Commercial	0.10187	28	447,448	45,582	45,582
Rural	0.10187	11	88,608	9,026	9,026
Unimproved Value					
Rural	0.01049	347	180,837,500	1,896,713	1,898,686
Mining	0.01049	0	-	-	-
Sub-total		533	182,679,640	2,084,371	2,086,294
Minimum Payment					
Gross Rental Value					
Residential	443.89	10	4,160	4,439	4,439
Industrial	443.89	5	9,736	2,219	2,219
Commercial	443.89	4	8,600	1,776	1,776
Rural	443.89	7	12,795	3,107	3,107
Unimproved Value					
Rural	443.89	9	235,700	3,995	3,995
Mining	443.89	21	213,553	9,322	9,322
Sub-total		56	484,544	24,858	24,858
		589	183,164,184	2,109,229	2,111,152
Discount				(91,000)	(89,721)
Concessions/Write-offs				(13,000)	(9,884)
Total raised from general rates				2,005,229	2,011,547
Ex-Gratia Rates				23,701	23,701
Total Rates				2,028,930	2,035,248

All land (other than exempt land) in the Shire of Kulin is rated according to its Gross Rental Value (GRV) in townsites or Unimproved Value (UV) in the remainder of the Shire of Kulin.

The general rates detailed for the 2020/21 financial year have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimated revenue to be received from all sources other than rates and also considering the extent of any increase in rating over the level adopted in the previous year.

The minimum rates have been determined by Council on the basis that all ratepayers must make a reasonable contribution to the cost of local government services/facilities.

Shire of Kulin
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the period ended 30 April 2021

Note 3 - Asset information

Note 3(a) - Asset Acquisitions

Description	YTD			Category	Renewal/	
	Budget	Budget	YTD Actual		Replace	New Asset
Server Equipment Replacement	47,732	-	-	F&E	Y	
Old Administration Building	13,500	-	-	F&E	Y	
Main Street CCTV	75,000	-	73,549	OC		Y
KCCC Shade Sail	-	-	4,360	F&E	Y	
Cemetery Entrance Upgrade	15,098	-	12,443	OC	Y	
Aquatic Centre Recreation Improvements	135,000	-	-	Inf	Y	
Aquatic Centre Infr & Equip Improvements	83,000	83,000	84,134	Inf	Y	
Freebairn Rec Centre Surface Replacement	250,000	-	-	L&B	Y	
Freebairn Rec Centre Equip Improvements	30,000	15,000	-	P&E		Y
Oval Irrigation Upgrade	160,000	160,000	153,260	Inf	Y	
Town Playground Sofffall Replacement	50,000	-	-	L&B	Y	
Lowloader	125,000	125,000	132,800	P&E	Y	
Side Tipper Trailer	120,000	120,000	98,145	P&E	Y	
Tractor	55,000	55,000	55,000	P&E	Y	
Mini Excavator	45,000	-	47,570	P&E		Y
Plant Trailer	11,000	11,000	8,330	P&E		Y
Miscellaneous Plant (inc EWP trial)	20,000	15,000	3,510	P&E		Y
Toyota Prado (CEO)	55,000	-	-	MV	Y	
Toyota Prado (WM)	55,000	55,000	58,757	MV	Y	
Isuzu 3T Tipper	66,000	-	-	MV	Y	
4x2 Utility (No Trade)	25,000	25,000	32,832	MV		Y
Holt Rock Depot Improvements	24,706	18,530	8,995	L&B	Y	
RRG Road Construction	626,271	469,703	569,598	Inf	Y	
R2R Road Construction	426,344	319,758	522,997	Inf	Y	
BS Road Construction	802,786	602,090	124,790	Inf	Y	
WSFN Road Construction	-	-	113,176	Inf	Y	
HSVPP Road Construction	-	-	485,863		Y	
Own Resource Road Construction	890,628	667,971	260,897	Inf	Y	
Drainage Improvements (High Street)	147,884	-	-	Inf	Y	
Footpath Construction	150,891	-	54,469	Inf		Y
Pingaring Dam	30,500	15,000	18,476	Inf		Y
Youth Precinct	330,000	-	43,427	L&B		Y
Water Infrastructure	92,000	69,000	2,886	Inf		Y
Caravan Park Disabled Ablutions	33,000	-	440	L&B	Y	
	4,991,340	2,826,051	2,970,703			

Note 3(b) - Disposal of Assets

Asset Description	Budget			YTD Actual		
	Net Book Value	Proceeds on Sale	Profit/Loss on Sale	Net Book Value	Proceeds on Sale	Profit/Loss on Sale
PPE74 - Roadwest Lowloader	10,000	25,000	(15,000)	-	-	-
PPE114 - Haulmore S/Tipper	8,502	20,000	(11,498)	-	-	-
PPE18 - New Holland Tractor	12,752	20,000	(7,248)	-	-	-
PMV37 - Isuzu 3T Tipper	6,000	16,000	(10,000)	-	-	-
PMV27 - Toyota Prado (CEO)	44,000	45,000	(1,000)	-	-	-
PMV30 - Toyota Prado (WM)	46,000	45,000	1,000	-	-	-
	127,254	171,000	(43,746)	-	-	-

Note 3(c) - Depreciation

Description	Depreciation Expense			Asset Sustainability Ratio	
	YTD			Budget	Actual
	Budget	Budget	YTD Actual		
Furniture & Equipment	9,942	7,457	0	-	0
Land & Buildings	461,285	345,964	0	0.05	0
Motor Vehicles	72,100	54,075	0	1.02	0
Construction Other than Buildings	15,205	11,404	0	-	0
Plant & Equipment	366,115	274,586	0	1.09	0
Infrastructure	2,250,937	1,688,203	0	1.36	0
	3,175,584	2,381,688	-	1.19	-

Shire of Kulin
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the period ended 30 April 2021

Note 4 - Cash Backed Reserves

Reserve	Budget				Actual				
	Opening Balance	Transfer to	Transfer from	Closing Balance	Opening Balance	Transfer to	Transfer from	Closing Balance	
Leave	361,521	28,150	-	389,671	361,521	26,788	-	388,309	
Plant	397,979	53,600	-	451,579	397,979	151,997	-	549,976	
Building	248,034	87,250	-	335,284	248,034	86,245	-	334,279	
Admin Equipment	76,640	675	47,732	29,583	76,640	385	47,723	29,302	
Natural Disaster	142,362	1,260	20,000	123,622	142,362	714	-	143,076	
Joint Venture Housing	75,946	675	-	76,621	75,946	381	-	76,327	
FRC Surface & Equipment	141,595	600	139,595	2,600	141,595	40,865	-	182,460	
Medical Services	114,998	1,035	-	116,033	114,998	586	-	115,584	
Fuel Facility	81,814	720	-	82,534	81,814	402	-	82,216	
Sportsperson Scholarship	13,625	108	-	13,733	13,625	68	-	13,693	
Freebairn Rec Centre	217,323	1,935	11,000	208,258	217,323	1,091	11,000	207,414	
Short Stay Accommodation	-	140,255	-	140,255	-	-	-	-	
	1,871,837	316,263	218,327	1,969,773	1,871,837	309,523	-	58,723	2,122,637

Reserve Details	Reserve Details	Anticipated Use Date	Informal Min.	Informal Max.
Leave	To fund employee long service and annual leave entitlements	-	-	As req
Plant	To fund the purchase of major plant. On average plant replacement cost approx. \$450k annually, on years where we spend less than this the difference is banked in to reserve. In years where we spend more we draw from the reserve.	-	350,000	-
Building	To fund the development of future housing	-	-	-
Admin Equipment	To fund the replacement of administration equipment.	-	50,000	100,000
Natural Disaster	To fund the LG contribution as specified through the WANDRRA guidelines and other natural disaster recovery expenditure.	-	100,000	-
Joint Venture Housing	A maintenance reserve to fund the long term maintenance of each Joint Venture Housing arrangement.	-	-	-
FRC Surface & Equipment	To fund the replacement of equipment and sports surfaces at the Freebairn Recreation Facility as necessary.	-	-	-
Medical Services	To fund the recruitment and provision of medical services in the future. Difference between the budgeted and actual expenditure is	-	100,000	150,000
Fuel Facility	To fund the replacement of the equipment at the fuel facility. Net profit from the sale of fuel is transferred to this reserve.	-	75,000	200,000
Sportsperson Scholarship	To fund the development of local sportspersons.	-	-	15,000
Freebairn Rec Centre	To fund maintenance and replacement of land and building assets at the FRC	-	100,000	-
Short Stay Accommodation	To fund the construction of short stay accommodation	30/06/2022	-	250,000

Shire of Kulin
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the period ended 30 April 2021

Note 5 - Operating Grants

Grant Source	Purpose	YTD		YTD Actual
		Budget	Budget	
Grants Commission	Federal financial assistance grants	1,070,000	802,500	812,309
Local Roads & Community Infrastructure Program	Federal Government Stimulus	601,000	450,750	277,694
Department of Primary Industries & Regional Development	Regional Economic Development (RED)	30,000	-	-
Fire & Emergency Services	Emergency Services Levy Operating Grant	25,000	18,750	24,885
KCCC Sustainability Grant	Childcare Sustainability Grant	52,500	52,500	50,000
Main Roads	State Direct Grant (Untied Road Funding)	212,935	212,935	206,610
Department of Primary Industries & Regional Development	Community Resource Centre Funding	100,000	100,000	106,459
Department of Water	Drought Communities	590,000	295,000	-
		2,091,435	1,637,435	1,477,958

Capital Grants

Grant Source	Purpose	YTD		YTD Actual
		Budget	Budget	
Main Roads	Regional Road Group Road Construction	365,000	273,750	471,735
Department of Infrastructure	Roads to Recovery Road Construction	525,000	393,750	466,123
Main Roads	Black Spot Road Construction	524,000	393,000	-
Department of Water	Community Water Supply	90,000	-	-
		1,504,000	1,060,500	937,858

Shire of Kulin
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
 For the period ended 30 April 2021

Note 6 - Borrowings

	Budget				Actual			
	Principal		Interest		Principal		Interest	
	Principal 01/07/2020	Repayment s	Principal 30/06/2020	Repayment s	Principal 01/07/2020	Repayment s	Principal 30/06/2020	Repayment s
Loan 1 Administration Building	1,164,231	90,511	1,073,720	42,895	1,164,231	44,912	1,119,319	21,902
	1,164,231	90,511	1,073,720	42,895	1,164,231	44,912	1,119,319	21,902

Shire of Kulin
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the period ended 30 April 2021

Note 7 - Explanation of Material Variances

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially.

The material variance adopted by Council for the 2020-21 year is \$5,000 or 10.00% whichever is the greater.

Revenue from operating activities	Var \$	Var %	Explanation
General purpose funding - other	(168,951)	-15%	Lower than budgeted for LRCIP income, income for completed projects recognised, projects (funding amount) still to be completed All Ages Activity Precinct (150k), Playground Softfall (25k), Public Toilets (10k) & Footpaths (100k)
General purpose funding - rates	6,317	0%	Below 10% threshold
Governance	32,864	69%	Insurance rebates (30k) not budgeted for
Law, order and public safety	6,351	19%	Income from ESL grant higher than budgeted for due to reimbursement from overspends in previous years.
Health	354	100%	Below \$5,000
Education and welfare	(47,895)	-26%	Childcare centre fees below what was budgeted (37k), main issue in this area being that expenditure is close to what was budgeted for which is creating a deficit which is unbudgeted for (currently 46k)
Housing	(6,143)	-7%	Below 10% threshold.
Community amenities	2,928	3%	Below \$5,000 & 10% threshold
Recreation and culture	17,811	9%	Below 10% threshold.
Transport	(13,605)	0%	Below 10% threshold
Economic services	(183,828)	-25%	\$400k of Drought communities income has been received however not recognised in financials until progress milestones achieved (budgeted to recognise \$295k in April). Fuel facility income is \$96k above budget.
Other property and services	33,381	26%	Private works income higher than budgeted for (\$50k) Expenditure higher in line with the additional work completed. Rental income for staff housing lower than what was budgeted for \$19k
Expenditure from operating activities	Var \$	Var %	Explanation
General purpose funding	(8,978)	-14%	Admin allocations lower than budgeted.
Governance	36,147	18%	Below 10% threshold
Law, order and public safety	42,251	33%	Overall, governance expenditure is less than what was budgeted for. Each month these expenses are allocated throughout the accounts and this automatic allocation journal is not clearing all expenditure. The issue is currently being investigated by our software provider.
Health	(43,060)	-80%	Expenditure on medical centre (37k), mosquito control (2k)
Education and welfare	(14,388)	-6%	Below 10% threshold
Housing	(6,276)	-3%	Below 10% threshold
Community amenities	(19,563)	-7%	Below 10% threshold
Recreation and culture	(68,619)	-7%	Below 10% threshold
Transport	(60,729)	-2%	Below 10% threshold
Economic services	(48,697)	-6%	Below 10% threshold
Other property and services	(148,779)	310%	Expenditure on dep'n for plant is lower than what was budgeted and also lower than the value which is being allocated based on plant usage. The rates of dep'n costed to jobs needs to be adjusted as overall dep'n rates have been reduced in line with our asset management planning.
Investing activities	Var \$	Var %	Explanation
Proceeds from non-operating grants, subsidies and contributions	(122,641)	-13%	Capital grants have been received as expected in the budget. Some of these grants have not yet been recognised as income as construction milestones have not yet been met.
Proceeds from disposal of assets	87,377	67%	Budget timing differences relating to sale of plant, budgeted to be received close to year end, have already been received.

Shire of Kulin
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the period ended 30 April 2021

Note 7 - Explanation of Material Variances

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially.

The material variance adopted by Council for the 2020-21 year is \$5,000 or 10.00% whichever is the greater.

Payments for property, plant and equipment and infrastructure	144,651	5%	Below 10% threshold
Financing activities	Var \$	Var %	Explanation
Transfer from reserves	50,441	46%	Budgeted transfers have taken place, YTD budget figures behind, timing issue.
Repayment of debentures	(344)	1%	Below \$5,000 & 10% threshold
Transfer to reserves	151,392	-96%	Budgeted transfers have taken place, YTD budget figures behind, timing issue.

Code of Conduct for Council Members, Committee Members and Candidates



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Shire of Kulin Code of Conduct for Council Members, Committee Members and Candidates

Policy Purpose:

This Policy is adopted in accordance with section 5.104 of the *Local Government Act 1995*.

Division 1 — Preliminary provisions

1. Citation

This is the Shire of Kulin Code of Conduct for Council Members, Committee Members and Candidates.

2. Terms used

(1) In this code —

Act means the Local Government Act 1995;

candidate means a candidate for election as a council member;

complaint means a complaint made under clause 11(1);

publish includes to publish on a social media platform.

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

Division 2 — General principles

3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

4. Personal integrity

(1) A council member, committee member or candidate should —

- (a) act with reasonable care and diligence; and
- (b) act with honesty and integrity; and
- (c) act lawfully; and
- (d) identify and appropriately manage any conflict of interest; and
- (e) avoid damage to the reputation of the local government.

- (2) A council member or committee member should —
- (a) act in accordance with the trust placed in council members and committee members; and
 - (b) participate in decision making in an honest, fair, impartial and timely manner; and
 - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
 - (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

- (1) A council member, committee member or candidate should —
- (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. Accountability

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

- (1) A council member, committee member or candidate —
- (a) must ensure that their use of social media and other forms of communication complies with this code; and
 - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
- (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
 - (b) must comply with all policies, procedures and resolutions of the local government.

9. Relationship with others

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and

- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the local government; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) take no further action; or
 - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.

- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
- (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

- (1) The local government must dismiss a complaint if it is satisfied that —
- (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
 - (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
- (a) in writing; and
 - (b) given to a person authorised under clause 11(3).

15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

Division 4 — Rules of conduct

Notes for this Division:

1. Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
2. A minor breach is dealt with by a standards panel under section 5.110 of the Act.

16. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

17. Misuse of local government resources

- (1) In this clause —

electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;

resources of a local government includes —

- (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
 - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
 - (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

19. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.

- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

- (1) In this clause —

local government employee means a person —

- (a) employed by a local government under section 5.36(1) of the Act; or
- (b) engaged by a local government under a contract for services.

- (2) A council member or candidate must not —

- (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
- (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
- (c) act in an abusive or threatening manner towards a local government employee.

- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —

- (a) make a statement that a local government employee is incompetent or dishonest; or
- (b) use an offensive or objectionable expression when referring to a local government employee.

- (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

21. Disclosure of information

- (1) In this clause —

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

non confidential document means a document that is not a confidential document.

- (2) A council member must not disclose information that the council member —
 - (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
 - (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

22. Disclosure of interests

- (1) In this clause —

interest —

 - (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
 - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
 - (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —

- (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
- (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.



Complaint About Alleged Breach Form - Code of conduct for council members, committee members and candidates

Schedule 1, Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021*

- NOTE:** A complaint about an alleged breach must be made —
- (a) in writing in the form approved by the local government
 - (b) to an authorised person
 - (c) within one month after the occurrence of the alleged breach.

Name of person who is making the complaint:

Name:

Given Name(s)

Family Name

Contact details of person making the complaint:

Address: _____

Email: _____

Contact number: _____

Name of the local government (city, town, shire) concerned:

Name of council member, committee member, candidate alleged to have committed the breach:

State the full details of the alleged breach. Attach any supporting evidence to your complaint form.

--

Date of alleged breach:

_____ / _____ / 20_____

SIGNED:

Complainant's signature:

Date of signing: _____ / _____ / 20_____

Received by Authorised Officer

Authorised Officer's Name:

Authorised Officer's Signature:

Date received: _____ / _____ / 20_____

NOTE TO PERSON MAKING THE COMPLAINT:

This form should be completed, dated and signed by the person making a complaint of an alleged breach of the Code of Conduct. The complaint is to be specific about the alleged breach and include the relevant section/subsection of the alleged breach.

The complaint must be made to the authorised officer within one month after the occurrence of the alleged breach.

Signed complaint form is to be forwarded to:

sfo@kulin.wa.gov.au; or PO Box 125, KULIN WA 6365

LOCAL GOVERNMENT (MODEL CODE OF CONDUCT) REGULATIONS 2021 – EXPLANATORY NOTES

These regulations bring into effect **sections 48 to 51** of the *Local Government Legislation Amendment Act 2019*.

In particular, the following will take effect: sections 5.102A, 5.103, 5.104 and 5.105.

	Regulation	Explanation
3	Model Code of Conduct	These regulations provide for the model code of conduct for council members, committee members and candidates in Schedule 1.
4	<i>Local Government (Rules of Conduct) Regulations 2007</i> repealed	This regulation repeals the <i>Local Government (Rules of Conduct) Regulations 2007</i> (Rules of Conduct Regulations) as they now form part of the Model Code regulations (Schedule 1, Division 4).
5	<i>Local Government (Administration) Regulations 1996</i> amended	<p>This regulation inserts new Part 9A – Minor breaches by council members - into the Model Code regulations. It replaces existing regulation 4 of the Rules of Conduct Regulations (Contravention of certain local laws) and instead inserts it into the Administration Regulations.</p> <p>Part 9A provides that a contravention of a local law that relates to the conduct of people at council or committee meetings is a minor breach for the purposes of section 5.105(1)(b) of the Act. This is not a rule of conduct, which is why it is separate to the provisions in the Model Code.</p>
6	<i>Local Government (Audit) Regulations 1996</i> amended	This regulation amends the statutory requirements for the compliance audit return to capture the adoption of the Model Code and deletes the reference to the Rules of Conduct Regulations.
7	<i>Local Government (Constitution) Regulations 1998</i> amended	This regulation amends Schedule 1 Form 7 (Declaration by elected member of council) of the Constitution Regulations to reference the code of conduct adopted by the relevant local government, rather than the Rules of Conduct Regulations.
	Schedule 1 – Model code of conduct	
1	Citation	New section 5.104 of the Local Government Act requires local governments to adopt the model code of conduct within three months of these Regulations coming into operation. Until the Model Code is adopted, in accordance with section 5.104(5), the model code is taken to be a local government’s adopted code of conduct until the local government adopts a code of conduct.

	Regulation	Explanation
		<p>The Model Code, as drafted, provides a template for local governments to adopt the code as their own by inserting their local government name.</p> <p>In accordance with section 5.104(3), local governments can include additional behaviours under Division 3 that are not inconsistent with the Code, which may not currently be represented.</p> <p>To adopt the code, a resolution needs to be passed by an absolute majority. Once the code is adopted, it must be published on the local government's website.</p>
2	Terms Used	This clause defines "Act", "candidate", "complaint" and "publish". All other terms used have the same meaning as in the Act unless the contrary intention appears.
	Division 2 – General principles	
3	Overview of Division	As per new section 5.103(2)(a), the Model Code is to contain general principles to guide behaviour. These are set out in Division 2.
4	Personal Integrity	<p>This clause outlines specific personal integrity principles, including the need to:</p> <ul style="list-style-type: none"> • act with reasonable care and diligence; • act with honesty and integrity; • act lawfully; • identify and appropriately manage any conflict of interest; • avoid damage to the reputation of the local government.
5	Relationships with others	This clause outlines principles for relationships with others, including the need to treat others with respect, courtesy and fairness, and maintain and contribute to a harmonious, safe and productive work environment.
6	Accountability	This clause outlines principles for accountability, including that decisions should be based on relevant and factually correct information and that a council or committee member should be open and accountable to, and represent, the community in the district.
	Division 3 - Behaviour	
7	Overview of Division	<p>As per new section 5.103(2)(b), the Model Code is to contain requirements relating to behaviour.</p> <p>This division sets the standards of behaviour which enable and empower members to meet the principles outlined in Division 2. Division 3 behaviour breaches are managed by local</p>

	Regulation	Explanation
		governments, and so the division also includes a mechanism to deal with alleged breaches. The emphasis is on an educative role to establish sound working relationships and avoid repeated breaches.
8	Personal Integrity	<p>This clause provides for behaviours for council members, committee members and candidates, as well as behaviours specific to council and committee members.</p> <p>Behaviours include that a council member, committee member or candidate must ensure their use of social media and other forms of communication comply with the code. Members must also not be impaired by alcohol or drugs in the performance of their official duties.</p>
9	Relationships with others	<p>This clause provides for behaviours related to relationships with others, including the requirement to:</p> <ul style="list-style-type: none"> • deal with the media in a positive and appropriate manner; • not use offensive or derogatory language when referring to another person; • not disparage the character of another council member, committee member, candidate or local government employee in connection with the performance of their official duties; and • not impute dishonest or unethical motives to another council member, committee member, candidate or local government employee in connection with the performance of their official duties.
10	Council or committee meetings	<p>This clause provides for behaviours when attending a council or committee meeting. This includes that a council member, committee member or candidate must not:</p> <ul style="list-style-type: none"> • act in an abusive or threatening manner towards another person; • repeatedly disrupt the meeting; or • make a statement that they know, or could reasonably be expected to know, is false or misleading.
11	Complaints about alleged breach	<p>This clause provides that a person may make a complaint alleging a breach of Division 3 by submitting the complaint in writing (in a form approved by the local government) within one month of the alleged breach occurring.</p> <p>The local government is to authorise at least one person to receive complaints and withdrawals of complaints.</p>

	Regulation	Explanation
12	Dealing with complaint	<p>This clause provides a process for dealing with complaints. Subclause (1) requires local governments to make a finding as to whether the breach occurred, unless the complaint is dismissed (clause 13), or withdrawn (clause 14).</p> <p>Before making a finding, the person to whom the complaint relates must be given a reasonable opportunity to be heard. A finding about whether the breach has occurred should be based on whether it is more likely than not that the breach occurred. This is the same premise used by the Standards Panel in its decision making.</p> <p>If a finding of breach is made, the local government can choose to take no further action or develop a plan to address the person's behaviour. This may include training, mediation, counselling or any other action considered appropriate. Subclause (5) requires that the local government must consult with the person to whom the complaint relates in preparing the plan.</p> <p>After a finding has been made, written notice of the outcome needs to be given to the complainant and the person to whom the complaint relates.</p>
13	Dismissal of complaint	This clause provides that a complaint must be dismissed if the behaviour occurred at a council or committee meeting, and the local government is satisfied that the behaviour has already been dealt with, or the person responsible for the behaviour has taken remedial action in accordance with the meeting procedures local law.
14	Withdrawal of complaint	This clause provides that a complainant may withdraw a complaint at any time before a finding is made.
15	Other provisions about complaints	This clause provides that a complaint about a candidate cannot be dealt with unless the candidate is elected. It also allows local governments to determine the procedure for dealing with complaints to the extent it isn't already provided for.
	Division 4 – Rules of conduct	
16	Overview of Division	<p>As per section 5.103(2)(c) of the Amendment Act, the Model Code contains rules of conduct. The rules of conduct are specific rules for which alleged breaches (minor breaches) are referred to the Standards Panel. A reference to a council member in this division includes a council member acting as a committee member.</p> <p>The Rules of Conduct Regulations are being repealed (see regulation 4 above) and replaced by this Division.</p>

	Regulation	Explanation
17	Misuse of local government resources	This clause is based on regulation 8 of the Rules of Conduct Regulations. It provides that a council member must not misuse local government resources, which includes local government property or services.
18	Securing personal advantage or disadvantaging others	This is based on regulation 7 of the Rules of Conduct Regulations. It provides that a council member must not make improper use of their office to gain advantage or cause detriment to the local government or any other person.
19	Prohibition against involvement in administration	This is based on regulation 9 of the Rules of Conduct Regulations. It provides that a council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government (council) or CEO.
20	Relationship with local government employees	This is based on regulation 10 of the Rules of Conduct Regulations. It provides that a council member or candidate must not direct, influence, abuse or threaten a local government employee.
21	Disclosure of information	This is based on regulation 6 of the Rules of Conduct Regulations. It provides that a council member must not disclose information that is from a confidential document or was acquired at a closed meeting.
22	Disclosure of interests	This is based on regulation 11 of the Rules of Conduct Regulations. It provides that a council member must disclose impartiality interests, which includes interests arising from kinship, friendship or membership of an association.
23	Compliance with plan requirement	This is a new rule of conduct that provides for a minor breach if a council member does not comply with a plan requirement (see clause 12(4)(b)) imposed by the local government following a breach of a behaviour under Division 3.

Code of Conduct Behaviour Complaints Management Policy



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Policy Objective

To establish, in accordance with Clause 15(2) of the *Local Government (Model Code of Conduct) Regulations 2021* and Shire of Kulin 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 Kulin Code of Conduct for Council Members, Committee Members and Candidates.

To give effect to the Shire of Kulin's commitment to an effective, transparent, fair and accessible complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.

Policy Scope

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

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

Definitions

Act means the *Local Government Act 1995*.

Behaviour Complaints Committee means the Committee established by the Council in accordance with s.5.8 of the Act for the purpose of dealing with Complaints. The role of the Behaviour Complaints Committee is outlined in Part 2.3 of this Policy.

Behaviour Complaints Officer means a person authorised in writing [*by Council resolution or by the CEO exercising delegated authority*] under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Behaviour Complaints Officer is addressed in Part 2.1 of this Policy.



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

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 Act, 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 Part 3.2 of this Policy.

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

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 Kulin 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.

Complaint Assessor means a person appointed by the Behaviour Complaints Officer in accordance with Part 2.2 and Part 3.8 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 [*by Council resolution or by the CEO exercising delegated authority*].

Council means the Council of the Shire of Kulin.

Council or Committee Meeting means a formal meeting of the Council or a Committee 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.

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

1. Principles

1.1. Procedural fairness

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

- the Respondent will be afforded a reasonable opportunity to be heard before any findings are made, or a plan implemented;
- the decision maker should be objective and impartial, with an absence of bias or the perception of bias; and
- any findings made will be based on proper and genuine consideration of the evidence.

1.2. 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.

1.3. Confidentiality

The Shire of Kulin 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.

1.4. Accessibility

The Shire of Kulin will ensure that information on how to make a complaint, including this Policy, is available at the Shire of Kulin's Administration Building and on the Shire of Kulin's website. The Shire of Kulin will make information available in alternative formats if requested.

Any person wishing to make a complaint may contact the Behaviour Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.

2. Roles

2.1. Behaviour Complaints Officer

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

The Behaviour Complaints Officer is not an advocate for the complainant or the respondent. The Behaviour Complaints Officer provides procedural information and assistance to both Complainant and Respondent.

The Behaviour Complaints Officer will liaise with and provide administrative support to a Complaint Assessor appointed under this Policy.

The Behaviour Complaints Officer will liaise with the Local Government to facilitate the calling and convening of Council or Behaviour Complaints Committee meetings if required.

In undertaking their functions, the Behaviour Complaints Officer will apply the Principles of this Policy.

2.2. Complaint Assessor

The Complaint Assessor is appointed by the Behaviour Complaints Officer in accordance with Part 3.8 of this Policy.

The Complaint Assessor is an impartial third party who will undertake the functions specified in this Policy. In undertaking their functions, the Complaint Assessor will apply the Principles of this Policy.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.

2.3. Behaviour Complaints Committee

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the Act for the purpose of dealing with Complaints.

The Behaviour Complaints Committee is a Committee of Council Members only. The membership and purpose of the Behaviour Complaints Committee is outlined in Council Policy Shire of Kulin Behaviour Complaints Committee Terms of Reference.

3. Procedure

3.1. 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 *[clause 11(1) of the Code of Conduct]*.

A Complaint must be made within one (1) month after the alleged Breach *[clause 11(2)(c) of the Code of Conduct]*.

A Complaint must be made by completing the Behaviour Complaint Form in full and providing the completed forms to the Behaviour Complaints Officer.

A Complaint must be made in accordance with the Behaviour Complaint Form and specify which requirement(s) of the Code of Conduct is alleged to have been breached.

A Complaint 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 Behaviour Complaints Officer will invite the Complainant to provide this information in order for the Complaint to be progressed.

Where a Complaint is made more than 1 month after the alleged breach, the Behaviour Complaints Officer will give the Complainant written notice that the Complaint cannot be made *[clause 11(2)(c) of the Code of Conduct]*.

3.2. Candidate Complaints

A Complaint in relation to a Candidate must be made in accordance with 3.1, above, 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 Behaviour Complaints Officer will provide written notice:

- To the Complainant confirming receipt, and advising of the procedure for candidate complaints; and
- 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 Behaviour Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with *[clause 15(1) of the Code of Conduct]*.

3.3. Withdrawing a Complaint

A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint *[clause 14 of the Code of Conduct]*.

A Complainant may withdraw a Complaint by advising the Behaviour Complaints Officer in writing that they wish to do so.

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

3.4. Notice to Complainant

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

- confirms receipt of the Complaint;
- outlines the process that will be followed and possible outcomes;
- explains the application of confidentiality to the complaint;
- includes a copy of this Policy; and
- if necessary, seeks clarifications or additional information.

If the Complaint Form indicates that the Complainant agrees to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will advise the Complainant of the process in accordance with Part 3.6 of this Policy.

3.5. Notice to Respondent

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

- advises that a Complaint has been made in accordance with the Code of Conduct and this Policy;
- includes a copy of the Complaint Documents;
- outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes;
- includes a copy of this Policy; and
- 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 Alternative Dispute Resolution, the Behaviour Complaints Officer will ask the Respondent if they are also willing to participate in accordance with Part 3.6 of this Policy.

3.6. Alternative Dispute Resolution

The Shire of Kulin recognises that Alternative Dispute Resolution may support both parties reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint.

Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances.

To commence the process, the Behaviour Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will pause the formal process.

The objective of Alternative Dispute Resolution 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 Part 3.3 of this Policy. For example, an offer by a Respondent to issue a voluntary apology in response to a Complaint, even in the absence of a request from the Complainant, qualifies for consideration as Alternative Dispute Resolution.

If Alternative Dispute Resolution 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 a third party who is providing assistance to the Local Government, such as a facilitator or mediator.

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

3.7. 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 Behaviour Complaints Officer may decide to progress those Complaints concurrently.

3.8. Appointment of Complaints Assessor

If Alternative Dispute Resolution is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Behaviour Complaints Officer will appoint a suitably qualified and experienced Complaint Assessor, in accordance with the Shire of Kulin's Purchasing Policy.

The Behaviour Complaints Officer will endeavour to appoint a Complaint Assessor within a reasonable period. The Behaviour Complaints Officer will provide written notice of the appointment to the Complainant and the Respondent.

3.9. Search of Local Government Records

The Complaint Assessor may request the Behaviour Complaints Officer to search for any relevant records in the Shire of Kulin's Record Management System.

In particular, if the behaviour is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Officer will be requested to identify any Local Government records that provide evidence that may support a decision as to whether:

- the behaviour occurred at a Council or Committee Meeting,
- the behaviour was dealt with by the person presiding at the meeting, and/or
- the Respondent has taken remedial action in accordance with the Shire of Kulin Meeting Procedures/Standing Orders local Laws 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 Behaviour Complaints Officer or the Complaint Assessor, copies must also be provided to the Respondent.

3.10. Assessment of the Complaint

The Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under Part 3.4 and Part 3.5 of this Policy.

The Complaint Assessor must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions, or drafting the Complaint Report or recommendations.

3.11. Complaint Report

The Complaint 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 Documents and any relevant Local Government Records as attachments; and
- include recommendations on each decision that may be made by the Complaints Committee; and
- include reasons for each recommendation, with reference to Part 4 of this Policy.

If the Complaint Report recommends that a Plan is prepared and implemented in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy, the Complaint Report must include a Proposed Plan.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to include the Complaint Report in the Agenda for a meeting of the Complaints Committee. The Behaviour Complaints Officer will be responsible for preparation of an Officer Report with the Complaint Report provided as a confidential attachment. The recommendations of the Complaint Report will be provided as the Officer Recommendations.

3.12. Complaints Committee Meeting

The Agenda will be prepared on the basis that the part of the meeting that deals with the Complaint Report will be held behind closed doors in accordance with s.5.23(2) of the Act.

The Behaviour Complaints Committee will consider the Complaint Report and attachments and give due regard to the recommendations.

In accordance with Regulation 11(d)(a) of the *Local Government (Administration) Regulations 1996*, reasons for any decision that is significantly different from the Officer Recommendation must be recorded in the meeting minutes.

If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Committee will determine whether or not to dismiss the Complaint in accordance with Clause 13 of the Code of Conduct and Part 4.2 of this Policy.

If the Behaviour Complaints Committee dismisses a Complaint, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the decision and the reasons for the decision in accordance with clause 13(2) of the Code of Conduct. This concludes the process for this Complaint.

If the Complaint is not dismissed, the Behaviour Complaints Committee will consider the Complaint and make a Finding as to whether the alleged Breach that is the subject of the Complaint has or has not occurred, in accordance with clause 12 of the Code of Conduct and Part 4.3 of this Policy.

If the Behaviour Complaints Committee finds that the alleged Breach **did not** occur, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the Finding and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee finds that the alleged breach **did** occur, the Committee will decide whether to take no further action in accordance with clause 12(4)(a) of the Code of Conduct or prepare a plan to address the behaviour in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy.

If the Behaviour Complaints Committee decides to take no further action, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of this decision and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee decides to prepare a Plan, the Committee will first consult with the Respondent in accordance with clause 12(5)* of the Code of Conduct. The Behaviour Complaints Committee will consider any submissions made by the Respondent before preparing and implementing a Plan.

3.13. Compliance with Plan Requirement

The Behaviour Complaints Officer will monitor the actions in timeframes set out in a Plan.

Failure to comply with a requirement included in a Plan is a minor breach under section 5.105(1) of the Act and clause 23 of the Code of Conduct.

The Behaviour Complaints Officer must provide a report advising Council of any failure to comply with a requirement included in a Plan.

4. Decision Making

4.1. Objective and Principles

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 1 of this Policy.

4.2. Dismissal

The Behaviour Complaints Committee 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 of Kulin Meeting Procedures/Standing Orders Local Laws 2021.

4.3. Finding

A Finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [*clause 12(3) of the Code of Conduct*].

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.

4.4. Action

In deciding whether to take no further action, or prepare and implement a Plan, the Complaints Committee may consider:

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

4.5. Plan Requirements

The Proposed Plan may include requirements for the Respondent to do one (1) or more of the following:

- engage in mediation;
- undertake counselling;
- undertake training;
- take other action the Complaints Committee considers appropriate (e.g. an apology).

The Proposed Plan 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.

The Proposed Plan may also outline:

- the actions to be taken to address the behaviour(s);
- who is responsible for the actions;
- any assistance the Local Government will provide to assist achieve the intent of the Plan; and
- a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

Document Control Box							
Document Responsibilities:							
Owner:	[insert Position Title]			Owner Business Unit:	[insert Unit Title]		
Reviewer:	[insert Position Title]			Decision Maker:	Council		
Compliance Requirements:							
Legislation:	Local Government Act 1995 Local Government (Model Code of Conduct) Regulations 2021						
Other:							
Organisational:							
Document Management:							
Risk Rating:	[low / med / high]	Review Frequency:	[annaul / biennial / triennial]	Next Due:	[20##]	Records Ref:	[CP####]
Version #	Decision Reference:		Synopsis:				
1.	[decision date / TRIM Ref]		[brief description of the adoption / changes approved]				
2.							



Behaviour Complaint Form

Division 3 of the Code of Conduct for Council Members, Committee Members and Candidates

Instructions for: **Making a complaint about an alleged breach of the Shire of Kulin Code of Conduct for Council Members, Committee Members and Candidates**

Behaviour Complaint

Please read the Shire of Kulin's Code of Conduct Behaviour Complaints Policy on our website kulin.wa.gov.au before submitting a complaint. This Policy details:

- How the Shire of Kulin will process and determine a Behaviour Complaint; and
- How confidentiality of the complaint will be handled.

To make a valid **Behaviour Complaint**:

-
- The allegation must relate to a breach of the behaviour standards in Division 3 of the Shire of Kulin's Code of Conduct for Council Members, Committee Members and Candidates.
-
- Complete all sections of the Behaviour Complaint Form attached, including any additional information that will support assessment of the complaint. *The Behaviour Complaints Officer may contact you to clarify or ask for more information.*
-
- The completed Behaviour Complaint Form **MUST** be lodged with the Shire of Kulin Behaviour Complaints Officer within one (1) month of the alleged behaviour breach.
-

Rules of Conduct Complaint

A **Rules of Conduct Complaint** refers to a breach of the Rules of Conduct outlined in Division 4 of the Shire of Kulin's Code of Conduct for Council Members and Candidates, including Council Members when acting as a Committee Member. This type of complaint is determined by the Local Government Standards Panel, administered through the Department of Local Government, Sport and Cultural Industries. Further information about Rules of Conduct Complaints may be obtained from:

- Department of Local Government, Sport and Cultural Industries: (08) 6552 7300 or www.dlgsc.wa.gov.au; OR
- The Shire of Kulin's Rules of Conduct Complaints Officer: (08) 9880 1204 or admin@kulin.wa.gov.au

Need Advice?

If you require advice in making a Behaviour Complaint, please contact the Shire of Kulin's Behaviour Complaints Officer on (08) 9880 1204 or by email admin@kulin.wa.gov.au

Behaviour Complaint Form

Shire of Kulin Code of Conduct for Council Members, Committee Members and Candidates

Name of Person Making the Complaint			
Complainant Name: <i>Given Name/s and Family Name</i>			
Contact Details			
Residential Address:			
Postal Address:			
Phone:	Day-time:		Mobile:
Email:			

Complaint Details:			
1.	Insert Name of Person alleged to have committed a behavior breach:		
2.	Select the position that the person was fulfilling at the time the person committed the alleged behaviour breach:	Council Member of the Shire of Kulin	<input type="checkbox"/>
		Member of a Committee of the Shire of Kulin	<input type="checkbox"/>
		Candidate for election at the Shire of Kulin	<input type="checkbox"/>
3.	Date that the alleged behaviour breach occurred:		
4.	Location where the alleged behaviour breach occurred:		

5.	Which of the behaviours prescribed in Division 3 of the Shire of Kulin's Code of Conduct do you allege this person has breached?	
Clause 8. Personal integrity		
(1) A council member, committee member or candidate —		
(a)	must ensure that their use of social media and other forms of communication complies with this code; and	<input type="checkbox"/>
(b)	must only publish material that is factually correct	<input type="checkbox"/>
(2) A council member or committee member —		
(a)	must not be impaired by alcohol or drugs in the performance of their official duties; and	<input type="checkbox"/>
(b)	must comply with all policies, procedures and resolutions of the local government.	<input type="checkbox"/>
Clause 9. Relationship with others		
A council member, committee member or candidate —		
(a)	must not bully or harass another person in any way; and	<input type="checkbox"/>
(b)	must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and	<input type="checkbox"/>
(c)	must not use offensive or derogatory language when referring to another person; and	<input type="checkbox"/>
(d)	must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and	<input type="checkbox"/>
(e)	must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.	<input type="checkbox"/>
Clause 10. Council or committee meetings		
When attending a council or committee meeting, a council member, committee member or candidate —		
(a)	must not act in an abusive or threatening manner towards another person; and	<input type="checkbox"/>
(b)	must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and	<input type="checkbox"/>
(c)	must not repeatedly disrupt the meeting; and	<input type="checkbox"/>
(d)	must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and	<input type="checkbox"/>
(e)	must comply with any direction given by the person presiding at the meeting; and	<input type="checkbox"/>
(f)	must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.	<input type="checkbox"/>

6. State the full details of the alleged breach.		
7 List any additional information you have provided as part of this complaint: <i>Please ensure all information relevant to the alleged breach has been attached. This information will be the basis on which the complaint is considered.</i>		
9 Have you made any efforts to resolve the complaint with the Respondent? <i>Please note, you MUST complete this section</i>		
YES	<input type="checkbox"/>	<i>If yes, please describe the efforts that you have made.</i>
NO	<input type="checkbox"/>	<i>If no, please include a brief statement explaining why you have not made any efforts to resolve the issue with the person complained about.</i>

10	<p><i>The Shire of Kulin has a policy that the Complainant and the Respondent be offered the opportunity to participate in an Alternative Dispute Resolution process, that if agreed to by BOTH parties, will be undertaken before the complaint is dealt with.</i></p> <p><i>The objective is to support both parties to reach a mutually satisfactory outcome that resolves the issues and restores the relationship between them. An outcome may be that as the Complainant, you will have absolute discretion to withdraw or continue with this Complaint.</i></p> <p><i>Please contact the Behaviour Complaints Officer if you would like more information.</i></p>		
	Would you agree to participate in an Alternative Dispute Resolution process?	YES	<input type="checkbox"/>
		NO	<input type="checkbox"/>

11	<p>Desired outcome of the Complaint <i>Please explain what you would like to happen as a result of lodging this complaint, including the opportunity to participate in Alternative Dispute Resolution.</i></p>

COMPLAINANT <i>please sign and date</i>	
Signature:	
Date:	

Please submit completed Behaviour Complaint to:

The Shire of Kulin's Behaviour Complaints Officer:

Mailing Address: PO Box 125

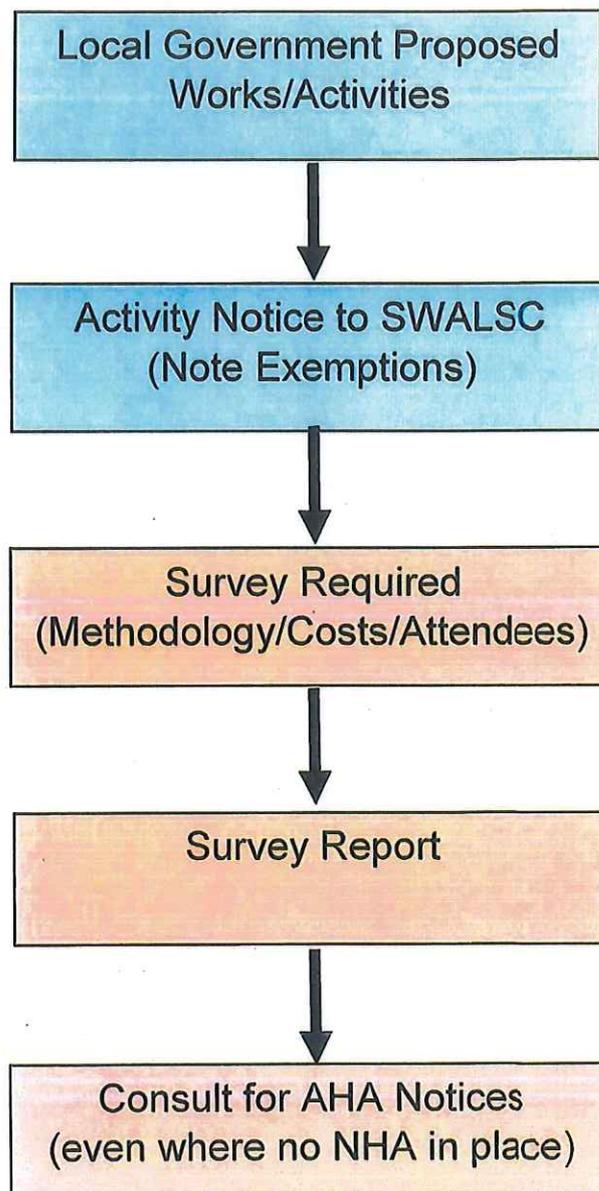
In person: 38 Johnston Street
Kulin WA 6365

OFFICE USE ONLY: <i>Received by the Council appointed Behaviour Complaints Officer</i>	
Authorised Officer's Name:	
Authorised Officer's Signature:	
Date received:	

Noongar Heritage Agreement for Local Government

Key Terms Flow Chart

Marcus Holmes
Land Equity Legal
April 2021





SHIRE OF KULIN OF FEES & CHARGES For the financial year ending 30 June 2022

NOTES:

There are four categories of GST treatment for fees & charges which are as follows:

- | | | |
|---|----------------------------|---|
| 1 | Taxable | GST is payable on the supply made. GST is normally 1/11th of the price. |
| 2 | GST Free | No GST is payable on the supply of the GST free goods or services
An input tax credit may be claimed (via the BAS) for anything acquired (or imported) to make this supply |
| 3 | Input Taxed | An input taxed supply is not subject to GST and input tax credit cannot be claimed. Eg. Residential rent |
| 4 | Outside the Scope / Exempt | A fee or charge will be outside the scope of GST if it does not meet one or more of the elements necessary to make a taxable supply. Fees & charges outside of the scope of GST under Division 81 are more commonly referred to as 'exempt' |

SHIRE OF KULIN FEES & CHARGES
For the financial year ending 30 June 2022

GENERAL PURPOSE FUNDING						
	GL Code	20-21 GST treatment		2020-21 (inc. GST if payable)	2021-22 Proposed	Comment
RATES						
Instalment interest	1030140	No	- Input	3.0%	5.5%	Set by Reg 68 Local Government (Financial Management) Regulations 1996
Penalty interest	1030141	No	- Input	5.5%	11.0%	Set by Reg 70 Local Government (Financial Management) Regulations 1996
Instalment administration fee (per instalment)	1030142	No	per assessment	7.00	10.00	
Payment plan administration fee	1030142	No	per assessment	no charge	no charge	
Copies of Rate Notices	1030160	No	each	8.00	8.00	
OWNERSHIP ENQUIRY FEE						
Statement of rates (financial) - written	1030160	No	per assessment	65.00	67.50	
Confirmation of orders & requisitions - written	1030160	No	per assessment	75.00	77.50	
Combined statement & confirmation	1030160	No	per assessment	140.00	145.00	
GOVERNANCE						
	GL Code	19-20 GST treatment		2020-21 (inc. GST if payable)		Comment
OWNERS & OCCUPIERS ROLL						
Copy of roll - disk/email	1041040	No	each	7.70	10.00	
Copy of roll - hard copy	1041040	No	each	18.60	25.00	
ELECTORAL ROLL						
Copy of roll - disk/email	1041040	No	each	7.70	8.00	
Copy of roll - hard copy	1041040	No	each	18.60	20.00	
Election Nomination Fee	1041041	No		80.00	80.00	Local Government (Elections) Regulations 1997
COUNCIL MINUTES & AGENDAS						
All agendas and minutes are available for download at kulin.wa.gov.au , if you wish for these to be printed at the Shire the following chages will apply.						
Agenda only	1042440	No	per month		15.00	
Minutes only	1042440	No	per month		5.00	
Minutes & Agenda	1042440	No	per month		20.00	
Minutes - Annual copy	1042440	No	per year		60.00	
SALE OF HISTORY BOOKS						
History Book (Soft cover)	1132430	Yes	each	20.00	20.00	Plus Postage
Tin Horse Highway Souvenir Book	1132450	Yes	each	10.00	10.00	Plus Postage
KBR Tin Horse Highway Book	1132450	Yes	each	25.00	25.00	Plus Postage
Tin Horse Highway Souvenir Book (Wholesale)	1132450	Yes	each	8.00	8.00	Plus Postage
POSTAGE (via Australia Post)						
Normal envelope	1042045	Yes	per envelope	2.10	2.50	
Large A4 envelope under 500g	1042045	Yes	per envelope	6.00	6.50	
Parcel under 500g	1042045	Yes	per parcel	13.00	13.00	
Parcel Under 3kg	1042045	Yes	per parcel	17.00	17.00	
Parcel Under 5kg	1042045	Yes	per parcel	22.00	22.00	
Over 5kg	1042045	Yes	per parcel	cost + 10%		
OTHER - FREEDOM OF INFORMATIO (FOI)						
Freedom of Information Requests (Personal)	1041045	No	each	-	-	
Freedom of Information Requests (Non-Personal)	1041045	No	each	30.00	35.00	
Labour Charges Relating to	1041045	No	each	30.00	35.00	per hour

SHIRE OF KULIN FEES & CHARGES
For the financial year ending 30 June 2022

LAW, ORDER & PUBLIC SAFETY						
	GL Code	20-21 GST treatment		2020-21 (inc. GST if payable)	2021-22 (inc. GST if payable)	Comment
FIRE PENALTIES						
Fire Break Penalty	1051400	No		250.00	250.00	Bush Fires (Infringements) Regulations 1978 (up to \$5,000)
All other penalties	1051400	No		as per	as per	Bush Fires (Infringements) Regulations 1978
FIRE MAPS						
FESA Map of Shire	1132420	Yes	per map	10.80	-	Removed - No longer produced and accessible online
FESA Map of Shire	1132420	Yes	per pair	16.30	-	Removed - No longer produced and accessible online
ANIMAL CONTROL						
Dog Registration Sterilised Dog						
Normal Fee - 1 year	1052420	No	per dog	20.00	20.00	Dog Act 1976
Normal Fee - 3 year	1052420	No	per dog	42.50	42.50	Dog Act 1976
Normal Fee - Lifetime	1052420	No	per dog	100.00	100.00	Dog Act 1976
Pensioner Concession	1052420	No	per dog	50% of fee	50% of fee	Dog Act 1976
Working Dog	1052420	No	per dog	25% of fee	25% of fee	Dog Act 1976
Dog Registration Unsterilised Dog						
Normal Fee - 1 year	1052420	No	per dog	50.00	50.00	Dog Act 1976
Normal Fee - 3 year	1052420	No	per dog	120.00	120.00	Dog Act 1976
Normal Fee - Lifetime	1052420	No	per dog	250.00	250.00	Dog Act 1976
Pensioner Concession	1052420	No	per dog	50% of fee	50% of fee	Dog Act 1976
Working Dog	1052420	No	per dog	25% of fee	25% of fee	Dog Act 1976
Cat Registration						
Normal Fee - 1 year	1052420		per dog	20.00	20.00	Cat Act 2013 - Cats must be microchipped & sterilised.
Normal Fee - 3 year	1052420	No	per dog	42.50	42.50	Cat Act 2013 - Cats must be microchipped & sterilised.
Normal Fee - Lifetime	1052420	No	per dog	100.00	100.00	Dog Act 1976
Pensioner Concession	1052420	No	per dog	50% of fee	50% of fee	Cat Act 2013 - Cats must be microchipped & sterilised.
Replacement Dog/Cat Tags	1052421	Yes	per tag	2.70	2.70	
Dog Pound Charges						
Impounding Fees	1052400	No	per day	65.00	65.00	
Infringements						
Infringements will be issued as per the penalty prescribed in the Dog Act 1976 and relevant Regulations.						
Destruction of dog	1052400	Yes	per dog			CEO's discretion
Cat Traps						
Hire Fee		Yes		No Fee	No Fee	
Bond	hold	No		50.00	50.00	If bond not refunded then GST applicable
HEALTH SERVICES						
	GL Code	20-21 GST treatment		2020-21 (inc. GST if payable)	2021-22 (inc. GST if payable)	Comment
ASBESTOS DISPOSAL						
Fee for asbestos disposal	1141410	Yes	per m ³	Cost + 10%	Cost + 10%	As per charge imposed by Shire of Corrigin (Bendering Tip)
EFFLUENT DISPOSAL						
Application for the approval of an apparatus	1074410	No	per apparatus	113.00	113.00	Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974
Permit to use an apparatus	1074410	No	per apparatus	113.00	113.00	
Health Department Application with a local gov. report	1074410	No	per apparatus	35.00	35.00	
Health Department Application without a local gov. report	1074410	No	per apparatus	110.00	110.00	
ITINERENT FOOD VENDOR						
Annual Permit	1074410	No	per year	100.00	100.00	
OTHER HEALTH FEES						
Inspection Fee (as requested by settlement agents)	1074410	No	per premises	Cost + 10%	Cost + 10%	
Offensive Trade - Piggeries	1074410	No	per premises	as per Health Local Laws	as per Health Local Laws	Health Local Laws
Inspection - Public Buildings	1074410	No	per premises	as per Health Local Laws	100.00	Health Local Laws
Inspection - Food Businesses	1074410	No	per premises	as per Health Local Laws	50.00	Health Local Laws
Registration - Food Businesses	1074410	No	per premises	as per Health Local Laws	50.00	Health Local Laws
Registration - Lodging House (And Renewal)	1074410	No	per year	as per Health Local Laws	180.00	Health Local Laws

SHIRE OF KULIN FEES & CHARGES
For the financial year ending 30 June 2022

HOUSING	GL Code	20-21 GST treatment		2020-21 (inc. GST if payable)	2021-22 (inc. GST if payable)	Comment
RESIDENTIAL						
Staff Rentals						
Level 1 - Housing (As defined in APOG)	see DCEO	No - input	per week	105.00	107.50	Deducted through pay
Level 2 - Housing (As defined in APOG)	see DCEO	No - input	per week	75.00	77.50	Deducted through pay
Level 3 - Housing (As defined in APOG)	see DCEO	No - input	per week	65.00	67.50	Deducted through pay
Private Rentals						
Joint Venture Units on Johnston Street	I092150	No - input	per week	167.50	170.00	
15 Bull Street - Joint Venture Housing	I092150	No - input	per week	177.50	180.00	
19 Wright Street - Joint Venture Housing	I092150	No - input	per week	177.50	180.00	
19 McInnes Street - Vacant	I092150	No - input	per week	177.50	180.00	
5 Bowey Way - Vacant	I092150	No - input	per week	-	200.00	
12 Bowey Way	I092150	No - input	per week	270.00	270.00	
Other private rentals	see DCEO	No - input	per week			
Bonds						
Staff Rentals	Trust	No		800.00	800.00	
Private Rentals	Trust	No		800.00	800.00	
Pet Bond	Trust	No		200.00	200.00	
VEHICLE CONTRIBUTIONS						
Lot 4 Bull Street - CEO	I042045	No	per week	45.00	47.50	Deducted through pay
9 Rankin Street - Deputy CEO	I042045	No	per week	45.00	47.50	Deducted through pay
3 Hodgson Street - Works Manager	I042045	No	per week	45.00	47.50	Deducted through pay
5 Bowey Way - Camp Kulin Manager	I042045	No	per week	45.00	47.50	Deducted through pay
14 Stewart Street - Mechanic	I042045	No	per week	45.00	47.50	Deducted through pay

SHIRE OF KULIN FEES & CHARGES
For the financial year ending 30 June 2022

COMMUNITY AMENITIES	GL Code	21-22 GST treatment		2020-21 (inc. GST if payable)	2021-221 (inc. GST if payable)	Comment
PUBLIC CEMETERIES						
All Internments in Grave	I107400		per internment	510.00	510.00	
Re-Opening of an ordinary grave - as for internment	I107400		per internment	510.00	510.00	
Re-Opening of an ordinary grave - as for exhumation	I107400		per exhumation	510.00	510.00	
Internment of Ashes in family grave	I107400		per internment	100.00	100.00	
Permission to erect Headstone	I107400	No	per internment	50.00	50.00	
Niche Wall - single	I107400	Yes	per internment	70.00	70.00	
Niche Wall - double	I107400	Yes	per internment	100.00	100.00	
Niche Wall Reservation Fee	I107400		per internment	30.00	30.00	
Funeral Director Licence Fee	I107400	No	per internment	25.00	25.00	
Reservation Fee	I107400		per internment	30.00	30.00	
TOWN PLANNING						
Planning Fees						
value < or = \$50,000	I106110	No	per application			Planning and Development Regulations 2009
value > \$50,000 and or =\$500,000	I106110	No	per application			of the estimated cost of development
value > \$500,000 and < or = \$2.5M	I106110	No	per application			plus 0.257% for every \$1 in excess of \$500,000
value > \$2.5M and < or = \$5M	I106110	No	per application			plus 0.206% for every \$1 in excess of \$2.5M
All other fees	I106110	No	per application			Planning and Development Regulations 2009
Sale of Publications						
Scheme Text	I106110	Yes	per copy			
REFUSE						
Domestic bin charges	I101400	No		248.00	255.00	
Commercial bin charges	I101400	No		248.00	255.00	
Recycling bin charges	I101400	No		145.00	150.00	
Recycle Bin charge (non-townsite residents only)	I102410	Yes	per bin	4.00	5.00	

SHIRE OF KULIN FEES & CHARGES
For the financial year ending 30 June 2022

RECREATION & CULTURE						
	GL Code	21-22 GST treatment		2020-21 (inc. GST if payable)	2021-22 (inc. GST if payable)	Comment
PUBLIC HALLS						
Memorial Hall Office Hire	I111022	Yes	per month	135.00	140.00	Ian Bailey - Invoice monthly
Memorial Hall Room Hire	I111022	Yes	per week	60.00	62.50	Maureen Gillbard (weekly charge)
LIBRARY FEES						
Lost / Damaged Books		Yes	Per item			Cost
AQUATIC CENTRE ENTRY FEES						
Adult	I112405	Yes	per day	4.00	4.50	
Child	I112410	Yes	per day	2.00	2.50	
Slide	I112450	Yes	per day	9.00	10.00	
School Carnivals	I112410	Yes	per day	2.00	2.50	Faction carnivals free entry, interschool carnivals competitors and staff free, spectators \$2.00
Spectators	I112410	Yes	per day	2.00	2.50	
AQUATIC CENTRE SEASON PASS						
Not including slide						
Adult	I112480	Yes	per season	75.00	76.00	Season tickets half price after 31 January
Child	I112480	Yes	per season	46.00	47.00	Season tickets half price after 31 January
Family (2 Adults & 2 Children or 1 Adult & 3 Children)	I112480	Yes	per season	137.00	139.00	Season tickets half price after 31 January
Each Additional Child	I112480	Yes	per season	46.00	47.00	Season tickets half price after 31 January
Summer Holiday Family Season Pass	I112480	Yes	per season	86.00	87.00	Last day of term 4 to first day of term 1 the following year
Each Additional Child	I112480	Yes	per season	25.00	25.00	
Including Slide						
Adult	I112480	Yes	per season	154.00	162.00	Season tickets half price after 31 January
Child	I112480	Yes	per season	96.00	101.00	Season tickets half price after 31 January
Family (2 Adults & 2 Children or 1 Adult & 3 Children)	I112480	Yes	per season	285.00	299.00	Season tickets half price after 31 January
Each Additional Child	I112480	Yes	per season	96.00	101.00	Season tickets half price after 31 January
Summer Holiday Family Season Pass	I112480	Yes	per season	170.00	170.00	Last day of term 4 to first day of term 1 the following year
Each Additional Child	I112480	Yes	per season	60.00	60.00	
RECREATION & CULTURE - FRC						
	GL Code	21-22 GST treatment		2021 Member	2022 Member	Comments
MEMBERSHIP						
Corporate Member		Yes	Annual	110.00	110.00	
Ordinary Member	I113100	Yes	Annual	70.00	70.00	
Temporary Member	I113130	Yes	3 months or less	40.00	40.00	eg. Backpackers
Social Member	I113120	Yes	Annual	30.00	30.00	
Junior Member (over 13 yrs)	I113110	Yes	Annual	20.00	20.00	

SHIRE OF KULIN FEES & CHARGES
For the financial year ending 30 June 2022

RECREATION & CULTURE - FRC		GL Code	21-22 GST treatment		2022 Member	2022 Non Member	Comments
FRC HIRE CHARGES							
Kath Freebairn Room	1113390	Yes	Per Hour		22.00	44.00	
Kath Freebairn Room	1113390	Yes	Half Day		37.00	46.00	
Kath Freebairn Room	1113390	Yes	Whole Day		53.00	74.00	
Phil Freebairn Room	1113390	Yes	Per Hour		30.00	60.00	
Phil Freebairn Room	1113390	Yes	(1-60 Persons)		63.00	89.00	
Phil Freebairn Room	1113390	Yes	(61-100 persons)		84.00	108.00	
Phil Freebairn Room	1113390	Yes	(101+ persons)		147.00	226.00	
Hire of Indoor Courts	1113300	Yes	Individuals		NA	12.00	
Hire of Indoor Courts	1113300	Yes	Sports Activities		37.00	68.00	
Hire of Indoor Courts	1113300	Yes	Sports Activities with Lights		68.00	97.00	
Hire of Indoor Courts	1113300	Yes	Full Day single court (non sport)		142.00	159.00	
Hire of Indoor Courts	1113300	Yes	Full Day both courts (non sport)		194.00	244.00	
Hire of Indoor Courts	1113300	Yes	Day & Night both courts (non sport)		252.00	317.00	
Golf Club Function Room	1113390	Yes	Per Hour		60.00	120.00	
Golf Club Kitchen (not available unless FRC already booked for function)							
2 hours or less	1113320	Yes			50.00	75.00	
1/2 Day 2-4 hours	1113320	Yes			100.00	150.00	Function - coffee, tea, sugar, salt, pepper and 4L milk included. Additional milk requirements to be purchased by persons hiring the kitchen
Full Day (greater than 4 hours)	1113320	Yes			200.00	250.00	
BBQ Hire only	1113320	Yes			5.00	10.00	Canteen - Hotdog paper and 4L milk included.
Special Events (max. 2 full days)	1113320	Yes			250.00	300.00	
Each day thereafter	1113320	Yes			70.00	90.00	
Set up fee		Yes	per hour			Cost +10%	
FRC KITCHEN HIRE							
Junior sports training canteen hire	1113320	Yes			20.00	40.00	
2 hours or less	1113320	Yes			35.00	70.00	
1/2 Day	1113320	Yes			67.00	100.00	Function - coffee, tea, sugar, salt, pepper and 4L milk included. Additional milk requirements to be purchased by persons hiring the kitchen
Full Day (greater than 4 hours)	1113320	Yes			100.00	135.00	
BBQ Hire only	1113320	Yes			5.00	10.00	Canteen - Hotdog paper and 4L milk included.
Special Events (max. 2 full days)	1113320	Yes			135.00	200.00	
Each day thereafter	1113320	Yes			65.00	100.00	
TEA & COFFEE (for functions - no kitchen hire)							
less than 5 persons	1113395	Yes			8.00	15.00	
5-15 persons	1113395	Yes			17.00	28.00	Coffee, tea, sugar and 4L milk included. No kitchen hire.
15-40 persons	1113395	Yes			31.00	51.00	
40+ persons	1113395	Yes			62.00	2.00	
OTHER HIRE CHARGES							
Extended Liquor License Application - additional		No	Per licence		0.00	163.00	
Bowling Green	1113340	Yes	Per Person		NA	9.00	
Bowling Green	1113340	Yes	Per Group		NA	45.00	
Gymnasium	113393	Yes	Per Session per individual		0.00	15.00	During operating hours
Gymnasium	113393	Yes	Per Quarter		0.00	75.00	Key provided for after hours access
Oval	1113370	Yes	Per Session		NA	125.00	
Golf Course	1113350	Yes	Per Person		NA	9.00	
Golf Course	1113350	Yes	Per Group		NA	45.00	
Tennis Courts	1113351	Yes	Per Person		NA	9.00	
Tennis Courts	1113351	Yes	Per Group		NA	45.00	
Golf/Tennis Clubhouse Function Room Only	1113380	Yes	Per Hour		15.00	25.00	Only available for hire if FRC booked
Golf/Tennis Clubhouse Function Room & Kitchen	1113380	Yes			POA	POA	Only available for hire if FRC booked
Pool Table	1113394	Yes	Per game		1.00	1.00	
Trestles	1113336	Yes	Each		0.00	3.00	Use of chairs at Memorial Hall - \$30/hr for Shire to move chairs. No Charge if hirer transports chairs and returns.
Chairs	1113336	Yes	Each		0.00	2.00	Damage costs will be recouped. Hire charges waived if held in the FRC and it is the choice of the group to utilise the Hall. Charges waived for churches

SHIRE OF KULIN FEES & CHARGES
For the financial year ending 30 June 2022

ECONOMIC SERVICES						
	GL Code	21-22 GST treatment		2020-21 (inc. GST if payable)	2021-22 (inc. GST if payable)	Comment
STANDPIPE WATER						
Standpipe water access cards	I136010	Yes	per card	25.00	25.00	
Fotheringhame Rd	I136010	No	per kilolitre	2.66	2.80	Fee charged by Water Corp to be passed on to user
Yealering Kulin Rd	I136010	No	per kilolitre	2.66	2.80	Fee charged by Water Corp to be passed on to user
Dandagin Rd	I136010	No	per kilolitre	2.66	2.80	Fee charged by Water Corp to be passed on to user
Pederah Rd	I136010	No	per kilolitre	2.66	2.80	Fee charged by Water Corp to be passed on to user
Dudinin Lot 83	I136010	No	per kilolitre	2.66	2.80	Fee charged by Water Corp to be passed on to user
High St Kulin	I136010	No	per kilolitre	8.78	9.21	Fee charged by Water Corp to be passed on to user
Kulin-Lake Grace Rd	I136010	No	per kilolitre	2.66	2.80	Fee charged by Water Corp to be passed on to user
Commonwealth Rd	I136010	No	per kilolitre	2.66	2.80	Fee charged by Water Corp to be passed on to user
Eighty Six Gate Rd	I136010	No	per kilolitre	5.26	5.53	Fee charged by Water Corp to be passed on to user
Luke Price St Pingaring	I136010	No	per kilolitre	2.66	2.80	Fee charged by Water Corp to be passed on to user
Williams Kondinin Rd	I136010	No	per kilolitre	5.26	5.53	Fee charged by Water Corp to be passed on to user
FUEL FACILITY						
Margin on fuel (determining the price of fuel)	I139010	Yes	per litre	0.11-0.15	0.11-0.15	Cost the Council/litre + 11-15 cents
LEASE OF CROPPING LAND						
Airport Land	I136050	Yes	per hectare	10.00	10.00	
Prouds Land	I136050	Yes	per hectare	10.00	10.00	
CARAVAN PARK						
Camp site powered - 2 People own van/tent (TOURISTS)	I132410	Yes	per day	Pay what you think	Pay what you think	Tourists only, limit of 5 nights per 3 month period
Camp site powered - 2 People own van/tent (OTHER THAN TOURISTS ie Workers, Western Power etc)	I132410	Yes	per day	28.00	30.00	
Extra Person powered site	I132410	Yes	per day	8.00	10.00	
Camp site unpowered - per person	I132410	Yes	per day	9.00	9.00	
Permanent - 2 People (minimum 2 week stay)	I132410	Yes	per week	125.00	130.00	
Extra Person permanent	I132410	Yes	per day	7.00	10.00	
Vans Parked / Stored (Unpowered)	I132410	Yes	per week	14.00	25.00	
Vans Parked / Stored (Powered)	I132410	Yes	per week	40.00	80.00	
Use of showers at Caravan Park	I132410	Yes	per wash	9.00	10.00	
HOSTEL						
Per Night	I132409	Yes	per person	25.00	25.00	Minimum 8 people (guests provide linen)
Per Night	I132409	Yes	per person	-	40.00	Minimum 8 people (linen provided)
Per Night	I132409	Yes	per person	16.00	16.00	School Groups & stay greater than 2 weeks
Laundry - Washer & Dryer	I132409	Yes	per wash	1.00	1.00	
BUILDING						
Certified						
Building Permit - Class 1 or Class 10	I133410	No		0.19%	0.19%	of the estimated value of the building work (min \$90)
Building Permit - Class 2 to 9	I133410	No		0.09%	0.09%	of the estimated value of the building work (min \$90)
Uncertified						
Building Permit	I133410	No		0.32%	0.32%	of the estimated value of the building work (min \$90)
Demolition						
Permit - Class 1 or Class 10	I133410	No		90.00	90.00	
Permit - Class 2 to 9	I133410	No	each storey	90.00	90.00	
Application to extend licence	I133410	No		90.00	90.00	
Occupancy Permits						
Completed Building	I133410	No		90.00	90.00	
Temporary for incomplete building	I133410	No		90.00	90.00	
Modification of permit for additional use	I133410	No		90.00	90.00	
Replacement of permit for permanent change	I133410	No		90.00	90.00	
For a building in respect of which unauthorised work has been done	I133410	No		0.18%	0.18%	of the estimated value of the building work (min \$90)
Replace permit for an existing building	I133410	No		90.00	90.00	
Application for extension of time	I133410	No		90.00	90.00	

SHIRE OF KULIN FEES & CHARGES
For the financial year ending 30 June 2022

ECONOMIC SERVICES		GL Code	21-22 GST treatment	2020-21 (inc. GST if payable)	2021-22 (inc. GST if payable)	Comment
Building Approval Certificate						
For a building in respect of which unauthorised work has been done	I133410	No		0.18%	0.18%	of the estimated value of the building work (min \$90)
For a building in respect of which unauthorised work has been done	I133410	No		90.00	90.00	
Application for extension of time	I133410	No		90.00	90.00	
Building Inspection Fees & Travel						
Building Inspection Fee - kulin townsite & 10km radius	I133410	Yes	per inspection	56.50	56.50	
Building Inspection Fee - outside 10km radius of kulin	I133410	Yes	per inspection	46.00	46.00	Plus Travel
Building Inspection Travel - outside 10km radius of kulin	I133410	Yes	per km	0.93	0.93	
Building Registration Board						
Building Permit	I133425	No		\$40.50	\$40.50	\$45,000 or less
Demolition Permit	I133425	No		\$40.50	\$40.50	\$45,000 or less
Occupancy Permit for approved building work	I133425	No		\$40.50	\$40.50	\$45,000 or less
Building Approval Certificate for approved building work	I133425	No		\$40.50	\$40.50	\$45,000 or less
Occupancy Permit for Unauthorised Building Work	I133425	No		\$91.00	\$91.00	\$45,000 or less
Building Approval Certificate for Unauthorised Building Work	I133425	No		\$91.00	\$91.00	\$45,000 or less
Building Permit	I133425	No		0.09%	0.09%	of work value over \$45,000
Demolition Permit	I133425	No		0.09%	0.09%	of work value over \$45,000
Occupancy Permit for approved building work	I133425	No		\$40.50	\$40.50	over \$45,000
Building Approval Certificate for approved building work	I133425	No		\$40.50	\$40.50	over \$45,000
Occupancy Permit for Unauthorised Building Work	I133425	No		0.18%	0.18%	over \$45,000
Building Approval Certificate for Unauthorised Building Work	I133425	No		0.18%	0.18%	over \$45,000
Building construction industry training fund						
BCITF Levy	I113420	No				0.2% of the total contract price (inc. GST). Only applicable if total contract price (inc. GST) is over \$20,000.
	I113420	No				OR \$200 in every \$100 000 worth of project value.
KULIN RESOURCE CENTRE						
PHOTOCOPYING						
Standard white copy paper						
A4 single sided	I134070	Yes		0.20	0.20	
A4 double sided	I134070	Yes		0.25	0.25	
A4 colour single sided	I134070	Yes		0.35	0.35	
A4 colour double sided	I134070	Yes		0.45	0.45	
A3 single sided	I134070	Yes		0.35	0.35	
A3 double sided	I134070	Yes		0.45	0.45	
A3 colour single sided	I134070	Yes		0.55	0.55	
A3 colour double sided	I134070	Yes		0.75	0.75	
Own paper (for all prints)	I134070	Yes		0.15	0.15	
Own paper Colour (for all prints)	I134070	Yes		0.25	0.25	
Card paper 200gsm						
A4 single sided	I134070	Yes		0.40	0.40	
A4 double sided	I134070	Yes		0.45	0.45	
A4 colour single sided	I134070	Yes		0.55	0.55	
A4 colour double sided	I134070	Yes		0.65	0.65	
A3 single sided	I134070	Yes		1.05	1.05	
A3 double sided	I134070	Yes		1.25	1.25	
A3 colour single sided	I134070	Yes		1.25	1.25	
A3 colour double sided	I134070	Yes		1.45	1.45	

SHIRE OF KULIN FEES & CHARGES
For the financial year ending 30 June 2022

ECONOMIC SERVICES	GL Code	21-22 GST treatment	2020-21 (inc. GST if payable)	2021-22 (inc. GST if payable)	Comment
Coloured Paper					
A4 single sided	I134070	Yes	0.30	0.30	
A4 double sided	I134070	Yes	0.35	0.35	
A4 colour single sided	I134070	Yes	0.45	0.45	
A4 colour double sided	I134070	Yes	0.55	0.55	
A3 single sided	I134070	Yes	0.55	0.55	
A3 double sided	I134070	Yes	0.75	0.75	
A3 colour single sided	I134070	Yes	0.75	0.75	
A3 colour double sided	I134070	Yes	0.95	0.95	
FAXING					
Sending Faxes					
First Page Local	I134090	Yes	1.20	1.20	
Additional Page	I134090	Yes	0.60	0.60	
Receiving Faxes					
First Page	I134090	Yes	0.15	0.15	
Additional	I134090	Yes	0.15	0.15	
EMAILING					
Per Email	I134220	Yes	3.50	3.50	
LAMINATING					
A4	I134140	Yes	2.00	2.00	
A3	I134140	Yes	3.50	3.50	
Poster (A2)	I134140	Yes	15.00	15.00	
Large Poster	I134140	Yes	20.00	20.00	
BINDING					
Per article	I134220	Yes	5.00	5.00	
FOLDING					
Per 100	I134220	Yes	6.00	6.00	
STAPLING					
Per 100	I134220	Yes	6.00	6.00	
GUILOTINING					
Staff member - per hour	I134220	Yes	40.00	40.00	
Hire - Per Hour	I134220	Yes	7.00	7.00	
LABOUR CHARGE					
Per 5 mins			6.00	6.00	
Per 15 mins			15.00	15.00	
Per 30 mins			25.00	25.00	
Per Hour			40.00	40.00	
CONSUMABLES					
Community Phone Book A4 Colour	I134160	Yes	10.00	15.00	
Community Phone Book A4 B&W	I134160	Yes	5.00	10.00	
Community Phone Book A5 Colour	I134160	Yes	10.00	10.00	
Community Phone Book Plain A5 B&W	I134160	Yes	5.00	5.00	

SHIRE OF KULIN FEES & CHARGES
For the financial year ending 30 June 2022

ECONOMIC SERVICES	GL Code	21-22 GST treatment	2020-21 (inc. GST if payable)	2021-22 (inc. GST if payable)	Comment
LCD Projector & Screen					
Weekend	I134150	Yes	70.00	70.00	
1 day	I134150	Yes	45.00	45.00	
1/2 day	I134150	Yes	30.00	30.00	
Bond	I134150	No	500.00	500.00	If bond not refunded then GST applicable
Projector screen only	I134150	Yes	25.00	25.00	
Whiteboard					
Per day		Yes	NA	NA	
Fortnightly Update					
Quarter Page	I134130	Yes	20.00	20.00	Advertising only, content and notices (such as AGM) for local groups is free.
Half Page	I134130	Yes	25.00	25.00	Advertising only, content and notices (such as AGM) for local groups is free.
Full page BW	I134130	Yes	40.00	40.00	Advertising only, content and notices (such as AGM) for local groups is free.
Full page Colour	I134130	Yes	80.00	80.00	Advertising only, content and notices (such as AGM) for local groups is free.
Front or Back page	I134130	Yes	100.00	100.00	Advertising only, content and notices (such as AGM) for local groups is free.
Advertising Package (0-6 months)	I134130	Yes	5% discount	5% discount	
Advertising Package (6-12 months)	I134130	Yes	10% discount	10% discount	
BUILDING HIRE					
Meeting Room					
Per day	I134170	Yes	80.00	85.00	
Per half day	I134170	Yes	40.00	45.00	
Evening	I134170	Yes	40.00	45.00	
Student Exams (Per Hour)	I134170	Yes	70.00	75.00	Higher per hour charge as a staff member is required to attend and is unable to complete work throughout the exam.
1 hour	I134170	Yes	30.00	35.00	
Council Chambers					
Per day	I134170	Yes	100.00	110.00	
Per half day	I134170	Yes	50.00	55.00	
Evening	I134170	Yes	50.00	55.00	
1 hour	I134170	Yes	30.00	35.00	
Large Office					
Month	I134170	Yes	375.00	385.00	
Week	I134170	Yes	120.00	125.00	
Day	I134170	Yes	85.00	90.00	
1/2 Day	I134170	Yes	50.00	55.00	
Memberships					
Business & Organisations - 12 months	I134010	Yes	70.00	75.00	
Business & Organisations - 6 months	I134010	Yes	45.00	50.00	
Family - 12 months	I134010	Yes	60.00	65.00	
Family - 6 months	I134010	Yes	40.00	45.00	
Single - 12 months	I134010	Yes	45.00	45.00	
Single - 6 months	I134010	Yes	28.00	28.00	
Concession - 12 months	I134010	Yes	35.00	35.00	
Concession - 6 months	I134010	Yes	28.00	28.00	
Kulin Community & Sporting Clubs	I134010	Yes	15.00	15.00	

SHIRE OF KULIN FEES & CHARGES
For the financial year ending 30 June 2022

PRIVATE WORKS	GL Code	20-21 GST treatment		2020-21 (inc. GST if payable)	2021-22 (inc. GST if payable)	Comment
PLANT HIRE						
Bulldozer	I141410	Yes	per hour	260.00	260.00	
Pushing Gravel – Dozer	I141410	Yes	per m ³	4.50	4.50	
Bulldozer (tree lines/rubbish holes)	I141410	Yes	per hour	220.00	220.00	
Grader	I141410	Yes	per hour	178.00	178.00	
Grader (water)	I141410	Yes	per hour	165.00	165.00	
Prime Mover/Low Loader	I141410	Yes	per hour	170.00	170.00	
Loader- alternative Long haul rate	I141410	Yes	per km	6.50	6.50	
Road Train	I141410	Yes	per hour	195.00	195.00	
Prime Mover/Side Tipper	I141410	Yes	per hour	170.00	170.00	
Truck 10T	I141410	Yes	per hour	155.00	155.00	
Truck 3T	I141410	Yes	per hour	130.00	130.00	
Bomag/Pacific Roller	I141410	Yes	per hour	160.00	160.00	
Backhoe	I141410	Yes	per hour	160.00	160.00	
Loader	I141410	Yes	per hour	170.00	170.00	
Tractor & Broom Roller	I141410	Yes	per hour	147.00	147.00	
Bobcat	I141410	Yes	per hour	155.00	155.00	
Wood Chipper	I141410	Yes	per hour	90.00	90.00	Check availability with Works Manager
Cherry Picker	I141410	Yes	per hour	75.00	75.00	Check availability with Works Manager
Jack Hammer	I141410	Yes	per day	80.00	80.00	Check availability with Works Manager
Plate Compactor	I141410	Yes	per day	80.00	80.00	Check availability with Works Manager
Cement Mixer	I141410	Yes	per day	80.00	80.00	Check availability with Works Manager
Scaffold Hire	I141410	Yes	per day	15.00	15.00	Check availability with Works Manager
Tandem Trailer	I141410	Yes	per day	75.00	75.00	
Car Trailer	I141410	Yes	1/2 day or less	60.00	60.00	
Car Trailer	I141410	Yes	per day	105.00	105.00	
LABOUR CHARGE						
Mechanical repairs labour	I141410	Yes	per hour	95.00	95.00	
No Labour charged out	I141410	Yes	per hour	40.00	40.00	
Labour Charge Only	I141410	Yes	per hour	50.00	50.00	
COMMUNITY BUS HIRE						
Bus Hire	I142100	Yes	c/km	1.10	1.20	
Trailer	I142100	Yes	per day	58.50	61.40	
MATERIALS						
Sand/Gravel	I141410	Yes	m3	22.00	22.00	
Blue Metal	I141410	Yes	m3	81.00	81.00	
Blue Metal 2nd's	I141410	Yes	m3	60.00	60.00	
Black Sand (includes \$10 to owner)	I141410	Yes	m3	31.00	31.00	Check availability with Works Manager
Mulch	I141410	Yes	m3	11.00	11.00	Check availability with Works Manager
Woodchips	I141410	Yes	m3	11.00	11.00	Check availability with Works Manager
Woodchips - delivered	I141410	Yes	m3	22.00	22.00	Check availability with Works Manager
Kerbing	I141410	Yes	each	6.00	6.00	Check availability with Works Manager
Slabs	I141410	Yes	each	5.00	5.00	Check availability with Works Manager
Grader Blades (Old)	I141410	Yes	each	5.00	5.00	Check availability with Works Manager

GENERAL COMPLIANCE CHECKLIST APRIL 2021

Class	Task	Date	Frequency	Detail	Yes/No
Governance	Freedom of Information Statement	1/04/2021	Annual	Freedom of Information Statement to be published annually in Update	In Progress
Bushfire/ Governance	Report to Council Minutes of FCO & Advisory Committee meeting & appoint CFO's and Dual CFO's -	1/04/2021	Annual	Advertise CFO's and send letters concerning Dual FCO's - Finalise Bushfire Notice changes for rate season.	In Progress
Governance	Presidents Allowance Review	April	Annual	Report to Council for review	In Progress
Governance	Commence Integrated Planning Review	31/05/2021	Quarterly	Quarterly review due May - if not already commenced	In progress
Governance	Policy Manual review	30/06/2021	Annual	Annual Policy manual review	June
Governance/ SAO	Gifts Register - reminder	30/04/2021	Twice Yearly		In Progress
Governance/ SAO	Create Election Timeline	April	Biennial	Available from Electoral Commission	To commence
SAO	Wreath for Anzac Day service April 25th	April	Annual	Council wreath and determine who will be representing Council on Anzac Day - Kulin and Holt Rock	Done
SAO	Update Records Management Disaster Plan	April	As required	Submit to State Records by Sept	Discussion with Nicole Thompson
CEO	Performance Review	1/04/2021	Annual	Report to Council to select Panel for Performance review in May	June/July
CEO	Staff Performance Reviews	19/12/2021	6 monthly	Administration staff, DCEO and Managers.	June
CEO	Adjust KRA's for Senior staff and Managers	19/12/2021	6 monthly	Administration staff, DCEO and Managers.	June
DCEO	Conduct staff performance reviews and report to CEO	19/12/2021	6 monthly		June
DCEO	Budget Review	30-May-21	Annual	The review must be submitted to the council within 30 days (30 April 2016 latest) and the review and the determination (council's decision on the review) submitted to the Department within 30 days, that is, by 30 May 2016.	Done
DCEO	FBT Return Due	April	Annual	Due in May	In Progress
DCEO	Update Creditors details	31/01/21	Quarterly	via Finance Officer - list and analyse suppliers details to detect duplicates. Cull inactive accounts	Done
DCEO	Process Improvement Auditor		Annual	Confirm Interim Audit	Interim Audit - 8- 9/06/2021 Financial Management Review 2- 4/06/2021
DCEO	Aquatic Centre Charges	April	Annual	Review admission fees/family pool pass charges prior to adoption of Fees & Charges (2 adults/2 children etc)	Done

GENERAL COMPLIANCE CHECKLIST APRIL 2021

Finance	Rents, Fees & Charges Review	1/04/2021	Annual	Fees and charges are to be reviewed at least annually. If fees and charges are set after the Budget is struck, advertising is required before implementing	Done
SFO	Rates - Pensioners	1/04/2021	Annual	Send letters to pensioners who have not paid their rates reminding of rebate option which will expire on 30 June	Reminder Letters in May
SFO	Key to Kulin reimbursement		Quarterly		Done in April
WM	R2R Draft Budget Inclusions	April	Annual	Identify R2R projects for inclusion in draft Budget	Done
WM	R2R Projects	April	Annual	Prepare submissions for RRG - list of projects due July	Done
WM	Road Construction & Maintenance Review	01/04/21	Monthly	Review previous month road construction and maintenance - complete recoups, MRD line marking requests, MRD Form 8 etc. as required - Advise DCEO of invoices required for MRD and private works recovery - complete report to CEO/Council	Done
WM	Spray Water Catchments	April	Biennial	As required to improve run-off	N/A
WM	Take down shade sails at pool - end of pool season	April	Annual	Assist Pool Manager with removal of shade sails	Done
WM	Occupational Health & Safety	April	Tri-annual	Hold committee meeting and toolbox meeting	Done
WM	Air-conditioner filters	1/04/2021	Biannual	Liaise with Building Mtce to clean filters in air-conditioner	Ongoing
WM	Spray caltrop golf course	Summer rain	Summer Rain	As Required	N/A
CRC	Conduct staff performance reviews and report to CEO	19/12/2021	6 monthly		N/A
Tourism/ CRC	Nominations for WA Tourism Awards	1/06/2021	Annual	Check WA Tourism Council website for details on exact dates	Not doing
CRC	Updating of Town Notice Board/Website		Weekly		Completed
CRC	Quarterly Stats to DRD	1/04/2021	Quarterly	Submit quarterly statistics to Dept. Regional Development	Completed
EHO	Waste Water Recycling Scheme		Monthly	If scheme is in use into May	-
SPM	Swimming Pool Water Sampling		Oct>Apr	due once a month in opening season	-
FRC	Monthly Stock on Hand		Monthly	Report to DCEO	Done
Build Mtce	Reticulation Controller Batteries	1/04/2021	Annual	Replace batteries	In Progress
Build Mtce	Smoke Detector Batteries	1/04/2021	Annual	Replace batteries	In Progress



Shire of Kulin

Register of Delegations

May 2021

Adopted at the Ordinary Meeting of Council held on 19 May 2021

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INTRODUCTION

The Local Government Act 1995 (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act.

All delegations made by the Council must be by absolute majority decision. The following are functions that cannot be delegated to the Chief Executive Officer:

- any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount determined by the local government;
- any of the local government's powers under Sections 5.98, 5.99 and 5.100 of the Act relating to the payment of fees to council members;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in Section 9.5;
- any power or duty that requires the approval of the Minister or Governor; or
- such other duties or powers that may be prescribed by the Act.

The Act allows for the Chief Executive Officer to delegate any of his powers to another employee, this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if he desires.

A register of delegations to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year.

If a person is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty.

1. ADMINISTRATION

A.1 Acting Chief Executive Officer

Delegation: That Council delegate authority to the Chief Executive Officer to appoint the Deputy Chief Executive Officer as Acting CEO during a period of absence.

CEO

Delegates to: Nil

Reference: Local Government Act 1995 section 5.36 and 5.42

History: Reviewed 15 May 2020

A.2 Agreements for Payments of Debts to Council

Delegation: The CEO is authorised to make agreements with debtors for the re-payment of debts to Council, including rates and other debts.

CEO

Delegates to: Deputy CEO

Reference: Local Government Act 1995 section 6.49

History: Reviewed 20 May 2020

A.3 Casual Hirers Liability

Delegation: That Council delegate authority to the Chief Executive Officer to ensure that hirers of Council facilities carry adequate insurance before hire takes place.

CEO

Delegates to: Nil

Reference: Local Government Act 1995 section 2.7 (2) (b)

History: Reviewed 20 May 2020

A.4 Complaint Handling

Delegation: That Council delegate authority to the Chief Executive Officer to seek legal advice in respect to the implications of suspected malicious, frivolous, unreasonable, persistent or vexatious complaint.

CEO

Delegates to: Nil

Reference: Local Government Act 1995

History: Reviewed 20 May 2020

A.5 Fees & Charges - Discounts

Delegation: That Council delegate authority to the Chief Executive Officer, DCEO, CRC Manager, Freebairn Recreation Centre Manager, Aquatic Centre Manager, Works Manager and front counter staff members (named) as described and in accordance with Council decision 14/0517 May 2017.

CEO

Delegates to: As above

Reference: Local Government Act 1995

History: Reviewed 20 May 2020

A.6 Investment of Surplus Funds

Delegation: The CEO is authorised to invest money held in any Council fund that is not required for immediate use, in an approved investment as defined by the Trustees Act, Part III, provided that sufficient working funds are retained at all times.
Where possible, preference is to be given to investing in local bank branches.

CEO

Delegates to: Deputy CEO

Reference: Local Government Act 1995, section 6.14. Financial Management Regulations Section 19c

History: Reviewed 20 May 2020

A.7 IT & Social Media – Use Of

Delegation: That Council delegate authority to the Chief Executive Officer to authorise officers of the Council to access and maintain social media sites.

CEO

Delegates to: As authorised

Reference: Local Government Act 1995

History: Reviewed 20 May 2020

A.8 Legal Advice, Representation & Cost Reimbursement

Delegation: That Council delegate authority to the Chief Executive Officer (with conditions) to seek legal advice in connection with the proper legal administration of the Shire and to support urgent responses to claims for financial assistance to members and staff, advice to the value of \$5000, without reference to Council.

CEO

Delegates to: Nil

Reference: Local Government Act 1995 Section 5.42

History: Reviewed 20 May 2020

A.9 Payments from Municipal and Trust Funds

Delegation: The CEO is authorised to make payments from the Municipal and Trust Funds. This includes the authority to sign cheques and permit EFT payments.

- Conditions:**
1. That an order be issued for the purchase of goods and services except in the case of small purchases from Petty Cash;
 2. That where feasible and practical, a price be negotiated in advance of purchase and recorded on the order form;
 3. That invoices, where practicable, be certified by the person who placed the order so as to indicate:
 - a. That the purchase was under an authority delegated to that person
 - b. That the goods and services were received in a satisfactory condition, or to a satisfactory standard, and the price and computations are correct;
 4. That the Chief Executive Officer continue to place a list of creditors before the Council on a monthly basis together with vouchers and invoices;
 - a. For the recording in the minutes after payment for those accounts paid by the Chief Executive Officer under delegated authority.
 5. That at least two (2) signatories be required on all cheques or online authorisations;

For those paid by the Chief Executive Officer under delegated authority either the CEO or Deputy CEO, jointly with either the Executive Support Officer or Accounts Payable Officer.

CEO

Delegates: The authority to issue Municipal Fund purchase orders only. As follows;

Deputy CEO	\$100,000* (Also authorised to make Trust Fund payments)
Manager of Works	\$50,000*
Plant Mechanic	\$5,000 *
Resource Centre Manager	\$1,000
Freebairn Rec Manager	\$1,000 plus \$2,000 bar stock
Camp Kulin Manager	\$1,000 *
Executive Support Officer	\$1,000 *
Tech Officer	\$1,000
Child Care Administrator	\$1,000 *
Administration Officers	\$ 200
Environmental Health Officer	\$ 200
Aquatic Centre Manager	\$1,000
Building Maintenance Officer	\$1,000
Senior Finance Officer	\$1,000

* Orders for items of a capital nature, or major operational items that have been dealt with at a Council level (e.g. tenders) may be signed /authorised by the above employees in excess of the purchase orders limit.

Reference: Local Government (Financial Management) Regulations 1996, Regulation 12

History: Reviewed 20 May 2020

A.10 Use of Common Seal

Delegation: That Council delegate authority to the Chief Executive Officer to permit the affixing of the Common Seal when required.

CEO

Delegates to: Nil

Reference: Local Government Act 1995 section 9.49A (4)

History: Reviewed 20 May 2020

A.11 Writing Off Debts

Delegation: That Council delegate authority to the Chief Executive Officer to write off debts where the individual debt is not more than \$100. In exercising this authority the Chief Executive Officer is to take into consideration Council Policy and the prospects of recovering the debt.

CEO

Delegates to: Nil

Reference: Local Government Act 1995 section 6.12

History: Reviewed 20 May 2020

A.12 Housing

Delegation: To the Chief Executive Officer to;

- to recover from bonds the cost of damage repair, cleaning and carpet cleaning from tenants of they fail to do such;
- take action to recover costs of water usage if other reduction remedies have failed to reduce consumption;
- determine applications from tenants to allow a pet in the residence;

- determine applications from staff to receive the “own your own residence” allowance;

CEO

Delegates to: Nil
Reference: Local Government Act 1995
History: Reviewed 20 May 2020

A.13 Procedure for Unpaid Rates

Delegation: To the Chief Executive Officer to determine the granting of an extension of time to pay rates.

CEO

Delegates to: Nil
Reference: Local Government Act 1995
History: Reviewed 20 May 2020

2. GOVERNANCE

G.1 Applications for Planning Consent

Delegation: The CEO is authorised to issue planning consent for development applications that fully comply with all requirements. The CEO is authorised to reduce or waive development application fees where:-

- the development has a perceived benefit to the community, and
- the application is of such a nature that very little investigate work is required prior to the application being submitted to Council for consideration.

Compliance with the Town Planning Scheme, Regulations and Codes, and Council’s Planning Policies, is mandatory. Any application not complying is to be referred to Council for decision.

Conditions: No officer other than the CEO is permitted to authorise expenditure by outside agencies for development applications.

CEO

Delegates to: Nil
Reference: Town Planning Development Act and Town Planning Scheme No 2, 2017
History: Reviewed 20 May 2020

G.2 Building Licences and Swimming Pools

Delegation: The CEO is authorised to approve or not approve plans submitted and issue building licences. This includes the authority to conduct inspections and issue orders for private swimming pools.

Conditions: The authority does not include approval of development applications as required under Council’s Town Planning Scheme, nor the expenditure of money prior to consultation with the CEO. All building applications must conform with the Building Code of Australia and all other relevant legislation.

CEO

Delegates to: Environmental Health Officer/Building Officer
Reference: Local Government (Miscellaneous Provisions) Act 1960 section 374
History: Reviewed 20 May 2020

G.3 Cemeteries Act 1986

Delegation: The CEO is authorised to carry out all of the powers and duties conferred to Council by section 6 of the Cemeteries Act 1986 and carry out in accordance with this section, when required, the exhumation of a body buried in the Kulin, Dudinin or Pingaring cemeteries and the reburial of the body in the Kulin, Dudinin or Pingaring cemeteries.

CEO

Delegates to: Nil

Reference: Cemeteries Act 1986 sections 6 and 59

History: Reviewed 20 May 2020

G.4 Public Health Act 2016

Delegation:

1. Delegation to the Chief Executive Officer for the appointment of 'authorised officer/s' under section 9.10(1) including the authority to the giving of infringement notice/s under section 9.16 by the authorised officer/s pursuant to the *Local Government Act 1995* for the purpose of the administration of the *Shire of Kulin Animal Environment and Nuisance Local law 2016*;
2. That pursuant to the *Local Government Act 1995* Subdivision 2 - Infringement notices, the Shire of Kulin appoints the Chief Executive Officer as an authorised officer for the functions of:
 - i. Section 9.17. Notice, content of – to authorise persons for the purposes of receiving payment of modified penalties;
 - ii. Section 9.19. Extension of time; and
 - iii. Section 9.20. Withdrawal of notice.This appointment is to be effected by instrument in writing and signed by the Shire President;
3. Delegation to the Chief Executive Officer for the purpose of designating authorised officers, appointing environmental health officers and the appointment of authorised officers to issue infringement notices pursuant to the *Health (Asbestos) Regulations 1992*; and
4. The appointment of the Chief Executive Officer as an 'approved officer' pursuant to Regulation 15D(5) of the *Health (Asbestos) Regulations 1992* for the purposes of Part 2 of the *Criminal Procedure Act 2004* as the person authorised to extend the period to pay or withdraw an infringement notice. This appointment is to be effected by instrument in writing and signed by the Shire President. **(Note: Adopted by Council resolution 11/0217)**

CEO

Delegates to: Environmental Health Officer, Various Authorised Officers

Reference: Public Health Act 2016, Health (Miscellaneous Provisions) Act 1911, Health (asbestos) Regulations 1994, Food Act 2008

History: Reviewed 20 May 2020

G.5 Various Acts and Local Laws

Delegation: To the Chief Executive Officer for the appointment of 'authorised officer/s' required by the Shire of Kulin under;
Local Government Act (Miscellaneous Provisions) 1960, Part XX (Ranger/Pound Keeper);
Local Government Act 1995, Part 3, Subdivision 4 and part 9 Division 2 – Executive Functions of Local Government and Part 9 Miscellaneous Provisions;
s. 17(1) Caravan Parks and Camping Grounds Act 1995;
s. 29 (1) Dog Act 1976 and Regulations;
s. 48 Cat Act 2011 and Regulations;
s. 59(3) Bush Fires Act 1954 and Regulations;
s. 26 of the Litter Act 1979 and Regulations;
s. 38(3) Control of Vehicles (Off Road Areas) Act 1978 and Regulations;
All Shire of Kulin Local Laws.

All appointments to be advertised annually in the Government Gazette or by local circulation for interim or part year appointments.

CEO

Delegates to: Nil

Reference: Local Government Act 1995 and Various Acts as detailed

History: Adopted by Council Resolution 06/0818

3. HUMAN RESOURCES

H.1 Grievance Procedures

Delegation: To the Chief Executive Officer to engage a competent human resource professional to hear and determine a grievance against the CEO or where a grievance requires specialist mediation or assistance because the topic is outside the knowledge or capacities of Shire staff.

CEO

Delegates to: Nil

Reference: Local Government Act 1995

History: Reviewed 20 May 2020

4. COMMUNITY SERVICES

C.1 Bushfire Control – Shire Plant for Use Of

Delegation: To the Chief Executive Officer to spend up to \$5,000 to hire plant or equipment (above positioning and mobilisation costs) if and when a bushfire cannot be effectively controlled by other means, or where it is considered necessary to engage additional resources to protect life or property.

CEO

Delegates to: Nil

Reference: Local Government Act sections 5.42 and 5.44
Bush Fires Act section 38 (3) (4) (5)

History: Reviewed 20 May 2020

C.2 Bushfire Control – Plant Use for Adjoining Shires

Delegation: To the Chief Executive Officer to spend up to \$5,000 to hire plant or equipment (above positioning and mobilisation costs) if and when a bushfire cannot be effectively controlled by other means, or where it is considered necessary to engage additional resources to protect life or property.

CEO

Delegates to: Nil

Reference: Local Government Act sections 5.42 and 5.44
Bush Fires Act section 38 (3) (4) (5)

History: Reviewed 20 May 2020

C.3 Bushfire Prohibited/Restricted Burning Periods - Changes

Delegation: In accordance with Section 17(10) of the Bush Fires Act 1954 (as amended), the Chief Bush Fire Control Officer and Shire President be delegated authority to vary the “Prohibited Burning Time”.

In accordance with the Bush Fires Act 1954 (as amended), the Chief Bush Fire Control Officer and the Chief Executive Officer are delegated authority to vary the “Restricted Burning Period”.

CEO

Delegates to: Nil

Reference: Local Government Act 1995 & Bush Fires Act 1954

History: Reviewed 20 May 2020

C.4 Bushfire Training Administration

Delegation: To the Chief Executive Officer and the Bush Fire Brigades Advisory Committee to incur expenditure for the planning and development of training opportunities without reference to Council for volunteers, Fire Control Officers and Captains. Costs associated with training programs to be allocated to Council’s Emergency Services Levy.

CEO

Delegates to: Nil

Reference: Local Government Act 1995

History: Reviewed 20 May 2020

C.5 Cat Ownership Limit – Cat Control

Delegation: To the Chief Executive Officer to determine applications to keep cats under the Cat Foster Carer provision as per Council policy.

CEO

Delegates to: Nil

Reference: Local Government Act 1995
Cat Act 2011 and Cat Regulations 2012

History: Reviewed 20 May 2020

C.6 Dog Control - Attacks

Delegation: Without reference to the Council the Chief Executive Officer is delegated authority to instigate legal and/or infringement proceedings against the owner of a dog involved in a dog attack on a person or other animal.

CEO

Delegates to: Nil

Reference: Local Government Act 1995
Dog Act 1976

History: Reviewed 20 May 2020

C.7 Dog Ownership Limit – Dog Control

Delegation: Without reference to the Council the Chief Executive Officer is delegated authority to determine applications in the first instance.

CEO

Delegates to: Nil

Reference: Local Government Act 1995
Dog Act 1976

History: Reviewed 20 May 2020

C.8 Sea Containers Use Of – Town Planning

Delegation: To the Chief Executive Officer for the approval of applications for the use of sea containers.

CEO

Delegates to: Nil

Reference: Local Government Act 1995
Shire of Kulin Town Planning Scheme No. 2
Shire Policy

History: Reviewed 20 May 2020

C.9 Second Hand Dwellings – Use of – Building Control

Delegation: To the Chief Executive Officer to approve Development Applications for the use of second hand relocated or transportable dwellings.

CEO

Delegates to: Nil

Reference: Local Government Act 1995

History: Reviewed 20 May 2020

C.10 Temporary Accommodation

Delegation: To the Chief Executive Officer to approve applications for temporary accommodation in caravans that meet the guideline conditions.

CEO

Delegates to: Nil

Reference: Local Government Act 1995
Caravan and Camping Ground Regulations 1997: Regulation 6 and 11(2)(a)

History: Reviewed 20 May 2020

C.11 Unauthorised Structures – Building Control

Delegation: To the Chief Executive Officer to seek legal advice or to prepare a “Stop Work” order where Notice to the owner fails to illicit any response or results in the hastening of action to complete the structure.

CEO

Delegates to: Nil

Reference: Local Government Act 1995
Building Regulations 1989

History: Reviewed 20 May 2020

C.13 Freebairn Recreation Centre Club Committee

Delegation: That Council delegate authority to the Freebairn Recreation Centre Club Committee to manage all aspects of the Freebairn Recreation Centre on behalf of Council, subject to budget constraints and under the constraints imposed by the Local Government Act 1995 and other relevant legislation.

Conditions: The following areas remain the responsibility of Council:-

- Staffing
- Liquor licence
- Capital Expenditure Purchases
- Sale of Assets
- Waiver of Hire Charges

CEO

Delegates to: Freebairn Recreation Centre Club Committee

Reference: Local Government Act 1995

History: Reviewed 20 May 2020

C.14 Kulin Child Care Management Committee

Delegation: That Council delegate authority to the Kulin Child Care Management Committee to manage all aspects of the Kulin Child Care Centre on behalf of Council, subject to budget constraints, and under those constraints imposed by the Local Government Act 1995 and other relevant legislation.

Conditions: The following areas remain the responsibility of Council:-

- Staffing
- Capital expenditure purchases
- Sale of Assets

CEO

Delegates to: Kulin Child Care Centre Management Committee

Reference: Local Government Act 1995

History: Reviewed 20 May 2020

C.15 General – Community Services Practices

Delegation: To the Chief Executive Officer to;
appoint officers for the purpose of infringement notices and administration of;
- the Shire of Kulin Animal Environment and Nuisance Local Law; Health (Asbestos) regulation 1992.
appoint officers for the purposes of the Caravan and Camping Grounds Act 1995;
- Power of Entry and inspection and,
- The issue of Infringement Notices.
approve or reject applications to consume liquor in Shire buildings or on Shire controlled reserves.
approve applications to hire the Kulin Bush Races facility in accordance with terms and conditions.

CEO

Delegates to: Nil

Reference: Local Government Act 1995

History: Reviewed 20 May 2020

C.16 Bushfire Control – Confirmation Appointment of Dual Fire Control Officers

Delegation: That Council delegate to the Chief Executive Officer that following receipt of correspondence or a written email request from a neighbouring Shire, the Chief Executive Officer under delegation made possible by the Bush Fires Act 1954, S.48 (1) is granted the authority to confirm the appointment of Dual Fire Control Officer applications from neighbouring Shires without reference to Council.

CEO

Delegates to: Nil

Reference: Local Government Act sections 5.42 and 5.44
Bush Fires Act section 48 (1)

History: Added 20 May 2020

C.17 Seed Collection – Issue of Approval to Collect Seeds

Delegation: That Council delegate to the Chief Executive Officer approval to determine requests to collect seeds from Shire of Kulin managed and controlled land without reference to Council in accordance with the guidelines of APOG CS 20.

CEO

Delegates to: Nil

Reference: Local Government Act

History: Added 20 May 2020

5. WORKS

W.1 Gravel Supplies

Delegation: To the Chief Executive Officer and the Manager of Works to negotiate the supply of gravel with landholders, which may incur a quid pro quo cost to the Shire and to initiate the resumption of land for the purpose of obtaining gravel where no alternate suitable supplies exist.

CEO

Delegates to: Manager of Works

Reference: Local Government Act 1995

History: Reviewed 20 May 2020

W.2 Roads - Clearing

Delegation: To the Chief Executive Officer the power to;

- consider and authorise the removal of vegetation from fence lines;
- to issue approval to service authorities to remove vegetation on Shire roads in relation to their works;
- to determine the suitability of roadside vegetation planting applications submitted by community groups or individuals.

CEO

Delegates to: Nil

Reference: Local Government Act 1995
Soil and Land Conservation Act 1945. (Agriculture WA)
Wildlife Conservation Act 1950 – 1979
Aboriginal Heritage Act 1972
Agriculture and Related Resources Protection Act 1976
Bush Fires Act 1954
Conservation and Land Management Act 1984
Environmental Protection and Biodiversity Conservation Act 1999
Environmental Protection Act 1986
Heritage of WA Act 1990
Land Act 1933
Main Roads Act 1930
Mining Act 1978
State Energy Commission Supply Act 1979
Water Authority Act 1987

History: Reviewed 20 May 2020

W.3 Roads – Damage To

Delegation: To the Chief Executive Officer to take action to recover the cost of damage to a Shire road or verge asset and issue Notice to request the return of the road or verge to a clean and tidy condition.

CEO

Delegates to: Manager of Works

Reference: Local Government Act 1995

History: Reviewed 20 May 2020

W.4 Roads – Roadside Markers – Management Of

Delegation: To the Chief Executive Officer to determine roadside markers applications.

CEO

Delegates to: Manager of Works

Reference: Local Government Act 1995

History: Reviewed 20 May 2020

W.5 Stormwater Drainage

Delegation: To the Chief Executive Officer to approve applications for connection to the Shire stormwater drainage from landowners on advice from the Manager of Works.

CEO

Delegates to: Manager of Works

Reference: Local Government Act 1995

History: Reviewed 20 May 2020

W.6 Street Trees

Delegation: To the Chief Executive Officer to determine applications for approval to plant street trees in accordance with this guideline.

CEO

Delegates to: Nil

Reference: Local Government Act 1995

History: Reviewed 20 May 2020

W.7 Streetscape – Improvements

Delegation: To the Chief Executive Officer to approve streetscape improvements.

CEO

Delegates to: Nil

Reference: Local Government Act 1995

History: Reviewed 20 May 2020

W.8 Roadside Vegetation Management

Delegation: To the Chief Executive Officer for the burning or spraying of road verges following agreement of the Manager of Works in accordance with the listed conditions.

CEO

Delegates to: Manager of Works

Reference: Local Government Act 1995
Bush Fires Act 1954 25
Occupational Health & Safety
Road Traffic Act 1974

History: Reviewed 20 May 2020

W.9 Temporary Road Closures

Delegation: The Chief Executive Officer is authorised to temporarily close thoroughfares to vehicles.

CEO

Delegates to: Manager of Works

Reference: Local Government Act 1995 section 3.50
Bush Fires Act 1954 25
Occupational Health & Safety
Road Traffic Act 1974

History: Reviewed 20 May 2020

W.10 General – Works Practices

Delegation: To the Chief Executive Officer to;

- Determine applications to beautify grave sites at Shire Cemetery's;
- Approve Niche Wall plaque design and placement;
- Approve the use of the depot for the servicing of private vehicles and equipment;
- Determine requests from local Clubs and Organisations to use Shire plant;
- To issue heavy Haulage Vehicle Permits.

To the Deputy Chief Executive Officer to;

- Approve the use of the depot for the servicing of private vehicles and equipment;
- Determine requests from local Clubs and Organisations to use Shire plant.

To the Manager of Works to;

- Approve the use of the depot for the servicing of private vehicles and equipment;
- Determine requests from local Clubs and Organisations to use Shire plant.

CEO

Delegates to: Nil

Reference: Local Government Act 1995

History: Reviewed 20 May 2020



SHIRE OF KULIN

POLICY MANUAL

Adopted June 2017
Reviewed May 2021

INTRODUCTION

This Shire of Kulin Policy Manual has been prepared to assist Council and staff to administer the Shire.

The manual is a compilation of policy on subject matters that form the basis of administrative decision making without the need to refer matters to the Council for a decision, before it can be enacted. It also enables Councillors and staff to readily answer questions raised by electors, the public and stakeholders about the usual business of the Shire.

As new policies are adopted, or existing policies are amended, the Manual is updated, maintaining the Shire’s most recent view on how it will conduct business. Obviously time changes the need for and relevance of policy responses. The Policy Manual framework allows the Council to design, recreate or update policy, without being overly influenced by current hot topics as it develops the best Shire response to matters at a policy level.

The use of policy in Local Government (LG) sits between statute and legislative requirements or the ‘must do’s and must comply” elements of its business and the operational procedures that provide a guide on the best way to conduct the operations. Therefore in some ways it can sometimes be an expression of principle, culture and process and not a direct account of what the Council believes must be the order of the day.

Policy sometimes can be misinterpreted as having firm legal status like a statute or local law but this is not the case. More accurately, it is a stated combination of the what/how/where and when that the Council would like to see in its business practice and whilst case law may apply to some of these elements, policy is only a past resolution of the Council. Whilst having the status of a Council resolution, the effect of such can be changed by a new resolution or rescission motion.

Policy’s true purpose is to provide an outline and guidance of the Council expectation and response so that consistency of decision making can be achieved.

If the interpretation of policy identifies that the matter cannot be accurately understood or addressed, or that the policy takes away from the cultural or principled positions of the Council – then at those times review is required to again clarify what the Council’s intent would be in those circumstances.

The Policy Manual therefore is reviewed annually by the Council and tested against live examples and current trends to ensure that the policies are still consistent with Council’s current stance and preference.

Noel Mason
Chief Executive Officer
June 2017

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Adoption Date – 14 June 2017

Next Review Date – May 2021

Shire President Initial _____ Chief Executive Officer Initial _____

Date 19/05/2021

A1 CODE OF CONDUCT - MEMBERS AND STAFF

Administration

PREAMBLE: The Shire of Kulin has adopted the model Code of Conduct which provides elected members and staff in Local Government with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments. The Model Code is complementary to the principles adopted in the Local Government Act and regulations which incorporates four fundamental aims to result in:-

- a) better decision making by Local Governments;
- b) greater community participation in the decisions and affairs of Local Governments;
- c) greater accountability of Local Governments to their communities; and
- d) more efficient and effective Local Government.

OBJECTIVE: The Code provides a guide and a basis of expectations for elected members and staff. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

POLICY:

Role of Elected Members

A Councillor's primary role is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future, for the Local Government will be the focus of the Councillor's public life.

A Councillor is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives. In fulfilling the various roles, elected members' activities will focus on:

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- achieving sound financial management and accountability in relation to the Local Government's finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- having an awareness of the statutory obligations imposed on Councillors and on Local Governments.

1. Conflict and Disclosure of Interest

1.1 Conflict of Interest

- (a) Members and staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- (c) Members and Staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing which may otherwise be in conflict with the Council's functions.

Adoption Date – 14 June 2017

Next Review Date – May 2021

Shire President Initial _____ Chief Executive Officer Initial _____

Date 19/05/2021

(d) Members and Staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.

(e) Staff will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti-discriminatory legislation.

1.2 Pecuniary Interest

Members and staff will adopt the principles of disclosure of pecuniary interest as contained within the Local Government Act.

1.3 Disclosure of Interests Affecting Impartiality

Members are required to disclose any conflicts of interest of a non-financial nature that they may have that could be perceived as likely to affect the judgement of that person to act impartially. Details of the nature of the disclosure by the member must be recorded in the minutes of the meeting.

Staff and consultants who are providing advice to the meeting must make the disclosure at the time of giving such advice.

1.4 Disclosure of Interest

(a) Members and appropriate staff will disclose, in a written return or at the relevant meeting, the interests which might be in conflict with their public or professional duties.

(b) Whenever disclosure is required, recommended in this Code, or otherwise seems appropriate, it will be made promptly, fully, and in writing within the register provided.

2. Personal Benefit

2.1 Use of Confidential Information

Members and staff will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation.

2.2 Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

2.3 Improper or Undue Influence

Members and staff will not take advantage of their position to improperly influence other members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

2.4 Gifts and Bribery

(a) Members and staff will not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit (other than gifts of a token kind, or moderate acts of hospitality) for themselves or for any other person or body, relating to their status with the Local Government or their performance of any duty or work which touches or concerns the Local Government.

- (b) If any gift, reward or benefit is offered and is in excess of \$300 (other than gifts of a token kind, or moderate acts of hospitality), disclosure will be made in a prompt and full manner and in writing in the appropriate register.

3. Conduct of Members and Staff

3.1 Personal Behaviour

- (a) Members and staff will:
 - (i) act, and be seen to act properly and in accordance with the requirements of the law and the terms of this Code;
 - (ii) perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
 - (iii) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
 - (iv) make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
 - (v) always act in accordance with their obligation of fidelity to the Local Government.
- (b) Members will represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

3.2 Honesty and Integrity

Members and Staff will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) bring to the notice of the Mayor/President any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee, to the Chief Executive Officer.
- (c) be frank and honest in their official dealing with each other.

3.3 Performance of Duties

- (a) While on duty, staff will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.
- (b) Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Members will be as informed as possible about the functions of the Council and treat all members of the community honestly and fairly.

3.4 Compliance with Lawful Orders

- (a) Members and Staff will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.
- (b) Members and Staff will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

3.5 Administrative and Management Practices

Members and staff will ensure compliance with proper and reasonable administrative practices and conduct professional and responsible management practices.

3.6 Corporate Obligations

- (a) Standard of Dress:-
Staff are expected to comply with neat and responsible dress standards at all times.
Management reserves the right to raise the issue of dress with individual staff.
- (b) Communication and Public Relations:
- (i) All aspects of communication by staff (including verbal, written or personal), involving Local Government's activities, should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.
- (ii) As a representative of the community, Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so, Members should acknowledge that:
- as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
 - information of a confidential nature ought not to be communicated until it is no longer treated as confidential;
 - information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
 - information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

3.7 Relationships between Members and Staff

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Members and Staff have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position Members need to:

- accept that their role is a leadership, not a management or administrative one;
- acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility.

3.8 Appointments to Committees

As part of their representative role Members are often asked to represent the Council on external organisations. It is important that Members:

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organisation.

4. Dealing with Council Property

4.1 Use of Local Government Resources

Members and staff will:

- (a) be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- (b) use the local Government resources entrusted to them effectively and economically in the course of their duties and
- (c) not use the Local Government's resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

4.2 Travelling and Sustenance Expenses

Members and staff will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy and the provision of the Local Government Act.

4.3 Access to Information

Staff will ensure that members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as members.

Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

HEAD OF POWER: Local Government Act 1995

A2 COMMON SEAL – AFFIXING OF

Administration

PREAMBLE: Numerous agreements and contracts require the affixing of the Common Seal. This Policy and delegation to the CEO and the Shire President apply the affixing of the Common Seal as and when required.

OBJECTIVE: The Policy sets out the conditions that apply to the use of the Common Seal.

POLICY: The Shire President and Chief Executive Officer are authorised, when the situation demands, to sign and affix the Common Seal of the Shire of Kulin to documents. Where the contract or agreement is a continuation of an existing arrangement or previous Council resolution, Council's prior resolution is not required. Where a matter has not been before the Council on any previous occasion, Council resolution to affix the Common Seal is required.

All uses of the Common Seal including contracts or agreements of any nature are to be recorded in the Delegations Register and reported monthly to Council in the Compliance - Delegations Exercised Report.

PROCESS: Prior to the Common Seal being used for the first time on a contract or agreement, Council is to have resolved to enter into a contract or agreement.

The CEO is charged with the care of the Common Seal and is only to apply the Common Seal to documents at the same time and sitting as the Shire President.

Details of when the Common Seal has been used are to be recorded in the Delegation Register, and the Compliance - Delegations Exercised Report submitted for information monthly to the Council.

HEAD OF POWER: Local Government Act 1995 Section 9.49A

DELEGATION: To the CEO to permit the affixing of the Common Seal when required.

A3 CORPORATE CREDIT CARDS – USE

Administration

PREAMBLE: Credit Cards are being used within Government as a purchasing resource. They can however expose the Shire to significant risk if not properly controlled and managed.

OBJECTIVE: To ensure the proper use and control of Corporate Credit and to comply with s6.5 (a) Local Government Act 1995 and regulation 11 (1) (a) of the Local Government (Financial Management) Regulations.

POLICY: The use of Corporate Credit cards is at the Chief Executive Officer’s discretion and shall not be used as a means to supersede the Shire’s purchasing system and procedures; use of credit is a complimentary function of purchasing.

Credit Cards shall only be used for purchasing goods or services where expediency and processes do not allow the normal purchasing practices to apply e.g. over the phone purchases, payment for goods where seller requests immediate payment. In the case of purchases where it is still appropriate to issue a Shire order to record details of the purchase this should also be undertaken – indicating that payment has already been made by credit card.

Credit cards will not be used for cash purchases.

Credit cards will not be used for personal purchases, and if this occasion arises by error, immediate repayment is required.

Credit cards will only be issued with the approval of the Chief Executive Officer and in the case of the CEO, following a report and approval of the Council by resolution.

A “non-reward” business credit card shall be the preferred option offered by the Shire’s banker, and if rewards are offered, all rewards remain the property of the Shire.

Card holders are responsible for the physical and information security of the card in their possession and in the case of a lost or misplaced card, the cardholder shall notify the Bank and the DCEO immediately.

All expenditure on corporate credit cards shall comply with delegation limits for Shire officers and GST Invoices and receipts of transactions shall be obtained by the card holder for monthly acquittal.

PROCESS: Upon receipt of monthly corporate credit card statements, the officer will acquit all expenditure made by producing all receipts. It is the responsibility of the card holder to obtain documentation to acquit the credit card transactions.

A register of card purchases shall be maintained by the card holder and submitted with monthly receipts (a purchase order is still required to be completed).

As part of the monthly accounts for payment processes, the DCEO will present the Credit Card Statement detailing acquittal transactions and balances to the Council as part of the monthly meeting Agenda.

Non-compliance with the intent, principles and acquittal of this policy will result in withdrawal of the credit card and at the discretion of the Chief executive Officer, disciplinary action.

HEAD OF POWER: Local Government Act 1995, Section 2.7(2) (a) & (b) and Section 6.5(a). Local Government (Financial Management) Regulations 11(1) (a).

Adoption Date – 14 June 2017

Next Review Date – May 2021

Shire President Initial _____ Chief Executive Officer Initial _____

Date 19/05/2021

A4 DISABILITY ACCESS AND INCLUSION

Administration

PREAMBLE: The Shire of Kulin is committed to ensuring that the community is accessible for and inclusive of people with disability, their families and carers. Having an adopted Disability Access and Inclusion Plan (DAIP) of action forms part of this commitment.

OBJECTIVE: The Shire of Kulin interprets an accessible and inclusive community as one in which all Council functions, facilities and services (both in house and contracted) are open, available and accessible to people with disability, providing them with the same opportunities, rights and responsibilities as other people in the community.

POLICY: The Shire of Kulin:

- recognises that people with disability are valued members of the community who make a variety of contributions to local, social, economic and cultural life;
- believes that a community that recognises its diversity and supports the participation and inclusion of all its members makes for a richer community life;
- believes that people with disability, their families and carers who live in country areas should be supported to remain in the community of their choice;
- is committed to consulting with people with disability, their families and carers and where required, disability organisations to ensure that barriers to access are addressed appropriately;
- will ensure its agents and contractors work towards the desired outcomes in the DAIP;
- is committed to supporting local community groups and businesses to provide access and inclusion of people with disability.

PROCESS: The Shire of Kulin is also committed to achieving the seven desired outcomes of its DAIP. These are:

1. People with disability have the same opportunities as other people to access the services of, and any event by a public authority;
2. People with disability have the same opportunities as other people to access the buildings and other facilities of a public authority;
3. People with disability receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it;
4. People with disability receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority;
5. People with disability have the same opportunities as other people to make complaints to a public authority;
6. People with disability have the same opportunities as other people to participate in any public consultation by a public authority;
7. People with disability have the same opportunities as other people to obtain and maintain employment with a public authority.

The CEO is authorised to review the DAIP and implement those actions that support the principles outlined and accommodate annual actions in the Budget and operational strategies of the Shire.

HEAD OF POWER: Local Government Act 1995; Disability Services Act 1993 and Shire of Kulin Disability Access and Inclusion Plan (DAIP) 2020 – 2025.

Adoption Date – 14 June 2017

Next Review Date – May 2021

Shire President Initial _____ Chief Executive Officer Initial _____

Date 19/05/2021

A5 EQUAL OPPORTUNITY and HARASSMENT

Administration

PREAMBLE: The WA Equal Opportunity Act 1984 requires all local government authorities to prepare and implement an Equal Opportunity Management Plan in order to achieve the objects of the Equal Opportunity Act.

OBJECTIVE: To set out procedures through which the Shire of Kulin achieves compliance with Equal Opportunity legislation.

PRACTICE: The Shire of Kulin recognises its legal obligations under the Equal Opportunity Act 1984, and will actively promote equal employment opportunity based solely on merit to ensure that discrimination does not occur on the grounds of race, sex, age, marital status, pregnancy, impairment or disability, mental health status, religious or political convictions, family responsibilities and family status or gender history and sexual orientation.

The Shire of Kulin will not tolerate harassment within its workplace. Harassment is defined as any unwelcome, offensive action or remark concerning a person's race, colour, age, language, ethnicity, political or religious convictions, sex, marital status, impairment or other unwarranted comment.

The Shire will constantly review policies, practices and guidelines to ensure that administrative behaviour does not result in the discrimination or harassment of its employees. Shire Plans will be assessed to ensure that strategic and operational outcomes do not limit the Shire's ability to remain committed to EEO ideals.

Shire staff have the established grievance procedure processes from which to lodge an EEO or harassment complaint and Shire stakeholders are able to lodge complaint under complaint handling processes.

PROCESS: The Shire will promote change and application by;

- All employment training will be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements of such training.
- All promotional policies and opportunities will be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability to meet the minimum requirements for such promotion.
- All offers of employment will be directed towards providing equal opportunity to prospective employees provided their relevant experience, skills and ability meet the minimum requirements of engagement.

HEAD OF POWER: Local Government Act 1995

The WA Equal Opportunity Act 1984

- The Racial Discrimination Act (Cth) 1976
- The Sex Discrimination Act (Cth) 1984
- The Human Rights and Equal Opportunity Commission Act (Cth) 1987
- The Disability Discrimination Act (Cth) 1992

Adoption Date – 14 June 2017

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A6 LEGAL ADVICE, REPRESENTATION & COST REIMBURSEMENT

Administration

PREAMBLE: This policy is designed to protect the interests of Council, members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the local government may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good government of the district. This policy applies in that respect.

OBJECTIVE: To provide security, that in the event of legal proceedings or claims being taken against a Council member or staff member in the legal conduct of their duty, Council will financially support their response to the claims and or proceedings.

POLICY: General Principles

The Chief Executive Officer is authorised to obtain from Solicitors such legal advice and opinions as deemed necessary to enable the proper legal administration of Council's business. The CEO is delegated under the Local Government Act 1995, section 5.42 the authority the engage solicitors following consultation with the Shire President an authorisation to the value of \$5000 for legal advice in relation to the proper legal administration of the Shire.

The Shire may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly or against the interests of the local government and/or in bad faith.

The local government may provide such assistance in the following types of legal proceedings:

1. Proceedings brought by members and employees to enable them to carry out their local government functions (e.g. where a member or employee seeks a restraining order against a person using threatening behaviour);
2. Proceedings brought against members or employees, this could be in relation to a decision of Council or an employee which aggrieves another person (e.g. refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (e.g. defending defamation actions); and
3. Statutory or other inquiries where representation of members or employees is justified.

The local government will not support any defamation actions seeking the payment of damages for individual members or employees in regard to comments or criticisms levelled at their conduct in their respective roles. Members or employees are not precluded, however, from taking their own private action. Further, the local government may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.

The legal services the subject of assistance under this policy will usually be provided by the local government's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors approved by the local government.

Repayment of Assistance

Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be off set against any moneys paid or payable by the local government.

Adoption Date – 14 June 2017

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Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the local government or otherwise in bad faith; or where information from the person is shown to have been false or misleading.

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

PROCESS:

Applications for Financial Assistance

Decisions as to financial assistance under this policy are to be made by the Council.

A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.

Applications for financial support to the Council are to be accompanied by an assessment of the request along with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer (CEO).

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

Where there is a need for the provision of urgent legal services before an application for financial assistance can be considered by Council, the CEO is delegated under the Local Government Act 1995, section 5.42 the authority to engage solicitors following consultation with the Shire President (and in the case of the Shire President seeking the financial support – the Deputy Shire President) an authorisation to the value of \$5000.

Where it is the CEO who is seeking urgent financial support for legal services the Council shall deal with the application.

HEAD OF POWER: Shire of Kulin - Local Government Act 1995 Financial Provisions,

DELEGATION: To the CEO under LGA Section 5.42, authorisation (with conditions) to seek legal advice in connection with the proper legal administration of the Shire and to support urgent responses to claims for financial assistance to members and staff, advice to the value of \$5000, without reference to Council.

A7 OCCUPATIONAL SAFETY & HEALTH POLICY

Administration

PREAMBLE: The Shire of Kulin Occupational Safety and Health manual provides the physical collection of processes, practice and procedures relating to health and safety at the Shire. As a governance commitment, the Council's adopted Shire Safety & Health Policy Statement details its obligation and duties towards Shire employees from the highest level in the organisation.

OBJECTIVE: To detail the Shire of Kulin Occupational Safety and Health Policy commitment and performance.

POLICY: The following statement forms the Shire of Kulin policy.

SAFETY AND HEALTH POLICY STATEMENT

The Shire of Kulin acknowledges its moral and legal responsibility to provide and maintain a work environment in which employees, contractors, customers and visitors are not exposed to hazards. This commitment extends to ensuring that the organisation's operations do not place the local community and visitors at risk of injury, illness or property damage.

The Shire of Kulin will:

- *Provide and maintain safe workplaces, safe plant and safe systems of work;*
- *Provide written procedures and instructions to ensure safe systems of work;*
- *Provide information, instruction, training and supervision to employees, contractors and customers to ensure that they are not exposed to hazards;*
- *Ensure compliance with legislative requirements and current industry standards;*
- *Provide support and assistance to employees.*

All levels of management are accountable for implementing this policy in their area of responsibility and implementation of this policy will be measured by annual performance reviews. Management responsibilities include the following:

- *The provision and maintenance of the workplace in a safe condition.*
- *Involvement in the development, promotion and implementation of safety and health policies and procedures with regular reviews of these.*
- *Training employees in the safe performance of assigned tasks.*
- *The provision of resources to meet the safety and health commitment.*

Employees are to:

- *Follow all safety and health policies and procedures and acknowledge their duty of care to themselves, their co-workers and the general public.*
- *Ensure Shire procedures for accident and incident reporting are followed, reporting potential and actual hazards/accidents/incidents to your supervisor and elected safety and health representatives.*

This policy is applicable to contractors and employees in all its operations and functions including those situations where employees are required to work off site.

Garrick Yandle

CHIEF EXECUTIVE OFFICER

Adoption Date – 14 June 2017

Next Review Date – May 2021

Shire President Initial _____ Chief Executive Officer Initial _____

Date 19/05/2021

PROCESS: The Shire of Kulin Occupational Safety and Health Manual provides information on processes, reporting requirements, inspection schedules and review mechanisms.

The Occupational Safety & Health Manual is provided to all employees of the Shire and as a working document will receive formal review every two years as a minimum.

Specific sections of the Manual shall be updated and reviewed as required.

The processes allow for immediate amendment of the Manual if identified shortcomings require such, or as the 2 yearly review of the Occupational Safety & Health Manual takes place, under the authorisation of the CEO.

HEAD OF POWER: Local Government Act 1995, Occupational Health and Safety Act 1984

A8 PRIMARY DOCUMENTS

Administration

PREAMBLE: To detail the primary source documents of the Administrative Guidelines and Operational Practices used by the Shire in the conduct of its business.

OBJECTIVE: To provide accurate reference to the documents and their updates, changes and reviews, presented in a concise accurate listing of the operationally preferred processes of the Shire. To have Council support and awareness for the majority of processes used by staff.

PRACTICE: The Primary Documents are to be regarded as the operational rules, administrative procedure, staff instructions, guidelines and reference material that apply to the conduct of Shire business. Whilst not backed with the direct authority of adoption as would Shire policy, the Primary Documents do have the standing of authority of the Council, having passed a resolution accepting the documents as working materials.

The Primary Documents impose procedural and administrative intent and requirements on the Shire staff, Shire residents, contractors and stakeholders alike, and may also contain reference to other legal obligations, applicable statutes, Shire policy, adopted Codes, Circulars and case law decisions.

The Primary Documents for the Shire of Kulin are;

Shire of Kulin Administrative Procedures and Operational Guidelines Manual 2019
Shire of Kulin Employee Safety Manual – Policies and Procedures 2017
Shire of Kulin Employee Induction Manual 2018

It is not the intention that the Primary Documents policy captures all operational and support documentation that applies to the business of the Shire as many additional documents are generated under other statutes. E.g. Town Planning Scheme No 2, Shire of Kulin Health Local Law.

Nothing in this policy prevents the Primary Documents from being amended, updated, altered, added to or changed as requirements of law may in fact require such. Any change must be consistent with the intent of producing sufficient documentation to allow staff to legally perform their duties and for the Council to express their desired operational approach.

Changes proposed that deliver consequences that vary from the general thrust of the Primary Documents, require reference to Council for approval.

PROCESS: The Shire of Kulin will table the Primary Documents every two years in June for the Council to adopt. The noted delegations and the detailed authorities would then be confirmed via the adoption by Council resolution of the Delegation Register.

NOTE: The CEO will maintain a listing of all Primary and Secondary Documents that impact on the operations of the Shire and table this at Policy Review.

HEAD OF POWER: Local Government Act 1995

Adoption Date – 14 June 2017

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POLICY MANUAL PRIMARY AND SECONDARY DOCUMENTS LISTING

PRIMARY DOCUMENTS - SHIRE OF KULIN

Shire of Kulin Policy Manual 2017 - adopted 14th June 2017, reviewed June 2019
Shire of Kulin Administrative Procedures & Operational Guidelines (APOG) Manual 14th June 2017, reviewed June 2019
Shire of Kulin Community Strategic Plan 2017 ed. Minor Review June 2019
Shire of Kulin Corporate Business Plan 2017 ed. Minor Review June 2019
Shire of Kulin Employee Safety Manual – Policies and Procedures 2017
Shire of Kulin Employee Induction Manual (ed. Aug 2016) 2018

SECONDARY DOCUMENTS – SHIRE OF KULIN

Shire of Kulin Workforce Plan 2017 ed.
Shire of Kulin Asset Management Plan 2017 ed.
Shire of Kulin Long Term Financial Plan 2017 ed.
Shire of Kulin Contracts and Legal Documents Register
Shire of Kulin Complaints Register
Shire of Kulin Corporate Style Guide
Shire of Kulin Customer Service Charter
Shire of Kulin Delegation Register June 2018.
Shire of Kulin Disability Access and Inclusion Plan (DAIP) 2014-2019;
Shire of Kulin Equal Employment Opportunity Plan (2019);
Shire of Kulin Freedom of Information Statement 2018;
Shire of Kulin Gifts Register
Shire of Kulin Incident Investigation Procedure ed. 2017;
Shire of Kulin Induction and Training Procedure ed. 2017;
Shire of Kulin – Kulin Aquatic Centre Operations Manual for Pool Plant, Equipment & Slide (ed. May 2014);
Shire of Kulin Management Orders (Landholdings) & Vesting Orders Register
Shire of Kulin Pecuniary Interest Register
Shire of Kulin Recordkeeping Management Plan March 2019
Shire of Kulin Safe Work Method Statements (as listed) 108, 109, 110.
Shire of Kulin Town Planning Scheme No 2 2017ed.
Shire of Kulin Classification Guide
Kulin Child Care Management Committee Policies & Procedures
Freebairn Recreation Centre Club Policy Manual & Constitution
Kulin Community Resource Centre Australia Day Event Procedure

Adoption Date – 14 June 2017

Next Review Date – May 2021

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A9 PUBLIC INTEREST DISCLOSURE

Administration

PREAMBLE: The Shire of Kulin is committed to the aims and objectives of the Public Interest Disclosure Act 2003. To support Staff who make Public Interest Disclosures the Shire has both Policy and Practice adopted to encompass its commitment to the Act.

OBJECTIVE:

The object of the Act is to:

- facilitate the disclosure of public interest information;
- provide protection for those who make disclosures; and
- provide protection for those who are the subject of a disclosure.

This is achieved by:

- protecting the person making the disclosure from legal or other action;
- providing for the confidentiality of the identity of the person making the disclosure and a person who is the subject of a disclosure.

POLICY:

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

It recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by staff as to corrupt or other improper conduct.

The Shire of Kulin will take all reasonable steps to provide protection to staff who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure. The Shire of Kulin does not tolerate any of its officers, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.

The Shire has adopted internal procedures to provide for the manner in which the Shire of Kulin will comply with its obligations under the Public Interest Disclosure Act 2003. They provide for the manner in which:

- disclosures of public interest information shall be made to the Public Interest Disclosure Officer (PID Officer).
- the PID Officer shall investigate the information disclosed, or cause that information to be investigated.
- the PID Officer may take action following the completion of the investigation.
- the PID Officer shall report to the discloser as to the progress and outcome of that investigation and the action taken as a consequence.
- the confidentiality of the discloser, and any person who may be the subject of a public interest disclosure, shall be maintained.
- records as to public interest disclosures shall be maintained and reporting obligations complied with.
- providing remedies for acts of reprisal and victimisation that occur substantially because the person has made a disclosure.

The rights and obligations created by the PID Act are described in the Shire of Kulin Public Interest Disclosure Procedures document detailed in the Primary Document policy.

Note: PID Act procedure manual can be found in the Primary and Secondary Documents listing.

HEAD OF POWER: Local Government Act 1995

Adoption Date – 14 June 2017

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A10 REGIONAL PRICE PREFERENCE POLICY

Administration

PREAMBLE: To provide for a price preference framework for the purchase of goods and services from local Shire of Kulin suppliers.

OBJECTIVE: The policy aims to deliver a higher than average take-up of local supply, by detailing the extent of consideration the local suppliers will receive as opposed to non-local supply.

In terms of definition; local versus non-local can be determined from the originating source of the goods or service, as opposed to the Shire of Kulin based supplier of such goods and service.

PRACTICE:

General Purchasing (other than Tenders)

When officers seek quotations or purchase goods or services, quotes must be obtained from businesses (if in existence) that could provide the goods or services required that are located within the Shire of Kulin.

Tenders – Regional Price Preference

That a Regional Price Preference will be provided to businesses operating within the boundary of the Shire of Kulin for all goods and services in accordance with Regulation 24D of the Local Government (Function and General) Regulations 1996.

- Up to 10%-where the contract is for goods and services, up to a maximum reduction of \$50,000 on total cost.
- Up to 5%-where the contract is for construction (building) services, up to a maximum price reduction of \$50,000, or
- Up to 10% where the contract is for goods or services (including construction services), up to a maximum price reduction of \$500,000 if the Local Government is seeking tenders for the first time, due to goods or services previously being undertaken by the Shire of Kulin.

A copy of this policy must be supplied with each tender document.

The Regional Price Preference Policy will apply to all tenders unless otherwise resolved by Council and information that outlines the power of the Council to make that decision is to be included in the Tender advertising and specifications. (i.e. the lowest or any Tender not necessarily accepted)

Other

When the provision of goods or services is not being sought by tender the following preference will be provided to local suppliers whose business is based within the Shire of Kulin and the product quality is comparable.

5% for any purchase up to \$3,000

2% for any purchase between \$3,001 and \$49,999

HEAD OF POWER: Local Government Act 1995, Regulation 24D of the Local Government (Function and General) Regulations 1996.

Note: Regional Price Preference Policy was advertised in the Narrogin Observer in July 2017 accordance with the requirements of the Local Government Act 1995 and formally adopted by resolution 12/0917.

Adoption Date – 14 June 2017

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A11 PROCUREMENT PURCHASING AND TENDERS

Policy originally A21 in APOG Manual

Administration

PREAMBLE: The Shire of Kulin is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This practice statement provides the Shire of Kulin with a more effective way of purchasing goods and services, ensures that purchasing transactions are carried out in a fair and equitable manner and strengthens integrity and confidence in the purchasing system.

The practice should deliver value for money, compliance, heightened governance, environmental impact analysis and when followed offer a degree of risk minimisation via sound probity principles.

OBJECTIVE: Firstly, to provide compliance with the Local Government Act 1995 and the Local Government Act (Functions and General) Regulations, 1996 (as amended in March 2007) and to deliver a best practice approach and procedures to internal purchasing for the Shire of Kulin.

PRACTICE: ETHICS & INTEGRITY

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

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

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Kulin Regional Price Preference Policy and the Code of Conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire of Kulin by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire of Kulin. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

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

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;

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- financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

SUSTAINABLE PROCUREMENT

Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

The Shire of Kulin is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Shire of Kulin sustainability objectives.

Practically, sustainable procurement means the Shire of Kulin shall endeavour at all times to identify and procure products and services that:

- have been determined as necessary;
- demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling;
- demonstrate environmental best practice in water efficiency;
- are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;
- products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.

For motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range;

For new buildings and refurbishments – where available use renewable energy and technologies.

PROCESS:

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

Amount of Purchase	Model Policy
Up to \$5,000	Direct purchase from suppliers not requiring any quotations, although one verbal quote could be obtained in most instances.
\$5,001 - \$19,999	Obtain at least two written quotations
\$20,000 - \$49,999	Obtain at least two written quotations but where suppliers/contractors are available a minimum of three is required.
\$50,000 - \$249,999	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$250,000 and above	Conduct a public tender process.

* Note: For purchase of specific plant and machinery parts up to value of \$5,000 refer to “Sole Source of Supply” criteria.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$150,000 threshold (excluding GST). If a decision is made to seek public tenders for

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Contracts of less than \$150,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

Up to \$5,000

Goods and services valued at up to \$5,000 do not require the conduct of a competitive process, although one verbal quote could be obtained in most instances, and the purchase must represent value for money.

However, it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

This purchasing method is suitable where the purchase is relatively small and low risk.

Record keeping requirements must be maintained in accordance with record keeping policies. The Local Government Purchasing and Tender Guide contains a sample form for recording verbal quotations.

\$5,001 to \$19,999

This category is for the procurement of goods or services where the value of such procurement ranges between \$5,001 and \$19,999. At least two written or verbal quotations are required. Where this is not practical, e.g. due to limited suppliers, it must be noted through records relating to the process.

The general principles for obtaining verbal quotations are:

- ensure that the requirement / specification is clearly understood by the Shire of Kulin employee seeking the verbal quotations;
- ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote;
- read back the details to the Supplier contact person to confirm their accuracy;
- written notes detailing each verbal quotation must be recorded.

Record keeping requirements must be maintained in accordance with record keeping policies. The Local Government Purchasing and Tender Guide contains sample forms for recording verbal and written quotations.

\$20,000 to \$49,999

For the procurement of goods or services where the value exceeds \$20,000 but is less than \$49,999, it is required to obtain at least three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase). Where sufficient suppliers or contractors are unavailable the requirement shall be two written quotations.

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

NOTES: The general principles relating to written quotations are;

- an appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion;
- the request for written quotation should include as a minimum:
 - written Specification;
 - Selection Criteria to be applied;
 - Price Schedule;
 - Conditions of responding
 - Validity period of offer
- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.

Adoption Date – 14 June 2017

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Shire President Initial _____ Chief Executive Officer Initial _____

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- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

Note: *The Local Government Purchasing and Tender Guide produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.*

\$50,000 to \$249,999+

For the procurement of goods or services where the value exceeds \$50,000 but is less than \$249,999, it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

Record keeping requirements must be maintained in accordance with record keeping policies.

For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

NOTES: The general principles relating to written quotations are;

- an appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion;
- the request for written quotation should include as a minimum:
 - written Specification;
 - Selection Criteria to be applied;
 - Price Schedule;
 - Conditions of responding
 - Validity period of offer
- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

Note: *The Local Government Purchasing and Tender Guide produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.*

Tender Exemption

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

- an emergency situation as defined by the Local Government Act 1995;
- the purchase is prequalified panel of suppliers, a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- the purchase is under auction which has been authorised by Council;
- the contract is for petrol, oil, or other liquid or gas used for internal combustion engines;

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

Sole Source of Supply (Monopoly Suppliers)

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

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

Anti-Avoidance

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

Tender Criteria

The Shire of Kulin shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

Advertising Tenders

Tenders are to be advertised in a state wide publication e.g. "The West Australian" newspaper, Local Government Tenders section, preferably on a Wednesday or Saturday.

The tender must remain open for at least 14 days after the date the tender is advertised. Care must be taken to ensure that 14 full days are provided as a minimum.

The notice must include;

- a brief description of the goods or services required;
- information as to where and how tenders may be submitted;
- the date and time after which tenders cannot be submitted;
- particulars identifying a person from who more detailed information as to tendering may be obtained;

Detailed information shall include;

- such information as the Shire of Kulin decides should be disclosed to those interested in submitting a tender;
- detailed specifications of the goods or services required;
- the criteria for deciding which tender should be accepted;
- whether or not the Shire of Kulin has decided to submit a tender; and
- whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

Issuing Tender Documentation

Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.

This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Shire of Kulin not to compromise its duty to be fair.

Tender Deadline

A tender that is not received in full in the required format by the advertised Tender Deadline shall be rejected.

Opening of Tenders

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No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the Tender Deadline.

Tenders are to be opened in the presence of the Chief Executive Officer's delegated nominee and preferably at least one other Shire Officer. The details of all tenders received and opened shall be recorded in the Tenders Register.

Tenders are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as commercial-in-confidence to the Shire of Kulin. Members of the public are entitled to be present.

The Tenderer's Offer form, Price Schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two Shire of Kulin Officers present at the opening of tenders.

No Tenders Received

Where the Shire of Kulin has invited tenders, however no compliant submissions have been received; direct purchases can be arranged on the basis of the following:

- a sufficient number of quotations are obtained;
- the process follows the guidelines for seeking quotations between \$50,000 & \$250,000 (listed above);
- the specification for goods and/or services remains unchanged;
- purchasing is arranged within 6 months of the closing date of the lapsed tender.

Tender Evaluation

Tenders that have not been rejected shall be assessed by the Shire of Kulin by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

Addendum to Tender

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Shire of Kulin may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation.

Minor Variation

If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Shire of Kulin and tenderer have entered into a Contract, a minor variation may be made by the Shire of Kulin

A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

Notification of Outcome

Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:

- the name of the successful tenderer
- the total value of consideration of the winning offer
- the details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender process.

Records Management

Adoption Date – 14 June 2017

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

- tender documentation;
- internal documentation;
- evaluation documentation;
- enquiry and response documentation;
- notification and award documentation.

For a direct purchasing process this includes:

- quotation documentation;
- internal documentation;
- order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Shire of Kulin internal records management policy.

HEAD OF POWER:

Local Government Act, 1995 and the Local Government Act (Functions and General) Regulations, 1996 (as amended in March 2007).

SHIRE OF Shire of Kulin		
VERBAL & WRITTEN QUOTATION FORM (\$5,000 - \$19,999)		
Action REQUIRED		
Procurement Description Description of purchase/service _____		
Project Number (If applicable): _____		
Quotation and Evaluation Selection Criteria (Note – at this level, it may be sufficient to just quote ‘value for money’)		
The following suppliers were asked to quote as per Shire policy		
Date	Company/Contact Name/Contact Number	Amount Quoted
		\$
		\$
		\$
		\$
The recommended quote is from _____ For an amount of \$ _____		
Justification: _____		
Signed _____	Date / /	
Name / Title Contract Officer / s		
Contract Award		
Purchase Order Issued. (Goods/minor services only) or Purchase Order Number: _____		
Letter of Appointment (Services) Acknowledged by Contractor & filed) or Yes <input type="checkbox"/>		
Letter of Engagement (Consultancy) (Acknowledged by Consultant & filed). Yes <input type="checkbox"/>		
Is the Contractor a small business? (i.e. employs less than 20 people) Yes/No		
Other _____		
Signed _____	Date / /	
Approving Officer		

G1 LOCAL GOVERNMENT ELECTIONS

Governance

PREAMBLE: The Shire of Kulin is required to determine the basis for the conduct of local government elections, either in person elections and/or elections by post. In doing so, the appointment of the necessary staff to conduct the elections is required.

OBJECTIVE: To formalise the Shire of Kulin election process as defined under the Local Government Act 1995.

POLICY: The Shire of Kulin has determined under the Local Government Act by resolution that “in person” elections are the preferred electoral process for local government elections in the Shire.

By resolution determined by the Council, the Chief Executive Officer (CEO) has been appointed as the electoral Returning Officer and the Deputy Chief Executive Officer (DCEO) will act as the Presiding Officer at all Shire of Kulin Council Elections.

The Council in accordance with the Local Government Act 1995, could change the electoral process by recision and subsequent adoption of alternate resolutions.

PROCESS: The Shire of Kulin by resolution has determined the nature of elections to be conducted in the Shire and in doing so has determined that the Returning Officer will be the CEO. The CEO and DCEO to sign the required appointment forms prior to the commencement of the electoral cycle processes.

HEAD OF POWER: Local Government Act 1995;

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Next Review Date – May 2021

Shire President Initial _____ Chief Executive Officer Initial _____

Date 19/05/2021

HR1 TERMINATION PAYMENTS – SEVERANCE PAYMENTS

Human Resources

PREAMBLE: Section 5.50(1) of the Local Government Act 1995, requires that a Council prepare a policy in relation to employees whose employment with the local government is finishing.

The policy is to set out:

- a) the circumstances in which the Shire of Kulin will pay an employee an amount in addition to any amount which the employee is entitled under a contract of employment or award relating to the employee; and
- b) the manner of assessment of the additional amount.

OBJECTIVE: As required under Section 5.50(1) of the Local Government Act 1995 this severance payment policy outlines the circumstances and manner of assessment upon which the Shire of Kulin will pay an employee an amount (severance payment) in addition to any amount to which the employee is entitled under a contract of employment, award, industrial agreement, or order by a Court or Tribunal.

PRACTICE:

Application

This policy applies to all employees of the Shire of Kulin.

Decisions under this policy are to be made;

- a) By Council where decision involves a severance payment to the CEO;
- b) By the CEO where the decision involves a severance payment to any other employee of the Shire of Kulin.

Circumstances for Severance Payment

The Shire of Kulin may pay a severance payment in the following circumstances;

- a) Redundancy.
- b) Local Government boundary change and amalgamations.
- c) Any other termination matter that does not relate to an employee being made redundant (e.g. dismissal).

Exclusions

A severance payment will not be made to an employee who;

- a) Is redeployed within the Shire of Kulin;
- b) Is dismissed for misconduct;
- c) Is employed on either a temporary or casual basis;
- d) Is under probation.

STAFF RETIREMENT *(also included in APOG)*

In recognition of length of service staff members will be paid by the Shire a gratuity on their retirement. The amount of the gratuity is determined by the length of service:

0 – 5 years	Nil
6 – 9 years	\$25 per year
10+ years	\$50 per year

Settlements and other terminations

For the purposes of determining the amount of severance payment in respect of settling a matter under this policy, the following may be taken into account;

- a) advice of an industrial advocate or legal practitioner on the strength of the case of respective parties in any litigation or claim in an industrial tribunal;
- b) the cost of any industrial advocate or legal advice support;
- c) the general costs associated with the hearing including witness fees, travel costs;
- d) disruption to operations.

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Shire President Initial _____ Chief Executive Officer Initial _____

Date 19/05/2021

Additional Payment

Council may pay to an employee whose employment with the Shire of Kulin is finishing an additional severance payment over and above that prescribed in this policy to the maximum severance payment made allowable under the Local Government Act 1995.

19A. Payments to employee in addition to contract or award s. 5.50(3)

(1) The value of a payment or payments made under section 5.50(1) and

(2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total;

(a) if the person accepts voluntary severance by resigning as an employee, the value of the person's final annual remuneration; or

(b) in all other cases, \$5 000.

An additional payment made under clause 4.3 will require local public notice to be made in relation to this payment.

HEAD OF POWER: Local Government Act 1995 and Shire of Kulin policy.



SHIRE OF KULIN

Administrative Procedures and Operational Guidelines (APOG) Manual

**June 2017
Reviewed May 2021**

INTRODUCTION

This Administrative Procedures and Operational Guidelines (APOG) Manual has been prepared to assist Council and staff to administer the Shire of Kulin. The Manual sits at the lowest level of legal structure in terms of how a Local Government operates;

The order of significance of legislative and legal impact on local government business reads;

- Statutes – Primarily Local Government Act and Regulations
- Other State and Federal Statutes and Regulations
- Subsidiary legislation – Local Laws, Planning Schemes
- Supporting State and Federal Guidelines, Circulars and implied Practice Notes
- Codes, Decisions and Policy of the Council
- Shire manuals of procedure, guidelines and operational practice.

In all levels, Case law also applies. The latest decisions and findings of a legal nature guide and direct the behaviours, attitudes, decisions and responses of the legal position of a local government. On any matter; previously determined legal case decisions and practice must be moulded into the methods of operation. The test that usually applies is to whether the local government's decisions and actions depict legal awareness, fairness, justice and equity of application. A local government strives to apply this philosophy via its Code of Conduct, which is a reflection of the presiding social and political views of behaviour of the times that embed the values described above, without limiting the application of the law that applies.

This APOG manual describes at length how the Shire of Kulin will react on administrative and operational matters, without direct reference to the Council for a decision. It also enables Councillors and staff to develop an understanding of the principles and practice that guide us, so that they are in a position to answer questions raised by electors, the public and stakeholders into the business of the Shire. As new practices are refined, drafted or determined, or existing practices are amended, the APOG Manual is updated, maintaining the Shire's most flexible recent view on how it will conduct business.

Obviously time changes the need for and the relevance of responses. This framework allows the Council to design, recreate or update without being overly influenced by current hot topics, as it develops the best Shire response to matters at a practice level.

The use of policy in Local Government (LG) sits between the legislative requirements or the 'must do to comply' elements of its business and the application of guidelines and procedures. The Shire of Kulin has taken a conscious decision about the way in which it aims to do business. It proposes to minimise the extent of policy, opting more for the development of procedure and guideline to enable constant flexibility and review of what is occurring at a practice and procedure level.

Therefore in some ways, APOG can be an expression of principle, culture and process or the stated combination of what/how/where and when the Council would like to see its business matters dealt with. It has some standing in the order of how business will be conducted when applied to the current business agenda, but mostly it provides the outline and guidance of what should occur to address the business matter.

But what if the interpretation of APOG identifies that the matter cannot be accurately addressed, or that the practice takes away from the cultural or principled positions of the Council? Then at those times review is required, to again clarify what is the Council's intent within the law and what applies in each particular case. Contemporary practice can always be adopted by staff at any time; as long as the resulting actions fall within the law of the day.

APOG therefore is reviewed constantly and tested against live examples to ensure that the practices are consistent with Council's current stance on matters.

Noel Mason
Chief Executive Officer
May 2017

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Administrative Procedures and Operational Guidelines (APOG) Manual

Shire staff will issue the APOG Manual in electronic format. A hard copy will be available on request. The manual is to be reviewed biannually prior to the adoption of the Policy Manual in June and the application of Delegated Authority that results.

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A1 ACTING CHIEF EXECUTIVE OFFICER

Administration

PREAMBLE: When the Chief Executive Officer takes annual or other Leave the Chief Executive Officer is to appoint the Deputy CEO as Acting Chief Executive Officer.

OBJECTIVE: To ensure the Shire has an appropriate officer at all times to be acting in the legal position of CEO, taking into account the DCEO workload and the availability and access to the CEO during the period of absence.

PRACTICE: That the CEO ensure that the position of Acting CEO be filled as judiciously as possible when a known absence will occur.

That the authority to appoint the Deputy CEO to be Acting Chief Executive Officer during the absence of the Chief Executive Officer on leave or other extended periods be delegated to the CEO for times when there is not an immediately available Ordinary Council meeting to report to seeking Council resolution for this appointment.

When exercising the delegation the Shire President is to be consulted and Council is to be provided with notice of the Acting appointment as soon as possible, or practicable. In the event that the Chief Executive Officer cannot appointment the Deputy CEO as Acting Chief Executive Officer, the Council will be required to authorise any alternative appointment.

PROCESS: Appointment of an Acting CEO by the CEO or Council is to be in writing.

DELEGATION: To CEO to appoint DCEO as Acting CEO during period of absence.

HEAD OF POWER: Local Government Act 1995 5.36 and 5.42

A2 AGENDA & MINUTES - DELIVERY

Administration

PREAMBLE: To formalise procedures for the timely delivery of Agenda's and Minutes to Councillors.

OBJECTIVE: To ensure Councillors receive copies of all Council Meeting Agendas and Minutes as soon as they are ready, to ensure that Councillors have access to the most up to date information.

PRACTICE: Elected members may indicate their preferred format for Minutes or Agendas (hard or email copy) and this request will be where possible followed. All Council meeting Agendas, Attachments and Minutes are to be sent in the elected members preferred format, and/or held in hard copy at the elected member mail box at the Shire office, as soon as they have been prepared and cleared by the Chief Executive Officer.

The Agenda for subsequent meetings will not include a copy of the previous meeting's minutes, having previously been forwarded, therefore elected members will be responsible for bringing the Minutes of the previous meeting with them to the meeting at which they are to be confirmed.

Wherever possible, hard copy Agenda will be provided on the Friday before the Ordinary meeting date.

Once the Minutes have been completed and distributed to Councillors, a copy is to be posted on Councils website.

PROCESS: Minutes and Agendas of all Council meetings are to be emailed or delivered to elected members as soon as they have been prepared and cleared by the Chief Executive Officer no later than Friday prior to the next Council meeting.

HEAD OF POWER: Local Government Act 1995

A3 ANNUAL ELECTORS GENERAL MEETING

Administration

PREAMBLE: In accordance with the Local Government Act 1995, a general meeting of the electors of a district is to be held once every financial year following Audit and advertising.

OBJECTIVE: The annual Electors General Meeting (EGM) is to be held on the same day and in conjunction with an Ordinary meeting of Council to minimise costs and delay.

PRACTICE: Annual Electors General Meeting (EGM) is to be held on the same day as an Ordinary Council meeting, the first available opportunity following preparation and acceptance of the Shire of Kulin Annual Report and conduct of the Audit Committees “face to face” contact with the Auditor as required by the Local Government Act. Council aims to have the EGM meeting before the end of the calendar year to which the financial statements apply.

PROCESS:

The EGM is to be held within 56 days of the local government accepting the Annual Report for the previous financial year.

The EGM meeting is to be provided with copies of the Shire of Kulin Annual Report which includes the audited financial statement and audit report for the previous financial year and Minutes of the previous year’s EGM.

Other matters to be discussed and procedure to be followed at the EGM are those prescribed.

Should the business of the Ordinary meeting of Council not be completed by the EGM advertised start time, the presiding member is to adjourn the Ordinary meeting to enable the EGM to commence on time, with the Ordinary meeting resuming following the close of the EGM.

HEAD OF POWER: Local Government Act 1995 – Section 5.27, 5.28, 5.29 and 5.30

A4 ATTENDANCE AT COUNCIL MEETINGS – VISITORS, DELEGATIONS AND PETITIONS

Administration

PREAMBLE: Creating a framework for visitor attendance at Council meetings.

OBJECTIVE: To provide structure and direction for the public seeking attendance at Shire of Kulin Council meetings and to provide direction to the Chief Executive Officer in terms of how requests for attendance will be organised.

PRACTICE: The Council and Administration of Shire of Kulin reflecting on Shire of Kulin’s customer service policy and the intent to be an open, accessible and transparent organisation for members and stakeholders, recognises that structure is required to ensure successful interaction at a Council level.

Councillors need to be fully informed as to the nature and intent of requests to attend a Council meeting, so that the best informed and most appropriate response can be provided.

PROCESS: The following outline should be used wherever possible; Applicants (members, visitors, delegations or stakeholders) asking to speak at or attend Council meeting to talk to Councillors are to be informed;

- That the CEO is the appropriate first response to any queries of the Council. If information is contained in Shire of Kulin Policy, Strategic Plans, Budget, Position Statements, programs or Community Strategic or Corporate Business Plans etc. that would satisfy the questions or queries, then the CEO is to respond in writing to the applicant detailing Shire of Kulin’s position.
- If the matter relates to a complaint about the performance of the organisation, staff or the Council, the applicant should complete a Complaint Form and the CEO process the complaint in accordance with Shire of Kulin procedure and practice.

If the matter falls outside of these issues, or has been dealt with at an administrative level and the applicant still requests or requires to speak to the Council; then the CEO should follow as detailed;

- Require the applicant to detail the nature of the questions, requests or visit in writing for consideration of the Shire President ,
- CEO to present the written request to the Shire President for determination and provide recommendation as to when the request could be accommodated,
- CEO to provide applicant with an outcome of the request to the Shire President.

Arrangements are to be made for the CEO to provide Council members with a report on the background to the request and where possible to detail of Shire of Kulin’s likely response.

Council to meet and consider the applicants request and the CEO’s report prior to the applicant attending the meeting, or should allocate suitable time to consider all matters or request more information at a time in the meeting,

Council to meet with the applicant at designated time approximately 20-30 minutes - to be determined by the meeting presiding member (subject to other business of the day).

The Council should advise the CEO of the outcome and what is required to happen in response. Wherever the visit pertains to a report that is before or being prepared by staff for the Council, a response by a resolution giving directive to the CEO is required.

NOTE: Staff or members lobbying Council members to obtain an advantage for themselves or to disadvantage another person are breaching the Code of Conduct and Council members should report such conduct to the CEO.

Nothing in this practice prevents an applicant from attending a Council meeting and asking Questions of the Meeting under the provisions of the LG Act and Regulations

HEAD OF POWER: Local Government Act 1995

A5 BUDGET PREPARATION

Administration

PREAMBLE: Each year the Shire aims to consider a draft budget for adoption by the August Ordinary meeting date. To achieve this aim the draft Corporate Business Plan (CBP) needs to be compiled by the last week of May.

This will allow staff to assess budget CBP requests in sufficient time. It is imperative that ample time be provided for research and referral to Council for endorsement to proceed to the budget.

OBJECTIVE: To remove late items being presented for consideration for inclusion in the Corporate Business Plan after the draft Budget has been prepared.

PRACTICE: All requests from community groups, elected members and staff to be included in the annual Corporate Business Plan shall be lodged with the Chief Executive Officer no later than the 15 May in each year.

Staff will advertise via the Update, noticeboard and social media the requirement for community requests to be lodged prior to 15 May.

If the Chief Executive Officer receives a request later than the 31st of March, the Chief Executive Officer is to advise the applicant without reference to Council that the request is rejected due to lateness and that the request will be referred to the mid-year review with no guarantees of success.

The Chief Executive Officer is to advertise in February each year in a newspaper circulating in the district that submissions for the Corporate Business Plan close on the 15 May each year and that there will be no exceptions for late submissions.

PROCESS: The Chief Executive Officer is to arrange an advertisement calling for submissions in February each year, advising that the 15 May is the deadline with no exceptions.

All submissions are to be referred to the Chief Executive Officer and directed by the Chief Executive Officer to the relevant Manager for research and referral to Council for the Corporate Business Plan.

Where submissions are received after the 15 May in any year the Chief Executive Officer is to reject the request and refer the matter to the Deputy CEO for the mid-year review.

HEAD OF POWER: Local Government Financial Management Regulations Part 2 5. (g), Local Government Act 1995.

A6 CASUAL HIRERS LIABILITY

Administration

PREAMBLE: Local Government Insurance Services advise that with respect to hire of buildings/facilities to other parties, the Shire must ensure that a 'Casual Hirers Liability Policy' exists and that the Shire are indemnified against bodily injury and/or property damage as a result of the hire.

OBJECTIVE: To provide security for users of Shire halls and facilities.

PRACTICE:

Insurance – Incorporated Bodies

That any incorporated body that wishes to hire or use a Shire facility must provide detail of insurance cover that will indemnify the Shire against any possible insurance claim as a result of that use or hire.

Insurance – Unincorporated Bodies

That any unincorporated body that wishes to hire or use a Shire facility in excess of ten times per annum, must provide detail of insurance cover that will indemnify the Shire against any possible insurance claim as a result of that use or hire.

PROCESS: Persons and groups wishing to hire Shire halls and facilities are to make application to the Shire on the designated application form.

Applications are to be assessed by the CEO and officers delegated by the CEO.

HEAD OF POWER: Local Government Act 1995 2.7 (2) (b)

DELEGATION: To the CEO to ensure that hirers of Shire facilities carry adequate insurance before hire takes place.

A7 COMMUNITY CONSULTATION AND COMMUNICATION

Administration

PREAMBLE: A most significant and critical function of a local government is the manner in which it communicates with its stakeholders. Whilst the Shire of Kulin supports instance specific approaches, a degree of process consistency helps learning in how to communicate and consult better. This policy promotes a framework that may help this learning.

Additionally, it is recognised that Consultation and Communication is different to Engagement. (See Community Engagement Strategy) Engagement is a bottom-up shared decision making and problem solving process with community; whereas Consultation and Communication relates to decisions already taken that are being communicated for information, possible comment, viewpoints or feedback, with review being limited and input restricted to a particular matter or aspect. Consultation and Communication is not an invitation to participate in the decision making process.

OBJECTIVE: To provide a framework and guidance to the Council and staff about the process of consultation and communication. The framework aims to provide the basis for informed decision-making, post consultation analysis and organisational wide learning.

PRACTICE: The following principles shall apply to Shire of Kulin consultation and communication processes:

1. Commitment to targeted, culturally and socially sensitive consultation and communication
Shire of Kulin is committed to providing leadership on this issue. We expect information presented in consultation to be targeted and culturally and socially appropriate, therefore our policy development, administration and key projects need to embed the appropriate values that support this.

2. Rights of all

The stakeholders of the Shire of Kulin have a right to be consulted and actively participate in communication processes, therefore access to full, complete and comprehensive information is essential for them to provide feedback on policy-making and key project development. The Shire of Kulin's obligation is to effectively respond to stakeholders when they express a right for better information, consultation and communication.

3. Clarity about purpose

Limits to information, consultation and active participation during policy making and key project development will be defined from the outset. The role of Shire of Kulin (including Council and staff) is to be clear to all as to the extent of community involvement possible prior to embarking on consultation and communication processes and to be sure that the process is not including or mixing 'engagement'.

Methods of communication - Category Levels and Methods

In those instances where targeted consultation and communication is to be conducted with a view to seeking stakeholder feedback, the consultation will take either the form of a letter, notice, or advertisement determined suitable for the specific target audience.

All items advertised for public comment shall be accompanied by a Consultation paper that will:

- Set out details of the proposal or a part thereof in respect of which comment is being sought;
- Explain the constraints that impact upon the proposal;
- Set out the Council's decision to consult and communicate, where specific information is contained in the Council decision;
- Make clear the extent of the consultation and communication being undertaken;
- The reasons for undertaking the consultation and communication including a summary of questions in respect of which comment is sought;
- Provide easy and multi access technologies for the stakeholders to offer valid and constructive comment; and
- Specify the time frame within which any comments or submissions should be made.

The method of consultation used by Shire of Kulin will relate to the likely extent of the impact on the membership, stakeholders and community and the anticipated interest the issue will generate:

Level A – No consultation

No consultation will occur where the proposal is determined as having no predictable detrimental impact or where consultation or communication has previously occurred and/or only minor concerns were previously raised.

Level B – Information only advice

“Information only” advice will be provided where proposals are determined as being of interest of members and stakeholders, the activities or events are within the usual Shire of Kulin programs, detrimental impacts are unlikely and the activities or functions are consistent with previous Shire of Kulin business. The following methods of notification will generally be adopted, Council Notices in prominent locations in each community affected, email advice, Facebook contact, Website advertising or Blog or Sms direct to affected locations or persons, or Letters directly to members or stakeholders and/or advertisements in locally produced community Newsletters in each community determined suitable by the CEO.

Level C – Consultation and Feedback

Where in respect of any proposal the Shire deems a direct and lasting impact on the whole of the membership, stakeholders or regional feedback is required; then the Shire is required to advertise detailing the consultation process to take place. (E.g. Special Electors Meeting, Public meetings, Special Council meetings, formal comment periods etc.). The following methods of notification will generally be adopted; Shire Notices in prominent locations in each community affected; or a public notice in a local newspaper or journal and/or advertisements in locally produced community Newsletter in each community, as determined suitable by the CEO.

Evaluation

Shire of Kulin will actively and openly evaluate its consultation and communication processes and practices. The results of evaluation will directly impact upon future consultation and communication initiatives. Measures of success of consultation and communication will include assessments of whether:

- The information needs of all parties/stakeholders have been met;
- Expectations concerning the process have been met;
- The process has encouraged the generation of discussion and feedback;
- Overall understanding has been enhanced;
- Relationships between Shire of Kulin and the stakeholders have been enhanced; and
- The decision/s resulting from the consultation and feedback have been stable and enduring.

Time – not rushed

Consultation will be undertaken as early in the administrative and project processes as possible to allow a greater range of input to emerge and to raise the chances of successful implementation. Adequate time will be made available for consultation and communication to be effective.

Objectivity

Information provided by Shire of Kulin during policy development and key projects will be objective, complete and accessible. All those involved in a consultation and communication process will have equal treatment when exercising their rights of access to information and participation.

Resources

Shire of Kulin will ensure adequate financial, human and technical resources are available to make a consultation and communication initiative effective. The allocation of resources will be considered in relation to broader budgetary constraints and the implications to existing priorities.

Coordination

Consultation and communication on specific policy-making and key projects will be coordinated to ensure knowledge management, adequate coverage and removal of duplication and the risk of “consultation fatigue” for stakeholders.

Accountability

Shire of Kulin will be accountable for the use made of input from a consultation and communication process and will ensure processes are open and transparent to external scrutiny and review. In those cases where Councillors are concerned that the subject matter may require a higher level of community consultation, they can do so through resolution at normal meeting processes.

PROCESS: The approaches for specific consultation and communications will be tailored to the target audiences and consider all factors outlined in this policy.

Feedback

Processes for feedback where requested - in contact/writing providing a minimum of 14 days (or such other period as may be advised) for the lodgement of any comments or submissions; or in the case of a person wanting to lodge a verbal submission to a Shire of Kulin staff member (who will take notes on the matter) and forward this to the CEO.

Other Formal Comment Processes

There are many other formal consultation and communication processes required by local government. Many have statutory timeframes applicable with comment and feedback specific processes. It is the intention of this policy to influence these processes and wherever possible they be applied consistent to these principles.

HEAD OF POWER: Local Government Act 1995

A8 COMMUNITY ENGAGEMENT STRATEGY

Administration

PREAMBLE: Community engagement is any process that involves the public in problem solving or decision-making and uses public input to assist in the decision making process and result.

OBJECTIVE: Community engagement may refer to a range of interactions of differing levels between the Shire and the community, including;

- Information sharing that promotes community feedback prior to decision making;
- Consultation processes to obtain feedback prior to decision making;
- Involving community members consistently throughout the decision process to ensure community concerns and aspirations are understood and considered;
- Collaborating with community members in each aspect of the decision making process;
- Empowering the community through conversations that involves them in the design and outcome.

PRACTICE: The Shire of Kulin is committed to strengthening the Shire through effective community engagement to share information, gather views and opinions, develop options, build consensus and make decisions.

Community engagement assists the Shire of Kulin to provide good governance and strong leadership, delivering better decisions to guide the Shire's priorities into the future.

This policy does not negate the requirement of the Shire to comply with statutory obligations.

PROCESS:

The following principles apply to community engagement undertaken by the Shire of Kulin;

Bottom-up focus and commitment

1. The purpose of each community engagement will be clearly scoped to determine how the engagement will add value to the Shire's decision-making process.
2. Each community engagement will be planned to clarify the level of influence the participants will have over the design and decision they are being invited to be involved in, comment on or participate in.
3. The Shire is genuinely open to engaging with the community and committed to using a range of appropriate engagement methods but wherever possible will invite participants to determine the conversation agenda, focussing on an asset based, positive refrain, strength based bottom-up approach.

Transparency and openness

4. All community engagement processes will be open, inclusive and transparent.
5. Comment will be documented and analysed.
6. The Shire will seek to understand the concerns and interests of all stakeholders and provide opportunities for participants to appreciate each other's perspectives.

Responsiveness and feedback

7. The Shire will advise participants of progress on issues of concern and provide feedback in a timely manner on the decisions made and the rationale for the decision will be communicated where necessary.
8. The best interest of the community will prevail over the individual or vested interests.

Inclusiveness, accessibility and diversity

9. Persons or organisations affected by or who have an interest in a decision will have an opportunity to participate in the community engagement process. Every person's opinion will be respected and valued.
10. Community engagement process will be open to all those who wish to participate.

Accountability

11. The Shire will seek community engagement to enhance its decision-making, however, where the Shire is responsible and accountable for a given matter, it will accept its responsibility to make the final decision and provide leadership.

Information

12. Appropriate, accessible information will be available to ensure participants are sufficiently well informed and supported to participate in the engagement process.

Timing

13. Community engagement will be undertaken early, to ensure that participants have enough time to consider the matter at hand and provide meaningful engagement.
14. All engagement processes will have timeframes that will be made clear to participants and adhered to by the Shire.

Resources

15. The Shire will allocate sufficient financial, human and technical resources to support community engagement.

Evaluation

16. The Shire will monitor and evaluate processes to ensure the engagement being undertaken is adding to the conversation and decision making process and that community views ultimately are incorporated into the outcomes from the process.

The approaches for specific engagement will be tailored to the target stakeholders and the consideration of all factors and principles outlined. The final decision as to the extent of engagement will be determined by the CEO understanding the principles conveyed and the cost, time, outcome constraints that may impact.

Processes for engagement will vary to suit the situation and constraints. Principles would dictate that stakeholder too have input into the levels and nature of community engagements undertaken.

HEAD OF POWER: Local Government Act 1995

A9 COMMUNITY STRATEGIC PLANNING OUTCOMES

Administration

PREAMBLE: The Shire of Kulin aims to strategically plan to provide quality services and community infrastructure for a diverse range of interested stakeholders. The Shire hopes to create a strategic planning and operational environment where the many notable activities that are planned, are all progressed simultaneously even at times where it is difficult to do so.

OBJECTIVE: The purpose of this policy is to establish guidelines for elected members and staff to follow, so that the strategic importance of resources for projects is recognised across time and then utilised to the best possible community outcome.

The Local Government (Administration) Regulations 1996 requires the Shire to have a Strategic Community Plan (“what” is to be done) that is developed through a community engagement process, (Integrated Planning Report). The Integrated Plan links in and flows into the Corporate Business Plan (“how”) that is supported by Asset management and Long Term Financial Plans (LTFP) (what with/how much)

It is necessary for strategic ideas/projects/plans to be assessed for feasibility and tacit approval during the initial strategic planning stage. When the concept and idea takes shape into a feasible project, it is ultimately referred to Council for the final consideration. At some point in that determination, funding sources are incorporated into LTFP’s and the then find their way into Annual Budgets.

It is considered to be an imperative for staff and Council to use the Shires resources more effectively, by setting a procedure in place that brings in the projects that are prioritised by the community through to the Strategic Community Plan stage, whilst those ideas that originate from elected members, staff or other imperatives don’t automatically take priority over community wishes.

Any projects that originate from the Shire and not the community must be included in the community engagement process as a part of the draft Strategic Community Plan so that Council can be transparent with the community. If an idea/project is introduced mid the strategic planning engagement process, then the Shire has the opportunity to authorise the development of the proposal to the stage where estimate costs are identified and the project can be referred to the Strategic Community Plan.

PRACTICE: The Shire of Kulin has the responsibility to respond to community requirements for new facilities and infrastructure by prioritising projects in the existing Strategic Community Plan, against any other proposals that may exist under consideration.

Only when the idea/project identified in the Community engagement is endorsed by a decision of Council are staff to invest resources to develop a project through to the beyond concept planning stage to an approved project.

This practice is to incorporate and acknowledge the requirements of funding agencies, including but not limited to the Department of Sport and Recreation, Lottery West and the Department of Regional Development and Lands as contributors to the likely commencement of a project, therefore meeting their strategic needs is also to be complied as part of the pre-feasibility for the project.

PROCESS: In order to use resources effectively the following process is to be adhered to:

Planning Phase

1. Whether initiated by a suggestion from a member of staff, elected member, community group, community sporting club, Member of Parliament or member of the public, the request is to include:

- a) A covering letter explaining the justification of the project.
- b) Details of the demand for the project and how the demand is verified using the following criteria – Number of people to benefit from project.
- c) An estimated cost of the project.
- d) Details of how it is intended that the project costs are to be shared.

- e) An indication of how the project is to be funded.
- f) Details of similar facilities or infrastructure within the Shire and adjoining Shires.
- g) Include letters of support from others.
- h) An acknowledgement that the information provided is preliminary and that more detail will be evident following further assessment by Shire officers if the project is given consent by Council to proceed to the planning stage.

2. The Chief Executive Officer (CEO) is to refer the request subject of 1) above to the Council. The CEO is to immediately make enquiries to seek grants to assist with the planning phase from government agencies. The report is to recommend if the project is to be further developed by staff only, a working party or a Council committee, and the outcomes of requests for planning funding from other agencies and how the planning phase is to be funded.

3. On consideration of the report the Council is to either:

- a) Endorse the project to be considered further by staff, a working party or Council committee conducting further research and evaluation.
- b) Refer the project back to the initiator for further information.
- c) Reject the project outright.

4. If Council endorse the project for further planning Council is to nominate if, staff, a working party or a Council Committee are to conduct further research to:

- a) Identify a suitable site, or confirm that the site suggested by the initiator is suitable.
- b) If the planning can proceed using Shire funds only or if the project is to be delayed until funding for planning and or a feasibility study can be obtained from a third party funding agency.
- c) Assess if the project requires a Master Plan and or Feasibility Study to comply with funding agency guidelines (e.g. Department of Sport and Recreation).
- d) Identify possible sources of funding.
- e) Following completion of the research to report to Council the findings and make a relevant recommendation to Council for the project to either proceed or be rejected and the grounds for rejection.
- f) Council when prioritising the project will consider the project against existing projects in the Strategic Community Plan.

5. If the Council approves the project subject to funding then the following is to occur:

- a) Refer the project to the Strategic Community Plan.
- b) An application is to be made to the appropriate funding agencies for funding to be available in the year the project is to proceed.
- c) Council is to include the Shire's share of the funding and the source of the funding (loan, grants or rates) in the Strategic Community Plan.

6. Subject to the funding being approved the Shire is to include the project in the Strategic Community Plan in the year the funding grant is available. The Shire has the authority to defer the project to later years as funding dictates.

7. If the funding is not approved then the Chief Executive Officer is to direct a report to Council for Council to consider fully funding the project or cancelling the project and advise the initiator accordingly.

8. All projects to be presented to the Corporate Business Plan review for consideration and review annually.

HEAD OF POWER: Shire of Kulin – Strategic Community Plan – Shire Policy

A10 COMPLAINT HANDLING

Administration

PREAMBLE: A formal complaints handling procedure has been implemented to ensure all complaints are treated with the same amount of respect and diligence and that complainants receive prompt action and formal response.

OBJECTIVE: To ensure the Shire of Kulin continues to provide a high level of customer service and in those instances where a complaint is received ensure it is acted upon and procedures put in place where possible to ensure that complaints of a similar nature do not re-occur.

To establish a framework for how the Shire of Kulin will respond to a customer who is dissatisfied with a process or service offered or provided by the Shire.

PRACTICE: The Shire of Kulin:

- Welcomes complaints as a form of feedback that will ultimately identify service improvement opportunities.
- Values integrity, responsible management, fairness and equity, and will continue to strive to maintain the highest standards in its dealing with its customers while meeting the needs of the community.
- Is committed to identifying, investigating and where possible resolving complaints and grievances.
- Recognises the importance of transparency in decision making and the need to provide a fair and objective procedure for the review of all decisions and service provisions.

These principles are of utmost importance in the Shire's endeavours to retain the trust, confidence and support of its community. Customers have a right to expect that principles of economy, efficiency, effectiveness, fairness, impartiality and responsiveness will underpin Shire service delivery.

This practice does not apply to complaints involving the following issues:

- Conflicts of interest - refer to Code of Conduct and Public Interest Disclosure Act
- Code of Conduct complaints against an Elected Member – refer Code of Conduct for Elected Members and Staff and Section 5.110 of the Local Government Act 1995,
- Access to information – refer Freedom of Information (FOI) requests,
- Internal Shire employee complaints, refer to Shire of Kulin Grievance Procedure
- a matter before a Court or Tribunal.

This practice applies to complaints in relation to service provision and service delivery received from the Shire to customers and any other external organisation or person.

The Shire of Kulin:

- Views its management of complaints as an important component of continuously improving the service offered to customers.
- Is committed to identifying, investigating and resolving issues whether these arise as service requests, suggestions or complaints.
- Recognises the importance of transparency in decision making and the need to provide a fair and objective procedure for the resolution of all complaints.
- In resolving ongoing customer concerns or complaints is conscious of not over committing resources and funds to the detriment of the community at large.
- Is committed to tracking the progress of complaint handling within the organisation and reporting this on a regular basis.

In line with its values, the Shire of Kulin will provide a complaints handling procedure which:

- Demonstrates everyone will be treated with dignity and respect;
- Ensures all of the community is listened to and will be dealt with equally;
- Encourages staff to be positive and take responsibility for their role in the complaint handling process.

PROCESS:

This Process aims to ensure:

- Improved customer service through consistent, effective management of complaints;
- Complaints are resolved in a timely manner;
- All complaints will be acknowledged within 5 working days;
- When a resolution cannot occur within 10 working days a response will be delivered to the customer outlining time frames set by the staff member responsible for resolving the complaint;
- That the complainant understands what the Shire can and cannot do and, will and will not do;
- That the Shires limited resources are not utilised on malicious, frivolous, unreasonable, persistent or vexatious complaints;
- That the complainant is informed of the role of Elected Members in relation to decision making;
- That the Shire will use the complaints received to assist with its continuous improvement across the organisation;
- Complaints will be recorded in the Complaints Register to enable tracking and effective response;
- That decision making processes in relation to complaints will be equitable, transparent and accountable.

DEFINITIONS:

For the purposes of this guideline the following definitions apply: -

Complaint is when a customer:

- Expresses dissatisfaction with the Shire's decisions, policies, procedures, charges, employees, agents or the quality of the services it provides.
- Considers the Shire has failed to act on a request for service within an accepted timeframe.
- Considers the conduct of a Staff member has been unsatisfactory.

Complaint Resolution – a complaint is resolved when a customer is satisfied that the Shire has made its best attempt to fix the problem. It is possible they may not be completely satisfied with the outcome but they are prepared to accept it and not to escalate the complaint any further.

Customer - ratepayer, resident, visitor or business.

Frivolous – a complaint that lacks substance or merit.

Malicious – someone who is motivated by wrongful, vicious, or mischievous purposes.

Persistent – Someone who is refusing to give up or let go and/or is obstinate and/or insistently repetitive or continuous

Request for Information – when the Shire receives a request for information regarding services.

Request for Service – a customer requests the provision of service or for some action to be taken to address a problem, or a request for a change to the way the Shire of Kulin delivers a service. If a service is not dealt with appropriately it may then become a complaint.

Review of a Shire Decision – when a customer seeks a review of a decision made by the Shire, an employee of the Shire or persons acting on behalf of the Shire.

Unreasonable complainant conduct – unreasonable conduct by complainants, which goes beyond normal situational stress associated with the complainant behaviour. Unreasonable complaint conduct is discussed in greater detail within this Policy.

Vexatious – when a complaint is considered to harass, annoy, delay or cause detriment or trouble. A complaint can also be considered vexatious where the complaint is without foundations and cannot possibly succeed, or where the complaint lacks reasonable grounds for lodging the complaint, or possesses insufficient direct interest in the issue complained about.

Lodging Complaints

Complaints may be lodged with the Shire in the following ways:

In writing including by letter, email, facsimile or via web www.Shire of Kulin .wa.gov.au

On receiving a complaint staff must distinguish between a request for service, complaint or formal review of a decision. Where a customer is requesting a service and there is no prior indication of failure to provide that service to the customer, the request will be managed via the Shire's customer request process.

Where a complaint is lodged with an Elected Member the member should direct the complaint in the first instance to the Chief Executive Officer.

Anonymous Complaints

If the complaint is anonymous the complaint will be dealt with in a similar manner to any other complaint.

If the matter is not considered serious or there is insufficient information in the complaint to enable the investigation to be conducted, the complaint may not be investigated, nor will we be able to advise the complainant of the outcome.

Recording of Complaints

All complaints will be recorded and managed in the Shire's Complaints Register. Procedures will be developed to provide guidance to staff to ensure that these records can be tracked and that all similar types of complaints are dealt with in a consistent manner.

Once a complaint has been lodged, the Shire will acknowledge receipt of the complaint and the complainant will be notified of the appropriate time frame within which an investigation will be undertaken and a determination made to resolve the complaint.

Confidentiality

The Shire will ensure that confidentiality is maintained where appropriate and care will be taken to ensure that the complainant will not experience any form of victimisation or retribution as a result of the complaint.

Formal Complaints of a Serious Nature

Where the complaint relates to the conduct or behaviour of an individual staff member this will be handled by the relevant Manager and will be dealt with in accordance with the Shire of Kulin Code of Conduct.

Grievances that relate to an individual Councillor will be handled by the Chief Executive Officer and will be dealt with in accordance of the Shire of Kulin Code of Conduct.

All formal complaints alleging maladministration, serious and substantial waste of public money, corrupt conduct or pecuniary interest are to be referred directly to the Chief Executive Officer. The Chief Executive Officer will refer such complaints to the office of the Public Interest Disclosure (PID) Commissioner as required under the Local Government Act and PID Act.

Unreasonable Complaints

Occasionally complainants may not accept the Shire's determination or response to their complaint and engage in unreasonable complainant conduct.

This conduct is defined as:

- Using unreasonable persistence - by persisting with a complaint even though it has been comprehensively considered by the Shire, and even where all avenues of internal review have been exhausted by showing an inability to accept the final decision.
- Using unreasonable demands - by insisting on outcomes that are unattainable, (e.g. demanding outcomes that are beyond a Shire's power to deliver, demanding unreasonable outcomes, wanting to turn back time, and unreasonable prosecution of individuals).
- By insisting on a 'moral' outcome, (e.g. Justice in the community interest, when really a personal interest is at stake) and demanding an apology and/or compensation when no reasonable basis for expecting such an outcome exists.
- Using unreasonable lack of cooperation - by presenting a large quantity of information which is not organised, sorted, classified or summarised, where the complainant is clearly capable of doing this. By displaying unhelpful behaviours, (e.g. withholding information, dishonesty, misquoting others, swamping the Shire with documents).
- Using unreasonable arguments by holding irrational beliefs - holding what is clearly a conspiracy theory unsupported by any evidence. By insisting that a particular solution is the only correct one in the face of valid contrary or alternative arguments.
- Using unreasonable behaviours - by displaying confrontational behaviour, including rudeness, aggression, threats by phone calls, in person or via letters/emails where the complaint is about something that is beyond the Shire's jurisdiction or outside of the Shire's control.

Managing Malicious, Frivolous, Persistent and Vexatious Complaints

All complaints received by the Shire will be treated with the utmost seriousness. If following investigation, the Chief Executive Officer determines a complainant to be malicious, frivolous, unreasonable, persistent or vexatious, the Shire will take into consideration the following action:

- Such a determination must take into account any previously similar complaints from the complainant, the response and outcome to the previous complaints, the resources required to address the complaint to ensure that it is not an unreasonable diversion of public resources and that the principles of equity and procedural fairness have been taken into account.
- A decision to take no further action on the complaint will be made by the CEO, and the complainant will be informed in writing that no evidence was found to support the allegations or the allegations have been previously addressed.
- The Shire has determined that the complainants conduct is unreasonable and the Shire refuses to communicate with the complainant further on the matter.

A decision to take no further action on the complaint may be made by the Chief Executive Officer and the complainant will be informed in writing.

Limiting Contact between the Shire and members of the public

The Shire is entitled to expect that members of the public who have a complaint will behave in an acceptable manner. In certain circumstances it is appropriate and legitimate for the Shire to place limits on the type of services that will be made available to complainants whose behaviour goes beyond acceptable limits.

The Shire may impose limits on the times and days that correspondence be accepted from a complainant, or may request all complaints and communications be provided in writing. Where limitations on contact with a complainant are imposed, the Shire will inform the complainant in writing, specifying the limits, and the reasons for their impositions. Before imposing the limits the Shire may try alternatives, such as determining whether a different and more senior office is able to deal with the complainant.

Imposing limitations may also be appropriate where a complainant continually includes substantial inappropriate, offensive, threatening or abusive content in their complaint and communication. The Shire is aware of the legitimate right of members of the public to access Shire information under the Freedom of Information Act 1991, any limits will not impede those statutory rights.

Not replying to Correspondence

Where following an appropriate written response to a complainant, the Shire receives further complaints that detail the same or substantially similar matters to those received previously; the Staff or Elected Member through the CEO is entitled to inform the complainant that the Shire will not provide a substantive response to the current matter, or similar complaints.

This approach provides the complainant with the opportunity to reframe the complaint if the similarities were unintentional.

Terminating Phone Calls

In some instances it may be appropriate for Staff or Elected Members to inform the complainant that they will no longer deal with their complaints over the telephone, and terminate the call. This will only be done in exceptional circumstances.

Where a complainant repeatedly telephones a Staff or Elected Member, or employs insulting, threatening or abusive language, they will be asked to limit their communications to written correspondence with a nominated senior officer. This will be communicated to the complainant in writing.

Limiting Face to Face Contact

Where a complainant is making the same or a substantially similar complaint to numerous Staff or Elected Members in person, it is appropriate for the Shire to nominate a particular officer to deal with the complaints.

The Shire will notify the complainant in writing of the name and contact details of the officer who will respond to complaints, and specify that no other officer will respond to complaints made by the complainant.

Declining to Further Investigate Complaints

Where:

- A thorough examination of a complaint has occurred;
- The complainant remains dissatisfied with the outcome of the complaint and demands further review;

the Shire can consider placing limits on further communications with the complainant.

This action will only be taken as a last resort with the decision taken by the Chief Executive Officer or his representative after all other avenues have been exhausted, and where the complainant is making unacceptable demands on the Shire's complaint handling process.

Limits could include: -

- Declining to respond to any further communications unless they are in writing.
- Informing the complainant that any further complaints will be filed by the Shire with or without acknowledgement unless it includes significant new information or new issues which in the opinion of Shire warrant action.
- Informing the complainant that the complaint will be referred to the Ombudsman (or other external agency) for action.
-

If it appears to the Shire that the complainant is deliberately providing information in a selective manner, the Shire will request the complainant to immediately pass on all relevant information. The Shire may advise the complainant that if further material is provided, the Shire will require satisfactory explanation as to why it was not provided earlier, before it will give consideration to the material.

Seeking Legal Advice

In some instances it may be appropriate for staff to seek legal advice with respect to the implications of a suspected malicious, frivolous, unreasonable, persistent or vexatious complaint. A decision to seek legal advice will be taken by the Chief Executive Officer.

Where a complaint relates to a particular member of Staff, consideration will be given to making advice available to the employee on request.

Where a particular member of Staff or Elected Member of the Shire believes that a complaint may have impugned their professional reputation, they may seek their own legal advice in relation to what private action that may take.

Supporting Staff and Elected Members

The Shire has obligations under Occupational Health, Safety and Welfare legislation to provide a safe working environment. The Shire is mindful of the stress that dealing with difficult complainants can place on Staff and Elected Members.

Management will always provide support to junior Staff when dealing with difficult complainants, and ensure appropriate customer service policies are in place.

DELEGATION: To the Chief Executive Officer to seek legal advice in respect to the implications of a suspected malicious, frivolous, unreasonable, persistent or vexatious complaint.

HEAD OF POWER: Local Government Act 1995

A11 COUNCIL BRANDING - USE OF

Administration

PREAMBLE:

OBJECTIVE: To establish guidelines for the use of the Shire’s logo and branding. To ensure that the Council’s role in the community is clearly recognised and that its reputation is protected and enhanced through accurate, consistent and high quality reproduction of its logo in all applications, including its use by approved external groups and organisations.

PRACTICE:

Shire & Community Branding

The Shire Corporate Logo is to be used for the public branding of the Shire of Kulin and is to be used on correspondence, marketing activities and promotions of Shire activities and services. This includes (but not limited to) stationery, brochures, business cards, printed media, website and Facebook to identify Council documentation and assets.

The Shire permits an organisation/individual to use the Shire Community branding and variations of in the branding of their organisation.

The use of the Shire Community branding by private enterprise/commercial organisations is also permitted.

No approval is required to the use the brand or variations of in each case. No fees will be charged but users will be responsible for any costs associated with artwork, design and production.

Branding shall be used by the Shire in accordance with the approved Style Guide.

Candidates at elections are to be expressly advised that community branding is not authorised for use in electoral processes.

PROCESS:

The Kulin Style Guide will be maintained by the Shire staff.

The Kulin Style Guide detailing the Shire and Community branding options is available at the Shire Office.

HEAD OF POWER: Copyright owned by the Shire of Kulin exists on Kulin community brand.

A12 FINANCE & BUDGET CONSIDERATIONS

Administration

PREAMBLE: There are a number of small but significant practices applying to Finance and Budget that have significance inference to the Shire operational methods.

OBJECTIVE: To wrap these practices in a simple financial and budgetary framework.

PRACTICE:

Plant Replacement program

The Shire aims to ensure that plant is replaced at the most effective life cost changeover and lowest cost time interval. This will mean that the plant is modern, efficient and safe. The optimal changeover periods for plant replacement are as follows:

Prime Mover Trucks	- 5 years
Semi-Trailer bodies	- 10 years
Low Loader	- 10 years
10T Tip Trucks	- 5 years
Light Trucks	- 3 years
Front End Loaders	- 7 years
Tractors	- 10 years
Graders	- 10 years
Backhoe	- 7 years
Skid Steer Loader	- 10 years
Bulldozer	- 10 years
Road Rollers	- 10 years
Admin Vehicles	- reviewed by Chief Executive Officer
Utilities	- reviewed by Chief Executive Officer
Fire Tenders	- as per FESA plant replacement program
Community Bus	- reviewed by Chief Executive Officer

Any proposal to changeover a plant item or vehicle inside these timeframes will be reported to Council as a Budget proposition for consideration.

Investment of Surplus Funds

The Chief Executive Officer and Deputy Chief Executive Officer are empowered to invest all surplus funds in accordance with the Local Government Act and Financial Management Regulations in an authorised institution.

Preferred Institutions include Bendigo Bank, Home Building Society, Commonwealth Bank, Bankwest, Westpac and the ANZ Bank; but the decision will be determined subject to offered interest rates, terms and conditions and requirements for cash flow.

Hire of Halls and Freebairn Recreation Centre - Waiver of Charges

The following local Kulin Shire groups are eligible for a waiver of fees and charges to utilise Shire buildings:

- churches and religious groups for provision of services including funerals for Kulin Shire groups,
- Kulin Bush Races,
- Cultivating Kulin Committee,
- All Kulin Service Groups,
- Kulin District High School – during school hours, subject to availability and in accordance with the established current KDHS Use Agreement,
- Weddings – the rate for a wedding of a ratepayer or immediate family only, is considered a gift from the Shire,
- Shire functions including staff social club functions.

Any other application for a waiver of hire fees are to be presented in writing to the Chief Executive Officer for approval. Other options may apply – refer Fees & Charges - Discounts

All applicants that wish to hire any shire building will be required to sign a 'Conditions of Hire' form.

This form is to contain details of the standard of cleanliness required of the building after use and if the hirer does not meet these requirements, the following steps are to be taken:

- The Chief Executive Officer or the Deputy Chief Executive Officer should contact the hirer and request that the items that do not meet the required standard be attended to immediately.
- If the required cleaning is not carried out to the satisfaction of the Chief Executive Officer, the Shire cleaner should attend to the matter and the hirer is to be levied the necessary cleaning expenses based on the hours that the cleaner was required to work on the building.

Waiver of Charges for Hire of Trailer – Aust. Order of Old Bastards (AOOB's)

The Kulin AOOB's will not be charged for trailer hire in lieu of the AOOB's donating the trailer to the Shire.

DELEGATION:

To the Chief Executive Officer and Deputy Chief Executive Officer to invest surplus funds.

HEAD OF POWER: Local Government Act 1995, Financial Management Regulations Section 19c

A13 FEES & CHARGES - DISCOUNTS

Administration

PREAMBLE: Provide the ability for the CEO and staff to offer a discount for Shire of Kulin fees and charges where appropriate.

Many occasions arise throughout the year where a payee will request a reduced fee or charge on a Shire determined fee or charge on the basis of either and or;

- Reduced numbers of participants making use of the facility;
- A claim against suitability of the service;
- Reduced hours of use etc.;
- Total cost of the job/service/fee;

OBJECTIVE: To provide scope for staff dealing with a payee to adjust the levied amount without written request for discount to the full Council.

PRACTICE: In accordance with Section 6.16 of the *Local Government Act 1995*, a Local Government may impose and recover a fee or charge for any goods or service it provides. Fees and charges can be imposed or amended during the year, but only by an absolute majority decision of Council.

The CEO be permitted to;

- offer up to a 30% reduction of the hire fee or charge without reference to Council;

The DCEO, CRC Manager, Freebairn Recreation Centre Manager, Aquatic Centre Manager, Works Manager and front counter staff members (named) be permitted to;

- offer up to a 10% reduction of the hire fee or charge without reference to the CEO;
 - as a direct response to a request by the payee, correcting a service or expectation requirement;

All delegations exercised to be recorded in the monthly delegation exercised register;

All discount amounts be recorded as Shire contributions through the normal process.

All requests for a reduction in excess of 30% must be made direct to Council in writing indicating reasons for the request for discount or waiver.

DELEGATION:

To the Chief Executive Officer, DCEO, CRC Manager, Freebairn Recreation Centre Manager, Aquatic Centre Manager, Works Manager and front counter staff members (named) as described and in accordance with Council decision 14/0517 May 2017.

HEAD OF POWER: Local Government Act 1995

A14 HOUSING

Administration

PREAMBLE: As the owner of a variety of housing stock, the Shire of Kulin is required to adopt a practice and guidelines with which it can to manage its housing stock.

OBJECTIVE: To make clear and simple statements about how the Shire of Kulin requires tenants to act and behave in use of its housing stock.

PRACTICE/PROCESSES:

Rental Rates and Charges

The Shire housing rental rates are set under the following principles:

Executive Homes – 10% of Kulin Market rentals

Standard Homes – 40% of housing equivalents in Kulin market rentals

The Shire rental fees and charges for staff will generally be increased by the Consumer Price Index for Perth (for the preceding 12 months) and adopted as part of the Shire of Kulin Fees and Charges Schedule in the annual budget adoption process, usually in June each year for commencement at July 1 each year.

No charges will be made for the rubbish and recycling collection services and television supply services.

The Shire has identified 4 levels of accommodation and charges accordingly.

Level 1 – Executive Homes – 17 Mc Innes (CEO), 9 Rankin (DCEO) and 3 Hodgson (WM)
Rate: \$84 f/n after tax (FBT purposes) being approx. 10% of the Kulin market rental for a similar standard residence i.e. \$420 week.

Level 2 – Senior Quality Homes – 6 Bowey (Building Mtce) and 12 Bowey Way (SFO)
Rate: \$200f/n being approx. 40% of the Kulin market rental for a similar standard residence i.e. \$270 week.

Level 3 – Standard Quality Homes/Units – 1 Stewart, 25 Johnston Units, 3 Bull, 81 Johnston.
Rate: \$140f/n being approx. 40% of the Kulin market rental for a similar standard of residence or unit i.e. \$175 week.

Level 4 – Low Quality Homes – 8 Wright, 23 Bull, 21 Bull.
Rate: \$120f/n being approx. 40% of the Kulin market rental for a similar standard of residence i.e. \$150 week

Tenancy Agreement

All tenants of Shire housing are to sign and enter into a standardised tenancy agreement. Occupancy will not be permitted in any Shire house until the tenancy agreement has been signed and countersigned.

Should a local business require a shire owned residence for a member of their staff; the lease agreement will be drawn up so that the employer is the lessee. This ensures that the responsibility for rent and condition of the property lies with the local business. Direct crediting of the Shire of Kulin bank account for rental payments is also encouraged

The limited Shire Inspection report (upon commencement) can be signed and returned to the Shire Office within 10 working days.

Bond for Staff Housing

The Shire of Kulin has a system of bonds for damage/cleaning and pets.

All tenants are to pay a damage/cleaning bond equivalent to 4 weeks rent, upon moving into a Shire house. For Shire staff, the bond can be deducted from fortnightly payment of salaries and wages, on the basis of 4 equal payments, or by other payment arrangements made by agreement of the Chief Executive Officer only. Bonds are held in trust for return to the tenant when vacating, subject to terms and conditions.

For non-Shire staff, payment of 100% of the bond is required upon signing of the tenancy agreement.

The damage/cleaning bond is repayable on moving from the residence if the premises are left in a satisfactory condition and all terms and conditions of the tenancy agreement have been met.

Vacating Shire Houses

All tenants of Shire owned houses and flats are to have the carpets professionally cleaned prior to vacating the residence. Failure to do so will mean that the cost of the carpet cleaning will be removed from the damage/cleaning bond.

Water Consumption and payment of Accounts

The Shire will pay all water rates and consumption accounts for Shire houses and flats. This practice is undertaken to ensure that tenants maintain the gardens to a satisfactory standard. If it becomes obvious that tenants are not maintaining the gardens at a residence to the Shire standard, the Chief Executive Officer is authorised to advise the tenant immediately of this requirement. Should the advised tenant/faults not be remedied, the Chief Executive Officer shall arrange to have the work completed by Shire staff at the occupier's expense. The Chief executive Officer can then consider if consumption costs may then become the responsibility of the tenant.

The Chief Executive Officer is to monitor annual consumption figures for each of the residences and manage overall use considering that each residence has particular circumstances that dictate usage patterns. The level of usage should be consistent with similar residences and annualised costs, and indicate sound water usage practices are being considered by each tenant. On this basis, tenants are supported in overall usage. Where it is evident that patterns of overuse are occurring, the Chief Executive Officer is authorised to take action to bring usage into standardised limits. This action may include recovery of costs for excessive usage.

Annual Inspection of Shire Residences

An annual inspection of all Shire houses and flats is to be carried out in March/April to ascertain the housing maintenance items that are needed to be included in the following year budget. At this time, tenants are invited to offer their comments as to what items of maintenance or improvements they would like to see at each residence.

Dogs, Cats and Pets in Shire residences

The Shire guideline is that no cats, dogs or pets be permitted at Shire residences. Should employees have pets, then application is to be made in writing to the Chief Executive Officer or an indication be made on the tenancy agreement application. The decision to allow pets at a residence is solely at the discretion of the Chief Executive Officer and is subject to the payment of a bond for such to occur.

No smoking in residences

As part of its obligation to employee's health and welfare, the Shire of Kulin's position is that smoking will not be permitted in Shire residences. If smoking is to be conducted outside the residence, the tenant will make arrangements to ensure the residence yard is free of cigarette butts.

Keys

The Deputy CEO is responsible for the issuing of all Shire housing keys. Any deadbolt, lock or security change or the theft or loss of Shire housing keys, should be reported immediately.

Keys issued are recorded on the Shire key register and against the individual being issued with the key. Keys are non-transferable between staff and are not, under any circumstances, to be lent to the public.

All keys must be returned immediately upon termination of occupation of a Shire residence. Failure to do so will result in the cost of replacement locks being taken from available bond monies.

Incentive for Staff owning their own residence

The Shire recognises that long term employment will be encouraged if staff own their own residences and that ownership promotes a greater sense of community for employees.

The Shire will pay a Housing Incentive Allowance of \$70 per week to permanent employees who own their own home as opposed to occupying a Shire residence.

Eligibility

- This includes those employees who live with a spouse or partner who locally own a residence. It does not apply where a parent, who is an employee, lives with a child and vice versa.
- The allowance will be payable to any permanent employees who work a minimum of 25 hours per week.
- The allowance will not apply to non-Kulin Shire owners.
- The allowance can apply to farm housing based employees.

An employee privately renting or leasing housing where no suitable, equivalent Shire housing is available shall also be entitled to the Housing Incentive Allowance of \$70 per week – effective immediately upon commencement.

The Shire reserves the right to reassess each individual employee's entitlement to this Housing Incentive Allowance from time to time.

The Housing Incentive Allowance shall be determined solely by the Chief Executive Officer and will depend on the individual's circumstances, employment contract arrangements and changing circumstances of the rental and housing marketplace as they impact on staff rentals.

The Shire will permit employees receiving this incentive to establish payroll deductions for the payment of their annual rates. Deductions will be placed into the Shire Trust account for annual payment of rates after rate notices have been levied.

DELEGATION: To the Chief Executive Officer to;

- to recover from bonds the cost of damage repair, cleaning and carpet cleaning from tenants of they fail to do such;
- take action to recover costs of water usage if other reduction remedies have failed to reduce consumption;
- determine applications from tenants to allow a pet in the residence;
- determine applications from staff to receive the "own your own residence" Housing Incentive Allowance;

HEAD OF POWER: Local Government Act 1995

Policy updated May 2020 – Council Resolution 09/0520 – removes the two year time period (expired as at June 2020) that employees could receive the \$70 Housing Initiative Allowance.

A14A SALE OF LAND and HOUSING

Administration

PREAMBLE: As the owner of a variety of residential and semi-rural land, benefits accrue to the Shire with every lot sold. In terms of housing stock, the Shire of Kulin has adopted a practice of turning over nominated housing stock on a regular basis, with an aim of maintaining the asset class at the lowest life cycle cost.

OBJECTIVE: To clearly detail the processes of sale.

PRACTICE/PROCESSES:

The CEO shall report regularly to the Council opportunities for the sale of land or housing. The report shall contain the proposed reserve or disposal price for each category of asset, set equal to or approximately equivalent to the current market valuation provided by the relevant state government authority Valuation Services or an independent Valuer for that asset class.

Adoption of the report sets the reserve price for each asset class.

Where a property is to be sold by private treaty or public tender, provisions relating to the giving of public notification of the proposed disposition as required by Section 3.58 (3) of the Local Government Act 1995 (public notice) will apply:

- The offer will be in a form that can be accepted;
- An offer may not be accepted if it is less than the Council determined agreed disposal price for that asset class, unless agreed by Council to determine a rate otherwise,
- A deposit amount of \$10,000 is to be paid by the prospective purchaser upon acceptance of the offer to purchase being made with the balance payable upon settlement;
- Where land is sold by private treaty, the provisions of 3.58 LG Act still apply.

Sale of land – additional incentives. The Shire of Kulin offers up to \$10,000 private works site preparations with every semi-rural lot sold and up to \$5000 of private works site preparations for each residential lot sold. Sale incentives to be recorded as contributions by Shire.

DELEGATION: Nil – All sale offers to be determined by Council.

HEAD OF POWER: Local Government Act 1995

A14A Land and Housing Incentive Options –

<p>2 Year Sale Option – Purchase Now For staff wanting to purchase an existing Shire residence the following be offered;</p> <ul style="list-style-type: none"> • Shire valuation – based on fair value records; • Discount on sale price based on the equivalent of 2 year’s rent calculated on the current rents; • no further repairs and maintenance – presale; • LG sale of asset processes completed; • Sale of Land processes apply (Offer acceptance/advertising); • 1 year qualification period. <p>Note: Purchase now option offering reduction of 2 years rent is aimed at attracting buyer in a quiet market. Discounts make Shire properties attractive for staff member anticipating longer term stay at Shire.</p>	<p>4 Year Sale Option – Save to Buy For staff wanting to purchase an existing Shire residence the following be offered;</p> <ul style="list-style-type: none"> • Shire valuation – based on fair value records; • rent deducted at current applicable rate plus nominated saving amount to be held in Trust. After 4 years accumulated savings, amount deducted from purchase price. • Shire pay 3% interest on savings total calculated quarterly; • purchase transacted within or at end of 4 years; • Discount on sale price based on the equivalent of 2 year’s rent calculated on the current rents; • failure to purchase – forfeit 5% of savings. • no further repairs and maintenance – presale; • Sale of Land processes apply (Offer acceptance/advertising); • 1 year qualification period. <p>Note: 4 Year Save to buy option is proposed because obtaining finance to purchase property may be difficult with low valuation</p>
<p>Sale of Land for Housing – Proudview Estate Lots would be sold at current fair value valuation (\$45k);</p> <ul style="list-style-type: none"> • Shire discount of \$25k returned after build (sale price to \$20k) if local purchaser and purchaser substantially commences build within 18 months. • Site works up to a value of \$10k be offered on construction (pads, earthworks and septic etc.) if works commenced within 18 months; • Offer open for 2 years – to be reviewed Jan 2020. 	<p>Sale of Land for Housing – All other Shire land Lots would be sold at current fair value valuation (\$10k);</p> <ul style="list-style-type: none"> • Shire discount of \$5k if local purchaser, or purchaser agreeing to substantially commence build within 18 months; • Site works up to a value of \$5k be offered on construction (pads, earthworks, sewer trenching or septic) if works commenced within 18 months.

A15 INFORMATION TECHNOLOGY (IT)

Administration

PREAMBLE: To ensure protection of the information and data stored on computer systems is protected from risks such as loss of data, viruses and unauthorised use.

OBJECTIVE: Make employees aware that where they undertake an action that is stated to be prohibited in this operational guideline the employee becomes liable for disciplinary action, and/or ultimately, dismissal.

PRACTICE:

Ownership

Internet and e-mail systems including but not limited to computer equipment, software, operating systems, e-mail, public folders and Intranet data are the property of Shire of Kulin.

Privacy of communications

Communications on these systems are not private and while a reasonable level of privacy is expected, users should be aware that the data they create on Shire of Kulin systems remains the property of Shire of Kulin and usually can be recovered even though deleted by the user. Privacy laws apply to the release of any information held on the Shire of Kulin system.

Monitoring

Computing equipment may be monitored to ensure staff do not transmit or store any prohibited material. Prohibited material is defined as material that can be construed by persons as being defamatory, obscene and offensive or of a harassing nature. This includes but is not limited to sexually explicit photographs, cartoons, jokes and negative racial or gender specific messages or articles.

The Shire of Kulin reserves the right to monitor all staff usage and to recover the contents of any staff communication in the interests of ensuring proper working order, appropriate use by staff and the security of data. The foregoing includes accessing user files, including archived material of present and former staff, without the user's consent, for any purpose related to maintaining the integrity of the network or the rights of Shire of Kulin or other users or for any other reasonable purpose. Employees who transmit, store or download any prohibited material using corporation equipment, will be deemed to have committed serious misconduct under the employment Award or contract.

Information on Shire of Kulin's system is confidential, particularly information relating to the business affairs of the Corporation and our clients and suppliers. It is not to be disclosed unless it is authorised by the Chief Executive Officer or is information that would come within the authority of the employee's position to be disclosed.

Use of equipment

This equipment is not to be used for personal purposes without the approval of the Chief Executive Officer. Any use that violates Commonwealth, State law or regulation is expressly prohibited. Knowing or recklessly interfering with the normal operation of computers, peripherals, or networks is prohibited. Using Shire of Kulin's equipment to gain unauthorised access to any computer system is prohibited.

Staff will be provided with the computer equipment necessary for them to carry out the tasks required of them. Computer equipment may be re-allocated from staff member to staff member as seen fit by the Manager so as to best serve the organisation.

Netiquette and Protocols

The use of the organisations equipment to access, transmit, store, display, or request obscene, pornographic, erotic, racist, sexist or other offensive material (including messages, images, video, or sound) is prohibited. Any use that is deemed to adversely affect or otherwise bring into disrepute Shire of Kulin is prohibited.

Recreational programs (e.g. instant messaging, chat) are not to be installed on Shire of Kulin computers. Other programs, such as photography, music, movie and art programs which have potential recreational and business uses must only be used for business purposes without the approval of the Chief Executive Officer.

Website and Facebook

Shire of Kulin Web pages and Facebook page content is to be strictly controlled. Only the administrator of these accounts or the CEO can approve web content either in Blog form, comments, prepared statements or posting on behalf of Shire of Kulin. Photographs and images used shall only be done so with the signed consent of all people shown, obtained prior to posting on any page used on the Internet or publication by Shire of Kulin.

NOTE: A breach of these requirements is breach of the Privacy Act 1988 and Shire of Kulin Privacy Policy (Governance Policy 2.1)

PROCESS:

Personal use

Staff may not use the system privately, without the express consent of their Manager or the CEO. Staff may not install additional software packages on any computer system without the consent of the Chief Executive Officer.

Restrictions and Prohibitions on Use and Access

Communications and Internet access should be conducted in a responsible and professional manner reflecting the Corporations commitment to honest, ethical and non-discriminatory business practice.

Data security - Virus protection

All computers are to be installed with virus protection software. The IT Administrator must install this software so as it allows for automatic online updates.

Connecting equipment to the network that has not been provided or authorised by the Chief Executive Officer is expressly prohibited. This restriction applies to, but is not limited to, laptop computers, PDA's (Palm/Pocket PC's), printers, hubs/switches, external disk drives, and wireless access points.

Specifically, "Thumb" drives (otherwise known as USB drives or USB keys) and similar portable memory devices must be approved for use by the Chief Executive Officer.

Knowingly or recklessly running or installing (or causing another to run or install) a program (such as a "worm" or "virus") intended to damage or place an excessive load on a computer system or network is viewed as a very serious offence and is prohibited.

Each computer user shall be issued with a password and user ID. Passwords are required to be changed every three months in accordance with guidelines issued by the IT Administrator. Staff must only use their own logon ID and password. They are responsible for all activity on their logon ID and must report any known or suspected compromise of their ID to the Chief Executive Officer. Unauthorised attempts to circumvent data security schemes identify or exploit security vulnerabilities or decrypt secure data are prohibited. Forging the source of electronic communications, altering system data used to identify the source of messages or otherwise obscuring the origination of communications is prohibited.

The CEO is authorised to take whatever remedial action necessary to ensure the ongoing integrity of the Shire of Kulin IT systems.

HEAD OF POWER: Local Government Act 1995

A16 IT & SOCIAL MEDIA & MEDIA GENERAL – USE OF

Administration

PREAMBLE: For establishing official Shire social media networks whether they be; Facebook styled sites, Geolocation sites, blogs, microblogs, messages or image and video sharing sites. Social media is a group of online applications such as social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards that allow people to easily publish, share and discuss content. Conversations in social media are a dialogue, an opportunity to listen, share, collaborate and respond to colleagues and communities.

This policy and guidelines will support staff as they engage in any conversations or interactions using social media for official use. What an officer produces or posts can ultimately have consequences.

The lines between personal and professional lives can be blurred in online social networks therefore what might be considered ‘public’ versus ‘private’ requires defined boundaries to be established.

An officer’s or elected member’s role with the Shire creates an association between what is posted online when representing the Shire and the Shire itself. An officers and elected members should represent the Shire in an on-line environment as they would in their ordinary work activities. Speaking on behalf of the local government is the role of the Shire President, the Shire President in some circumstances has the power to delegate this authority to the Chief Executive Officer. This is not a general delegation, specific instance must apply. The Shire of Kulin’s position is that the Shire President primarily speaks on behalf of the Shire – therefore the role of the officer in using and expressing a Shire view on social media is limited.

OBJECTIVE: The key objective is to use social media as an information delivery platform that the community whom is technically capable to use social media can converse, interact and share with the Shire. This policy is designed to put parameters around the use of and establishment of official Shire social media networks, Facebook styled sites, Geo Location sites, blogs, microblogs, message or image and video sharing sites, on behalf of the Shire.

PRACTICE:

Social Media

- Only authorised officers shall contribute to social media sites. An officer may only contribute to a social media site on behalf of the Shire upon authorisation/delegation by the Chief Executive Officer (CEO).
- Elected members, with the exception of the Shire President, shall not publish content on official Shire of Kulin social media platforms.
- Only authorised Shire accounts are to be created, official Shire of Kulin social media accounts that are established to represent the activities of the Shire of Kulin shall be approved by the CEO. Contributions representing the Shire of Kulin may only be made using an identifiable Shire of Kulin profile.
- Personal accounts may not be listed or cross-promoted on Shire platforms unless approved by the CEO.

Media Releases

The Shire President and the Chief Executive Officer are empowered to make media releases prior to minutes being confirmed and made public.

Contributions Are Lawful:

Officer contributions to Shire sites shall comply with Australian law and comply with the terms and conditions of the site provider. Any postings from members of the public on a Shire site that contravenes Australian law or the terms and conditions the site provider shall be reported to the CEO and the site provider. Officer contributions shall comply with copyright and adhere to Shire Policies and practices including the Code of Conduct. Contributions are to be accurate and factual and officers are to ensure published content, contributions and responses to questions from the public are, accurate, factual, apolitical, impartial and professional.

Contributions Are To Represent Formal Shire Position

Posted content shall represent the formal position of the Shire and officers are not to post personal views or opinion.

Limit of Authority

Officers shall only make posts consistent with their level of authority and shall only make posts as they relate to the activities of their department.

Statements to Main Stream Media

All requests for statements from the main stream media (Radio, Newspapers, TV etc.) are to be referred to the CEO for consultation with the Shire President.

Promotion of Commercial Enterprises

Private commercial enterprises are not to be promoted or endorsed unless in conjunction with the promotion of a Shire event/service.

Content Management

The Shire of Kulin actively seeks ideas, questions, complaints, and compliments from members of the public. The public is encouraged to join the open conversation and debate, but is expected to participate in a respectful manner. Therefore, on platforms with public editorial access, the Shire of Kulin reserves the right to delete:

- Knowingly false or mischievous complaints or statements about individuals, companies or the government.
- Content that is misleading, obscene, off-topic, sexist, racist or spam.
- Content that uses the Shire of Kulin site for promotional or commercial purposes
- Content that breaks or encourages others to break the laws of Australia and its states and territories in any way, including breaching privacy laws; and
- Content that defames or harasses any participant of the Shire of Kulin site, administration, employees or volunteers.

Statement of Disclaimer

The Shire of Kulin will not and does not warrant the completeness or accuracy of public comments found on its social media sites, nor its usefulness for any particular purpose. Nor will the Shire of Kulin represent or warrant that the comments on the pages comply with the laws of any country outside Australia.

The Shire of Kulin is not responsible for the uptime of these platforms. The views expressed by a participant, invitee, expert, guest or other person are not necessarily the views of the Shire of Kulin. The Shire of Kulin accepts no responsibility arising from reliance authorised by any person or party on any comment or information published on any Shire of Kulin social media site, further, the Shire of Kulin does not guarantee the accuracy or currency of any comment published on a Shire of Kulin social media site.

Links to external websites and users social media accounts are provided as a convenience to users and such sites and associated content are not under the control of the Shire of Kulin. When links have been included, the content of these links does not and should not imply endorsement of that website, service or person by the Shire of Kulin.

Elected Members

- This policy does not prevent elected members from establishing their own personal social media platforms or presence.
- Legal argument may exist that content posted by an elected members should comply with the Shire's Code of Conduct, though this would be tested on a case by case basis.
- Elected members are not to post on official Shire of Kulin social media sites in a private capacity.
- Elected member social media sites will have no official Shire of Kulin standing.
- Shire of Kulin resources will not be used in establishing or maintaining elected member social media sites.
- The views expressed and published by an elected member on social media platforms shall be personal opinion only and are not to represent the position of the Shire of Kulin.

- The Shire of Kulin accepts no responsibility arising from social media comments or postings made by elected members.

PROCESS: Social Media Guidelines

Consider what you post, before you post it. If you are uncertain about something, don't publish! It will be around for a long time so make sure it's correct before you post and seek advice if in doubt. Don't forget to check your spelling and grammar – your professional credibility is inextricably linked to your online comments.

Published content is to meet normal professional standards required under the Shire Code of Conduct.

Be original and respect copyright. It is critical that you show the proper respect for copyright laws and fair use of copyrighted materials owned by others, including user-generated content.

Acknowledge your source – it's also good practice to link to other people's work. Links are to be checked against this policy and these guidelines. If in doubt seek permission from content owners for permission to publish. Use discretion.

In your efforts to be transparent, you need to take care not to publish information that should not be made public. If you are not responsible for the information, ask permission to publish content that isn't already in the public domain. Avoid discussion of industrial or legal issues, and refer these to the relevant persons if asked to comment specifically. Content published on the internet is widely accessible and is public for a long time. If you are in doubt about whether information can be made public, seek advice from your Manager.

Be fair, polite and considerate. Be professional. You are representing the Shire, produce content about your area of responsibility. Make sure you produce content about your areas of responsibility, as they relate to the activities of your department. If you are responding to a question that falls outside your area of responsibility, state that it isn't your area of expertise and that you'll follow up. Seek advice from the appropriate area within the Shire to develop a response.

It's a conversation so be human. Listen to what people are saying, avoid 'lecturing', and produce content that's open-ended and invites response. Actively encourage people to submit comments. Be plain-speaking, informal but respectful, empathetic, friendly, positive, concise and honest. Admit your mistakes, when you make a mistake, be quick to admit and correct it. If you are correcting a mistake do so, but indicate the change you've made. If it is more serious and could lead to legal action, contact your CEO for advice.

Only your own personal time can be spent on personal social media. If it's official department communication, be dedicated, be constant. If you decide it's appropriate to use social media for official department communication, you need to get permission from the CEO first, then ensure other appropriate approvals, if required are established.

HEAD OF POWER: Local Government Act 1995

DELEGATION: To the CEO to authorise officers of the Shire to access and maintain social media sites

Additional supporting Documentation on SOCIAL MEDIA Practice

Found in the Shire of Kulin Induction Manual

Overview

Online communication and social media tools are important communication channels that enable local government to engage directly with the Kulin public. These tools inform the public about services and programs and allow two-way conversations with the community about policy development.

The objective of this policy is to set parameters on the use of social media, whether as part of your professional responsibilities or in a personal capacity to limit the risk of damage to the department arising out of such use.

It is essential you understand that comments you make via social media platforms are as public as if you were making the same comments to the media or at a public forum.

The intention of this policy is to establish a culture of openness, trust and integrity when dealing with user-generated content.

Scope

This policy applies to all employees, contractors and consultants working for the department.

Statement of Policy

Personal use of social media

Overview

The Shire recognises you may wish to use social media in your personal life. This policy does not intend to discourage or unduly limit your personal expression or online activities.

However, you should recognise the potential for reputational damage to be caused, directly or indirectly, to the Shire in certain circumstances as a result of your personal use of social media when you can be identified as an employee. Accordingly, you should comply with this policy to minimise the risk of such damage.

You are personally responsible for the content you publish in a personal capacity on any social media platform. When in doubt, seek guidance from the Shire about how to comply with the following obligations.

Where your comments or profile can identify you as a public servant, **you must:**

- expressly state on all postings — identifying you as a government employee — the stated views are your own and are not those of the department or the government
- be polite and respectful to all people with whom you interact
- adhere to the Terms of Use of the relevant social media platform/website, as well as copyright, privacy, defamation, contempt of court, discrimination, harassment and other applicable laws and departmental policies.

Where your comments or profile can identify you as a public servant, **you must not:**

- post material that is or might be construed as offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright, constitutes a contempt of court, breaches a court suppression order, or is otherwise unlawful
- imply that you are authorised to speak as a representative of the department or the government, nor give the impression that the views you express are those of the department or the government
- use the identity or likeness of another employee, contractor or other member of the Shire
- use or disclose any confidential information or personal information obtained in your capacity as an employee/contractor of the department
- make any comment or post any material that might otherwise damage the Shires reputation.

Reasonable/unreasonable personal use

Whether or not you can be identified on social media, you must:

- act with integrity
- never reveal confidential information
- be respectful.

When accessing social media via the Shires online platforms or work mobile devices, you must do so in accordance with the Shires Acceptable Usage Policy, which requires you to reasonably use these resources in a manner that does not interfere with your work and is not inappropriate or excessive.

Examples of reasonable use include:

- re-tweeting content from the Shire or CRC account on your own Twitter account
- accessing and posting comments on the Shire pages
- updating Facebook status and posting messages during a lunch break
- sharing relevant work-related posts to educate and inform your online networks.
- Unreasonable use:
 - Shire resources should not be used to access or post any material that is fraudulent, harassing, threatening, bullying, embarrassing, sexually explicit, profane, obscene, racist, sexist, intimidating, defamatory or otherwise inappropriate or unlawful.
 - It is not acceptable to spend hours using social media for purposes not related to your employment during work time.

Official comment on social media

Becoming authorised to comment

- You must be authorised to comment before engaging in social media as a representative of the Shire.
- You may not comment as a representative of the department unless you are authorised to do so.

Rules of engagement

Once authorised to comment as a shire representative, you must:

- disclose you are an employee/contractor of the department and use only your own identity or an approved official account
- only disclose and comment on information classified as public domain information or which you've been given approval to reveal
- ensure that all content published is accurate and not misleading and complies with all relevant shire policies
- ensure you are not the first to make an announcement unless specifically given permission to do so
- comment only on your area of expertise and authority
- ensure comments are respectful of the online community with which you are interacting
- adhere to the Terms of Use of the relevant social media platform/website, as well as copyright, privacy, defamation, contempt of court, discrimination, harassment and other applicable laws and departmental policies.

If you are authorised to comment as a department representative, you must not:

- post material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright, constitutes a contempt of court, breaches a court suppression order, or is otherwise unlawful
- use or disclose any confidential or secure information
- make any comment or post any material that might otherwise cause damage to the department's reputation or bring it into disrepute.

Guidance for navigating legal issues

The following is offered as general guidance to assist you to comply with the obligations set out in this policy. When in doubt, seek further guidance from the department.

Privacy, confidentiality and information security

- You should only use personal information obtained in the course of your employment/engagement with the department in a manner consistent with departmental policies such as the Acceptable Usage Policy.
- You should not publish or report on conversations or information deemed confidential or classified or that deal with internal matters.
- For more information on posting material online (i.e., public domain), refer to the Acceptable Usage Policy.

Copyright

- You should respect copyright laws and fair use of copyrighted material.
- You should attribute work to the original author/source wherever possible.

Harassment and bullying

- The department's Workplace Bullying Prevention Policy applies online and in the physical workplace.
- Workplace bullying and harassment includes any bullying or harassing comments employees make online, even on their own private social networks or outside of office hours.
- Abusive, harassing, threatening or defaming postings are in breach of the department's Workplace Bullying Prevention Policy and may result in disciplinary action.
- All employees are expected to treat their colleagues with respect and dignity and must ensure their behaviour does not constitute bullying and/or harassment.

Defamation

- You should refrain from publishing material that may cause injury to another person, organisation, association or company's reputation, and should seek further guidance if publication of such material is thought to be necessary.

Offensive or obscene material

- Material may be offensive or obscene and may infringe relevant online classification laws if it is pornographic, sexually suggestive, harassing, hateful, racist, sexist, abusive or discriminatory.

Contempt of court

- You should exercise care if referring to pending court proceedings to avoid publishing material that could prejudice those proceedings, in particular, material that will not be part of the evidence in those proceedings.
- You should make enquiries as to any applicable court suppression orders prior to commenting on any court proceeding, past or pending

Compliance

Depending on the circumstances, non-compliance with this policy may constitute a breach of employment or contractual obligations, misconduct (under the department's Misconduct Policy), sexual harassment, discrimination or some other contravention of the law.

Those who fail to comply with this policy may face disciplinary action. In serious cases, this includes termination of employment or engagement.

Identifying inappropriate use

If you notice inappropriate or unlawful content online relating to the department or content that may otherwise have been published in breach of this policy, you should report the circumstances to the Strategic Communication and Protocol Branch.

Privacy breaches can also be reported to the Legal Branch.

Definitions

Social Media

Content created by people using highly accessible and scalable publishing technologies. Social media is distinct from industrial media, such as newspapers, television, and film. Social media comprises relatively inexpensive and accessible tools that enable anyone (even private individuals) to publish or access information — industrial media generally require significant resources to publish information. (http://en.wikipedia.org/wiki/Social_media)

Social Media may include but is not limited to:

- social networking sites (e.g., Facebook, MySpace, LinkedIn, Yammer)
- video and photo sharing websites (e.g., YouTube, Vimeo, Flickr, Instagram)
- blogs, including corporate blogs and personal blogs
- blogs hosted by media outlets (e.g., 'comments' or 'have your say' features)
- microblogging (e.g., Twitter)
- wikis and online collaborations (e.g., Wikipedia)
- forums, discussion boards and groups (e.g., Google groups, Whirlpool)
- vodcasting and podcasting
- online multiplayer gaming platforms (e.g., World of Warcraft, Second Life)
- instant messaging (including SMS)
- geospatial tagging (Foursquare)

A17 KEY TO KULIN

Administration

PREAMBLE: The Key to Kulin is a concept introduced by the Shire where employees are reimbursed for costs they incur in accessing sporting groups and facilities operating within by the Shire.

OBJECTIVE: The purpose of the Key to Kulin is to add benefit to employees employment packages by reimbursing staff the cost to themselves and their families' when becoming members of clubs and or accessing community or Shire operated facilities. Higher levels of participation is seen as a health and welfare incentive for the employee and families and memberships are paid to encourage community participation.

PRACTICE:

To claim entitlements under the scheme employees must;

Pay for their membership as normal

Obtain a receipt for the membership

Present the receipt to the payroll officer for quarterly reimbursement.

For ease of administration purposes, reimbursements will be made quarterly on the 31 March, 30 June, 30 September and 31 December of each calendar year.

ELIGIBLE FACILITIES:-

Swimming Pool - Each employee and their immediate family* are entitled to full use of the pool and pool slide facilities for the entire season.

Resource Centre - Each employee and their immediate family* are entitled to membership at the Community Resource Centre and the facilities offered via teleconferencing.

Freebairn Recreation Centre - Each employee and their immediate family* are entitled to membership at the Freebairn Recreation Centre.

Golf Club - Each employee and their partner* are entitled to two (2) full adult playing memberships.

Bowling Club - Each employee and their partner* are entitled to two (2) full adult playing memberships.

Tennis Club - Each employee and their partner* are entitled to two (2) full adult playing memberships.

Hockey Club - Each employee and their partner* are entitled to two (2) full adult playing memberships.

Kulin Kondinin Football Club - Each employee and their partner* are entitled to either two (2) full adult memberships or one (1) adult playing membership and 1 social membership.

Netball Club - Each employee and their partner* are entitled to either two (2) full adult memberships or one (1) adult playing membership and 1 social membership.

Childcare- Employees are entitled to child care benefits* up to an amount not exceeding \$400.
Signature Required

HEAD OF POWER: Council decision - Local Government Act 1995

A18 MOBILE PHONES – USE OF

Administration

PREAMBLE: Shire provided mobile phones are issued to ensure relevant staff are accessible, that communications are enhanced and responses to customers are timely. Mobile phones provided by the Shire are to be used primarily for the conduct of Shire related business and employees issued a mobile phone will assume personal responsibility for their appropriate use.

OBJECTIVE: Mobile phones are provided to employees as a work tool and will be provided where the requirement for a mobile telephone service is of an essential tool in the conduct of Shire business and meets justifiable business criteria.

PRACTICE: All mobile phone handsets, SIM Cards, accessories and service numbers are Shire property and must be used in accordance with this policy, employment contracts, agreements, applicable legislation and the Shire's Code of Conduct.

The issuance of mobile phones to employees is at the discretion of the Chief Executive Officer but as a general rule in terms of allocation and costs, the Shire will bear the following costs in relation to mobile telephone expenses:-

CEO – provided with a mobile phone and the Shire pays for calls and data.

DCEO - provided with a mobile phone and the Shire pays for calls and data.

Manager of Works - provided with a mobile phone and iPad and Shire pays for calls and data.

Manager of Camp Kulin- provided with a mobile phone and the Shire pays for calls and data.

Caravan Park Manager - provided with a mobile phone and the Shire pays for calls and data.

Building Maintenance Employee - allowance for calls - \$600pa.

PROCESS:

Employee Responsibilities

The following guidelines have been prepared to assist employees with the acquiring, use and care of a Shire issued mobile phone:

- Supply of mobile handsets and services will only be made by the direct agreement of the CEO;
- Employees must use issued mobile phones in accordance with manufacturer's instructions. Faults or damage should be reported to your Manager as soon as possible, so repairs or replacement can be arranged;
- Employees must observe all statutory requirements relating to mobile phone usage whilst driving a motor vehicle;
- In the event that an issued mobile phone is noticed as lost or stolen, the respective phone service provider shall be contacted immediately to have the account closed and/or services stopped;
- Any work related images or recordings taken on the issued mobile phone are corporate records and employees using these functions should ensure images are downloaded for the Shire's records;
- Employees who are careless or negligent in the use of an issued mobile phone may incur the cost of repairs, replacement of the phone, or reimbursement to the Shire for any insurance excess;
- Employees must return any issued mobile phone on resignation or termination of employment;
- Reasonable Personal Use is permitted. Excessive personal use will result in the employee being billed for usage in the first instance. Ongoing excessive use will result in disciplinary action being taken against the employee;
- In the case of phone packages that provide bulked free calls, calls to 1300 or 13 numbers are still regarded as inappropriate phone use unless the use can be directly related to Shire business;
- Mobile phones with access to the Internet and Email must also comply with the Shire's policy on email and internet usage;

Billing and Charging

Monthly summary reports of individual mobile phone charges will be forwarded to each month to the CEO. Excessive personal use of the mobile phone without reasonable explanation will result in the employee being billed for their usage or the service being withdrawn.

Emergency Usage

In the event of an emergency, the CEO reserves the right to reallocate any Shire mobile phone for the purpose of assisting in emergency management and relief operations.

Breaches

The Shire may withdraw the use of an issued mobile phone at any time if the Chief Executive Officer determines that the basis for issuing the phone is no longer relevant, there are health and safety concerns around the use of the phone, or where the Chief Executive Officer reasonably determines that there has been misuse of the phone.

HEAD OF POWER: Local Government Act 1995

A19 MOTOR VEHICLES

Administration

PREAMBLE: To provide a framework of rules and conditions upon which the Shire use of vehicles can occur.

OBJECTIVE: To ensure staff of the Shire of Kulin use Shire vehicles in accordance with generally accepted practices; whilst still providing incentives for use and maintenance. To ensure that all use agreements or contract provisions across all levels of staffing are consistent to accepted practice.

PRACTICE:

This guideline applies to employees to whom vehicles are either allotted as part of works processes or who have in accordance with their negotiated employment contracts receive a Shire vehicles for their own private use. Use can include after work hours, weekends and/or annual and long service leave periods. Use can also include that where fuel is provided by the Shire or paid for by the employee.

Excepting for negotiated contract employees where the contract states otherwise, it is the Shire's practice not to make works processes vehicles available for periods of long service leave.

Shire vehicles may be driven by the following persons:

- The authorised officer of the Shire or outside of normal working hours, by the spouse or partner of the employee allocated the use of the vehicle.
- The holder of an appropriate current driver's licence when accompanied by an authorised officer.
- Other such persons as are authorised by the Chief Executive Officer.

Employee allocated vehicles are to be brought onto the job every working day (except those days the officer concerned is on paid leave) and the vehicle is to be made available for use by other Shire staff during normal working hours as business dictates. On occasions this may include Shire use outside of normal working hours.

In terms of the extent of use of the vehicles (subject to refinement under contract documents) but generally limited by;

- Chief Executive Officer - Unrestricted use of the vehicle, in the South West Land Division of Western Australia, except on long service leave (unless approval is given by Council).
- Deputy Chief Executive Officer - Unrestricted use of the vehicle, in the South West Land Division of Western Australia, except on long service leave (unless approval is given by Council).
- Manager of Works - Unrestricted use of the vehicle, in the South West Land Division of Western Australia, except on long service leave (unless approval is given by Council).
- Camp Kulin Manager - Unrestricted use of the vehicle, in the South West Land Division of Western Australia, except on long service leave (unless approval is given by Council).
- Technical Officer – Localised use of the vehicle in the Shire of Kulin, except on long service leave (unless approval is given by Council).
- Shire Mechanic – Localised use of the vehicle within the Shire of Kulin, except on annual leave and long service leave.
- Building Maintenance Officer - Localised use of the vehicle within the Shire of Kulin, except on annual leave and long service leave.
- Leading Hand/s – Localised use of the vehicle within the Shire of Kulin, except on annual leave and long service leave.

Provided that during work hours all vehicles are available to other staff for work related use and this use not causing the employee assigned the vehicle unreasonable inconvenience.

The Chief Executive Officer is to ensure that negotiated terms and conditions for the use of vehicles across the different employment levels in the Shire reflect generally accepted standards of use commensurate to status and position. Even so, terms and conditions should reflect an acceptable standard of maintenance, responsibility and accountability for the negotiated use of the vehicle.

PROCESS:

All employees to whom vehicles are allotted are responsible for the care, including interior and exterior cleaning and subject to the approval of the Chief Executive Officer may have the vehicle detailed by professional cleaners once per annum as part of a maintenance regime.

No modifications are to be made to the vehicle without the approval of the Chief Executive Officer.

The vehicles will not be used to complete in any car rally or competition.

An authorised person is to report to the Chief Executive Officer any conviction or potential for conviction immediately. An officer convicted of drink, drugs, careless, dangerous or reckless driving following an accident in a Shire vehicle will be required to pay the cost of associated repairs, including the insurance excess (in the event that the Shire's insurer will cover any resulting claim) or those costs not covered by the Shire's insurance in the event of a conviction. The Shire reserves the right to discipline employees in addition to what may occur at a conviction level. The Chief Executive Officer will report and make recommendation to the Council, as a result of any conviction where additional penalty is to be imposed. Appeal rights may apply.

Shire vehicles allocated to the Chief Executive Officer, the Deputy CEO and Manager of Works (after consulting with the officer) may be used by other staff in the conduct of Shire business.

Shire personnel are encouraged to use Shire vehicles during work hours as private vehicles are not covered by the Shires insurance policy in the case of damage or accident.

It is a condition of service that staff who require a motor vehicle driver's license for work purposes, advise their supervisor of any changes to their current driver's licence approval (disqualification or likely conviction) immediately, failure to do so may result in disciplinary action. Guidelines relating to the loss of motor vehicle driver's license apply.

In the event of an accident, a full report is to be made to the Chief Executive Officer and all relevant insurance claim forms completed within 24 hours of the incident.

HEAD OF POWER: Local Government Act 1995

A20 OCCUPATIONAL SAFETY & HEALTH

Administration

PREAMBLE: To provide additional information supporting Shire OS&H policy and practice.

OBJECTIVE: To provide a safe and healthy workplace and to ensure that Shire of Kulin discharge its duties under relevant Occupational Safety and Health (OSH) legislation.

PRACTICE: The Shire of Kulin as an employer will do everything practicable to ensure that employees are not exposed to hazards. Shire of Kulin will use its best endeavours to provide all employees with workplace conditions and job procedures, which seek to minimise the risk of injury and illness to people and damage to property.

Shire of Kulin recognises that it has a duty of care towards workers, volunteers, clients and stakeholders who by association may be put at risk. Shire of Kulin is committed to continuous improvement in Occupational Health and Safety planning, implementation and review towards minimising work-related injury, illness and property damage.

Shire of Kulin will provide where reasonably practicable a safe and healthy work environment, complying with all relevant legislation and standards. Shire of Kulin will have a dedicated Occupational Safety and Health delegate representing staff.

All employees, contractors, volunteers and the Council will perform their jobs in accordance with established procedures, and have a personal commitment to safety and loss prevention.

Occupational Safety and Health disputes shall be handled in accordance with Shire of Kulin Complaints procedures.

Shire of Kulin and management will promote compliance with all relevant legislation, and industry standards, in particular the Occupational Health and Safety Act 1984 and Australian Standard AS/NZS 4801:2001 – Occupational Health and Safety Management Systems.

PROCESS: The Shire's commitment to OH&S will be achieved and maintained by:

Ensuring that management and supervisory personnel remain aware of Shire of Kulin's statutory obligations and take action as necessary to achieve compliance.

Ensuring consultative and cooperative participation of management and the workforce in safety and health related activities;

Recognising and controlling physical and procedural hazards;

Conducting formal and informal training to improve the safety related knowledge and skills of employees;

Ensuring plant and equipment is safe and suitable for the job, via sound purchasing and maintenance systems;

Providing an effective system of incident investigation and reporting;

Providing to employees the most appropriate type of personal protective equipment as required for any activity;

Conducting an effective Occupational Safety and Health Committee process which will generate and support safe working initiatives;

Maintaining a rehabilitation programme, where appropriate, for any employee who sustains a work related injury or illness, and

Ensuring that contractors employed and engaged by Shire of Kulin will comply with Shire of Kulin's OSH standards, policies, procedures and codes of conduct.

The responsibility for occupational safety and health in Shire of Kulin is as follows:

Shire of Kulin Council:

Provide adequate resources and funding to support risk management,
Provide a safe and healthy workplace for its sole employee – the CEO.

Chief Executive Officer:

Endorse, implement and review the Shire of Kulin Occupational Safety and Health Risk Management plan,
Ensure compliance with OSH legislation throughout the organisation,
Ensure OSH policies and procedures are communicated, embedded and adhered to throughout the organisation.

HEAD OF POWER: Local Government Act 1995, Occupational Health and Safety Act 1984

A22 RECOVERY OR RATES AND OTHER DEBTS

Administration

PREAMBLE: To provide a framework for collection of unpaid rates and the recovery of other debts.

OBJECTIVE: To receive the maximum amount of rateable income each year and to recover all other outstanding debts in accordance with the relevant legislation and legal processes.

Acknowledging that for each ratepayer /debtor circumstance impacts on their ability to pay. The Shire's framework of collection has to be sufficiently rigid to accommodate those who are not in genuine hardship, but equally flexible to accommodate the needs of those in hardship who are currently having difficulties to pay.

PROCEDURE:

RATES: For the collection of unpaid rates staff shall adopt the following procedures where the ratepayer has not chosen to pay by instalments and is not an eligible pensioner:

1. Where rates remain outstanding fourteen (14) days after the due date shown on the Rates Notice, a Final Notice will be issued requesting payment in full within fourteen (14) days;
2. Twenty one (21) days after the date of the Final Notice, a Demand Letter is sent to the ratepayer stating that unless the rates are paid in fourteen (14) days or the Shire has been contacted to arrange a payment plan, legal action will be instigated for recovery of the debt.
3. If rates remain outstanding 14 days after the date of the Demand Letter and the ratepayer has not contacted this Shire, the ratepayer is referred to the Shire's debt collection agency who will issue another letter of demand;
4. If the ratepayer does not respond to the debt collection agency's Demand Letter within fourteen (14) days, the debt collection agency will issue a General Procedure Claim.
5. If rates remaining unpaid fourteen (14) days following the issue of the General Procedure Claim, action (through the debt collection agency) will be taken to pursue the claim by whatever means in order to secure payment of the outstanding balance. Legal proceedings will continue until payment is secured. This includes the issue of a Property Seizure and Sale Order against land if necessary.

Once the ratepayer has been referred to the debt collection agency any legal fees incurred by the Shire for the collection process will be added to the ratepayers account.

The Shire staff will make a judgement in relation to whether the payee has any other financial transactions with the Shire were the debtor may also be a creditor. If this is the case action to apply credit to debts should be considered before reference to the Magistrate.

OTHER DEBTORS: For the collection of outstanding debtors staff shall follow the following procedure:

1. Where the debt remains outstanding 30 days after the due date a reminder sticker is placed on the statement;
2. Where the debt remains outstanding 60 days after the due date a reminder letter is send to the debtor explaining that unless the debt is paid within 30 days or the Shire has been contacted to arrange a payment plan, the debt will be referred to the Shire's debt collection agency;
3. Where the debt remains outstanding 90 days after the due date and the debtor has not contacted the Shire, the debt is referred to the Shire's debt collection agency as per Step 3 in the Rates section above. The debt collection agency follow the same process to recover the debts.

Note: Before the debt is referred to the debt collection agency, the DCEO will be consulted to ensure this action is appropriate given the size and nature of the debt.

REQUEST FOR TIME TO PAY / PAYMENT PLAN

Any request for an extension of time to pay rates must be submitted to the Shire in writing. The request for an extension of time shall also state the date that payment in full is expected to be made. All applications for extension of time to pay can be considered and determined by the CEO under delegation and the granting of time to pay must be recorded in the Delegation Register presented to Council each month.

RATES DISCOUNTS

To attract the rates discount, rates must be received in the Shire Office by 4.30pm on the due date, or mail is to be postmarked on or before the due date. Under no other circumstances will a discount be allowed after the due date.

PROCESS: A number of internal and external processes are applicable to rates collection. Staff are to be mindful that normal debtors' collection processes are to be fair and equitable across all collections, even when targeting tardy payees.

All processes are to be documented sufficient so that a transaction record of all conversations, letters and payments provide a full and complete picture of the actions taken by all parties in the collection process.

DELEGATION: To the Chief Executive Officer to determine the granting of an extension of time to pay rates.

HEAD OF POWER: Local Government Act 1995

A23 REGIONAL CO-OPERATION AND SERVICES

Administration

PREAMBLE: Definition of Regional Cooperation:

Regional Cooperation is defined as 'The investigation, establishment, and/or maintenance of any scheme, development, project, plan or similar activity undertaken by the Shire of Kulin in conjunction with any 2 or more local governments within the Roe region of the State.

OBJECTIVE: To establish parameters to guide staff and Council when drafting the annual and long term strategic plans and/or annual budget and Long Term Financial Plans.

PRACTICE: That in the course of preparing its annual budget, Council shall consider participation in activities and projects of a regional nature. This specifically excludes items of expenditure in resource sharing of services that have already been established and are already subject to a budget allocation, and are the subject to separate Council resolutions and strategic plans that may be agreed to from time to time where the Shire's involvement achieves a saving to ratepayers.

PROCESS: As the Shire is supportive of regional cooperation and resource sharing, this budget guideline has been adopted to ensure that a minimum of funds are allocated so that projects that arise after the budget has been adopted can still be considered.

HEAD OF POWER: Local Government Act 1995

A24 RISK MANAGEMENT

Administration

PREAMBLE: The Shire of Kulin acknowledges that there is a level of risk associated with the projection of the creation and the maintenance of assets and services. The process for the development of new assets per the Assets Management Plan identifies risk assessment by application of the Australian Standard AS/NZS ISO 31000:2009 – Risk Management – Principles and Guidelines.

Prior to the implementation of a new strategy, activity, service, event or project, officers of the Shire of Kulin will analyse the likelihood and consequence of any risks associated with the subject matter and recommend to management and or the Council whether the level of risk is acceptable, manageable or not manageable at all.

Officers will assess the level of risk using this policy and Australian Standard AS/NZS ISO 31000:2009 – Risk Management – Principles and Guidelines.

Risk Management Definition:

“...the possibility of something happening that impacts on your objectives. It is the chance to either make a gain or a loss. It is measured in terms of likelihood and consequence.”

OBJECTIVE: To ensure that sound risk management practices and procedures are fully integrated into the Shire of Kulin strategic and operational planning processes and day to day business practices.

PRACTICE: The CEO, Managers and employees of the Shire of Kulin are committed to the implementation of an enterprise wide risk management approach to identify and manage all risks and opportunities associated with the performance of the Shire of Kulin functions and the delivery of services.

To achieve this practice a risk management strategy has been developed for the organisation. In implementing this strategy the Shire of Kulin will actively;

- identify and prioritise all strategic and operational risks and opportunities using the risk management process;
- ensure risk management becomes part of day to day management and processes;
- provide staff with the practices and procedures necessary to manage risks;
- ensure staff are aware of risks and how to identify, assess and control them; and
- compile and monitor a register of operational and strategic risks in order to achieve continuous improvement in risk management.

Australian Standard AS/NZS ISO 31000:2009 – Risk Management – Principles and Guidelines shall be used as the model for the implementation of the risk management strategy and process within the organisation.

Management and staff are to be familiar with, and competent in, the application of risk management principles and practices and are accountable for applying them within their areas of responsibility.

The following risk categories are to be considered in application of this policy:

- Reputation
- Environment
- Financial
- Operational
- Health
- Legal & Regulatory
- Assets

The level of risk associated with the consequence of the risk outcome is to be considered by the following table:

Specific responsibilities are:

Chief Executive Officer and Operational Managers;

- to promote risk management as a vital business principle;
- to manage implementation and maintenance of the risk management policy in their areas of responsibility and create an environment where staff are responsible for and actively involved in managing risk;
- implement and review the risk management strategy and provide advice in relation to risk management matters;
- to facilitate training on the implementation of risk management.

PROCESS: Officers will assess the risk of all operational and strategic decisions including all decisions made under delegated authority and or referred to a Council Committee or an Ordinary meeting of Council.

Officer reports will identify if there is a likelihood of risk associated with the item subject of the report and advise the outcome of the risk analysis in accordance with this policy.

Council and committee reports may include a reference to risk, explaining if a risk has been identified and how the risk is to be managed based on this policy and other relevant matters.

Where the outcome is high or very high the finding is to be disclosed.

Action, if any is to be recommended with regard to treatment of the risk or to not proceed with the project.

HEAD OF POWER: Local Government Act 1995

RISK CATEGORY CONSEQUENCE TABLE - GUIDELINE

RISK CATEGORIES	REPUTATION	ENVIRONMENT	FINANCIAL	OPERATIONAL	HEALTH	LEGAL & REGULATORY	ASSETS
SEVERE	Irreversible damage to reputation, very high level of public embarrassment, very high media attention, many public complaints	Catastrophic irreversible environmental harm or permanent negative impact on urban design or heritage structure	\$250,000+	Most objectives cannot be achieved and business will not operate	Death or disablement	Investigation by authority and significant penalty awarded. Very serious litigation, including class actions.	Significant imposition of cost on ratepayers and loss of service
SIGNIFICANT	Damage to reputation, public embarrassment, high media attention, several public complaints, third party intervention	Very serious, long-term environment impairment of ecosystem functions	\$150,000 - \$250,000	Some of the major objectives cannot be achieved, business can still deliver but not to expected level	Loss time injury	Major breach with potential major penalty and/or investigation and prosecution by authority. Major litigation.	Medium to long term financial implications and loss of ability to maintain a level of service
MODERATE	Moderate impact and media attention, public complaint	Serious medium term environment effects	\$50,000 - \$150,000	Some objectives effected, can continue as usual with minor controls executed	Medical treatment	Serious breach with investigation by or report to authority. Moderate penalty possible	Potential increase in future cost and impact on community access to facilities
MINOR	Low impact, with low profile, low media attention, possible complaint	Moderate, short-term effects but not affecting ecosystem functions	\$10,000 - \$50,000	Minor impact, easily dealt with, still business-as-usual	First aid treatment	Low/level legal issue. Penalty or prosecution unlikely.	No impact on community lifestyle
INSIGNIFICANT	Low impact, with low profile and no complaint	Minor effects on biological or physical environment	\$10,000	Little impact, business-as-usual	No injuries	No action	Little or no impact

A25 SMOKE FREE – SHIRE WORKPLACES AND BUILDINGS

Administration

PREAMBLE: It is recognised that it is the right of individuals to decide whether they choose to smoke or not, however, increasing evidence indicates “passive smoking” is harmful to health and, accordingly, the Shire has adopted a smoke free working environment practice for all internal or enclosed working areas. As staff attend all Shire Buildings and this could be regarded as a worksite – smoking will only be permitted outdoors.

OBJECTIVE: The objective of this practice is to protect the health of employees by eliminating risks associated with smoking in the workplace.

PRACTICE: There will be no smoking within 5 metres of all internal or enclosed work areas as follows:

1. All offices and buildings which are regularly occupied by employees, including:
 - Fire escapes and stairs
 - Foyer and passageways.
 - Lunchrooms, kitchens and common rooms.
 - Toilets.
 - Meeting Rooms
2. All Shire vehicles, including cars, trucks and earthmoving equipment.
3. Smoking is strictly prohibited in those areas or workplace that are signposted with prohibitive signs or where there is a high fire risk.



PROCESS: Employees who wish to quit smoking by utilising sponsoring programs aimed at smoking cessation may be supported subject to merit and with the approval of the Chief Executive Officer.

Where practicable signs will be posted to indicate a “Smoke Free Environment”.

Managers and supervisors are responsible for ensuring compliance with the practice.

Employees can assist in the implementation of this practice to ensure health and safety of themselves and their fellow employees.

HEAD OF POWER: Local Government Act 1995

A26 RECORDS MANAGEMENT

Administration

PREAMBLE: Records provide fundamental evidence of the decisions and actions undertaken by the Shire whilst also serving as a tool for planning for the future. It is for this reason that legislation exists to ensure that records are properly maintained and preserved for future generations. The Shire is required. Records are recognised as an important information resource and it is accepted that sound record management practices will contribute to the overall efficiency and effectiveness of the Shire.

OBJECTIVE: To ensure the Shire of Kulin is committed to the management of records and meets the statutory requirements of the applicable legislation.

PRACTICE: Shire of Kulin Policy Manual A8 Primary Documents lists the Recordkeeping Plan for the Shire of Kulin. This document underwent a review in March 2019 which was approved by the State Records Office.

The purpose of the Recordkeeping Plan is to set out the matters about which records are to be created by the Shire of Kulin and how it is to keep its records. The Recordkeeping Plan provides an accurate reflection of the recordkeeping program within the organization, including information regarding the organization's recordkeeping system(s), disposal arrangements, policies, practices and processes. The Recordkeeping Plan is the primary means of providing evidence of compliance with the Act and the implementation of best practice recordkeeping within the organization.

The objectives of the Shire of Kulin RKP are to ensure:

- Compliance with Section 28 of the *State Records Act 2000*;
- Recordkeeping within the Local Government is moving towards compliance with State Records Commission Standards and Records Management Standard AS ISO 15489;
- Processes are in place to facilitate the complete and accurate record of business transactions and decisions;
- Recorded information can be retrieved quickly, accurately and cheaply when required; and
- Protection and preservation of the Local Government's records.

In accordance with Section 17 of the Act, the Shire of Kulin and all its employees are legally required to comply with the contents of this Plan.

This Recordkeeping Plan applies to all of the Shire of Kulin's:-

- Employees;
- Contractors;
- Organizations performing outsourced services on behalf of the Shire; and
- Elected members.

PROCESS: Recordkeeping Policy and Procedures are outlined in the Shire of Kulin Recordkeeping Plan and detail policy in relation to:-

Creation of Records

All staff and contractors will create full and accurate records, in the appropriate format, of the Shire of Kulin's business decisions and transactions to meet all legislative, business, administrative, financial, evidential and historical requirements.

Capture & Control of Records

All records created and received in the course of Shire of Kulin business are to be captured at the point of creation, regardless of format, with required metadata, into appropriate recordkeeping and business systems that are managed in accordance with sound recordkeeping principals.

Security & Protection Of Records

All records are to be categorized as to their level of sensitivity and adequately secured and protected from violation, unauthorized access or destruction, and kept in accordance with necessary retrieval, preservation and storage requirements.

Access to Records

Access to the Shire of Kulin's records by staff and contractors will be in accordance with designated access and security classifications. Access to the Shire of Kulin's records by the general public will be in accordance with the Freedom of Information Act 1992 and Shire of Kulin policy. Access to the Shire of Kulin's records by elected members will be via the Chief Executive Officer in accordance with the Local Government Act 1995.

Appraisal, Retention & Disposal Of Records

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

Specific Policies and Procedures

Detailed in Recordkeeping Plan.

HEAD OF POWER: Local Government Act 1995

GOVERNANCE

- G1 FLAGS – HALF MAST - PASSING OF EX SHIRE COUNCILLORS, LOCAL RESIDENTS, STATE AND NATIONAL FUNERALS
- G2 RECOGNITION AWARDS and HONORARY SHIRE FREEMAN STATUS
- G3 REFRESHMENTS
- G4 COUNCIL MEMBERS – INDUCTION
- G5 COUNCIL MEMBERS - INITIATED REQUESTS
- G6 COUNCIL MEMBERS - TRAINING AND DEVELOPMENT
- G7 COUNCIL MEMBERS - PROVISION OF SUPPORT FOR
- G8 ELECTED MEMBER AND CEO ATTEDANCE AT EVENTS

G1 FLAGS – HALF MAST - PASSING OF EX SHIRE COUNCILLORS, LOCAL RESIDENTS, STATE AND NATIONAL FUNERALS

Governance

PREAMBLE: As a sign of recognition and respect to past Shire Councillors, local residents and for State and National funerals the Shire wishes to acknowledge to the family and community their respect and high regard for the deceased.

OBJECTIVE: To be respectful toward the people that have committed many long hours of community service. To show the families that the people still remember the commitment made for the community by their loved ones and to conform to State and National protocols for funerals.

Providing bereavement response from the Shire.

PRACTICE: On receiving advice that a past Councillor of the Shire of Kulin has passed away, the Chief Executive Officer is authorised to fly the Shire Flag (Kulin Shire Flag) at half-mast on the day of the deceased person's funeral as a sign of respect.

On receiving advice that a past Councillor of the Shire of Kulin, or his/her partner has passed away, the Chief Executive Officer shall forward a sympathy card or place notice in a local newspaper for the family of the deceased on behalf of the Shire President, Councillors and Staff.

All local funerals are to have flag flown at half-mast until after the funeral service.

The National or State flag is to be flown at half-mast at the Shire Office as a mark of respect for the passing of a Dignitary of State, when either the State or National governments have indicated that it is appropriate to do so.

The Australian and New Zealand flags will also be flown at half-mast for ANZAC day services until noon as is normal National protocol, then at full mast until dusk.

PROCESS: Once the CEO receives notification that funerals are planned, or official days are approaching, arrangements to ensure the practice is followed are to be put in place.

HEAD OF POWER: Shire protocols

G2 RECOGNITION AWARDS and HONORARY SHIRE FREEMAN STATUS

Governance

PREAMBLE: The Shire of Kulin is well placed within the community to recognise significant contributions made by community members. A time honoured tradition for local government is to bestow Recognition Awards or the honour of Honorary Freeman upon worthwhile recipients. The awards are in title only; no benefit is attached to the award; recipients are however invited to significant events of the local government.

OBJECTIVE: To establish a practice to guide the Council in a prescribed process for the appointment of Honorary Freeman and other Recognition Awards.

PRACTICE: The following shall be taken into account when consideration is given to granting a Recognition Award or the honour of Honorary Freeman Award of the Shire:-

- The award would not usually be presented for excellent service in only one activity.
- The award is intended to recognise service within the local community.
- The award of Freeman is to be seen as independent of any other award.
- This award is to be recognised as the highest honour that the local community, through its elected Council, can confer on one of its citizens. It therefore follows that the award will be conferred sparingly.
- For the award to have the desired standing within the community, it should only be conferred where there is a great pleasure of public approval.
- It shall not be restricted to Councillors;
- It may be awarded to a Councillor in office where the Council considers that the criteria as described has been met;
- The length of service as a Councillor is not in itself a criterion;
- Preference shall be given to a person who performs in a voluntary capacity, but this should not preclude the award to a person whose dedication and contribution is significantly above that expected from that occupation;

The contribution to the welfare of the community must involve one or more of the following factors:-

- Significant contribution to the person's time in serving members of the Community for the improvement of their welfare;
- The promotion and attainment of Community services in which a real personal role and contribution is made;
- Whilst difficult to define, the contribution must be outstanding in that it can be seen to stand above the contributions of most other persons.
- It is not seen as desirable that the award of Freeman be presented to a sitting member of Council.

WALGA Honours Program

WALGA updates the policy around its Honours Program regularly. This program recognises service to Local Government by the award of the following Honours:

- Local Government Medal
- Life Membership
- Eminent Service Award (previously Certificate of Appreciation)
- Long and Loyal Service Award
- Merit Award (previously Distinguished Service Award)
- Local Government Distinguished Officers Award

Council may at any time nominate an Elected Member for a WALGA Honours Program award. As guide, a minimum of twelve years of service as an Elected Member should be undertaken prior to a Councillor being nominated for a Long and Loyal Service Award under the Western Australian Local Government Association Honours Program.

PROCESS:

Initial Requirements

A Councillor should submit to the Council a nomination for a particular person to be considered for a Recognition Award or Freeman of the Shire award. This submission is to outline the voluntary service to the community and any other commendable examples of "Community Spirit" to justify the honour.

Council will consider the submission as a matter in which the Meeting will be Closed to the Public.

The proposing Councillor should submit the following recommendation to Council:-

- That the person nominated at the Council be invited to accept the Recognition Award or office of Freeman of the Shire;
- That if the Offer is accepted then arrangements be commenced for bestowal of the honour at the appropriate ceremony and that a draft of arrangements be presented to the Council.
- It is suggested that the Minister for Local Government be consulted with regard to each candidate prior to Council's formal resolution conferring the award.

The Council in its absolute discretion shall determine if the nomination should be accepted, rejected and or put in abeyance. The matter will only be released for Public information after the Award of the Honour through the release of the Motion the subject of the Nomination.

After Council Approval of the nomination;

Once approval by Council has been given, the Shire President in conjunction with the Administration will determine the appropriate timing and function suitable to award the Recognition Award or presentation of the Honour of Freeman.

Normally up to three months is to be allowed for the preparation for the preparation of all the necessary requirements for the ceremony.

Council at its absolute discretion will determine the size and complexity of the function that will be held as the celebration ceremony.

HEAD OF POWER: Local Government Act 1995

G3 REFRESHMENTS

Governance

PREAMBLE: The Shire of Kulin is a progressive local authority that has an established role as a community and regional leader. The Shire encourages senior employees (the CEO and DCEO) to promote the shire as a place to live and do business.

Many community members volunteer their time freely to contribute to the affairs of the Shire.

Council and staff regularly engage in discussion and negotiation with business people that are investing or considering investing within the shire.

OBJECTIVE: To be professional in offering refreshments following meetings to encourage interaction, the forming of networks and to express thanks to volunteers and to be hospitable toward visitors generally.

PRACTICE: All Council and Senior Staff have free reasonable use of the refreshment facilities in the Council Chambers.

Councillors have the authority to extend reasonable use of those facilities to members of the community provided the occasion is to the benefit of the Shire Community.

The Chief Executive Officer is authorised to make reasonable use of these facilities at his/her discretion providing the function is of benefit to the Community.

PROCESS:

The following conditions apply: -

- Use of facilities and consumption of refreshments is not to be abused;
- Use is not permitted for personal benefit;
- Visitors and guests are not to be left in the premises alone at any time;
- A staff member is to be the last to leave the premises and set the security system;
- The facilities are to be tidied up to the extent that empty bottles, plates, dishes; and
- The CEO may ask persons to leave or cease serving refreshments where he/she is concerned for their health, safety and welfare.

Elected members, the CEO and DCEO are to use their discretion when the facilities are used.

Use should be avoided if there are other people using the meeting rooms at the time that guests are leaving meetings to avoid causing disruption and perception of unprofessional conduct.

HEAD OF POWER: Local Government Act 1995 2.10 (Councillors) 5.41 (CEO) 5.44 (Employees)
Code of Conduct

G4 COUNCIL MEMBERS – INDUCTION

Governance

PREAMBLE: To signal full support for the earliest induction of newly elected Council members.

OBJECTIVE: To ensure that newly elected Council members are provided with a comprehensive induction program and associated support to fulfil their roles and responsibilities as an elected member in the earliest possible timeframe.

PRACTICE: Newly elected Council members are to receive a comprehensive induction training program in the first four weeks following their election, hopefully prior to their attendance at the first Council meeting.

The induction will be coordinated by the CEO in liaison with the Shire President and the newly elected member. The Shire President and CEO and key staff members will present relevant corporation information on policy, practices and procedures including updates on current programs and program activity.

Site visits to key Shire of Kulin facilities will also be provided as part of the new Council member's induction.

Note: All Councillors when first elected are to be issued with a Councillors Manual. This will include a Code of Conduct, Policy Manual and the Department of Local Government Guide to Councillors, current Community Strategic Plan and Corporate Business Plan, the current Annual Report and the Annual Budget.

PROCESS: Incoming Council members will be strongly encouraged to participate in training modules for Councillors provided by West Australian Local Government Association (WALGA) and these can be arranged by the CEO or DCEO. Training and development program attendance will be subject to Shire of Kulin Budget funding availability.

HEAD OF POWER: Local Government Act 1995

G5 COUNCIL MEMBERS - INITIATED REQUESTS

Governance

PREAMBLE: To establish workable boundaries in relation to the requests for assistance by Councillors.

OBJECTIVE: To ensure the appropriate and efficient handling of Council member initiated requests for information through the CEO and to avoid any excessive demands and disruption to the carrying out of important day to day operational functions of the Shire of Kulin.

PRACTICE: Council members making a request for information are to direct their enquiries to the Chief Executive Officer or; with the CEO's agreement, another staff member.

The following protocols will be adhered to in respect to Councillor Requests for information;

- Council members are entitled to all available information to enable them to fulfil their functions. This does not extend to unlimited access to all records and information held by Shire of Kulin;
- The CEO reserves the right to refuse access to information in the event that the information requested is not considered to be required for fulfilling the Council member's role. Such instances are to be brought to the attention of the Shire President as soon as practicable;
- Requests should be sufficiently detailed to identify the exact information required;
- Council members should respect the privacy of stakeholders, Shire of Kulin members, staff and fellow Council members in the use of information provided;
- Requests should focus on matters currently before Shire of Kulin Council and which are aligned to the Council corporate strategy, priorities and policies;

Assessment and prioritisation of Council members requests will be determined by the CEO based on relative urgency, strategic alignment to adopted priorities and whether there is support through a decision or other endorsed process;

Requests will be actioned as soon as practicable depending on competing priorities and on the complexity of the research required to access, collate and format the information. The CEO is to endeavour to provide the required information within 10 working days.

The CEO is to bring to the Council's attention if any Council member's excessive requests for information are preventing staff from attending to important day to day operational matters;

A Council member who is dissatisfied with the timeliness of information provision or level of cooperation from the administration is to bring the matter to the attention of the Shire President who in turn may bring the matter before the Council.

PROCESS: By application direct to the CEO only.

HEAD OF POWER: Local Government Act 1995

G6 COUNCIL MEMBERS - TRAINING AND DEVELOPMENT

Governance

PREAMBLE: Detailing the nature and extent of training and development provided for Council members.

OBJECTIVE: To ensure that Council members have equitable access to a range of relevant training and professional development opportunities to enhance their ability to fulfil their roles and responsibilities as Council members.

To enable Councillors to meet their statutory obligations in relation to Councillor training and gives effect to the requirement to adopt a continuing professional development policy.

Part 5, Division 10 of the *Local Government Act 1995* (the Act) describes provisions related to the universal training of Councillors:

- under Section 5.126 of the Act, each Councillor must complete training in accordance with the Regulations;
- under Section 5.127 of the Act, the CEO must publish a report on the local government's website within one month of the end of the financial year detailing the training completed by Councillors;
- under Section 5.128 of the Act, a local government must prepare and adopt a policy in relation to the continuing professional development of Councillors.

PRACTICE: The Shire shall ensure adequate resources are allocated annually in the Shire of Kulin budget to provide the opportunity for Council members to participate in appropriate training and development.

Authorised Training / Conferences

The Shire recognises the value of training to enable Councillors to foster their skills to enable them to meet the ongoing requirements of their role and functions required under the Act.

Council members are permitted to attend the following training opportunities without requiring further Council authorisation:

- Regional meetings in which a training or development element is included;
- WALGA or Central Zone regional conferences, seminars and workshops where a training and development component is included;
- Relevant training of Council members of the member's choice from within the budget allocation, but not exceeding \$1000 per annum.
- This training must be relevant to the member's role, experience and standing and must be assessed in accordance with the following matrix below by the Council to meet the required points of training suitability;
- Costs relating to training required to be undertaken under Section 5.126 of the Act can be over and above Councillors individual budget allocation.
- If the approved delegate, WALGA Annual Conference as part of Local Government week each year.

Councillors should be aware that all training undertaken, including conferences paid for by the Shire needs to be reported and this report published on the Shire's website in accordance with Section 5.127 of the Act.

Prescribed Training Requirements

The *Local Government (Administration) Regulations 1996* (the Regulations) requires Councillors to complete a 'Council Member Essentials' course consisting of five modules. Training must be completed by all Councillors following their election within 12 months of taking office. Training is valid for five years.

Non-compliance with the requirement to complete training is an offence under the Act punishable by a fine not exceeding \$5,000.

Training / Conference Costs

Shire of Kulin will meet the costs of all the Council members accommodation, travelling (including meals), and transport and conference costs up to the approved annual allowance for each Council member. The Council members incurred costs shall be paid upon provision of receipts for expenses upon the members return. Over budget expenses supported by receipts shall not be reimbursed to the Council member.

It is Shire of Kulin preference to provide all assistance to the Council member by way of pre-ordering and arranging attendance requirements after attendance approval has been confirmed and before departure to minimise accounting paperwork.

Excepting for the approved delegates at the WALGA Annual Conference,

- Members will be required to meet the additional costs of any partner or family accommodation, expenses incurred and for private travel over and above the number of nights' accommodation and expenses required to attend the training or conference unless directly approved by Council.
- Whilst Shire of Kulin supports Council members in balancing their local government duties with their family commitments, it does not support having to pay the full cost of partner's or family accompanying Council members on Shire of Kulin business.

The Council member is to provide written and/or verbal reports on the key outcomes and important learnings from any training or conference attended at the next Council meeting or within two months of returning from the conference. This is a requirement of attendance and must be an agreed condition in the approval process.

Reporting on Training

In accordance with Section 5.127 of the Act, a report will be published on the Shire's website within one month of the end of the financial year, detailing the training completed by Councillors.

In order to complete the report, Councillors are required to provide evidence of completion of the training to the Executive Support Officer. The report will be a register stating:

- Councillor name
- Each training course or module completed
- Cost of any training and any associated travel and accommodation paid for by the Shire
- Training provider or conference name

For reporting purposes, the costs of group training will be apportioned individually.

Additional Training / Conference Opportunities require Council Approval

In order to receive Council approval for additional training over and above the authorised training Budget (not included costs related to prescribed training) in any year Council members are to provide a written request to the CEO a minimum of one week prior to the distribution of the Council agenda.

For any relevant training opportunities outside of the authorised training listed above or when a Council member has expended his or her budget allocation and wants to access further training, the following conference / training assessment matrix is to be completed by the CEO in liaison with the Shire President and included in the report.

A minimum rating of 20 points is required across the following criteria for the CEO to recommend that the Council approve the Council member’s attendance, including the signed commitment to provide written and /or verbal reports on learnings.

Conference / Training Assessment Matrix Criteria

POINTS 1 2 3 4 5

Relevance to member’s role as Councillor or President as opposed to operational information and roles at the Shire of Kulin.

Value for Money & Cost/Benefit.

Provides direct relevance with Shire of Kulin Strategic Plans and current priorities.

Lack of alternative training opportunities to gain same skills.

Level of quality networking opportunities with peers.

Total Score _____

I (Council member)

hereby agree to provide written and/or verbal reports on the key outcomes and important learnings

from the training or conference by the

Council meeting..... (Date) or within two months of returning from the conference.

Signed: Date:.....

Policy Updated Ordinary Council Meeting 18 March 2020

G7 COUNCIL MEMBERS - PROVISION OF SUPPORT FOR

Governance

PREAMBLE: Detailing the nature and extent of support provided for Council members.

OBJECTIVE: To ensure that Council members have equitable access to an appropriate range of support to ensure that they are able to effectively fulfil their role and provide good governance to the Shire of Kulin.

PRACTICE: The Council shall ensure adequate resources are allocated annually in the budget to provide support to Council members so that they may appropriately fulfil their role. The CEO must refer to the Council any request by a Council member for equipment, supplies, information, support, fees, allowances, professional development and/or reimbursement of expenses that is outside of the requirements of this guideline.

In the application of this guideline, the CEO and Council will determine an appropriate range of support needed to meet each individual Councillor's requirements and can include the following;

Shire President - In carrying out the duties of that office, benefits and the following services and facilities subject to budgetary constraints:

- Suitable temporary office accommodation within the Shire of Kulin offices including computer and telephone access;
- Shared administrative and secretarial services provided by the CEO's support including typing, photocopying, printing, postage, facsimile, telephone reception and appointment management services;
- Assistance organising and assisting with any Shire of Kulin ceremonies, meetings and official functions;
- Assistance with media releases and speeches;
- Business cards. A maximum of 200 business cards after election and appointment to the Shire President's position. The business cards will be printed in accordance with the Shire of Kulin Corporate Style Guide. Business cards must be used for Shire of Kulin business only and must not be used for electioneering purposes; all unused cards remain the property of the Shire.
- Hospitality for guests, visitors and staff on official business at the Shire of Kulin.

The calculation of a private use component for vehicle kilometres if the Shire President's private vehicle is required for business on behalf of the Shire of Kulin. This would apply (when required) over and above presidential allowances and payments for travel. A logbook is to be kept of official use of the vehicle which shall be the basis upon which the costs of business use will be calculated and subsequently paid by the Shire of Kulin.

Council members - All Council members in carrying out the duties of office will be entitled to receive the benefit of the following services and facilities;

- Access to the Shire of Kulin offices during business hours and before and after meetings including a work desk with telephone access;
- IT support and advice to ensure Council members are able to receive information electronically through the email system where Council members are supplied with a laptop, iPad, tablet or a PC. Support to access the Shire of Kulin systems will be provided;
- IT training in software applications to assist Council members in the effective use of a laptop computer or PC and other information technology required to fulfil their duties;
- Name badges. A name badge will be provided for Council members;
- A hard copy of Shire of Kulin material where this material is not available on the Shire website, with training on how to interpret this information.

The calculation of a private use component of vehicle kilometres if the Council member's private vehicle is required for business on behalf of the Shire of Kulin. A logbook is to be kept of official use of the vehicle which shall be the basis upon which the costs of business use will be calculated.

PROCESS: The CEO shall ensure adequate resources are allocated annually in the budget. Council members can apply in writing detailing the support they require to fulfil their roles. The CEO must refer all unmet or deferred requests for assistance to the Council for determination.

HEAD OF POWER: Local Government Act 1995

G8 ELECTED MEMBER AND CEO ATTENDANCE AT EVENTS

Governance

PREAMBLE: Section 5.90A of the Local Government Act 1995 provides that a local government must prepare and adopt an Attendance at Events policy. This policy is made in accordance with those provisions.

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

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

LEGISLATION: 5.90A Policy for attendance at events:

1. *Event* includes the following:
 - Concert
 - Conference (not included in G6 Council Members Training and Development
 - Function
 - Sporting event
 - Occasions prescribed by the *Local Government (Administration) Regulations 1996*.
2. A local government must prepare and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —
 - (a) the provision of tickets to events; and
 - (b) payments in respect of attendance; and
 - (c) approval of attendance by the local government and criteria for approval; and
 - (d) any prescribed matter.

* *Absolute majority required.*
3. A local government may amend* the policy.

* *Absolute majority required.*
4. When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
5. The CEO must publish an up-to-date version of the policy on the local government's official website.

Provision of tickets to events

1. Invitations

- 1.1 All invitations or offers of tickets for a council member or CEO to attend an event should be in writing and addressed to the Shire of Kulin.
- 1.2 Any invitation or offer of tickets not addressed to the Council is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.
- 1.3 A list of events and attendees authorised by the local government in advance of the event is listed under Pre-Approved Events.

2. Approval of attendance

- 2.1 In making a decision on attendance at an event, the council will consider:
- a) who is providing the invitation or ticket to the event,
 - b) the location of the event in relation to the local government (within the district or out of the district),
 - c) the role of the council member or CEO when attending the event (participant, observer, presenter) and the value of their contribution,
 - d) whether the event is sponsored by the local government,
 - e) the benefit of local government representation at the event,
 - f) the number of invitations / tickets received, and
 - g) the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- 2.2 Decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy.

3. Payments in respect of attendance

- 3.1 Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the council determines attendance to be of public value.
- 3.2 For any events where a member of the public is required to pay, unless previously approved, the council will determine whether it is in the best interests of the local government for a council member or the CEO or another officer to attend on behalf of the council.
- 3.3 If the council determines that a council member or CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.
- 3.4 Where partners of an authorised local government representative attend an event, any tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the council.

Pre-Approved Events

- a) Meetings of clubs or organisations within the Shire of Kulin
- b) Any free event held in the Shire
- c) Australian or West Australian Local Government Events
- d) Events hosted by Clubs or Not for Profit Organisations within the Shire to which the President, Elected Members or CEO has been officially invited
- e) Functions or events to which the Shire has provided sponsorship
- f) Cultural events / festivals / exhibitions held in the community
- g) Events run by a Local, State or Federal Government
- h) Events run by Kulin District High School
- i) Major professional bodies associated with local government at a local, state and federal level
- j) Opening or launch of an event or facility within the Shire
- k) Recognition of service events
- l) RSL Club events
- m) Where representation by the President or CEO has been formally requested.

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 CEO pays the full ticketed price and does not seek reimbursement then no action is required.

If the event is ticketed and the Elected Member or CEO pays a discounted rate or is provided with a free ticket then the recipient must disclose receipt of the tickets (and any other associated hospitality) within 10 days.

PROCESS:

Approval Process

Where an invitation is received to an event that is not pre-approved, it may be submitted for approval via email no later than three business days prior to the event as follows:

- Events for Councillors will be approved via consultation with the CEO and President; and
- Events for the Chief Executive Officer will be approved in consultation with the President.

Considerations for approval of the event include:

- Any justification provided by the applicant when the event is submitted for approval.
- The benefit to the Council of the person attending.
- Alignment to the Council's Strategic Objectives.
- The number of Council representatives already approved to attend.

Where an Elected Member or the CEO 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 out of the current year budget.

HEAD OF POWER: Local Government Act 1995

Policy Adopted June Council Meeting – resolution 12/0620

HUMAN RESOURCES

- HR1 DRUGS AND ALCOHOL - *updated July 2020*
- HR2 EMPLOYMENT MEDICAL
- HR3 EMPLOYEE ASSISTANCE PROGRAM (EAP)
- HR4 EMPLOYMENT – POLICE CLEARANCE
- HR5 GENERAL – HUMAN RESOURCES PRACTICES
- HR6 GRIEVANCE PROCEDURES
- HR7 INDUCTION OF NEW EMPLOYEES
- HR8 LONG SERVICE RECOGNITION
- HR9 LOSS OF DRIVERS LICENSE
- HR10 PERFORMANCE MANAGEMENT – STAFF – *deleted May 2020*
- HR11 PROTECTIVE CLOTHING – OUTSIDE STAFF (Permanent Employees)
- HR12 RELOCATION EXPENSES
- HR13 SECONDARY EMPLOYMENT
- HR14 STAFF UNIFORMS
- HR15 STUDY LEAVE
- HR16 SEXUAL HARASSMENT
- HR17 SUPERANNUATION
- HR17a SUPERANNUATION – First Home Super Savers Scheme (FHSSS)
- HR18 WORKPLACE BULLYING
- HR19 WORK RELATED TRAVEL EXPENSES
- HR20 EMPLOYEE FUNDED ADDITIONAL LEAVE
- HR21 SALARY PACKAGING

HR1 DRUGS AND ALCOHOL

Human Resources

PREAMBLE: The Shire of Kulin is committed to providing a safe, healthy and productive workplace for all employees and contractors performing work for/or on behalf the Shire of Kulin. Fitness for work can be adversely affected by the effects of fatigue, stress, injury/illness, alcohol or drugs. These factors can cause impairment or deficiencies in the employee's work performance and can be a contributing factor in workplace accidents or incidents.

The Shire of Kulin will not tolerate employees and contractors attending work or performing work for/or on behalf the Shire whilst under the influence or in possession of alcohol or drugs. The Shire of Kulin will take appropriate action where this occurs.

Scope:

This policy applies to:

- a) All employees and contractors performing work for/or on behalf the Shire.
- b) All visitors to the Shire of Kulin workplaces and
- c) All Shire of Kulin workplace sponsored functions.

The Shire of Kulin has a legal obligation to manage alcohol and drugs in the workplace. The employer has a 'Duty of Care' imposed by the Occupational Safety and Health Act 1984 to minimise risk and exposure to hazards in the workplace and this will include intoxicated or drug affected employees.

Employees also have a legal duty of care under the Occupational Safety and Health Act to behave responsibly at all times and not expose themselves or others to safety risks due to impairment caused by alcohol or drugs. This includes not undertaking work if they believe they may be impaired, and reporting to management if they believe another employee, or anyone in the workplace, is affected and may be creating a workplace hazard.

OBJECTIVE: This policy aims to:

- Provide a safe work environment and a safe system of work for employees, contractors and visitors.
- Minimise the risk of injury to employees, contractors or visitors in the workplace.
- Minimise the risk of damage to the Shire of Kulin property or that of contractors or the general public.
- Minimise risk of disruption to operations and productivity as a result of illness, injury or damage to property caused by consumption of drugs or alcohol.
- Provide a framework for dealing with the issue of fitness for work

Policy Statement:

All employees and contractors performing work for/or on behalf of the Shire of Kulin are required to be "fit for work" at all times. Any employee or contractor, whom the Shire of Kulin reasonably considers is unfit for work will not be permitted to commence or continue work and will be required to leave the work site/premises immediately. Disciplinary action may result.

The Shire of Kulin will take reasonable steps to ensure employees and contractors are in a fit state to work safely and to minimise risks to both themselves and others in the workplace through consultation, education, observation and testing.

This policy is part of a broader Health and Wellbeing Program provided by the Shire of Kulin to its employees.

Contractors are responsible for broader Health and Wellbeing Programs for their employees.

The situations in which the Shire of Kulin may reasonably consider that an employee or contractor is unfit for work include, but are not limited to:

1. Exhibiting a physical, mental or emotional state that potentially compromises a safe work environment.
2. Presenting for work with a level of alcohol and/or drugs (prescription or otherwise) in their system which is in excess of the cut off prescribed in this policy or in excess of that allowed by law.

- a. Employees/contractors need to have a Blood Alcohol Concentration (BAC) level of 0.00 whilst in the workplace. The employee/contractor will not be permitted to commence or continue work and will be required to leave the premises. Or at the direct line Manager – Supervisors discretion, if under 0.005 may be given non-hazardous tasks e.g. sweeping the yard, until a BAC Reading of 0.000 is returned.
- b. Employees/contractors are prohibited from having any other illegal drugs detected in their system; e.g. Cannabis, methamphetamines (“speed” or “Ice”) or MDMA (“Ecstasy”) or any other illicit drug.
- c. Employees/contractors are prohibited from attending the workplace whilst taking prescription or over the counter drugs or medication that may impair their fitness for work.

Definitions:

Alcohol:	Alcohol means ethyl alcohol or ethanol. Blood Alcohol Content (BAC)
Contractor:	A person or firm that undertakes a contract to provide materials or labour or to perform a service or do a job for or on behalf of the Shire of Kulin.
Drug:	Any substance that may result in psychological or behavioural changes that cause impaired work performance. In this context, the term ‘substance’ includes, but is not limited to, alcohol, intoxicating products, Prescription Drugs, Non-Prescription Drugs, legal and illegal/illicit Drugs, whether naturally occurring or synthetic.
Duty of Care:	A responsibility owed to another person because of a relationship between the two people.
Employee	Employee directly employed by the Shire of Kulin.
Fit for work:	Refers to an individual’s functional capacity (physically, mentally and behaviourally) to perform assigned tasks competently and in a manner which does not compromise or threaten the safety or health of themselves or others.
Illicit or illegal Drugs:	Illegal / Illicit Drugs includes all drugs identified as such by AS/NZS 4308 2008 or drugs which have been synthetically designed to be outside the detection limits of AS/NZS 4308 2008 and are not considered Prescription Drugs or Non-Prescription Drugs.
Impairment:	The alteration of an individual’s normal physical and/or mental function which results in diminished ability to safely undertake tasks at the normal level of concentration and performance.
Non Negative Result	A result equal to or above the cut off level or target used in initial On Site Testing e.g. Blood Alcohol Content (BAC) level above 0.000
Non-prescription Drugs Or Over the Counter(OTC)	Non Prescription Drugs include medications and other substances, both naturally occurring and synthetic, as sold legally over the counter, by a registered medical practitioner (ie pharmacist) without a physician's prescription.
Prescription Drugs:	Prescription Drugs includes medications and other substances, both naturally occurring and synthetic, that cannot be legally purchased without a prescription from a registered medical practitioner.

Responsibilities:

- The Shire of Kulin has a duty of care to provide a safe workplace to its employees/contractors, as per safety and health legislation and common law.
- The Shire direct Supervisor/line Manager is responsible for making the decision as to whether an employee/contractor is fit for work and removing any impaired employee/contractor from possible harm.
- The Shire direct Supervisor/line Manager is responsible for ensuring the privacy of any drug/alcohol suspected incidents.
- All employees/contractors have a corresponding duty of care to take reasonable care so as not to expose themselves or their fellow employees to unnecessary risks. This duty extends to notifying their immediate Supervisor/line Manager if they reasonably suspect that another employee may be a risk because they are unfit to work.

- The employee/contractor is responsible for advising their direct Supervisor/line Manager of any drug use (including prescription or over the counter drugs), adhering to this policy and subsequent procedures and following directions with regard to the drug/alcohol testing procedures as outlined.

PROCEDURES:

Assessment for fitness for work:

An employee/contractors fitness for work may be assessed by any or all of the following methods:

- **Pre-Employment Testing**
Prior to appointment of certain positions, a Pre-Employment Medical Assessment may be required. This may include a Drug and Alcohol test and will be performed. Should a positive test be returned, employment appointment may not proceed.
- **Random / Blanket Testing**
The Shire of Kulin and all its employees and contractors engaged, acknowledge that the Shire will conduct random or blanket testing of employees/contractors for alcohol and drugs in order to maintain a safe and healthy working environment for all.
Testing methods will be in accordance with ASNZS4309:2008 for testing drugs of abuse: and will be conducted by an independent and approved tester In accordance with relevant Australian Standards.
- **Reasonable Cause testing**
Employees/contractors may be directed to attend drug and/or alcohol testing where there are reasonable grounds to believe the employee/contractors fitness for work may be impaired by drugs and/or alcohol, or there is a work-related incident. Reasonable Cause Test should be taken as soon as is practicable after an incident, or reasonable grounds are identified. These include but are not limited to the following:
 - a) Reasonable suspicion of impairment
 - b) Vehicle accidents
 - c) Property damage
 - d) Reportable near misses

The testing for any drug will be via any available, valid and reliable National Association of Testing Authorities (NATA) approved drug testing collector or centre e.g. PathWest Katanning or Narrogin.

See [reasonable cause – schedule \(A\)](#)

Suspected impairment of employees / contractors:

1. Where the Shire of Kulin has a reasonable suspicion that an employee or contractor may be impaired by the use of drugs or alcohol the employee/contractor will not be permitted to commence or resume work until they have undergone testing and the test indicates that they are not under the influence of drugs or alcohol and not in breach of this policy.
 - 1.1 An employee or contractor directed by the Shire of Kulin to undertake an alcohol and/or drug test, must comply with the direction. Any refusal to comply with a direction to undertake testing will be treated as a breach of this policy and will be considered a Non Negative Result. The employee/contractor will be suspended immediately without pay and not allowed to return to work (pending disciplinary action)until the refusing employee/contractor supplies a clear (negative) D&A result from an independent testing lab (at the employees/contractors own expense). Disciplinary action may result, such as dismissal.
 - 1.2 The Shire of Kulin is responsible for ensuring that an employee/contractor who is suspected of breaching this policy is provided with transport to and from the testing location (if required) and/or is provided with appropriate assistance to return home safely where necessary.
 - 1.3 Where an employee/contractor is directed to undertake an alcohol and or/drug test by the Shire of Kulin, the Shire of Kulin will meet the costs of the initial test regardless of the test results.

- 1.4 An employee/contractor who vexatiously reports another employee/contractor for breaching this policy (for example; without reasonable grounds or for personal gain) may be subject to disciplinary action.
- 1.5 The Shire of Kulin is committed to ensuring confidentiality and privacy of employee/contractors personal information. Accordingly access to information that is retained on an employee/contractors personnel file regarding breaches of this policy and individual test results are strictly controlled and will be restricted to the employee/contractor direct line Manager and senior management of the Shire of Kulin only.

Non Negative alcohol test - (BAC above 0.000), Unfit for work:

2. The devices used for testing for Blood Alcohol Concentration (BAC) should be a Breathalyser Unit in accordance with AS 3547 Certified Breathalyser (within calibration period) and operational training in Unit of Competency HLTPAT005

In the event that a breathalyser Blood Alcohol Concentration (BAC) test result indicates a test result higher than 0.000%.

- 2.1 Then a second “confirmatory” breathalyser (BAC) test will be undertaken after 20 minutes. The donor will be instructed not to eat, drink or smoke and must be supervised for this period.
- 2.2 The second (BAC) test is final and must be witnessed by an authorised Shire representative. (see secondary breath alcohol confirmatory test request form Appendix 2 - Page: 15)
- 2.3 The donor, tester and official witness must print their names and sign the request form. The donor will not be permitted to commence or continue work and will be required to leave the premises. Or at the direct line Manager – Supervisors discretion, if under 0.005 may be given non-hazardous tasks e.g. sweeping the yard, until a BAC Reading of 0.000 is returned.
- 2.4 In the instance of a Non Negative Alcohol test (above 0.000), the donor will receive a written warning and be advised that this is a serious offence and will be subject to further investigation and disciplinary action, including potential for dismissal.

Non Negative drug test - Unfit for work:

- 3 In the event that the employee/contractor returns a “Non - Negative” drug test result to AS/NZS 4308:2008 for testing drugs of abuse:
 - 3.1 The employee/contractor will be immediately stood down without pay and required to leave the premises.
 - 3.2 The employee/contractor must immediately contact and present to an authorized testing centre such as PathWest in Narrogin or Katanning and be tested to AS/NZS 4308:2008 for testing drugs of abuse:
 - 3.3 Any refusal to immediately comply with the direction to undertake further confirmatory testing at an authorized testing centre will be treated as a breach of this policy. Disciplinary action will result and may lead to dismissal.
 - 3.4 The Shire of Kulin will pay for the initial confirmatory testing at an authorized testing centre.
 - 3.5 Subsequent testing will be at the employee/contractors own expense.
 - 3.6 The employee/contractor will not be reinstated until the employee/contractor provides a clear test result from an authorized testing centre (pending on disciplinary action)
 - 3.7 In the instance of a Non Negative Drug test result confirmation from an authorized testing centre, the employee/contractor will receive a written warning and be advised that this is a serious offence and will be subject to further investigation and disciplinary action, including potential for dismissal.
 - 3.8 All details and documentation related to the test and circumstances will be retained on the employee/contractors personal file with confidentiality maintained.
 - 3.9 **Shire of Kulin employees** will be required to undergo training/education and counselling regarding the effects of alcohol and/or drugs on their health and at the workplace (pending on disciplinary action).

- 3.10 In the instance that the confirmatory test results from the authorized testing centre come back clear then the employee/contractor will be reinstated and fully reimbursed for normal hours for the time spent off work during this process.
- 3.11 Breaches of this policy and its procedures will be regarded as a serious matter by the Shire of Kulin and will be subject to further Investigation and disciplinary action, including the possibility of termination of employment.
- 3.12 Any time off work as a consequence of a breach of this policy will be treated as unpaid leave.

Random / blanket fitness for work testing:

4. Drugs to be screened for are: alcohol, cannabis, opiates, methamphetamines or any other illicit drugs or prescription and over the counter drugs. Unacceptable levels will be as per AS/NZS 4308:2008
 - 4.1 Employees/contractors will be chosen for testing at the Employers discretion several times per year. Testing will be as per this policy and/or relevant EBA document.
 - 4.2 Testing will be carried out by an impartial person trained to administer the chosen test e.g. urine, saliva, BAC.
 - 4.3 The tester will be tested prior to each random set of staff testing. If the tester is impaired, another suitable person agreed with the employees and the employer will be chosen (Breathalyser testing only).
 - 4.4 Test results will be kept confidential and will be dealt with on an individual basis with each employee/contractor at the time the confirmed impairment is discovered.
 - 4.5 Potential consequences for impairment:
 - Removal from the workplace (until proven fit for duty, at the employee/contractors expense)
 - Discussion with the employee/contractor (with representation) to determine reasons for impairment.
 - Written Warning, Education, Counselling Sessions, Disciplinary Action.

If an employee/contractor tests positive for impairment on multiple occasions, the employee/contractor will receive disciplinary action, including the possibility of termination.

Shire of Kulin employees may be referred for medical / EAP assistance.

Possession of Drugs or Alcohol at the Workplace:

5. Employees/contractors must not have any alcohol or other drugs in their possession on Shire of Kulin work premises/sites or consume alcohol or drugs (prescription or otherwise) whilst on the work premises/sites without the knowledge and permission of their immediate supervisor/line manager, unless it is a prescribed or over the counter drug and the employee has established with their medical practitioner or pharmacist that the drug does not work in such a way that it may not impair their fitness for work.
 - 5.1 Any employee/contractors performing work for/or on behalf the Shire of Kulin, who have illicit/illegal drugs in their possession will be asked to leave the work premises/site immediately and will receive disciplinary action, including the possibility of termination of employment.
 - 5.2 Where there is reasonable cause to suspect that the employee/contractor is in possession of, or affected by drugs or alcohol the Shire of Kulin may instigate a search of the employee/contractors workplace. This includes lockers or other personal spaces within the workplace. The employee/contractor may also be asked to make bags, vehicles or other personal property at the workplace/site at that time available for inspection to ascertain the presence of drugs or alcohol. Failure to do so may be viewed as evasive behaviour and will be the subject of further investigation with the employee/contractor and may lead to disciplinary action, including the possibility of termination.
 - 5.3 Employees/contractors who are taking any over the counter or prescription medication are required to consult with their medical practitioner or pharmacist about possible side effects of prescription drugs and the impact on their ability to work safely prior to use.

5.4 Where there are potential side effects from prescription drugs that may affect an employee/contractors fitness for work, the employee/contractor is required to advise their immediate Supervisor/ line Manager of the potential effect on workplace performance. The Supervisor/ line Manager will then take any necessary action to assess and minimise any identified risk to employee's safety.

Cheating – Sample Substitution or Dilution:

6 An employee/contractor found, to have, or having attempted to dilute or substitute a sample will be asked to leave the workplace immediately. The incident will be reported directly to the Chief Executive Officer. The CEO will give the employee/contractor the opportunity to "show cause" why their employment with the Shire of Kulin should not be immediately terminated. The Shire of Kulin views this practice to be a serious offence in trying to create the illusion that the employee/contractor is unaffected by the substance. Without reasonable cause being shown by the employee/contractor, the CEO will terminate the employee/contractors employment immediately.

Unable to provide a urine sample at a testing time

7 Employee/contractors unable to provide a urine sample at a testing time will be required to wait (supervised) for an hour to give the opportunity to provide a sample. If still unable to provide a urine sample, the employee/contractor will be required to immediately contact and present to an authorized testing center such as PathWest in Narrogin or Katanning and be tested to AS/NZS 4308:2008 for testing drugs of abuse at the Shires cost.

7.1 Any refusal to immediately comply with the direction to undertake further confirmatory testing at an authorized testing centre will be treated as a breach of this policy. Disciplinary action will result such as dismissal (Use Request for Reasonable Cause Alcohol and Drug Test Page: 12).

Workplace functions:

8 The Shire of Kulin, while not responsible for the private lives of our employees or contractors, carry the primary responsibility for safety at work through creating and maintaining a safe working environment. The impact of unsafe behaviour potentially caused by alcohol consumption at workplace functions are emphasised in the creation and communication of this policy.

8.1 The Shire of Kulin, at times, makes alcohol available to employees/contractors over the age of 18 at work functions. The Shire will minimise risks of that consumption causing harm to others by ensuring non-alcoholic and low-alcohol beverages are readily available. Food will also be offered.

8.2 Prior to attending a workplace function, employees/contractors will be reminded that the responsibility to limit the amount of alcohol to safe levels of consumption at a workplace function is their personal responsibility.

8.3 Driving over the legal blood alcohol limit or under the influence of illicit drugs is illegal and is not condoned by the Shire of Kulin.

Prior Planning – Employee/Contractor: If there is any potential that alcohol consumption at a workplace function may result in driving over the legal blood alcohol limit then employee/contractors are encouraged to organise alternative transport prior to any workplace function where alcohol is available, to minimise the risk of them driving under the influence of alcohol.

Prior Planning – Shire: In the event an employee/contractor becomes intoxicated at a Shire of Kulin workplace function, or if the Shire of Kulin believes that there is the potential for employees/contractors to drive under the influence of alcohol after a workplace function, the Shire of Kulin must ensure that they get home safely by following normal procedures for managing intoxicated workers e.g., "Skipper".

Self-Referral:

9 Where an employee/contractor believes that he or she has a problem with drug or alcohol use, they are encouraged to discuss the matter with their direct Supervisor/line Manager and/or the Chief Executive Officer.

9.1 **Shire of Kulin employees** will be supported in such instance with initial counselling (3 visits)

- 9.2 Time off work to attend drug and alcohol rehabilitation will be negotiated between the Shire and the Shire employee e.g. annual leave, RDO's etc.
- 9.3 Ongoing rehabilitation contract where regular discussions with managers and ongoing testing will be a feature in an environment of absolute confidentiality (see schedule (C) Health Rehabilitation Contract.
- 9.4 The employee will not be permitted to work if under the influence of drugs or alcohol and subsequent time off work will be without pay.

Multiple Drug/Alcohol Offences:

- 10 Where an employee/contractor has breached this policy on more than one occasion, the employee /contractor will be removed from the workplace, pending further investigations/testing.
 - 10.1 The employee/contractor will be advised that their employment may be in jeopardy which may include termination of employment.
 - 10.2 If a **Shire of Kulin employee** dependency issue is apparent, they will be guided to appropriate medical assistance or counselling service e.g. Holyoake or any Employee Assistance Program (EAP) – *see H3 Employee Assistance Program*.
 - 10.3 If a contractor employee dependency issue is apparent, they will be guided to appropriate medical assistance or counselling service e.g. Holyoake.

Employee Education:

- 11 An education program will run in conjunction with this policy ensuring that employees understand the effects of drugs and alcohol in the workplace in order to make an informed choice about their actions and behaviour. Employees will be given education material re the effects of different drugs and the potential consequences in the workplace at their Induction. Annual refreshers will be conducted to reinforce the knowledge.

Employee Assistance Program (EAP):

- 12 The Shire of Kulin understands that employees may be experiencing drug and alcohol problems that may influence their behaviour, safety and health whilst at work. To assist with the recovery of the employee, the Shire of Kulin has in place a confidential Employee Assistance Program (EAP) – *refer separate policy HR3 Employee Assistance Program*

Signs of Impairment:

- 13 Impairment can be caused by a range of factors, including alcohol and other drug use. The focus at the workplace should be on occupational safety and health management rather than more general concerns about personal health.
 - 13.1 It should not be assumed that any observed impairment is caused by alcohol and/or other drug use. Other impairment factors may include fatigue, medical conditions, chemicals, heat, noise and symptoms of work-related stress.
 - 13.2 Some work-specific signs that an employee may be impaired by drugs, alcohol or other factors are:
 - Repeated accidents, near misses or mistakes
 - Altered, uncharacteristic behaviour in the workplace or with colleagues
 - Aggressive behaviour or defensive attitude,
 - Poor concentration, impaired memory, inattention or carelessness in work duties
 - 13.3 Where the ability to work safely is impaired, the Supervisor/line Manager and employee/contractor should respond in a respectful manner based on the information available.
 - 13.4 If an employee/contractor suspects that a person is impaired in the workplace, they should immediately advise a supervisor or direct Supervisor/line Manager.
 - 13.5 Any action taken by the Supervisor/line Manager toward any person with a suspected impairment should be brief, firm, calm, clear and confidential (Refer to Appendix (3) - Fitness for Work – Policy - Procedure Flowchart for further details page).

Disciplinary Action:

14 If this procedure is in anyway contravened by an employee/contractor the following potential disciplinary action may result.

General Guidelines:

Any employee/contractor who tests positive to an alcohol breath screen or urine screen will be stood down from their work and will not be permitted to resume work until such time as they have proven they are fit for work. Any person who is found to be significantly fatigued will also be stood down from work without pay until such time as they have proven they are fit for work.

First Offence:

- I. **BAC Reading of over 0.000** - The employee/contractor will be immediately suspended from duty without pay if found unfit to work. Or at the direct Supervisors/ line Managers discretion, if under 0.005, may be given non-hazardous tasks e.g. sweeping the yard, until a BAC Reading of 0.000 is returned.
- II. **Drugs** - The employee/contractor will not be permitted to return to work until they have been tested again and proved negative for all prescribed substances.
- III. **Alcohol and Drugs** - The employee/contractor will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- IV. The employee/contractor will be counselled by their Supervisor/ line Manager focusing on;
 - a. The unacceptability of the employee/contractors behaviour.
 - b. The risk that such behaviour creates for the safety of the individual and other employees/contractors or members of the public.
 - c. The employee/contractors responsibility to demonstrate that the problem is being effectively addressed;
 - d. That any future breach of the policy will result in second offence and disciplinary action may result in dismissal.

The employee/contractor will be formally offered the opportunity to contact a professional counsellor.

- I. The decision to undertake counselling or other treatment for alcohol or other drug or substance problem is the responsibility of the employee/contractor and cannot be made mandatory.
- II. However, refusal to accept counselling may result in instant dismissal on second offence.
- III. The Shire of Kulin will insist that the employee/contractor provide satisfactory evidence that the effect of work performance and/or safety has been addressed before they are permitted to return to work (including a negative drug test result from a (NATA) approved drug testing collector or centre e.g. PathWest Katanning or Narrogin).

Second Offence- Alcohol and Drugs:

- I. The employee/contractor will be immediately suspended from duty without pay pending further disciplinary action including potential dismissal If found unfit for work.
- II. The employee/contractor will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- III. The employee/contractor will not be permitted to return to work until they have been tested again and provided a negative drug test result from a (NATA) approved drug testing collector or centre e.g. PathWest Katanning or Narrogin.
- IV. The employee/contractor will be counselled by their Supervisor/line Manager focusing on;
 - a. The unacceptability of the employee/contractors behaviour
 - b. The risk that such behaviour creates for the safety of the individual and other employees/contractors or members of the public
 - c. The employee/contractors responsibility to demonstrate that the problem is being effectively addressed;
 - d. That any future breach of the policy will result in instant dismissal.

- I. Counselling will be offered, refer to *First Offence*, if counselling was not used in the first offence.
- II. **The Shire of Kulin employee** will be instantly dismissed without notice if found to decline the offer to an EAP on second offence.
- III. Contractors will be instantly dismissed without notice if found to decline the opportunity to contact a professional counsellor on the second offence.
- IV. At the Shires discretion - If/or upon returning to work(pending disciplinary action), the employee/contractor will be submitted for alcohol and/or drug testing at a frequency and for a period of time that the shire deems necessary, paid for the Shire.
- V. If tests confirm positive, instant dismissal will follow.
- VI. If the employee refuses to comply, instant dismissal will follow.

Third Offence:

- I. The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- II. The employee will be immediately dismissed from duty without notice.

Instant Dismissal:

The following are guidelines to circumstances that will result in dismissal without notice:

- I. Any attempt to falsify the drug and alcohol screen
- II. Cultivating, selling or supplying drugs and/or other substances at any Shire of Kulin premises or worksites
- III. Unauthorised consumption of illicit drugs or alcohol or other substances at any Shire of Kulin premises or worksites during the working period.
- IV. Unlawful behaviour.

Other:

If an employee/contractor is found to be heavily intoxicated, above the legal limit to drive or extremely fatigued, in addition to complying with the procedures in this policy, it is a requirement of the Supervisor/line Manager to:

- a) Contact the employee’s next of kin to arrange pick up.
- b) If next of kin is unable to be contacted or unable to take employee home, the direct line Manager -Supervisor is to arrange for alternative transport)
- c) The employee is to be advised that their vehicle must be collected that day.

Table from **AS/NZS 4308:2008 - Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine**

**TABLE 1
IMMUNOASSAY SCREENING TEST
CUT-OFF LEVELS**

Class of drug*	Cut-off level, µg/L
Amphetamine type substances	300
Benzodiazepines	200
Cannabis metabolites	50
Cocaine metabolites	300
Opiates	300

Relevant Legislation/Documents:

Occupational Safety and Health Act 1984

Occupational Safety and Health Regulations 1996

AS 3547-1997: Breath alcohol testing devices for personal use

AS/NZS 4308:2008; Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine

AS 4760-2006: Procedures for specimen collection and the detection and quantitation of drugs in oral fluid

References:

Guidance Note Alcohol and Other Drugs At The Workplace 2008

WA Government, Alcohol Think Again - Fitness-for-work-alcohol-policy-development

WA Government, Alcohol Think Again - Fitness-for-work-alcohol-policy-inclusion

Workplace Health and Safety Queensland, Department of Justice and Attorney- General Framework for alcohol and drug management in the workplace - Source: <http://www.druginfo.adf.org.au>

<https://www.commerce.wa.gov.au/worksafe/alcohol-and-drugs-frequently-asked-questions>

HEAD OF POWER: Occupational Safety and Health Act 1984

REASONABLE CAUSE – SCHEDULE A

When determining “reasonable cause” physical symptoms and/or unusual or out of character observable or reported behaviours must be considered.

Examples of physical symptoms or behaviours include, but are not limited to:

- Excessive lateness
- Absences often on Monday or Friday or in conjunction with holidays
- Increased health problems or complaints about health
- Emotional signs – outbursts, anger or aggression
- Changes in personality
- Changes in alertness – clothing, hair, personal hygiene
- Less energy
- Involvement in various minor accidents
- feigning sickness or emergencies to get out of work early
- going to the bathroom more than normal
- defensive when confronted about behaviour
- dizziness
- slurred speech
- hangovers
- violent behaviours
- impaired motor skills
- bloodshot eyes
- impaired or reduced short term memory
- reduced ability to perform tasks requiring concentration and co-ordination
- Intense anxiety or panic attacks
- Impairments in learning and memory, perception and judgement
- Irritability
- Depression
- Odour of alcohol or drugs

Reasonable grounds testing may also take place where the Shire of Kulin learns, from a credible source, that the employee/contractor is at risk of impairment of drugs and/or alcohol, or where the employee/contractor is observed (whether by the Shire of Kulin or a credible source) using, possessing, distributing or consuming drugs or alcohol during work time or during any breaks, whether on or off the Shire of Kulin premises or worksites.



SCHEDULE A - REASONABLE CAUSE
ALCOHOL AND DRUG TESTING REQUEST FORM

Employee name:

Date:

Supervisor name:

Supervisor’s reasons for reasonable cause alcohol or drug testing:

.....
.....
.....
.....

Employee/Contractor comments:

.....
.....
.....

DETERMINING REASONABLE CAUSE

Yes No

- Do you believe that there is a risk to the safety and health of this person or others?
- Are you satisfied that it is reasonably possible that the risk is a result of the possible use of drugs or alcohol?

**DO NOT proceed with reasonable cause testing unless
the answer to both of these questions is YES.**

Reasonable Cause established Yes/No at (time)..... Date

Action Taken:

.....
.....
.....

Supervisors Signature..... Time: Date

CEO’s Signature Time: Date

SAFETY SENSITIVE ROLES AND POSITIONS – SCHEDULE B

The following is a non-exhaustive list of the types of positions and roles that are classed as safety sensitive positions or roles and which are subject to random testing under this policy.

- Any employee or contractor who uses a motor vehicle or heavy machinery such as trucks or heavy mobile plant in the course of their employment or engagement, high risk licence activities e.g. forklift operation;
- Any employee or contractor who is working within the confines of a warehouse or depot facility;
- Any employee or contractor working in a marked HAZCHEM area or has cause to work with dangerous chemicals or materials;
- Any employee or contractor working at heights or in confined spaces;
- Any employee or contractor operating machinery or power tools;
- Any employee or contractor working in trenches or excavations;
- Any employee or contractor working in water or boats;
- Any employee or contractor working with dangerous animals;
- Any employee or contractor working at high risk sites, for example, active construction or road maintenance sites or regular visits to such sites;
- Any employee or contractor who works in a supervisory role;

SCHEDULE C
HEALTH REHABILITATION CONTRACT

The Shire of Kulin – Health Rehabilitation Contract.

EMPLOYEE NAME:

I, acknowledge that I have been entered into the Shire of Kulin Health Rehabilitation Plan and that my continued employment with the Shire of Kulin is subject to the following:

I am committed to full participation in the Plan with the service provider(s) specified by the Shire of Kulin.

I understand that I may be required to contribute to part or all of the cost of the plan.

I authorise the service provider(s) to release the following information to the Shire of Kulin:

- Whether I have kept my appointments;
- Whether the service provider(s) has recommended a course of treatment;
- Whether I am following that course of treatment;
- Whether a return to work is appropriate and within what timeframe; and
- Whether I have completed the required course of treatment.

I understand that the Shire of Kulin may disclose this information as a proof of action where it is appropriate to defend the employee or the Shire of Kulin with regard to the employee’s rehabilitation.

I agree to take this course of treatment outside of work hours or use leave entitlements - if required and approved, to participate during work hours. I agree to take up to 6 drug and alcohol tests (at my own expense) in the 12 months following treatment and agree to the release of the results to my employer.

I accept that I may be suspended from my duties with or without pay or allocated alternative duties while I participate in the programme.

I accept that, if I do not attend or complete the required course of treatment, or if I refuse to take any of the 6 subsequent tests referred to above or if during those tests or any other future tests I return a positive drug or alcohol test, the consequence may be dismissal without notice.

I accept the terms of this contract, which I acknowledge may be in addition or vary the terms of my current employment agreement.

Employee Name:Sign:Date:

CEO/DCEO Name: Sign: Date:

Appendix 2

SECONDARY BREATH ALCOHOL CONTENT CONFIRMATORY TEST REQUEST FORM

Employee name:

Date:

Initial Reading: (BrAC)		Time:		Secondary Reading: (BrAC)		Time:	
Instrument serial number:				Instrument serial number:			
Calibration due date:				Calibration due date:			

Donors Name:	Signature:
---------------------	-------------------

Testers Name:	Signature:
----------------------	-------------------

Official Witness Name:	Signature:
-------------------------------	-------------------

Performing a confirmatory breathalyser test

- If the initial screening breathalyser test presents a breath alcohol concentration higher than 0.000 then a second confirmatory test is to be conducted 20 minutes following the first test.
- The donor should be instructed to abstain from eating drinking or smoking for the 20 minute period.
- The donor should be supervised during this period.
- The second test is performed in the same manner as the initial test.
- A new sealed mouth piece is to be used.
- The second test must be witnessed by an authorised Shire representative e.g. Supervisor.
- The second test is final.
- All parties to the collection (including the donor) must print their names and sign the request form.

Notes:

- The breathalyser serial number must be recorded on the request form
- Always record the breathalyser reading to three decimal points, i.e. 0.000%

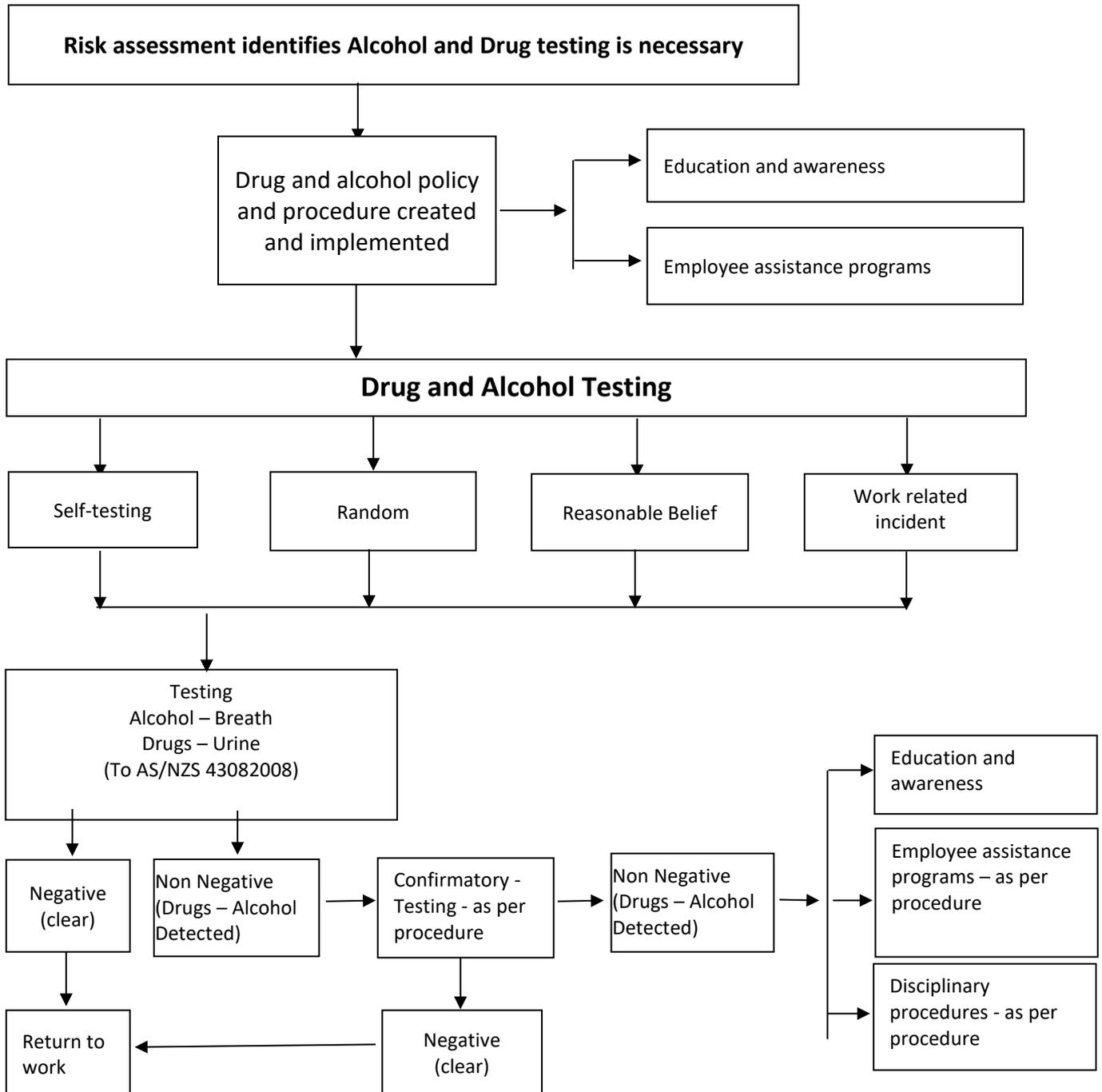
Appendix 3

Fitness for Work – Policy - Procedure Flowchart

Developed in consultation with workers, Health and Safety Committees and Health and Safety Representatives, (where these exist).

Policy Aim - to prevent drug and alcohol-related incidents and foster safe behaviours at work.

Objective -to prevent or minimise the potential for alcohol and drugs to contribute to work-related injury



+ Note: the policy needs to be assessed and evaluated on an ongoing basis

+ Note: Flowchart template adapted from Workplace Health and Safety Queensland, Department of Justice and Attorney- General Framework for alcohol and drug management in the workplace

Policy Updated July 2020

HR2 EMPLOYMENT MEDICAL

Human Resources

PREAMBLE: All appointed full time and part time permanent employees will be required to undertake a pre-employment medical and will fill be required to fill out a Medical Declaration Form. Casual employees at the discretion of their manager.

OBJECTIVE: To ensure that persons being appointed for employment positions at the Shire of Kulin are medically able to perform the duties of the position and that due diligence and a duty of care has been exercised when employing personnel.

PRACTICE: All offers of full time permanent employment with the Shire of Shire of Kulin will be subject to the applicant satisfactorily completing a Medical Declaration Form and a pre-employment Medical Examination conducted [wherever reasonably practicable] by the Shire’s nominated medical practitioner. The appointment and costs associated with pre-employment medicals will be borne by the Shire. Any additional testing required to confirm suitability for the role will be at the expense of the potential employee.

Issues identified and or declarations made that indicate a pre-existing condition that will impact on the capacity of an appointed employee fulfilling the position role will be determined by the Chief Executive Officer, on advisement from the Local Government Insurance Scheme (LGIS), WALGA Employee Relations service or the medical practitioner.

The Chief Executive Officer is charged with the responsibility to exercise a duty of care toward the potential employee and where appropriate involve them in a process of determination – considering;

- Extent of the medical condition and its impact on the role,
- Nature of the medical condition and whether it is likely to have a long or short term impact,
- Whether the potential employees medical history suggests the condition has potential to expose the Shire to additional medical or workers compensation claims,
- Whether commitments or waivers are appropriate to manage the situation,
- Whether the role can be adjusted to accommodate the medical condition.

Nothing in this process prevents a prospective employee from seeking a second medical opinion and presenting that information to the Chief Executive Officer.

The Chief Executive Officer may determine that a part time or casual position, because of the physical nature of the role requires prospective employees to also have a medical examination.

It is the Shire’s preference that all medical examinations and reports be completed prior to confirmation of the employees appointment, BUT in the case where this is not possible, the Shire reserves the right to make the appointment “conditional” upon the completion of a medical examination that highlights no known reasons why the intended employee would not be fit for the role.

Employees found to have misrepresented fact of prior medical conditions in the Medical Declaration Form that impact significantly on their capacity to undertake, or continue to undertake the role will be terminated on the basis of a breach of employment conditions and Shire Policy.

The Chief Executive Officer can require a current employee to undergo a medical examination if their role or Position Description changes substantially to the point where suitability is questioned.

The Shire of Kulin conducts a program of health checks (LGIS programmed health checks) every two years to support original medical assessment and has a flu vaccination service for all employees annually as part of an overall health policy.

PROCESS: The Chief Executive Officer will upon receipt of a medical examination determine the matter as soon as is practicable.

The Shire will provide the medical practitioner with:

- a copy of the Position Description to assist the medical assessment of the applicant's physical capabilities in relation to the physical requirements of the position;
- a Pre-Placement Medical Report Form, which includes medical history details provided by the applicant;
- Instructions to return the medical report and account to the Chief Executive Officer.

If, in the opinion of the medical practitioner, the applicant is considered fit for employment, and all other selection processes have been satisfactorily completed, Chief Executive Officer will continue with the formal offer of employment to the applicant in accordance with established procedure.

If, in the opinion of the medical practitioner, the applicant is considered to be unfit, the Chief Executive Officer will notify the applicant verbally and in writing that, based on medical opinion, the formal offer of employment has been withdrawn and the applicant has the option to:

- (a) obtain full details of the examination through their own medical practitioner; and/or
- (b) make application to the Shire's Freedom of Information Officer to obtain specific details of why he/she is considered unfit.

An applicant will only be rejected on physical or medical grounds if:

- (a) the applicant is certified by a medical practitioner as being unfit to perform the direct tasks required of the position; and
- (b) the applicant is physically unable to perform the tasks required of the position; and
- (c) the tasks cannot easily be modified so that they can be performed.

Having a disability or an existing ailment is not grounds for not employing a person where it does not prevent them from performing the required duties. However, care should be taken to:

- (a) seek medical opinion as to whether an existing ailment might be worsened by undertaking the position;
- (b) determine whether there is unreasonable risk of injury, either to the person or to others; and/or
- (c) determine whether it is unreasonably difficult to provide special facilities for the person to be able to work.

Where any doubt is raised about offering employment to a person with a disability, the matter will be referred to the Equal Opportunity Officer who will initiate discussions with the Commissioner for Equal Opportunity and assess any legal implications.

HEAD OF POWER: Shire Policy

HR3 EMPLOYEE ASSISTANCE PROGRAM (EAP)

Human Resources

PREAMBLE: To assist in the identification and resolution of productivity problems associated with employees impaired by personal concerns including health, marital, family, financial, alcohol/drug, emotional, stress and any other problems that adversely affect job performance.

OBJECTIVE: To identify and resolve people issues and identify work performance concerns. To assist people in coping with organisational and personal change and to make available confidential counselling to employees who experience personal or work related problems such as family crisis, emotional distress or any other difficulty and to also make available crisis/critical incident counselling.

PRACTICE: The Shire of Kulin seeks to strike a balance between work performance, privacy and the concern of the individual. The Shire has no wish to intrude into the private lives of staff, however, the Shire has a responsibility to take action if problems of a personal nature are adversely affecting work performance, putting other employees at risk; or bring the Shire into disrepute. If the matter is of personal bereavement in nature the Chief Executive Officer is authorised at his discretion to allow compassionate leave with pay to any employee for a maximum of 5 days in lieu of maximums allowed in employment Awards.

PROCESS: The Employee Assistance Programs (EAP) is designed to assist employees with personal and work related problems. The Shire of Kulin recognises that an employee's wellbeing significantly impacts on the work environment.

Counselling services can assist with problems such as interpersonal conflict, work related problems, relationships and family issues, emotional stress, financial difficulties, career issues, grief and alcohol/drug related problems.

Eligibility

The Employee Assistance Program is available to permanent full time staff only. Employees may be referred by Chief Executive Officer, Deputy Chief Executive Officer, Manager of Works or Occupational Health & Safety Officer, or by self-referral to appropriate outside counselling and support facilities. An information booklet will be provided to staff wishing to participate in the Employee Assistance Program, that outlines the services offered and relevant contact numbers to make a booking. Employees can make bookings personally or request the assistance of the above mentioned Officers.

At the discretion of the Chief Executive Officer, a decision to allow employees to attend local counselling as Employee Assistance Program will be weighed against the costs and time loss of non-local services, particularly when paid time off, travel and or other costs become part of the equation. Employees are encouraged to access those services that they believe provide the best results for them over and above costs, and the CEO will be cognisant of the employee's views when making a decision on what services shall be accessed/supplied.

Leave Provisions

At the discretion of the Chief Executive Officer, paid time off during work hours may be allowed to an employee to attend the local Employee Assistance Program support up to a maximum of 5 working hours over a 12 month period or following a visit to a Doctor in accordance with his/her referral. Over the phone assistance can be undertaken during working hours also.

Confidentiality

A vital feature of the program is the high level of confidentiality and the respect for the employee's privacy. Information on all referrals under the Program will be in strict confidence. Confidentiality means that the Shire of Kulin will not receive any information from the program or any of its counsellors concerning the employee's problem, other than contact in order to arrange for payment of the consultations.

HEAD OF POWER: Local Government Act 1995

HR4 EMPLOYMENT – POLICE CLEARANCE

Human Resources

PREAMBLE: The assessment of an applicant's suitability for employment or volunteer work with the Shire of Kulin includes consideration of any police record, which may make the person unsuitable for the position.

OBJECTIVE: To provide appropriate levels of risk management and awareness in the recruitment process. To ensure that the Police records are as up to date as fits the role of the employee.

PRACTICE: All organisations providing ratepayer and grant funded services to youth, children, the disabled and the elderly have a legal responsibility to ensure that the rights and safety of program participants and users generally are adequately protected by thorough background checks on servicing staff.

The requirement to undergo a Police Clearance will be indicated on the Position Descriptions, Selection Criteria and recruitment documentation and at interview so that prospective employees are aware of requirement.

If an applicant refuses to consent to a Police Clearance, staff will then document that the applicant did not demonstrate that he/she possessed the essential selection criteria for the position.

All decisions on Police Clearances must be timely and should not cause undue delay in the overall selection process.

An applicant or employee, who is denied, refused or terminated in employment or a volunteer position as a result of a criminal offence history, will be given the opportunity to discuss the history with the CEO or relevant Manager.

Employees appointed as casuals will be required to have their Police Clearances updated on a regular basis. For ADULT casual staff employed on Local Government operated/sponsored programs for youth, children, the disabled and/or the elderly, WILL be required to provide a Police Clearance.

The cost of obtaining a new Police Clearance will be borne by the Shire of Kulin.

The Shire of Kulin requires Pre-employment (where possible) Police Clearances for all adult full time positions and any other adult part time or casual position that the Chief Executive Officer identifies that may be an area of risk.

Assessment of Criminal Histories

An applicant should not be automatically precluded from a position with the Shire of Kulin on the basis of having a criminal record, although certain convictions will deem the applicant unable to meet the selection criteria. Examples would include a history of sex offences if the position were responsible for children and matters of theft if the position involved contact with the disabled or handling cash.

When considering prospective employees and volunteers with criminal histories, important factors to consider are:

- The nature of the offence and the relationship of the offence to the particular position for which the applicant is being considered.
- The length of time since the offence took place.
- The number of offences committed. An accumulation of individual minor offences may be sufficient to warrant rejection. The question to be decided is whether or not the offences are considered to establish a pattern or behaviours, which renders the applicant unsuitable for employment.

Severity of punishment imposed.

There may be mitigating or extenuating circumstances, which might be revealed in relation to the offence(s), committed. These could include age of applicant at the time of offence(s), and the circumstances in which the offence was committed. Mitigating circumstances, however, may not necessarily always be in favour of the applicant.

General character and time since the offence was committed. Relevant factors would include whether the person is currently employed and, if so, referee reports on his/her performance, other referee reports, steady employment record and favourable reports by past employers. Whether the offence is still a crime. The 'offence' may have now been decriminalised.

The final decision on whether to employ or not employ a prospective employee with a police record, lays with the Chief Executive Officer. A decision not to employ or place an applicant with the Shire of Kulin because of a National Police Record check and the rationale for the decision must be communicated to the applicant by the Chief Executive Officer.

A person denied employment or placement with the Shire of Kulin because of a National Police Records check is to be provided with the opportunity to discuss the results and the rationale for the decision.

If the person believes that a significant injustice has occurred, the Chief Executive Officer may review the decision in the first instance, and the person may seek review through the State Ombudsman, or the Commonwealth Human Rights and Equal Opportunity Commission.

PROCESS: Police Clearances are conducted by the Western Australian Police Service and provide details of information recorded against an individual from State and Federal Police records, including all criminal offences and any outstanding warrants. Documentation does not include spent convictions for the purposes of the Spent Convictions Act 1988.

The position applicant will be required to obtain the relevant documentation and provide it to the Shire.

The following process is to be followed:

- Prior to commencement of employment or voluntary work, the applicant will be required to produce a Police Clearance;
- Police Clearance information shall only be accessible to the Chief Executive Officer and relevant Manager;
- Police Clearance information on employees will be stored on personnel files and will remain confidential;

HEAD OF POWER: Shire Policy

HR5 GENERAL – HUMAN RESOURCES PRACTICES

Human Resources

PREAMBLE: Providing information on a variety of human resource practices, guidelines and operational information, each insignificant to warrant individual record.

OBJECTIVE: To ensure individual minor items are not lost in the system of recording practices, procedures and guidelines.

PRACTICES:

Senior Employees

The following positions are classified as Senior Employees for the purposes of Section 5.37(1) of the Local Government Act 1995:-

- Chief Executive Officer

Salary Negotiations & Performance Reviews Senior Employees

Salary negotiations and performance reviews for senior employees are to be conducted annually and presented to the next available Council meeting for consideration.

Employee Plant Use

Employees may use the Shire plant after hours free of charge on their own residential land, Shire Residences Property, with the express approval of the Chief Executive Officer, Deputy Chief Executive Officer or Manager of Works, this approval will be allowed or disallowed depending on the nature of the work to be carried out. Any damage from misuse to be paid for by the operator. All other work outside of normal working hours will be carried out at Private Works rates (with the employee being paid through the payroll), further that the following be expressly prohibited: The intent of the above policy is that employees are not using the equipment for their own private commercial business.

Conference Expenses

Attendance at conferences by Council staff is to be encouraged, as it is the philosophy of Council that generally these conferences will benefit the Shire by the increased knowledge gained by the Officer.

The following policy in relation to attendance at conferences applies:-

- Council shall pay conference fees
- Council shall pay accommodation fees for the staff member and partner, as well as in-house meal expenses.
- Officers who do not have the use of a Council vehicle to attend a conference shall be entitled to be reimbursed the fuel usage.
- Staff attending conferences shall conscientiously attend all conference proceedings unless carrying out other duties on behalf of the Shire during the term of the conference.
- The Chief Executive Officer is authorised to allow staff attendance at conferences and seminars pertaining to a particular officers duties.

Bonus Pay Incentive Scheme (Superseded)

The purpose of this scheme was to offer an incentive to staff to earn bonuses based on increased or high productivity. The existing incentive based pay system is for all outside employees excluding senior staff has been rolled into an over award payment. All positions now receive the equivalent of the annual bonus an over Award calculation on their hourly rate of pay.

Guaranteed Overtime

As an incentive for outside employees, the Shire permits the working of one additional hour per day as overtime. This has been guaranteed by inclusion in the employee's appointment documentation and can only be withdrawn by a decision of the Council.

Rostered Day Off (RDO)

As an incentive for ALL staff the Shire permits the working of additional time each day to cater for the accumulation of sufficient time to allow for 1 RDO each fortnight. Staff are to organise the taking of the RDO within the next fortnight. No accumulation of RDO's is permitted, unless by agreement of the Chief Executive Officer (only).

Working – Rostered Day Off (RDO)

As an incentive for outside staff the Shire permits the working of RDO's by agreement with the Manager of Works. Payment for working the RDO is as if it were a Saturday (2 hours 1.5, 6 hours double time). Working the RDO is dictated by current workloads. The Manager of Works is to ensure that working the RDO is offered fairly and consistently across the workforce and that workers are fully independent to work without supervision, and have sufficient instruction to keep them occupied for the full day.

Training St John Ambulance Course

Employees will be encouraged to complete and/or renew the Senior First Aid St John Ambulance training course. The course will be organised in Shire time and funded by the Shire every two years.

Human Resources Primary Documents

The Secondary Documents for Shire of Kulin Human Resources are;

- Incident Investigation Procedure 2017;
- Shire of Kulin Induction and Training Procedure 2017;
- Safe Work Method Statements (as listed) 108, 109, 110.

PROCESS: The CEO shall ensure adequate resources are allocated annually in the budget to meet human resource requirements.

In accordance with the listed documents.

HEAD OF POWER: Local Government Act 1995

HR6 GRIEVANCE PROCEDURES

Human Resources

PREAMBLE: Whilst complaint handling processes target external forms of complaint, grievance procedures provide an avenue for staff to make complaint and have the complaint heard in a formalised process. It is sometime required that because of the nature of the complaint and the close proximity of staff in a small local authority, it may be necessary for the Chief Executive Officer to engage competent assistance to resolve grievances.

OBJECTIVE: To clarify the operations of the Shire of Kulin grievance procedures.

PRACTICE: Although the Shire of Kulin at all time endeavours to maintain a harmonious and challenging work environment, there will unfortunately be times when disputes or grievances arise. In order to maintain effective staff communication and morale, the Shire of Kulin has adopted the following grievance procedure. All employees are encouraged to have a say in matters of concern, to have their views considered, and to receive feedback from Senior Management in response to the matters raised.

Nothing in this process prevents and employee from seeking assistance from their Union or employee representative/EAP counsellor or fellow employee in presenting and having their grievance heard.

Nothing in this process prevents staff from making a public interest disclosure under the Public Interest Disclosure Act 2003, as part of or separate to the lodgement of a grievance with the Shire of Kulin.

PROCESS:

In the first instance, all grievances, if possible, should be dealt with at the point where the problem has arisen and where the people involved know all of the facts, i.e. between the employee and their immediate supervisor.

If the matter cannot be resolved at this level, the supervisor will call upon the assistance of the Deputy CEO, the Shire's appointed Grievance Officer to help settle the grievance. At this point the matter should be committed to writing and include evidence (where possible) in relation to the matter raised. If the matter still cannot be resolved, the Grievance Officer will, as soon as practicable, refer the matter on to the Chief Executive Officer for attention.

In the event that an employee feels that they cannot talk to their immediate supervisor regarding a grievance, they may approach the Deputy Chief Executive Officer directly as the Grievance Officer, but in the case where this is considered unpractical for direct supervision reasons, then the Chief Executive Officer may be approached to deal with the grievance.

It should be noted by all staff that, as the Chief Executive Officer is responsible for all staffing matters, staff under no circumstances should report to or lobby Councillors regarding grievances or staffing issues, to do so is a breach of the Code of Conduct and can result in disciplinary action.

Confidentiality

The Shire will ensure that confidentiality is maintained where appropriate and care will be taken to ensure that the complainant will not experience any form of victimisation or retribution as a result of the raising of a grievance matter. Where the grievance relates to the conduct or behaviour of an individual staff member this will be handled by the relevant Manager and will be dealt with in accordance with the Shire of Kulin Code of Conduct.

Grievances that relate to the CEO (when not immediately able to be resolved or such that require independent mediation) will be handled by a competent external human resource consultant appointed by the Shire. The Chief Executive Officer and will only deal with the complainant to inform them of the appointment of a person suitable to deal with the grievance. In all case, the Shire President is to be informed of a grievance against the CEO and following the completion of a suitable response to the grievance, the President will determine if the grievance handling results are required to be reported to the Council under the Code of Conduct or any other legal requirement that requires their notification.

Grievances that relate to an individual Councillor will be handled by the Chief Executive Officer and will be dealt with in accordance of the Shire of Kulin Code of Conduct.

Formal Grievances highlighting Serious Breaches

All grievances that suggest formal complaints should be established alleging maladministration, serious and substantial waste of public money, corrupt conduct or pecuniary interest are to be referred directly to the Chief Executive Officer. The Chief Executive Officer will refer such complaints to the appropriate external office.

Unreasonable Grievances

Occasionally grievances are assessed and discussed but complainants may not accept the Shire's supervisor or CEO determination or response to their grievance and engage in unreasonable grievance conduct.

This conduct is defined as:

- Using unreasonable persistence - by persisting with a grievance even though it has been comprehensively considered by the Shire, and even where all avenues of internal review have been exhausted by showing an inability to accept the final decision.
- Using unreasonable demands - by insisting on outcomes that are unattainable, (e.g. demanding outcomes that are beyond a Shire's power to deliver, demanding unreasonable outcomes, wanting to turn back time, and unreasonable prosecution of individuals).
- By insisting on a 'moral' outcome, (e.g. Justice in the community interest, when really a personal interest is at stake) and demanding an apology and/or compensation when no reasonable basis for expecting such an outcome exists.
- Using unreasonable lack of cooperation - by presenting a large quantity of information which is not organised, sorted, classified or summarised, where the complainant is clearly capable of doing this. By displaying unhelpful behaviours, (e.g. withholding information, dishonesty, misquoting others, swamping the Shire with documents).
- Using unreasonable arguments by holding irrational beliefs - holding what is clearly a conspiracy theory unsupported by any evidence. By insisting that a particular solution is the only correct one in the face of valid contrary or alternative arguments.
- Using unreasonable behaviours - by displaying confrontational behaviour, including rudeness, aggression, threats by phone calls, in person or via letters/emails where the complaint is about something that is beyond the Shire's jurisdiction or outside of the Shire's control.

Managing Malicious, Frivolous, Persistent and Vexatious Grievances

All grievances received by the Shire will be treated with the utmost seriousness. If following investigation, the Chief Executive Officer determines a grievance to be malicious, frivolous, unreasonable, persistent or vexatious, the Shire will take into consideration the following action:

- Such a determination must take into account any previously similar complaints from the staff member, the response and outcome to the previous grievances, the resources required to address the grievance to ensure that it is not an unreasonable diversion of public resources and that the principles of equity and procedural fairness have been taken into account.
- A decision to take no further action on the grievance will be made by the CEO, and the complainant will be informed in writing.
- The Shire has determined that the complainants conduct is unreasonable and the Shire refuses to communicate with the complainant further on the matter.

A decision to take no further action on the complaint may be made by the Chief Executive Officer and the complainant will be informed in writing.

DELEGATION: To the Chief Executive Officer to engage a competent human resource professional to hear and determine a grievance against the CEO or where a grievance requires specialist mediation or assistance because the topic is outside the knowledge or capacities of Shire staff.

HEAD OF POWER: Local Government Act 1995

HR7 INDUCTION OF NEW EMPLOYEES

Human Resources

PREAMBLE: The Shire of Kulin has a legal obligation to ensure employees are properly introduced to the rules, policies, guidelines and practices that apply in the workplace. The employer has a 'Duty of Care' imposed by the Occupational Safety and Health Act 1984 to minimise risk and exposure to hazards in the workplace and this will include providing adequate induction and training, relevant to the requirements of the particular employment.

Employees also have a legal duty of care under the Occupational Safety and Health Act 1984 to behave responsibly at all times and not expose themselves or others to safety risks due to a lack of knowledge in relation to their particular work circumstances, which may or may not have been explained to them during the induction process.

OBJECTIVE: To impose management strategies to induct all employees with the necessary knowledge to ensure their safe introduction to the workplace.

PRACTICE: The appropriate supervisor or the Occupational Safety & Health Co-ordinator will conduct an induction for all new employees and distribute necessary material within 10 days of the commencement of employment. This Induction will include a copy of the Shire of Kulin Occupational Safety & Health Manual, Shire of Kulin Administrative Procedures and Operational Guidelines Manual, copies of Human Resource policy and required payroll deduction authorities and superannuation application forms etc.

A copy of the Shire of Kulin Code of Conduct will also be distributed to all employees or be made available for them to read at specific locations.

PROCESS:

Following completion of the Induction process, all new employees must acknowledge receipt of and indicate understanding of the contents of the Manuals by signing and returning the "Acknowledgement" page to their immediate supervisor for retention on their employment file.

HEAD OF POWER: Local Government Act 1995; Occupation Health & Safety Act 1984

HR8 LONG SERVICE RECOGNITION & STAFF RETIREMENT

Human Resources

PREAMBLE: To provide a framework for the recognition of long service at the Shire of Kulin.

OBJECTIVE: To clarify the methodology behind the Shire of Kulin long service awards and recognition functions

PRACTICE:

Employees who serve the Shire of Kulin continuously for twenty (20) years or more, will be presented with a Certificate at a suitable Shire reception as an acknowledgement and act of appreciation to employee for extended service.

STAFF RETIREMENT *(also included in Policy Manual at HR1)*

In recognition of length of service staff members will be paid by the Shire a gratuity on their retirement. The amount of the gratuity is determined by the length of service:

0 – 5 years	Nil
6 – 9 years	\$25 per year
10+ years	\$50 per year

PROCESS:

The presentation will include:

- An appropriate framed Certificate presented at the completion of twenty (20) years' service and on the completion of every (10) years thereafter;
- The employee and their partner will be invited to a light supper and drinks in the Chambers or Committee Room, at which time the presentation will be made. Such function to be arranged at the discretion of the Chief Executive Officer.
- Where possible, the Chief Executive Officer will arrange a combined function where several employees achieve long serving anniversaries within three (3) months of each other
- At the discretion of the Chief Executive Officer, the employee shall be given the opportunity to nominate up to six (6) family members or friends to be invited to the presentation.

HEAD OF POWER: Local Government Act 1995, Shire procedures.

HR9 LOSS OF DRIVERS LICENCE

Human Resources

PREAMBLE: It is essential that employees maintain certain skills and qualifications in order to satisfactorily undertake their duties. The need for a valid Driver's Licence is one such qualification that is needed in many positions. Should an employee lose their driver's licence, this may negatively impact on their ability to perform their duties.

OBJECTIVE: To outline the possible outcomes if an employee loses their drivers licence or if their drivers licence was to lapse (or invalidated) and such licence is needed for them to satisfactorily perform their duties. "Loss of licence" for the purpose of this guideline shall include lapsed, cancelled, failure to renew, renewal not issued, suspension and or cancellation.

PRACTICE: An employee is required to notify their Supervisor/Manager at the earliest opportunity when they lose their licence.

An employee who has lost their licence must not operate any Shire of Kulin vehicle. Any employee who knowingly operates a vehicle whilst not in possession of a current drivers licence or knowingly fails to advise that the potential for them to "lose their license" is imminent will face disciplinary action under the Code of Conduct.

Note: Driving a Local Government vehicle whilst not possessing a current drivers licence is violating the law and can potentially be invalidating the Local Government's vehicle insurance policy.

Where an employee has lost their driver's licence and it is a requirement of the position that they hold a current C, HR or MR Class licence, then the employee's immediate Supervisor together with the Chief Executive Officer shall formulate a strategy to deal with the situation based on merit of the case.

Factors that shall be taken into account shall include:

- the extent to which the employee is required to use vehicles in performing the functions of their role;
- the reasons for loss of licence;
- the employee's length of service, work performance and behaviour record; and
- the length of time before the employee will gain an extraordinary licence/regain their driver's licence.
- whether alternative duties are available.

Depending on the merits of any particular case, the following strategies may be implemented:

- the employee shall apply for and be granted annual leave, long service leave or leave without pay (to a maximum of one month) to enable the granting of an extraordinary license;
- the employee shall perform alternative duties which do not require a driver's licence;
- the employee shall be redeployed elsewhere within the Local Government [which can be at a lesser level of pay];
- the employee's services shall be terminated.

The Chief Executive Officer shall have the final say as to whether employment shall continue, however the affected employee shall be advised of their right to contest any such decision through the appropriate dispute resolution process.

Should an employee's services be terminated that person may reapply for employment should a suitable vacancy be advertised once they have regained their licence.

Any redeployment to an alternative position shall be for a limited time period until the employee's licence is reinstated however an employee may remain in the alternative position if the Local Government believes that it is in its and the employees best long term interest.

An employee will receive the relevant rate of pay under their award for the alternative position during this period.

Alcoholism

Attempts must be made to ascertain whether or not the employee has an underlying behavioural problem where an employee loses their licence due to a drink driving charge.

It is recognised that alcoholism is an illness which causes socio-economic problems for individuals and the community as a whole. People who suffer from alcoholism require treatment, support and counselling to overcome their addiction.

Employees who stipulate that they have a problem which resulted in them losing their licence may be assisted by the Local Government through the EAP service. The level of support will be determined at the discretion of the Chief Executive Officer. If the employee is willing to undergo rehabilitation and counselling to assist with their addiction then the Shire may look more favourably upon supporting them through the transitional period of recovery.

Due to the employer's duty of care to the community, those people who have previously lost their licence due to a drink driving charge may be required at the discretion of the Chief Executive Officer to undergo a breath test before and after the use of a vehicle.

The decision to supply and/or fund counselling to the employee to assist with recovery during the employee's illness lies with the Chief Executive Officer. No employee will be forced to attend counselling.

Variation to Policy

This practice may be varied at the discretion of the Chief Executive Officer from time to time to suit the particular circumstances of a case, but in doing so will report the practice variations to Council.

PROCESS:

All employees responsible for operating a Shire of Kulin vehicle will receive a copy of this guideline at Induction.

HEAD OF POWER: Shire Policy

HR11 PROTECTIVE CLOTHING – OUTSIDE STAFF (Permanent Employees)

Human Resources

PREAMBLE: To detail the provision of protective clothing and safety equipment at the Shire of Kulin for outside works staff who are permanent employees. Casual and part time staff are provided clothing and protective equipment on the basis of the requirements of the job allocated.

OBJECTIVE: To provide appropriate levels of protective clothing and safety equipment that meets the requirements of the task at hand and to ensure employees utilise all safety and health equipment made available to them.

PRACTICE: The Shire of Kulin will provide the following safety equipment:

- One pair of safety boots per year ;
- Two shirts per year;
- Two pairs of long pants per year;
- One Jacket per year;
- A sun protection hat;
- Wet weather clothing; as required
- Ear muffs, Personal Protective Equipment as required;
- A maximum of two good quality safety sun glasses per year. Employees required to wear prescription sunglasses will be paid an allowance equivalent to the value of two quality safety sunglasses per annum;
- Sunscreen;

Outside staff are required to contact the Manager of Works or Tech Officer, who will ensure that the above apparel is supplied to you or in the case of any defective or lost equipment.

The Shire also enforces an Outdoor Work Clothing Policy (Skin damage Prevention), due to the growing weight of evidence linking skin cancer to exposure to ultra-violet light.

The aim of this practice is to arrive at a dress code that will:

- Protect the employee from ultra-violet light;
- Protect the employee from physical injury, such as cuts and abrasions;
- As far as it is practicable, ensure that the clothing makes the person easy to see when working on or near roads, access-ways and mobile equipment;
- Comply with relevant Statues and Australian Standards;
- Prescribe clothing that is comfortable and acceptable to the majority of workers;
- Promote a team spirit and personal pride in workers with respect to their appearance.

Standard Dress Code

The minimum clothing requirements for outdoor employees shall be a long sleeve shirt and long trousers. To prevent the adverse effects of hot weather, for the months of November to March inclusive, outdoor employees may be permitted to wear long shorts, i.e., to just above the knee and short sleeve shirts. This exemption will only apply in these months and for locations where the Mean Daily Maximum Temperature is 30°C or more and a sufficient sunscreen is applied to the skin. Unless there are safety related reasons, shirt sleeves must not be rolled up.

The Shire will provide a broad- brimmed hat or cap which should be worn when working outside. This standard dress code is dependant at all times on the suitable application of sunscreen lotion. Hats, long sleeve shirts and trousers appropriate for the nature of the work are supplied by the Shire. Wherever practicable, the Ultra-violet Protection Factor (UPF) of clothing fabric will be 20 or better.

An “outside employee” for the purpose of this guideline is defined as a person whose regular daily duties require them to be in direct sunlight for more than one hour/day on a cumulative basis.

The following outdoor employees because of the nature of their activities, will be subject to this particular dress requirement:

- Rangers
- Pool Attendants (Long pants may hinder a pool rescue and are not recommended)
- Building Surveyors
- Building Maintenance Workers
- Workers on special Tasks

Where there is an obvious risk of immediate physical damage to the skin, the option to wear long shorts will not apply to:

- Operators of brush cutters, concrete/bitumen saws and chainsaws
- Employees handling bitumen
- Employees who handle chemicals. i.e., pesticides and herbicides

These workers must wear trousers and long sleeve shirts or overalls

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

Use of Sunscreen

All outdoor workers will be supplied with sunscreen cream that should be applied to their uncovered skin in accordance with the manufacturer's directions and in conjunction with the above standard dress code requirements.

High Visibility Clothing

High visibility clothing must be worn by workers at all times which is supplied as part of the annual uniform issue.

Staff who do not wear high visibility uniforms (such as new staff who are yet to receive uniforms) are to wear an overlay high visibility vest. Should over garments (e.g. jumpers and jackets) be needed, then the overlay vest must be worn on the outside so that it is visible at all times.

Supply and Use of Sun Glasses

All staff working outdoors shall, when practicable, wear general purpose sun protection glasses which comply with AS1337 (1992) and AS1067 (1990) as appropriate. These will be made available to relevant staff as part of the standard personnel protective equipment issue.

Physical Comfort and Overheating

Comfort and overheating is considered an important issue by the Shire.

The key factors which may promote the body overheating are:

- Ambient and radiant temperature;
- Extent of air movement
- Pace and physical demand of work;
- Adequacy of water replacement by sweating;
- Humidity;
- Clothing.

Thus,

- All relevant staff shall be supplied with a water bottle and should have ample supplies of fresh cool water.
- The use of natural shade should be exploited.
- The erection of temporary shade should be considered where practicable.
- Temporary cessation from physically demanding work should be considered for the time when severe heat related conditions are experienced.

It is obvious that heavy work in hot weather is not efficient work without frequent stops, at least for drinks and possible self-dousing with water.

Staff should report immediately to their Manager any significant symptoms of bodily overheating.

Consultation

The Shire realises that the type of clothing worn in the field is of considerable importance to outdoor employees and as such, they will be consulted with respect to changes in style, type and fabric clothing as issued, in accordance with good management practice.

Wherever practicable, the Shire having adopted a clothing policy, will ensure that the style and fabric of garments is acceptable and appropriate to the relevant workforce.

HEAD OF POWER: Local Government Act 1995, Occupational Safety and Health Act 1985.

HR12 RELOCATION EXPENSES

Human Resources

PREAMBLE: To provide guidance to CEO and Managers in terms of the offer that can be made in assisting with relocation costs for successful appointees to a position vacant for the Shire of Kulin.

OBJECTIVE: To be clear but helpful to staff and to clearly state the requirements of the Shire for this financial assistance.

PRACTICE: Relocation expenses for employees will be paid for by the Shire. As a guide the following amounts (subject to two quotes being received under the Shire’s purchasing practice), shall be used when considering the payment of relocation expenses.

Chief Executive Officer	- \$3,000 to \$5,000
Deputy Chief Executive Officer	- \$3,000 to \$5,000
Aquatic Centre Manager	- \$2,000 to \$4,000
Manager of Works	- \$3,000 to \$5,000

All other employees at the discretion of the Chief Executive Officer.

Where the Shire has paid relocation expenses the following shall apply.

If the employee leaves the Shire of his/her own choice:

- Prior to 1 years’ service the employee shall reimburse the Shire the full cost of the original expense.
- between 1 year and 2 years’ service the employee shall reimburse the Shire one half of the cost of the original expense, and
- After 2 years’ service no repayment of costs is required.

The offer of relocation expenses will be indicated on all recruitment documentation and at interview so that prospective employees are aware of the “repayment” requirement.

PROCESS:

The CEO at his/her discretion will determine the payment process applicable for each employee accessing the benefits provided by this practice, either pre-payment of costs, ordering/invoice for the relocation or reimbursement to the employee if paid in advance.

The CEO at his/her discretion will indicate what private expenses will/will not apply under this practice; though general procurement rules will apply to ordering or via the production of receipts.

HEAD OF POWER: Shire Policy; Procurement Practice

HR13 SECONDARY EMPLOYMENT

Human Resources

PREAMBLE: Staff wishing to engage in employment outside their official duties, must obtain prior permission from the Chief Executive Officer via the ‘Secondary Employment – Application Form’ prior to commencement of secondary employment.

OBJECTIVE: To allow staff to make application for secondary employment that will not interfere with or prejudice their employment with the Shire.

PRACTICE: Staff that intend to engage in Secondary Employment under this policy are to acknowledge that their first duty is to the Shire of Kulin. They are not to be engaged in providing their service, expertise or talents for secondary employers who will require a decision of the Shire of Kulin, either by a Council resolution, delegated authority or under Shire policy.

- Staff shall not engage in secondary employment, which might be detrimental to their performance of official duties.
- Secondary employment should not affect their efficiency, performance or impact adversely on work life balance;
- Should be wholly in the staff members private time; and

If in the course of their official duties, they have access to confidential information not available to the public, they will not be permitted to engage in any secondary employment to which this information might be relevant.

Should the Shire/management resolve to change the spread of hours of the officer then the Shire of Kulin as principal employer takes priority. Secondary Employment Form Attached as Appendices

PROCESS: Staff member is to complete the Secondary Employment – Application Form and submit it to the Chief Executive Officer for consideration.

HEAD OF POWER: Local Government Act 1995

SECONDARY EMPLOYMENT – APPLICATION FORM

This form is to be used as an Assessment Application for employees who undertake employment or businesslike activities outside their employment by the Shire of Kulin. This may or may not involve remuneration.

As you are aware, the Chief Executive Officer is responsible for the employment, management, supervision and direction of all staff employed by the Shire. Approval by the Chief Executive Officer is required for employees to undertake secondary employment.

Staff that are approved to engage in Secondary Employment are to acknowledge that their first duty is to the Shire of Kulin and they are not to be engaged in providing their service/expertise/talents to employers who will require a decision of the Shire of Kulin or the Council either by a Council resolution, delegated authority or Shire policy.

This form is for your self-assessment of any such activity you may be involved with, or may be proposing.

You should complete the self-assessment (see reverse) and submit it to your Manager. Any approval may be conditional and subject to review should circumstances alter.

Name:
Manager:
Secondary Position:
Main Duties:

(for more than one position complete a separate application)

Location within Shire of Kulin Y N Location other

Signed _____ Date _____

The purpose of this checklist is to help assess –
Whether the activity will interfere with the officer's prime employment with the Shire of Shire of Kulin
Whether there is any conflict or potential conflict between the officer's duties and the proposed activity.
The following questions are to be answered by ticking the appropriate box and then forwarding the form to your Manager.

Is the activity in the field of your profession, Investments, Similar to role with the Shire, Other work, Business Activity, Entertainment, Sport or Arts? _____

Is the activity lawful?

Y N

Is the activity a conflict of interest with your employment?

Y N

Does it have a potential to create such a conflict?

Y N

Does the activity require approval of other staff within the organisation? If yes;

Once only Y N Occasionally Y N Regularly Y N

Will undertaking this activity be likely to create an adverse perception within the community?

Y N

Will undertaking this activity place any potential liability on the Shire of Shire of Kulin?

Y N

Will the Shire continue to have your services as required?

Y N

Will these other duties detract from your present duties?

Y N

In carrying out these other duties will you be prepared to inform your superior if the situation changes?

Y N

Manager Initial _____

Note: If there are any other comments you wish to add to this application, please do so. These may include involvement in voluntary work, which may affect the community. Please attach extra pages if required. The Shire as your employer is entitled to your exclusive service during the usual hours associated with your employment. This approval may be subject to review should circumstances alter.

HR14 STAFF UNIFORMS

Human Resources

PREAMBLE: The Shire has adopted the Local Government Uniform as its corporate uniforms for the Administration officers (This contract is awarded by WA Local Government Association and is subject to review and change). This guideline defines the conditions that apply to officers uniforms for the Shire to fund the purchase of uniforms.

OBJECTIVE: To clarify the conditions that apply to Shire of Kulin uniform supply.

PRACTICE: That unless otherwise negotiated in salary considerations or under contract, the following guideline is to assist with the provision of recognised uniforms to staff members.

That permanent officers be offered a maximum of \$600.00 plus GST per annum in the first year of employment on a pro rata basis (time served) as a Shire contribution for an approved staff uniform. [Part time staff will be eligible for full time equivalent (FTE) pro-rata amount allowed.]

In the second and subsequent years of employment as the Shire's continuing contribution for an approved staff uniform a \$300 allowance will be made as per the adopted budget for that year for permanent officers. [Part time staff will be eligible for FTE pro-rata amount allowed.]

Those officers claiming a staff uniform contribution will be obliged to wear them for working purposes whilst in the employ of the Shire of Kulin.

The Shire will also provide suitable identification badges to be worn by administration staff.

In accordance with the provisions of the Local Government Industry Award 2010, the Shire will supply employees with two sets of uniform garments. Employees will also be provided with suitable sun protection, e.g. hats, sunglasses and sunscreen, as applicable to their position.

Staff are to be advised that they will be asked to leave the workplace if they do not wear the correct clothing and they run the risk of being dismissed if they continue to come to work in unsuitable clothing.

PROCESS: At the time of appointment new officers are to be advised that subject to satisfactory completion of the 3 month probationary period the allowance will be provided to finance the purchase of the Shire uniform.

The officer, on receipt of the letter confirming permanency is to contact the Accounts Payable officer or DCEO to arrange for uniform purchases.

HEAD OF POWER: Local Government Act 1995

HR15 STUDY LEAVE

Human Resources

PREAMBLE: The Shire of Kulin is supportive of granting Study Leave and or reimbursing Study expenses, for permanent full time employees who are undertaking studies relevant to their Shire of Kulin role and responsibilities, from a recognised Australian, or other approved, educational institution. Any variation from this guideline will be at the discretion of the CEO.

OBJECTIVE: to promote continuous learning and individual development as a joint responsibility, and to encourage a continuous learning environment whilst supporting employees to study part-time. To provide fair access to all staff, contribute value to the organisation by adding to its knowledge, skill and abilities base.

PRACTICE:

1. Approved Courses:

- a) Graduate, Undergraduate and Post Graduate Degree courses offered by a recognised University or other accredited institution.
- b) Diploma or Certificate courses offered by a Technical and Further Education College (TAFE) or other equivalent accredited college or training organisation.
- c) Continuing education courses offered by a recognised work related professional institute or organisation (e.g. CPA or AHRI)

It is recognised that some courses may be undertaken in distance mode, possibly from interstate and this is acceptable under this guideline.

2. Study Leave:

Application for Study Leave must be made to the Chief Executive Officer via the relevant Supervisor/Manager and must be approved by the Chief Executive Officer. Study Leave shall not adversely affect the normal operations of the Shire generally an employee will be granted study leave to attend only one intensive course per annum. An employee may be granted time off with pay for part-time study purposes.

Approval of Time Off to attend lectures and tutorials, in every case, will be subject to the –

- a) Shire operational requirements;
- b) Course being studied on a part-time basis;
- c) Employee completing an acceptable formal study load in their own time; and
- d) Employee making satisfactory progress with their study.

Time off with Pay to be approved at the Chief Executive Officer's discretion. The Chief Executive Officer is to assess whether lectures and tutorials are available after working hours or during alternate less impactful work times.

Examinations – employees shall be granted sufficient time off with pay to travel to and sit for examinations. Sufficient prior notice is necessary to allow for any work arrangements to be considered.

Study Leave must be applied for on the Shire of Kulin Study Assistance & Study Leave Application Form.

3. Study Assistance (Fees):

The Shire of Kulin will provide financial assistance to employees studying an approved course, including unit fees, books and associated expenses on a semester-by-semester basis. Application must be made each semester via the Study Assistance & Study Leave Application Form and approved by the Chief Executive Officer.

Note: Successful completion means receiving a minimum pass for the subject.

Fees will be paid in advance by the Shire and employees will reimburse the Shire 25% of the cost of their course fees and books per semester by the 30 of June in the applicable financial year.

If approved, the 25% amount will be recouped within the financial year by fortnightly after tax payroll deductions.

If the employee leaves the employ of the Shire or the Shire terminates the employee, at any time, outstanding payments will be deducted from the final salary payout.

Employees whose Shire of Kulin employment terminates (by either party) within twelve (12) months of having received the 75% benefit Study Expenses for their most recent claim, shall be required to repay a percentage of the value of the contribution made by the Shire, according to the following schedule:

Termination within 3 months – 75%

Termination within 6 months – 50%

Termination within 12 months – 25%

(This level of reimbursement to the Shire recognises that replacement employees may bring with them, qualifications funded by their previous employees. That is, it recognises the benefit to the individual and the industry as a whole.)

Recipients of the study support shall provide to the Chief Executive Officer a copy of their exam results. Should an employee not pass the exam then 100% of the fees paid by the Shire is to be repaid to the Shire and repayment shall be made via payroll deduction from salary owing to the employee and/or via the issuing of an invoice.

Repayments by payroll deduction are to clear the sum owing prior to any additional unit requests, or within six months of the notification of the exam results, or in full prior to the employee separating from the Shire's employ, whichever comes first.

The repayment options and policy requirements are to be agreed to in writing with the applicant.

4. Study Assistance:

Study assistance must be applied for in writing to the Chief Executive Officer.

The Application Form together with a copy of the;

- Enrolment Form;
- Receipt for fees paid and/or invoice, plus a book receipt;
- For course fees, a copy of the exam results is required;

shall be submitted to the Chief Executive Officer for consideration and signature.

5. Continuity:

To continue to qualify for assistance under the Study Leave & Study Assistance practice, employees will need to successfully complete each semester's subjects according to the course they are undertaking.

6. Promotion:

The successful completion of any approved course shall not necessarily entitle an employee to a higher classification or salary level.

7. Other Expenses:

Accommodation and meals will not be the responsibility of the Shire while employees are undertaking a course of study, or sitting examinations.

The operation of this Study Leave/Study Assistance Practice will be reviewed annually and the continued operation of the Practice is at the discretion of the Chief Executive Officer.

PROCESS:

1. Employee completes the request in writing for CEO approval to commence study.
2. Chief Executive Officer considers request and determines decision.
3. Chief Executive Officer advises Employee in writing of decision and conditions that apply – copies are sent to Payroll, including the payroll authorisation to deduct the 25% contribution toward costs.
4. Employee commences study.
5. Employee completes unit/course and submits the exam results.
6. CEO to submit invoice request to Debtors Officer if employee does not receive a minimum pass mark for the subject.
7. Employee completes a payroll deduction authorisation as per the agreement to recoup the incurred costs within twelve months.

HEAD OF POWER: Shire Procedure

HR16 SEXUAL HARASSMENT

Human Resources

PREAMBLE: The Shire of Kulin has a legal obligation to ensure employees are not subject to sexual harassment. Employees also have a legal responsibility to behave responsibly at all times and not engage in behaviour that could be regarded as offensive.

OBJECTIVE: The Shire considers sexual harassment to be an unacceptable form of behaviour that will not be tolerated and recognises that sexual harassment is unlawful.

PRACTICE:

Sexual harassment is any conduct of a sexual and/or sexist nature (whether physical, verbal or non-verbal) that is unwelcome and unsolicited and rejection of which may disadvantage a person in their employment or their life in general.

Definition: The following constitute sexual harassment when they are considered offensive to an employee, elected member or member of the general public:

- Deliberate and unnecessary physical contact such as patting, pinching, fondling, kissing, brushing against, touching;
- Subtle or explicit demands for sexual activities or molestation.
- Intrusive enquiries into a person's private life;
- Uninvited and unwelcome jokes that have a sexual nature and the display within the workplace of sexually offensive material.

The Shire recognises that sexual harassment can undermine health, performance and self-esteem of individuals and has the potential to create a hostile and intimidating environment. The Shire is therefore committed to any action that ensures the absence of sexual harassment in the workplace including general training of the workforce and specific training for officers identified to deal with complaints. Appropriate disciplinary action will be taken against any individual found to be engaging in such conduct.

Any complaints of sexual harassment made against another person associated with the Shire will be viewed seriously, treated confidentially and thoroughly investigated by appropriately trained persons.

Any person making a claim of sexual harassment will be protected at all times. No transferring of staff or face to face meetings between the complainant and the person whose behaviour has been found to be unwelcome will occur without the prior consent of both parties.

An employee whose health or work performance has been affected by sexual harassment will not have their employment status or conditions disadvantaged in any way.

The Shire's formal grievance procedure will be utilised to effectively resolve complaints of sexual harassment.

PROCESS:

All complaints of sexual harassment will be treated confidentially and resolved promptly.

Wherever possible, the handling of complaints and resolution of such will be at the workplace where they occurred. Care will be taken throughout the investigation to ensure that neither the complainant nor the alleged harasser is victimised.

It is recognised that cases of sexual harassment may occur between supervisor and employee and such as, alternative methods of raising complaints are provided for in the grievance procedure.

A complaint of sexual harassment should be lodged with the Shire DCEO (Grievance Officer) who will determine if information pertaining to the fact that a complaint has been received will be presented to the;

- Immediate Supervisor (except where this person is the alleged harasser),
- Department Manager (if applicable-except where this person is the alleged harasser),
- Chief Executive Officer,
- Mayor/ President (only if the alleged harasser is the Chief Executive Officer)

The Grievance Officer upon receiving a complaint of sexual harassment will:

- Decide, in consultation with the complainant, whether the matter can be resolved at this level or whether it should be referred to a more senior level of management.
- Assure the complainant that all details of the complaint will be treated confidentially and allow the person to decide on procedure.
- Prepare a confidential report for the Chief Executive Officer on the nature of the complaint, making recommendation as to the referral to other competent jurisdictions, Police and or with request for competent assistance to resolve the allegation or mediation.
- Ensure no information regarding the complaint is discussed outside this procedure.
- In a case where a Union shop steward receives the complaint, the Department manager and/or Grievance Officer is to be advised of the details of the complaint.

The person handling the complaint will, with the approval of the complaint:

- As soon as possible, advise the alleged harasser of the nature of the complaint and provide an opportunity for that person to comment. Where appropriate the alleged harasser should be invited to discontinue any perceived unwelcome behaviour.
- Advise the alleged harasser of the right to contact their union for advice and representation.
- Advise the alleged harasser that no disciplinary action will be taken without the person being given the opportunity to be heard.
- Keep simple, brief notes of the facts of the interviews held with both the complainant and alleged harasser.

If it is not possible to resolve the complaint simply by discussion with the complainant and the alleged harasser then:

- The matter will be investigated and, where the complainant or the alleged harasser is a member of a union, the union will be party to the investigation.
- All documentation relating to the complaint will remain confidential and will not be produced or made available for inspection, except on the order of a court or a request from the Commissioner of Equal Opportunity.

During the period of the investigation of a case of serious sexual harassment:

- If requested by either party or by management, alternative working arrangements may be made.
- Arrangement will be made for the complainant to receive professional EAP counselling should there be an established need for such counselling.

If, following investigation a complainant is judged to have foundation:

- Appropriate remedial action will be taken including, where appropriate disciplinary/counselling action appropriate to the circumstances and/or seriousness of the matter.
- A record of the detail of the disciplinary action will remain on the employee's personal file.

If, following investigation, a complaint is judged to have no foundation:

- The complainant will be counselled, and if it is considered that the complaint was made frivolously or maliciously, disciplinary action may be taken against the complainant.
- Continued reference to a complaint and its aftermath could be considered as either a continuing or new incident of harassment.

HEAD OF POWER: Local Government Act 1995; Equal Employment Opportunity Act and Regulations

HR17 SUPERANNUATION

Human Resources

PREAMBLE: To provide detail of the Superannuation schemes that currently are available to Shire of Kulin staff.

OBJECTIVE: To ensure Shire staff are aware of the way in which they can maximise their superannuation benefits whilst working with the Shire of Kulin and to provide added incentive through superannuation benefits to employment at the Shire of Kulin.

PRACTICE: Employees have the option to contribute to any superannuation scheme of their choice and the Shire of Kulin extends this contribution on the basis of length of service at the Shire.

The primary superannuation scheme for local government in WA is the Local Government Superannuation Scheme offered by WA Super. This scheme has operated since 1 July 2002.

The Shire is required to contribute an amount equal to 9.5% of your salary, on a fortnightly basis under the Federal Government Superannuation Guarantee. This contribution is in addition to salaries and wages and is a mandatory contribution.

Nothing stops an employee from making an additional private contributions from their salaries and wages above this amount and requests to do so can be lodged with the payroll office.

Additional Contributions

As an added incentive for employees, the Shire of Kulin will also make additional payments to superannuation for employees on the basis of length of service.

0 to 1 year service - No additional contribution.

1 to 5 years of service – Shire will pay an additional 5 percent.

After 5 years of service – Shire will match up to 9.5 percent.

The maximum percentage payable by the Shire will be 19% per annum.

Any extra contributions that employees voluntarily make to their superannuation will not be matched.

PROCESS: Employees should be encouraged to seek financial advice in the preparation of their superannuation contributions as there are salary sacrifice and taxation limits that may apply. As a Local Government, the Shire of Kulin can obtain this advice from WA Super and a number of salary sacrifice companies.

HEAD OF POWER: Local Government Act 1995, Superannuation Guarantee legislation.

HR17a SUPERANNUATION – FIRST HOME SUPER SAVERS SCHEME**Human Resources**

PREAMBLE: To provide detail of the First Home Super Savers Scheme (FHSSS) that is currently available to Shire of Kulin eligible staff. To provide detail of the treatment of employer contributions made by the Shire in support for the scheme.

OBJECTIVE: To ensure Shire staff are aware of the way in which they can maximise the use of their superannuation contributions towards saving for their first home whilst working with the Shire of Kulin, under the FHSSS provided by the Australian Taxation Office (ATO).

PRACTICE:

The First Home Super Saver Scheme (FHSSS) was introduced by the Australian Government in the Federal Budget 2017-2018 to reduce pressure on housing affordability. The FHSSS allows First Home Buyers (FHB) to save money for a first home inside their super fund. This will help first home buyers save faster with concessional tax treatment within super.

About the scheme

From 1 July 2017 FHB can make voluntary concessional (before-tax) and non-concessional (after-tax) contributions into their super fund to save for their first home. From 1 July 2018 they can then apply to release their contributions, along with associated earnings, to help them purchase their first home. The FHB must be 18 years or over to apply for the release of these amounts.

To qualify a person must:

- have not previously owned property in Australia (or the Commissioner of Taxation has determined you have suffered a financial hardship as specified by regulations)
- have not previously released FHSS funds
- either live or intend to live in the premises you are buying as soon as practicable
- intend to live in the property for at least six months of the first 12 months you own it, after it is practical to move in.

Contributions

A FHB can contribute up to \$15,000 in one year and up to a maximum of \$30,000 in total from the 1st July 2017. The concessional contributions cap still applies and an individual cannot contribute more than \$25,000 at the concessional tax rate. Individuals are still entitled to make non-concessional contributions but these are made after tax or where a tax deduction has not been claimed.

When a FHB makes a personal superannuation contribution to their fund it is taxed at the concessional rate (concessional contributions cap is \$25k) of 15%. When the funds have been approved for release the total savings plus the deemed investment earnings will be released to the FHB. The ATO will withhold from the savings tax at the individual's marginal rate less a 30% tax offset.

In the table on the left (over the page) an individual, with a marginal tax rate of 35%, contributes \$1,000 to their super fund using the FHSS Scheme. In the table on the right an individual deposits \$1,000 of salary in to a bank to save for a deposit the conventional way.

** (Current ATO deemed investment rate 4.7%, 90 day bank bill + 3%)

FHSSS		Conventional Savings	
Contribution to super fund	1,000.00	Earns salary	1,000.00
Taxed at 15% (concessional rate)	(150.00)	Taxed at 35%	(350.00)
Total contribution to super fund	850.00	Total contribution	650.00
Earnings on contribution (4.7%)	40.55	Earnings on contribution 2.2%	14.30
Total available for withdrawal	890.55	Total available for withdrawal	664.30
Less tax on withdrawal from fund 35%	(311.69)	Tax on Investment Earnings 35%	(5.01)
Add back tax offset 30%	267.16		
Total savings remaining	846.02	Total Deposit remaining	659.30

As you can see a FHB is \$186.72 better off investing through the FHSSS than a conventional bank deposit.

Applying to release the savings

When the FHB is ready, the FHB will need to apply to the Commissioner of Taxation for a FHSSS determination and a release of their funds. Funds will be eligible for withdrawal from 1 July 2018. The Commissioner of Taxation will issue a release authority to the superannuation fund and the fund will then send the requested release amounts to the ATO. The ATO will then withhold the appropriate amount of tax and send the balance to the FHB.

Shire Contributions

The Shire's superannuation policy allows for matched contributions by the Council up to a limit based on an employee's tenure. (See above Police 17 – Superannuation)

Employee vs Employer Contributions

The FHSS Scheme allows for First Home Buyers to cash out any employee contributions made to their superannuation fund after 1 July 2017. When an employee contributes superannuation via a salary sacrifice deduction it is classified as an "employee contribution". When Council makes the matching contribution to the employee's superannuation it is classed as an "employer's contribution". The Council has resolved that for the purpose of the FHSSS both contributions can be regarded as "employee contributions".

This will allow for an employee who is a First Home Buyer to withdraw both the personal (salary sacrificed) contribution and the matched Council contribution in accordance with the rules of the scheme.

PROCESS: Employees should be encouraged to seek financial advice in the preparation of their superannuation contributions and contributions to the FHSSS as there are salary sacrifice and taxation limits that may apply. As a Local Government, the Shire of Kulin can obtain this advice from WA Super, the ATO and a number of salary sacrifice companies.

HEAD OF POWER: Local Government Act 1995, FHSSS and Superannuation Guarantee legislation.

HR18 WORKPLACE BULLYING

Human Resources

PREAMBLE: The Shire of Kulin has a duty under Occupational Safety and Health laws to protect workers from workplace bullying.

OBJECTIVE: To ensure that anti bullying strategies are in place with an aim to eliminate workplace bullying.

PRACTICE: The Shire of Kulin considers workplace bullying unacceptable and will not tolerate it under any circumstances. Workplace bullying is behaviour that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees, clients or customers. Workplace bullying may cause the loss of trained and talented employees, reduce productivity and morale and create legal risks.

Shire of Kulin believes all employees should be able to work in an environment free of bullying. Managers and supervisors must ensure employees are not bullied. Shire of Kulin has grievance and investigation procedures to deal with workplace bullying. Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially.

Shire of Kulin encourages all employees to report workplace bullying in accordance with the Commission for Occupational Health & Safety Guidelines. Managers and supervisors must ensure employees who make complaints, or witness complaints are not victimised.

Disciplinary action will be taken against anyone who bullies a co-employee. Discipline may involve a warning, transfer, counselling, demotion or dismissal, depending on the circumstances.

The equity contact officers for this Workplace are the Works Technical Officer and Deputy CEO and in the event that the complaint is against them, the CEO will appoint an independent contact officer.

PROCESS: The Shire of Kulin is to identify bullying risks in the workplace and assess and control risks associated with those matters identified and by reducing the risk of exposure to workplace bullying by providing safe and healthy systems of work with adequate information, instruction, training and supervision for employees.

Each employee is to be supplied with a copy of the Commission for Occupational Safety and Health's guide for workers "Dealing with Bullying at Work" at Induction.

HEAD OF POWER: Local Government Act 1995; Occupational Safety and Health Act 1984; Shire of Kulin - Equal Opportunity and Diversity Plan

HR19 WORK RELATED TRAVEL EXPENSES

Human Resources

PREAMBLE: Staff who are attending approved training or conducting work related travel (as required by their manager) will be reimbursed for all reasonable expenses.

OBJECTIVE: To set the guidelines and process for claiming reimbursement of reasonable work related travel expenses.

PRACTICE: An employee may be eligible for reimbursement of reasonable out of pocket expenses actually and necessarily incurred in the course of his or her authorised duties expenses associated with an overnight absence from home or part day duties away from their base work location. Employees will be eligible to make a claim for reimbursement of the following travel expenses:

- Accommodation
- Mileage
- Food & Beverages
- Incidental expenses such as Wi-Fi/internet charges, parking, public transport and taxi fares.

Reasonable amounts for domestic travel expenses are set out in Table 1.1 at the end of this policy. All receipts for expenditure must be attached to the Travel Expense Claim Form in order to be eligible for reimbursement.

Accommodation

A staff member who is attending an approved training course or meeting which will require them to be away from their home overnight will have accommodation booked on their behalf by the CEO, DCEO or EA. Alternatively the staff member will be eligible for a reimbursement for the cost of accommodation which they paid for personally.

If an employee chooses to stay at a private residence of their own or that of a friend or family member they will be eligible for an allowance as set out in Table 1.1.

Mileage

An employee who is required to travel in the course of their duty may be authorised to use his or her private motor vehicle where a company vehicle is unavailable. The employee's motor vehicle must be registered, insured, and the driver must hold a current driver's licence. Unless directed by their Manager to use their personal vehicle, an employee is required to obtain prior approval before the travel takes place.

An employee who is authorised to use their private vehicle is eligible to be paid an allowance to cover the cost of using the vehicle by the most direct route. The allowance is calculated based on the distance travelled from the employee's base work location to the destination.

The normal cost of travelling to and from home to base cannot be claimed. Where the employee commences travel from home to the destination and/or completes the travel from the destination to home, only the excess distance between home and base location can be claimed if the normal mode of travel is by motor vehicle.

As soon as practicable after the travel, the employee is required to submit a claim using the Travel Expenses Form which includes the date, the purpose of the trip, the number of kilometres travelled and the type of vehicle used. It is expected that mileage claims will be submitted in the same financial year in which the travel occurred.

The mileage rate(s) payable to employees is that set by the Local Government Industry Award (\$0.78 per kilometre for a motor vehicle, current at October 2019) as adjusted from time to time. Claims will be paid at the mileage rate applicable on the date of travel. It is an ATO requirement that where an employee is paid an allowance for the use of a private motor vehicle, it is to be included on the employee's PAYG Payment Summary.

Food & Beverages

An employee who is required to travel in the course of their duty will be eligible to be reimbursed for reasonable food and beverage expenditure as per Table 1.1. Where meals are provided as part of the travel, for example lunch provided at a training course, no reimbursement will be provided for that particular meal.

Incidental Costs

Employees will also be eligible for the reimbursement of incidental costs when incurred while carrying out approved work related travel. Incidental costs may include WiFi charges at their accommodation, parking fees, public transport charges, taxi fares and light snacks (eg coffee).

Table 1.1

Reasonable Travel Expenses – Officer Level Staff			
	Accommodation	Food & Beverage	Incidentals
Private Accommodation	\$80 (allowance)	B \$25 L \$35 D \$50	\$30
Commercial Accommodation	\$180	B \$25 L \$35 D \$50	\$30
Reasonable Travel Expenses – Executive Level Staff			
	Accommodation	Food & Beverage	Incidentals
Private Accommodation	\$80 (allowance)	B \$30 L \$45 D \$60	\$30
Commercial Accommodation	\$250	B \$30 L \$45 D \$60	\$30

PROCESS: Staff member is to complete the Travel Expenses – Application & Reimbursement Form and submit it to the Chief Executive Officer for consideration.

HEAD OF POWER: Local Government Act 1995

Policy Adopted Ordinary Council Meeting 20 November 2019

HR20 EMPLOYEE FUNDED ADDITIONAL LEAVE

PREAMBLE: A Purchased Leave Arrangement (the Arrangement) is a voluntary arrangement for employees who wish to purchase up to eight weeks' additional leave in lieu of salary per year. Purchased Leave is additional leave "purchased" by setting aside a portion of their ordinary fortnightly earnings to facilitate payment during the period of authorised absence.

OBJECTIVE: To clarify the process and limitations for staff to self-fund up to an additional eight weeks leave annually. The Arrangement is designed to:

- provide eligible employees with an option to self fund an extra period of leave of up to 8 weeks per year;
- assist employees to reconcile life and work interests/obligations /school or provide time to pursue sport, study, training or lifestyle options; and
- assist in the attraction and retention of valued employees.

PRACTICE: With the agreement of the Employer, eligible employees may reduce their ordinary earnings and purchase up to an additional eight weeks' leave per year.

PROCESS: Purchased leave is additional leave "purchased" by setting aside a portion of salary to facilitate payment during the time it is taken. The Arrangement requires up to 12 months' participation, whereby an employee can agree to take reduced wages spread over 3, 6, 9 or 12 months and receive up to 8 weeks' additional leave as follows:

Weeks salary spread over 52 weeks	Total leave purchased
44	8 weeks
45	7 weeks
46	6 weeks
47	5 weeks
48	4 weeks
49	3 weeks
50	2 weeks
51	1 weeks

In order to access the Arrangement employees must make a written application to the CEO. Accordingly, access to the Arrangement will be subject to approval by the Employer, taking into consideration operational requirements. Operational requirements include:

- availability of suitable leave cover, if required;
- cost implications;
- impact on service requirements;
- impact on the work of other employees; and
- the employee's existing leave liabilities.

Subject to an employee's application being agreed to, participation in the Arrangement will commence from the earliest practicable pay period. The starting date cannot be backdated and will be prospective only. The Arrangement operates for 12 months from the 1st July to 30 June in any particular year. An employee can only enter the arrangement in July, October, December and April and, as such, this will affect the amount of leave which will accrue. The start date and maximum leave purchased is outlined in the following table:

Start Date	Maximum leave purchased
1 July	8 weeks
1 October	6 weeks
1 December	4 weeks
1 April	2 weeks

Leave will accrue on a pro-rata basis from the date of commencement of the arrangement.

Purchased leave must be taken by the 30th June of the year that the purchased leave Arrangement commenced. Any portion of purchased leave not utilised by the 30th June will be paid out by the last pay period in July at the employee's current rate of pay. The lump sum payout will be taxed accordingly. An employee may apply to the CEO for an extension on the closing date and the accrual of purchased leave beyond 12 months.

If an employee resigns, retires or otherwise ceases their employment, the Arrangement will cease. The total value of the self-funded leave reduction will be calculated and that portion not already taken as leave will be paid to the employee in their final pay.

HEAD OF POWER: Shire Procedure

HR21 SALARY PACKAGING

PREAMBLE: Salary packaging is a tax-effective way for employees to receive their salary as a combination of cash and benefits. The benefit is deducted from an employee's gross salary which reduces their taxable income and thus the amount of tax payable.

OBJECTIVE: To ensure staff are aware of their ability to salary sacrifice part of their salary and the extent of the benefits allowed to be packaged.

PRACTICE: Employees may salary package expenditure which is otherwise deductible or exempt from Fringe Benefits Tax. The payments are deducted from the employee's salary before tax and, as these benefits are exempt from FBT, there will be no cost to the Shire.

PROCESS: A range of benefits may be salary packaged, however, the specific benefits, cost effectiveness of any arrangement and employee eligibility will depend on a particular employee's gross salary and mode of employment. The available benefits that may be packaged are:

- motor vehicles (for private use) through a novated lease;
- additional superannuation contributions to a complying superannuation fund;
- work-related portable electronic devices such as a laptop, notebook computer or tablet;
- mobile phone (predominantly for business use);

Motor Vehicles

A finance company provides the finance for a motor vehicle through a novated vehicle leasing arrangement. A novated lease is an agreement between an employer, employee and finance company, in which the employer makes the repayments by deducting them from the employee's pre-tax salary for the term of the lease or until the employee ceases employment. It can provide a salary packaged arrangement that allows for personal choice of a new or second-hand vehicle and tax-free expenditure on the running costs of the vehicle.

In the event that an employee who has a novated lease arrangement ceases employment with the Shire the novated lease may be transferred to a new employer provided the new employer offers salary packaging. Alternatively, repayments may be made directly to the company using after-tax monies. Employees who also cease employment could choose to pay the remainder of their novated lease contract and balloon payment in lump sum from their personal savings or they could sell their vehicle with the sale proceeds going directly towards the novated lease contract.

Superannuation Contributions

Employees can deduct from their pay (before tax) contributions which will be paid on their behalf to the employee's superannuation fund. Employees should ensure that they understand the superannuation thresholds and seek advice on the impact upon their overall taxation position.

Mobile Phone, Laptop/Notebook Computer, iPad or Tablet

A laptop computer or tablet used for work purposes may be salary packaged. Authorisation from the CEO should be retained as evidence of the business purpose. There is a limit of one electronic device per staff member, per year.

Any salary packaging arrangement must be approved by the CEO.

HEAD OF POWER: Shire Procedure.

COMMUNITY SERVICES

- CS1 BUSH FIRE ADMINISTRATION
- CS2 BUSHFIRE CONTROL - FIREBREAKS & PROPERTY CLEANUP
- CS3 BUSHFIRE CONTROL - PLANT USE FOR ADJOINING SHIRES
- CS4 BUSHFIRE CONTROL– SHIRE PLANT FOR USE OF
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- CS18 FREEBAIRN ESTATE – FUND ALLOCATION
- CS19 FREEBAIRN SPORTS FOUNDATION
- CS20 SEED COLLECTION

CS1 BUSH FIRE ADMINISTRATION

Community Services

PREAMBLE: The Shire of Kulin is responsible for the application, management and control of the Bushfire Act 1954 in the district. This guideline aims to clarify the many aspects of this service.

OBJECTIVE: To maintain a simple coverage of rules and practices that supports the processes of Bushfire control for the Shire and the many volunteers that support this service.

PRACTICE:

Annual Meetings of Bushfire Brigades

The Annual Bush Fire Advisory Meeting is to be held in March each year and all Bush Fire Brigades are to be encouraged to hold their annual meetings prior to the Advisory meeting.

Confirmation Appointment – Bush Fire Control Officers

Appointments of Bush Fire Control Officers (BFCO) are recommended to the Shire at/by the Annual Meeting of Bush Fire Brigades and confirmed by the Council on an annual basis at its next available meeting.

The Shire will appoint (as required under the Bushfire Act) or continue with the appointments of the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer with the adoption of recommendations for the appointment of BFCO's each year.

The persons listed in the Kulin Fire Brigades/Officers List are appointed as Bush Fire Control Officers (BFCO) for the Shire of Kulin for the coming year. The Council may also make mid-term appointments by separate resolution passed at any Council meeting.

Confirmation Appointment – Dual Fire Control Officers

Following receipt of correspondence or a written email request from a neighbouring Shire, the Chief Executive Officer under delegation made possible by the Bush Fires Act 1954, S.48 (1) is granted the authority to confirm the appointment of Dual Fire Control Officer applications from neighbouring Shires without reference to Council.

Eligibility – Bush Fire Control Officer Appointment

To be eligible for appointment, all newly appointed Bush Fire Control Officers must have attended, or be willing to attend, a Fire Control Officers course conducted by the Bush Fires Board before being able to act in that position. Expenses paid by the officers in attending these courses not reimbursed or covered by the Bush Fires Board will be paid by the Shire.

Harvest Bans – Automatic

The Shire imposes an automatic Harvest Ban on Christmas Day and New Year's Day.

Harvest Ban Officers

The officers authorised to impose bans on harvesting and movement of vehicles in paddocks within the Shire of Kulin are as follows (in order):

Chief Executive Officer
Deputy Chief Executive Officer
Chief Bush Fire Control Officer; and
Deputy Chief Bush Fire Control Officer.

All bans shall be imposed following consultation with the Fire Weather Officer or his/her Deputy if this is a different person to the Harvest Ban Officers named above.

Notification if Brigade truck to attend fire more than 40km outside Kulin Shire

Brigades/Captains to seek permission from the Chief Bushfire Control Officer, Deputy Chief Bushfire Control Officer or the Shire CEO to attend fires that are located more than 40km outside of the Shire boundary. Notification requires any request to be determined by CBFCO, DCBFCO or Shire CEO on the basis of known weather information and likelihood of other local fire incidents.

Brigade Truck Maintenance

That any Brigade fire truck maintenance be co-ordinated via the Shire Works Manager and the Shire Mechanic either as immediate (next day) after the event checks on repairs already completed or actioned as works/maintenance required. All Fire Brigade Vehicles to be inspected annual preseason by Shire mechanic with repairs/maintenance records maintained.

Permits

No permits shall be issued to set fire to the bush during the prohibited burning period except for reasons as specified under the Bush Fires Act. When a Bush Fire Control Officer refuses to issue a permit, he must advise the Chief Executive Officer that the permit has been refused and details of the grounds for refusal to ensure that a permit is not obtained from another officer.

Prosecutions

The Shire's practice is that Bushfire Control Officers recommend to the Chief Bush Fire Control Officer persons who should be prosecuted under the Bush Fires Act for failing to comply with the provisions of the Act, with the knowledge that they may be called upon to give evidence when charges are heard. Prior to the adoption by any recommendation by the Shire on the advice of the CBFCO, the CEO is to confer with legal advisors, test supplied evidence and witness statements and confer with Government agencies and Departments on the balance of probability of a successful prosecution. Indication that a successful prosecution is possible, is only one of the factors considered prior to proceeding, others include overall cost, delay, relevance to educational and changed outcomes, potential benefits and severity of loss and or damage.

PROCESS: Reference and referral of administrative, control and management to Shire staff who administer the Bushfire function.

HEAD OF POWER: Local Government Act 1995 and Bush Fires Act 1954

CS2 BUSHFIRE CONTROL - FIREBREAKS & PROPERTY CLEANUP

Community Services

PREAMBLE: Where landowners fail to heed notices for firebreaks to be installed, except in circumstances where an exemption may have been claimed but overlooked, the Shire provides staff with the option of using Shire equipment and/or contractors to install the breaks and charging the full costs to the landowner.

OBJECTIVE: In the interests of protecting property and life from the dangers of fire, the Shire requires that staff take all steps possible to have fire breaks installed in accord with the Fire Break Order.

PRACTICE: The Shire's road grader may be used or contractors and their equipment to provide the required firebreaks on any property where the owner has failed to comply within seven (7) days of any formal request to make necessary improvements to the firebreaks, the charge incurred is to be levied for the service to be the full actual assessed costs including overheads, travelling, etc.

The Chief Executive Officer without reference to Council may take action in removing fire risk where it can be reasonable assumed the Shire will either recover the cost of the works or significantly minimise the risks. For the purpose of this clause, the CEO is authorised to undertake the works by agreement with the landowner (where recovery is possible) or where the landowner is not available to determine urgency and risk, to a value of \$2000 for works to rectify/eliminate the source of the fire risk. The CEO is authorised to recover by a charge on the property any costs incurred by the Shire.

PROCESS: The Fire Control Officer or Manager of Works is to report the Chief Executive Officer those properties where it appears that reparation or mitigation works will not take place to satisfy the Shires Firebreak Notice, thereby initiating this guideline and the ultimate claim against the land owner.

HEAD OF POWER: Local Government Act 1995, Bush Fires Act 1954.

CS3 BUSHFIRE CONTROL - PLANT USE FOR ADJOINING SHIRES

Community Services

PREAMBLE: Uncontrolled fire needs to be managed as quickly as possible to protect life and property.

OBJECTIVE: To enable the Chief Executive Officer and the Manager of Works to act quickly when requested by neighbouring Shires to provide plant and equipment, where life and property is threatened by fire.

PRACTICE: The CEO or Manager of Works be authorised to allow Shire works staff and plant to attend fires within adjoining Shires when practical to do so with no costs to be charged against the landowner for any assistance given up to \$5,000 of staff, hire plant or equipment (above positioning and mobilisation costs).

Where the Shire commitment is likely to exceed 5 -7 hours, the Manager of Works is to report the prognosis to the CEO for reference to Council members.

Shire staff to be under the control of the Chief Fire Control Officer or incident controller whilst in attendance at a fire in neighbouring Shires.

PROCESS: The Chief Fire Control Officer, or the Fire Control Officer in charge of a fire is to contact the CEO or Manager of Works in the first instance to request Shire works staff to attend fires within the adjoining Shires.

DELEGATION: To the Chief Executive Officer to spend up to \$5,000 to hire plant or equipment (above positioning and mobilisation costs) if and when a bushfire cannot be effectively controlled by other means, or where it is considered necessary to engage additional resources to protect life or property.

HEAD OF POWER: Local Government Act 1995 & Bush Fires Act 1954

CS4 BUSHFIRE CONTROL– SHIRE PLANT FOR USE OF

Community Services

PREAMBLE: Fire needs to be managed as quickly as possible, at times, the use of water is not enough to get the fire under control to protect life and property.

OBJECTIVE: To enable the CEO, the Shire President and the Chief Fire Control Officer to act quickly when requested to do so, where life and property is threatened by fire.

PRACTICE:

a) The Shire authorises the use of Shire plant and equipment, at the discretion of the Chief Executive Officer or the Shire President in the absence of the CEO.

b) The Council authorises the Chief Fire Control Officer, in consultation with the local area Fire Control Officer, to spend up to \$5,000 to hire plant or equipment (above positioning and mobilisation costs) if and when a bushfire cannot be effectively controlled by other means, or where it is considered necessary to engage additional resources to protect life or property.

This guideline does not limit the Shire Presidents authority to authorise expenditure in an emergency under section 6.8 (1) (c) of the Local Government Act 1995.

PROCESS: The Chief Fire Control Officer or the local area Fire Control Officer in charge of a fire is to contact the CEO in the first instance to request the use of Shire plant. If the CEO is not available the Shire President is to be contacted. Should the Shire President also not be available the Chief Fire Control Officer is authorised by this guideline to incur plant hire expenditure to the value of \$5,000 (above positioning and mobilisation costs).

DELEGATION: To the Chief Executive Officer to spend up to \$5,000 to hire plant or equipment (above positioning and mobilisation costs) if and when a bushfire cannot be effectively controlled by other means, or where it is considered necessary to engage additional resources to protect life or property.

HEAD OF POWER: Local Government Act 1995

CS5 BUSHFIRE CONTROL - SUSTENANCE

Community Services

PREAMBLE: The Shire appreciates the efforts that volunteer fire fighters put into protecting property from fire and acknowledges that on occasion's fires take a long time to get under control. Fire fighters need to keep up their strength and have energy to do the work they do in hot and sometimes very dangerous conditions.

OBJECTIVE: To ensure the wellbeing of volunteer fire fighters by providing them with sustenance whilst they are in the field fighting fires.

PRACTICE: Council directs that the Chief Fire Control Officer (CFCO), or in his absence, the CEO or an authorised person in control of a major fire, shall have authority to order the provision of the refreshments to fire fighters who have been engaged in firefighting at a fire scene for a reasonable time up to a limit of \$500.

PROCESS: The CFCO, CEO or authorised person in control of the fire is to make arrangements for the supply of food and refreshments for fire fighters. The Chief Executive Officer is to authorise a purchase order for the meals and arrange delivery to the fire scene up to \$500. No alcoholic beverages are to be supplied under this policy to the fire scene.

HEAD OF POWER: Local Government Act 1995

CS6 BUSHFIRE PROHIBITED/RESTRICTED BURNING PERIODS – CHANGES

Community Services

PREAMBLE: Prohibited burning times are set by the Minister in accordance with Section 17 (1) of the Bush Fire Act 1954. The Act recognises that variations to those dates may need to be made to cover local weather and seasonal conditions and allows for the local government to amend the prohibited and restricted burning times.

OBJECTIVE: This guideline allows for weather and seasonal conditions to be taken into account in either reducing or extending the prohibited and restricted burning times.

PRACTICE: In accordance with Section 17(10) of the Bush Fires Act 1954 (as amended), the Chief Bush Fire Control Officer and Shire President, be delegated authority to vary the “Prohibited Burning Time” [Section 17(7) and Section 17(8)] for the Shire of Kulin as they deem appropriate for prevailing weather or seasonal conditions.

In accordance with the Bush Fires Act 1954 (as amended), the Chief Bush Fire Control Officer and the Chief Executive Officer are delegated authority to vary the “Restricted Burning Period “ for the Shire of Kulin as they deem appropriate for prevailing weather or seasonal conditions.

In all cases, it is the Shire preference to vary the Prohibited and Restricted periods by the maximum time available under the Bush Fires Act 1954, which is 14 days – less the required mandatory advertising periods where they apply.

Mechanisms to end or suspend the Prohibited and Restricted 14 day change can be applied as required thereafter.

PROCESS: The Chief Bush Fire Control Officer on contact with the Chief Executive Officer shall nominate reasons why the prohibited and restricted burning times should be varied and the Chief Executive Officer if in agreement shall sign the appropriate Notice to that effect which is communicated to neighbouring Shires, DFES and SMS message users and advertised in the next available local newspaper (whilst meeting minimum 2 day Notice period).

A Notice varying the Prohibited or Restricted periods is also sent out to all Shire Fire Control Officers.

DELEGATION:

In accordance with Section 17(10) of the Bush Fires Act 1954 (as amended), the Chief Bush Fire Control Officer and Shire President be delegated authority to vary the “Prohibited Burning Time”.

In accordance with the Bush Fires Act 1954 (as amended), the Chief Bush Fire Control Officer and the Chief Executive Officer are delegated authority to vary the “Restricted Burning Period“.

HEAD OF POWER: Local Government Act 1995

CS7 BUSHFIRE TRAINING ADMINISTRATION

Community Services

PREAMBLE: The Shire of Kulin has the care and control of all bushfire brigades within its boundaries in accordance with the Bushfire Act 1954 and a duty of care to ensure that our volunteer bushfire brigade personnel have received a level of training commensurate to undertake firefighting duties safely, efficiently and confidently whilst on the fire ground.

OBJECTIVE: To indicate a preference for minimum training standards of brigade personnel, acknowledging that the Shire has difficulty in imposing hard and fast rules about what it can accept as minimum standards. DFES training packages “A to D” are the preferred minimum requirement for all new volunteer bushfire brigade members, with the training to be coordinated and recorded by Shire Bushfire Administration staff for the issue of certificates.

The Shire aims to hold to higher standards Fire Control Officer and Captains, therefore they are required to complete the approved DFES Fire Control Officer package within one (1) year of election to the position and complete a refresher courses every five (5) years thereafter whilst holding the position, or in accordance with DFES regulations.

PRACTICE: That Shire of Kulin preferred volunteer minimum standards for Bushfire brigade members will be the completion of;

- the Volunteer Induction Program, the Introduction to Fire Fighting Course, the Bush Fire Fighting Course, the Basic Driver Training Course, (for members wishing to become drivers and Fire Control Officers/Captains)

though it is acknowledged that with the infrequency of both training and fire events in the region, achieving stated minimum standards may be difficult to enforce.

Due to a higher role and added responsibilities for duty of care of attendees at a fire ground, the prerequisite for Fire Control Officers and Captains is a minimum 2 years active Fire Fighting and the completion of A to D and the relevant refresher course every five years.

The Chief Executive Officer is to plan training opportunities annually for either Volunteers and or Fire Control Officers as part of awareness raising of the Shire’s preferred standards.

PROCESS: The Bushfire Administration staff will be directed by the Bush Fire Brigades Advisory Committee of any changes to this guideline or for a need for revision of training requirements and opportunities. The Bush Fire Brigades Advisory Committee to submit relevant changes to the CEO for Council acknowledgement and/or approval.

DELEGATION: To the Chief Executive Officer and the Bush Fire Brigades Advisory Committee to incur expenditure for the planning and development of training opportunities without reference to Council for volunteers, Fire Control Officers and Captains. Costs associated with training programs to be allocated to the Shire’s Emergency Services Levy.

HEAD OF POWER: Local Government Act 1995

CS8 CAT OWNERSHIP LIMIT – CAT CONTROL

Community Services

PREAMBLE: With the introduction of the Cat Act 2011 and Cat Regulations 2012 this guideline is used to outline the principles of cat ownership and cat care within the Shire of Kulin.

OBJECTIVE: To encourage responsible cat ownership and compliance with the Cat Act 2011 and Cat Regulations 2012.

PRACTICE: For the purpose of this guideline, the term 'keep' refers to a cat being owned and registered to the owner, also a cat being fostered and/or waiting to be rehomed at a premise where the owner is ordinarily resident. For the purpose of this guideline a kitten is not deemed to be a cat until it is six (6) months of age.

The guideline limits the number of cats on a premise within the Shire of Kulin to a maximum of two (2) cats over the age of six (6) months.

PROCESS: The Shire of Kulin Cat guideline automatically permits a person to keep up to two (2) cats over the age of 6 months with approval.

The Shire Ranger(s) are required to investigate all notifications where information suggests more than two (2) cats are held on a premise and formal recommendation is to be submitted to the Chief Executive Officer for consideration.

Minimum standards for the keeping of cats are:

All cats must be registered with the Shire of Shire of Kulin or another local government, micro chipped and sterilised, in accordance with the Cat Act; and

All excreta to be disposed of without causing a risk to the health and safety of any person.

Cats must not be kept in a manner which:

- Endangers, or is likely to, endanger the health of any person or animal; and
- Causes a nuisance of any kind to the occupiers of premises in the surrounding areas.

Cat Foster Carers

Applications to keep three or more cats by Cat Foster Carers will be considered on the merits of the application. Due to the circumstances in which Cat Foster Carers operate, discretion will be used to assess these applications and conditional approval will vary from residential cat owner applications. The discretion exercised will allow Rangers to recommend alternatives for the keeping of cats up to the maximum number of four (4) cats set by this guideline, without specifying the cats being kept.

To qualify for this discretion the application to keep cats under the Cat Foster Carer provision, the following will be required:

- Written evidence that the person applying for the keeping three or more cats is a current member of a local Cat Foster or Cat Re-homing organisation;
- Written evidence that the person applying for the discretion to keep cats under the Cat Foster Carer provision is ordinarily resident at premises at which the cats are to be kept.

Approval/refusal

Approval/refusal will be granted by the Chief Executive Officer under delegation from Council. In the event an application is refused or the applicant is aggrieved by a condition of approval, the applicant will be informed of their right to request Council to reconsider the officer's decision. An application to review Council's decision may be made to the State Administrative Tribunal.

DELEGATION: To the Chief Executive Officer to determine applications to keep cats under the Cat Foster Carer provision of this policy.

HEAD OF POWER: Local Government Act 1995; Cat Act 2011 and Cat Regulations 2012.

CS9 DOG CONTROL – ATTACKS

Community Services

PREAMBLE: Dog attacks are a traumatic experience for both the persons and the animal attacked, the owners of animals and the alleged perpetrators owner.

OBJECTIVE: To expedite dealing with dog attacks to ensure evidence is gathered while it is fresh and obtainable and to have the matter dealt with quickly.

PRACTICE: The Shire Ranger in consultation with the Chief Executive Officer has authority, in accordance with the Dog Act 1976, Part VII to implement immediate proceedings against the owner of any dog that has been determined responsible for biting or attacking a person or animal.

The Ranger is to investigate as soon as practicably possible an incident of dog attack. The Ranger is to consult with the Chief Executive Officer or other authorised officer of the Shire of Kulin the circumstances, evidence, regulations as they apply and options for recommended courses of action.

The Ranger is authorised to issue necessary infringement and/or summonses to progress action against a dog owner following reference and recommendation to the Chief Executive Officer.

PROCESS:

Where the Ranger believes criminal charges may also be appropriate, the Police are to be informed of the potential for offenses.

DELEGATION: Without reference to the Council the Chief Executive Officer is delegated authority to instigate legal and/or infringement proceedings against the owner of a dog involved in a dog attack on a person or other animal.

HEAD OF POWER: Local Government Act 1995, Dog Act 1976

CS10 DOG OWNERSHIP LIMIT – DOG CONTROL

Community Services

PREAMBLE: This guideline will provide for a consistent application/assessment and approval process for keeping more than two (2) dogs.

OBJECTIVE: To encourage responsible dog ownership and compliance with the Dog Act 1976. To adopt a formal process for investigation and assessment of applications received from residents who wish to keep more than two (2) dogs, but not more than four (4) (over the age of three (3) months) at a property.

PRACTICE: The guideline limits the number of dogs on a property within the Shire of Kulin to a maximum of four (4) dogs over the age of three (3) months.

- Definition – for the purpose of this guideline a puppy is not deemed to be a dog until it is three (3) months of age.

Provisions of the Dog Act 1976, stipulate that a person may only keep two (2) dogs over the age of 3 months, though allows for an application in writing to be made to keep more than two (2) dogs over the age of 3 months. The application shall be submitted addressing the prescribed requirements with the payment of the required application fee. Surrounding property owners will be notified in writing of the proposed application requesting comment.

The Shire Ranger(s) are required to investigate the application and ensure a formal recommendation is submitted to the Chief executive Officer for consideration. Upon receipt of an application to keep more than two (2) dogs the Shire Ranger(s) will inspect the property as part of the application assessment to ensure:

- There is adequate provision of shade, water and protection for the dogs;
- The size of the property is adequate for more than two (2) dogs;
- There are suitable means to contain the dogs to the property;
- The cleanliness of the property; and
- The existing dogs appear to be clean and well cared for.

Minimum standards for the keeping of dogs:

- All dogs must be registered with the Shire of Kulin or other local authority;
- All faeces and urine to be disposed of without causing a risk to the health and safety of any person;
- No environmental harm; and
- The fences must be of a height and construction to prevent to dogs from escaping over, through or under.

Approval may be granted subject to the following conditions:

- Once any of the existing registered dogs at the property are deceased, sold or otherwise disposed of, the approval automatically lapses;
- The applicant's approval will automatically lapse if any offences relating to the Dog Act 1976 are substantiated;
- The property must be kept clear of all animal excreta using proper disposal methods;
- Adequate cover and protection is available for the dogs at all times;
- The dogs being at all times adequately confined in accordance with the Dog Act 1976; and
- The approval may be revoked or varied at any time in accordance with the Dog Act 1976.

In the event an application is refused, the applicant will be informed of their right to request reconsideration of the decision. An application to review Council's decision may be made to the State Administrative Tribunal.

PROCESS: Application in writing to the Shire.

DELEGATION: Without reference to the Council the Chief Executive Officer is delegated authority to determine applications in the first instance.

HEAD OF POWER: Local Government Act 1995, Dog Act 1976

CS11 DOMESTIC WASTE & COMMERCIAL WASTE

Community Services

PREAMBLE: The Shire of Kulin has a duty of care under the Health Act 1911 to facilitate the efficient and effective collection and disposal of domestic waste. This guideline details the collection method and the services included in the waste management program including the provision of waste and recycling containers, service areas and alternative waste disposal options.

OBJECTIVE: To ensure that domestic waste is managed in a manner that minimises the risk to public health and to ensure properties within the Shire are provided an effective and timely waste and recycling services.

PRACTICE: The Shire of Kulin provides;

- a kerbside mobile garbage bin contracted waste and recycling disposal service in the townsite of Kulin,
- bulk recycling bins in Kulin for general use,
- a Transfer Station, Truebody Street, Kulin which is open Sunday Mon and Thursday 10-3pm where recycling, metal separation, green waste and bulk bins for general waste,
- a combination of contracted residential collection and fixed location mobile garbage bin waste disposal service in Pingaring at the rear of the Shire Community hall,
- a weekly bulk bin general waste collection at Dudinin, and
- twice yearly kerbside collection for green waste and whitegoods in Kulin.

Minor asbestos waste can be received on appointment in Kulin.

Only one residential 90ltr mobile garbage bin (MGB) and 120ltr recycling MGB is provided per residence. CEO is to determine applications for all additional paid MGB services.

Commercial collections are subject to waste stream evidence and sufficient bins and bulk bins are provided as required.

HEAD OF POWER: Local Government Act 1995; Health Act 1911, Shire of Kulin Health Local Laws 2000

CS12 FOOD SAFETY COMPLIANCE & ENFORCEMENT PRACTICE

Community Services

PREAMBLE: The Department of Health (WA) administers the Food Act 2008 (The Act). The Shire of Kulin is a designated enforcement agency under the provisions of the Act.

The objectives of the Act as defined in Section 3 include the following:

- to ensure food for sale is both safe and suitable for human consumption;
- to prevent misleading conduct in connection with the sale of food;
- to provide for the application in the State of the Food Standards Code.

The Food Standards Code means the Australia New Zealand Food Standards Code as defined in the Food Standards Australia New Zealand Act, 1991 of the Commonwealth of Australia. Enforcement of the Food Act is essential for the effective management of food safety risks and the prevention of misleading conduct in connection with the sale of food. Accordingly the Department of Health (WA) and the Shire of Kulin are committed to ensuring there is a high level of compliance with the Food Act and Regulations. The Act sets out principles of compliance and enforcement to achieve effective regulatory goals in a manner that is:

Authorised by law;

Procedurally fair;

Accountable and transparent;

Consistent; and

Proportionate.

It is recognised that most food businesses want to comply with the law and produce food that is safe and correctly labelled. The compliance and enforcement role of the Shire of Kulin is to protect consumers from a minority who may not act in the interests of food safety. The enforcement options of this guideline are not required to be enacted on food businesses who act responsibly. It is the Shire's aim to provide education to food handlers to maintain the safety of food products produced or sold within the Shire of Kulin. It is however important that these enforcement options are clearly understood so that any action the Shire takes against a food handler or food premises is within the scope of the law and is appropriate for the given circumstances.

The range of offences under the Act and Regulations vary greatly in their seriousness and accordingly a variable range of penalties and enforcement options are available under the Act and Regulations. This guideline describes the options that are available and provides details of the matters that will be considered in their application toward achieving the objectives of the Act. This guideline also sets out the principles the Shire will apply in its compliance and enforcement activities. Breaches of the Act are classified as criminal offences and penalties of up to \$500,000 and/or two years imprisonment apply.

OBJECTIVE: The objectives of this guideline are:

- To provide transparency to consumers and industry on how the Shire of Kulin will make decisions on enforcement action;
- To guide decision making and action by Shire Officers in the use of enforcement options;
- To use regulatory implements in such a way as to best achieve the Shire's strategic and operational objectives.

PRACTICE: Compliance and Enforcement Principles

As a regulatory authority the Shire of Kulin will endeavour to:

- Act in the public interest;
- Act consistently, impartially and fairly according to law;
- Promote consistency through effective liaison with field staff and the adherence to policies and procedures;
- Ensure we do not discriminate on the basis of race, religion, sex, national origin or political association;
- Ensure that enforcement action is taken against the right persons for the right offence;
- Ensure that all relevant evidence is placed before the courts or appeals tribunals;

- Make food businesses aware of their legal obligations through the widest possible dissemination of information;
- Explain the benefits of compliance to food businesses and discuss specific compliance failures or problems;
- Provide advice on mechanisms that can be used by food businesses to improve compliance;
- Confirm advice in writing when requested and provide written advice in a clear and simple manner, explaining what and why remedial work is to be undertaken, over what time period and ensure that all legal requirements are clearly explained;
- Advise proprietors of their right of appeal where provided by law;
- Provide alleged offenders with an opportunity to discuss the circumstances of their case; and
- Seek the support of industry leaders to influence compliance levels.

PROCESS: Decision Making Criteria

Each case will be considered individually and the appropriate enforcement action to be taken determined on the particular circumstances of the case.

The Prosecution Policy of the Commonwealth states:

“The objectives previously stated – especially fairness and consistency – are of particular importance. However, fairness need not mean weakness and consistency does not mean rigidity. The criteria for the exercise of this discretion cannot be reduced to something akin to a mathematical formula; indeed it would be undesirable to do so. The breadth of the factors to be considered in exercising this discretion indicates a candid recognition of the need to tailor general principles to individual cases” (1)

The following issues need to be considered and balanced in making a decision as to the type of enforcement action, if any, that is applied:

- The knowledge of the alleged offender as to the consequences of their actions;
- The degree of care taken by the alleged offender to ensure they did not commit an offence;
- The capability of the alleged offender to understand, cope and comply with the relevant requirements;
- The alleged offender’s antecedents and background, including culture and language ability;
- The openness, honesty and cooperation demonstrated by the alleged offender;
- The contrition demonstrated by the alleged offender;
- Any mitigating or aggravating circumstances;
- The culpability of the alleged offender and role played by other parties that may have contributed to the offence;
- The timeliness, the age, duration and magnitude of the offence;
- The totality of offences that may have been allegedly committed;
- The proportionality of the selected enforcement option so that the action will not be unduly harsh or oppressive;
- The prevalence of the alleged offence within the industry and any need for a deterrent effect;
- The difficulty and resources expended by the Shire of Kulin in investigating and proving the elements of the particular offence or the type of offence;
- The efficiency and cost to the Shire of Kulin of the compliance and enforcement option that is used;
- Whether the enforcement action required to achieve the objectives of the Act are appropriate;
- Whether or not the enforcement action would be perceived as counterproductive – for example, by bringing the law into disrepute;
- Whether or not the offence is of considerable general public concern;
- The necessity to maintain public confidence in the enforcement of the Act;
- The existence of any risk to public health and the nature and extent of that risk;
- The extent to which consumers have been defrauded;
- The need to protect the consumers either in or visiting the Shire of Kulin

The overriding consideration in taking enforcement action will always be the public interest.

(1) Commonwealth Director of Public Prosecutions 2004, Prosecution Policy of the Commonwealth.

Privacy

The Shire of Kulin must observe the privacy principles set out in the Freedom of Information Act 1992. Information relating to compliance and enforcement action will generally be made available only where consistent with the Freedom of Information Act 1992 and Section 121 of the Food Act 2008.

Application of Compliance and Enforcement Options

A range of compliance and enforcement options are available to Authorised Officers. This section gives guidance on when these options may be applied. The decision-making criteria will be considered in deciding which, if any, enforcement action is appropriate in each case.

Types of Compliance and Enforcement Action.

The compliance and enforcement options available to Authorised Officers include:

- Verbal advice;
- Warning letters;
- The issuing of a statutory Improvement Notice which requires cleaning, repair, replacement, revision of food safety program, implementation of a food safety program or implementation of the Food Safety Standards;
- The issuing of a Prohibition Order which controls certain activities where there is failure to comply with an Improvement Notice or to prevent or mitigate a serious danger to public health;
- The seizure of food, vehicles, equipment, and labelling or advertising materials which do not comply with a provision of the Act or Regulations;
- The issuing of a Penalty Infringement Notice;
- The institution of proceedings in the Magistrates Court;
- Request for court orders for corrective advertising by a person found guilty of an offence;
- Publication of the names of offenders immediately after conviction.

Verbal Advice and Warnings

Authorised Officers will routinely give advice on compliance to food businesses. This advice will relate to principles of food safety and explain the benefits of compliance or the purpose of the law. Verbal warnings should normally only be given for extremely trivial offences, where the offence is only of a technical nature or where there is insufficient evidence to justify a warning letter.

Written warnings

Where there is evidence that minor breaches of the Act have occurred, warning letters may be issued at the discretion of the Authorised Officer. Warning letters may be inappropriate where there are a large number of minor offences on one occasion within one food business. Similarly warning letters will not normally be issued for a series of offences within a relatively short period of time or in those cases where warning letters have previously been issued. The totality of the offences should be considered in deciding the appropriate course of action. Where significant non-compliance is evident, more significant enforcement action may be appropriate. Warning letters will detail the exact nature of the offence, required remedial action, cite relevant clauses of the legislation, and specify the maximum penalty for the offence and the intention of the Shire to enforce the legislation. Warning letters will be followed-up within no less than 3 months to ensure the required actions have been taken. Further written warnings will not be issued for a subsequent similar offence except in exceptional circumstances.

Improvement Notices and Prohibition Orders

Authorised Officers may serve Improvement Notices under Section 63 of the Act. An Improvement Notice is an order that may require, in relation to premises, food transport vehicles or equipment, cleaning, repair, replacement, and relating to the handling of food, revision of a food safety program, implementation of a food safety program or implementation of the Food Safety Standards. The orders may also require food to be handled in a specified way or for a specified purpose.

Improvement Notices should be issued with the same considerations as for a warning letter but should also only be used where there is an intention to proceed to a Prohibition Order following non-compliance with that Improvement Notice. In other circumstances a warning letter or other enforcement options should be considered.

An Improvement Notice must specify the specific legislative provision to which it relates and may specify the particular action to be taken by a person. The Improvement Notice must specify the date by which compliance must be achieved. While extension of the date of compliance is at the discretion of the Authorised Officers, extensions of time for compliance will not be granted for matters related to cleaning or food handling without the prior approval of the Chief Executive Officer. Appeals concerning Improvement Notices will be considered by the Chief Executive Officer.

Improvement Notices must be served on the proprietor of the food business. The person on whom an Improvement Notice has been served must be provided with a copy of the Improvement Notice upon request. Should the proprietor wish to seek an extension of time for compliance, that request must be in writing stating the reasons the extension is being sought. That request is to be submitted to the Shire of Kulin before the date of compliance as indicated in the Notice.

Improvement Notices are differentiated from warning letters in that they are a statutory notice that may lead to the issuing of a Prohibition Order under Section 65 of the Act. The issuing of an Improvement Notice does not preclude the issuing of a Penalty Infringement Notice or the institution of court proceedings in circumstances where these types of actions may be warranted.

Prohibition Orders

Prohibition Orders may be issued where an Improvement Notice has been issued and there has been a failure to comply with the Improvement Notice by the date of completion or where the issue of a Prohibition Order is necessary to prevent or mitigate a serious danger to public health.

A Prohibition Order will take a form that prohibits the handling of food on specified food premises, vehicle or equipment, or that food is not to be handled in a specified way or for a specified purpose. It should be noted that Section 8 of the Act defines food handling very broadly, including activities such as collection, transporting, storing or displaying food. Breach of a Prohibition Order will normally result in prosecution.

A Prohibition Order will remain in place until a Certificate of Clearance is issued following a written request for an inspection. An inspection will be undertaken within 48 hours of a written request being made by the proprietor of the food business to the Shire of Kulin or to the Authorised Officer who made the order. If an inspection is not made within 48 hours of the written request for an inspection, a Certificate of Clearance is deemed to have been granted.

Section 69 of the Act provides for appeal to the State Administrative Tribunal (SAT) if there is a refusal to issue a Certificate of Clearance. Section 70 of the Act provides for compensation to be paid if there were no grounds for the making of the Prohibition Order.

Prohibition Orders may only be issued by the Chief Executive Officer, being a duly authorised delegate under Section 118 of the Act. A brief of evidence sufficient to prove all elements of a prosecution will be the normal standard required prior to the issue of a Prohibition Order.

Seizure Powers

Authorised Officers have power under Section 40 of the Act to seize food, vehicles, equipment, and labelling and advertising materials which the Authorised Officer reasonably believes do not comply with a provision of the Act or Regulations or which there is evidence that an offence has been committed.

Whilst seizures are undertaken to collect evidence or to prevent further offences being committed, they effectively impose a penalty upon the person from whom the food, vehicle, equipment and labelling or advertising materials is seized. The impact of a seizure should be considered in the application of any other enforcement action. Persons from whom items are seized must be provided with a statement that describes the items seized, states the reasons for the seizure and the address at which the items will be held.

Where it becomes evident that there has been no contravention of the Act or Regulations in relation to items which have been seized they are to be returned as soon as possible to the person from whom the items were seized. The person from whom items have been seized must also be informed of their right under Section 57 to appeal within 10 days of the seizure to the Magistrates Court for an order disallowing the seizure.

Compensation may be paid if there has been no application to a Magistrates Court and no contravention of the Act or Regulations had occurred in relation to the seized items.

Penalty Infringement Notices

An Infringement Notice is a notice to the effect that the person to whom it is directed has committed a specified offence and that, if the person does not wish to have the matter dealt with by a court, the person may pay the specified amount for the offence within a specified time.

A penalty notice is issued under Section 126 of the Act. The notice requires payment of a specified monetary penalty, unless the person alleged to have committed the offence elects to have the matter dealt with by a court.

When an Authorised Officer during an inspection of premises, vehicles or equipment, detects or observes conditions or circumstances that give rise to the potential for the issue of an infringement notice, verbal advice will be given, at that time, to the person allegedly responsible for the alleged offence that an infringement notice may be issued for that alleged offence.

Prior to an infringement notice being issued, Authorised Officers must prepare briefs of evidence, which prove each element of the alleged offence to the standard required for prosecution. Further than establishing a prima facie case there must also be a reasonable prospect of a conviction being secured if the alleged offender chooses to have the matter heard in a court. That brief is to be submitted to the Chief Executive Officer for consideration and authorisation for the penalty notice to be issued.

When a decision has been made that an infringement notice is to be issued, that notice will be forwarded by post or hand delivered to the person alleged to have committed the offence. The infringement notice is to be accompanied by a written advice giving the reasons for the issuing of the infringement notice in that instance and also providing advice and information as to the means or requirements for the remedying or rectification of that condition or circumstance that gave rise to the infringement notice.

The decision-making criteria will be considered in the issuing of an infringement notice. Infringement notices provide a cost effective and efficient method of dealing with offences and will generally be sufficient response to breaches of the Act.

Infringement notices should not be used where the penalty is considered totally inadequate for the offence or where the penalty is likely to have no impact on the proprietor of the food business.

Infringement notices are not available for serious offences contained in Part 3, Division 1 of the Act. These relate to the handling of food in a manner that a person knows will render, or is likely to render, the food unsafe or where the food is handled in a manner that the person ought reasonably to know is likely to render the food unsafe.

A payment of a penalty notice is not an admission of liability and the person is not liable to any further proceedings for the alleged offence.

Prosecution

Prior to any prosecution being launched, Authorised Officers must prepare briefs of evidence which prove each element of the alleged offence to the standard required for prosecution. That brief is to be submitted to the Chief Executive Officer for consideration and authorisation for the prosecution to proceed.

The resources available for prosecuting are finite and should not be expended pursuing inappropriate cases. The decision-making criteria will be considered in making a decision to prosecute. Prosecution will normally be reserved for the more serious breaches.

While the Act provides that proceedings must be commenced within 6 months for matters relating to food samples and 12 months for other matters, all matters should be prepared for hearing as quickly as possible.

The Act extends liability to a wide range of persons who may be involved in some way with contraventions of the Act or Regulations, including employees, proprietors, and individual directors of companies. Where the Shire of Kulin has selected prosecution as the appropriate option, the Shire will not necessarily proceed against all those who may be potentially liable under the legislation.

Prosecutions are eligible for publication by the Department of Health (WA).

NOTE: This guideline provides information as to the processes and actions that will be followed in the cases dealt with under the Food Act 2008, however due to the variety of circumstances that may be encountered through the range of inspections and enforcement procedures, the guideline cannot be used to limit the discretion of the Shire of Kulin to take any enforcement action for the purposes of obtaining high standards of food safety.

The guideline is to be interpreted as general guidance on how the Shire will undertake enforcement action. It should further be recognised that it is not the aim of the Shire of Kulin to undertake enforcement action except where absolutely necessary and that priority should be given to educating food handlers to prevent food safety standards from being compromised in any instance.

DELEGATION:

HEAD OF POWER: Food Act 2008

CS13 GENERAL – COMMUNITY SERVICES PRACTICES

Community Services

PREAMBLE: Providing information on a variety of community services practices, guidelines and operational information, each insignificant to warrant individual record.

OBJECTIVE: To ensure individual minor items are not lost in the system of recording practices, procedures and guidelines.

PRACTICES:

Appointment of Authorised Officers

- As the duly appointed Chief Executive Officer (CEO) of the Shire of Kulin the CEO has the delegated authority to appoint officers for the purpose of infringement notices and administration of;
- the Shire of Kulin Animal Environment and Nuisance Local Law;
- Health (Asbestos) regulation 1992.

Caravan Parks and Camping Grounds – Authorised Officers

- As the duly appointed Chief Executive Officer (CEO) of the Shire of Kulin the CEO has the delegated authority of Council under the Caravan Parks and Camping Grounds Act 1995 to appoint officers for the purposes of;
- Power of Entry and inspection and,
- The issue of Infringement Notices.

This delegation remains current until revoked.

Office Hours

The Administration and Community Resource Centre office hours shall be from 8:30am to 4:30pm from Monday to Friday, excluding public holidays.

Contribution to Kulin Herbarium

The Shire will provide a venue free of charge to the Kulin Herbarium and cover the cost of insurance for contents. The Chief Executive Office shall establish a use agreement with the Kulin Herbarium whereby the Herbarium will provide community education of its objectives.

Kulin Combined Emergency Services Building

The Shire will maintain the gardens and carry out minor building repairs to the Kulin Combined Emergency Services Building. Any items of a capital nature are the responsibility of the Kulin St John Ambulance Sub Centre, Kulin Volunteer Fire Brigade and Kulin Fire & Rescue.

Shire Liquor Permits – Consumption of Alcohol

The Chief Executive Officer is authorised to approve or reject applications to consume liquor in Shire buildings or on Shire controlled reserves without reference to Council. All applications to consume liquor are to be in writing and addressed to the Chief Executive Officer.

Application for Use of Land - Shire of Kulin and Kulin Bush Races facility – Lucca Pty Ltd

Hire of Kulin Bush Races (KBR) facility

The Chief Executive Officer is authorised to consider applications for approval to hold events under Schedule Item 4 of the Lucca Pty Ltd and Shire of Kulin License to Use Land Agreement (Kulin Bush Races facility) subject to compliance with the following terms and conditions;

Public Functions

- In the case of community, sporting or public functions and any other festival or event, only following an approval by the KBR Committee and following receipt of the Licensor's (Lucca Pty Ltd) approval; Council will consider the application via a report to a Council meeting from staff.

Private Functions

- In the case of private functions (where alcohol license is not required) by delegation to the CEO when approved by the Kulin Bush Races Committee and the Licensor;
- A copy of the Event License is to be sent to the applicant after Shire approval detailing any terms or conditions to be met;
- Event Application License will only be issued to a single applicant;
- Appropriate hygiene measures to be assessed and recommendations to be followed at all times;
- Appropriate licenses must be held for all licensable activities e.g. Fireworks
- All care will be taken to avoid damage to the KBR facility and no alterations or additions will be made to the facility without KBR Committee sanction;
- All care will be taken to avoid any major soil disturbance that will lead to soil degradation; and

Upon an applicant agreeing to the terms and conditions, the Chief Executive Officer will issue approval by letter.

Management of Halls – MOU's to be investigated/created.

Shire Buildings – Smoke Free Zones

All public buildings under Shire control are to be established as Smoke Free Zones.

Aquatic Centre Opening Times

As a guide to the Aquatic Centre opening times - Tuesday to Friday from 12:00 noon to 6:00pm and on weekends and public holidays from 11:00am to 6:00pm.

Slide hours are from 4:00pm – 6:00pm Thursday & Friday (depending on numbers) and from 1:00pm – 5:00pm on Saturday and Sundays. Appointments can be taken for group bookings.

The Aquatic Centre will be closed on Good Friday, Christmas Day and will only be opened for the afternoon session on New Year's Day.

The Manager may close the Aquatic Centre on cool days and during inclement weather after notification to the Chief Executive Officer or Deputy Chief Executive Officer. Generally a pool temperature of 20 degrees Celsius is considered cold enough to warrant closure of the pool.

Subject to negotiation and in accordance with the Manager's contract, the CEO is authorised to allow the pool to close for one day per week during the season. The nominated days for closure in this case shall be a Monday or a Tuesday. The above may be subject to change as necessary.

Aquatic Centre Season Pass

A family season ticket will apply for 2 adults and 2 children or 1 adult and 3 children. A child season ticket will apply to any person attending school on a full time basis up to year 12. Season tickets will be half priced after 31st January.

For the purposes of determining entry fees a child is classified as:

1. a person who is 15 years or under, or
2. is a dependent attending school full time up to year 12.

Applicable fees are listed in the Shire of Kulin Fees & Charges each year.

School Use of Pool for Carnivals

When the Kulin District High School is given exclusive use of the pool for faction carnivals, all children and adults will be allowed free entry to the pool.

Vacation Swimming Classes – Parents

Parents accompanying children who are participating in vacation swimming classes and who are not swimming are permitted to enter at the same fee as a child.

Hire of Community Bus

The hire rates for the community bus and bus trailer are set out in the Shire of Kulin Fees and Charges adopted each year. Local group hiring the community bus must book usage.

The Shire does not object to the hire of the community bus to people from outside the Shire of Kulin. If, however, the bus is booked to a person or organisation not usually associated with Kulin, and the bus is subsequently required by a local, the non-local be advised that the bus is no longer available. At least two weeks' notice must be given to the non-local of the cancellation of the hire to enable them to make other arrangements.

Fuel will be reimbursed if receipts are provided.

Smoking is not to be permitted on the community bus.

If the bus is returned in an untidy state and it is not possible to contact the hirer responsible prior to the next hire of the bus, the bus will be cleaned and the hirer will be responsible for the cost of the cleaning.

Failure to comply with any of the above conditions may result in refusal to hire the bus to that organisation in the future.

Australia Day Event

Kulin's Australia Day Celebration is to provide an opportunity for the community to come together to celebrate the community and privileged country in which we live. It brings to the forefront those who have significantly contributed to our community and recognise their efforts through one of the 4 categories of Australia Day Awards.

An event procedure has been created which outlines the tasks, timeline and responsibility for running the event and includes:-

- Event Planning
- Venue
- Marketing
- Catering
- Entertainment
- Audio / Visual & Other Technology
- Event Debrief

Australia Day Event Procedure included in Shire of Kulin Policy Manual A8 Primary Documents and listed as a Secondary Document.

DELEGATION: To the Chief Executive Officer to;

- appoint officers for the purpose of infringement notices and administration of;
- the Shire of Kulin Animal Environment and Nuisance Local Law;
- Health (Asbestos) regulation 1992.
- appoint officers for the purposes of the Caravan and Camping Grounds Act 1995;
 - Power of Entry and inspection and,
 - The issue of Infringement Notices.
- to approve or reject applications to consume liquor in Shire buildings or on Shire controlled reserves.
- to approve applications for private events at the KBR facility in accordance with terms and conditions.

HEAD OF POWER: Local Government Act 1995

CS14 SEACONTAINERS USE OF – TOWN PLANNING

Community Services

PREAMBLE: It is argued that sea containers provide safe, economical and convenient storage. The use of sea containers is acceptable within the Shire of Kulin providing the development complies with the relevant Shire of Kulin Town Planning Scheme No. 2 provisions and has a minimal effect on the amenity of the area.

OBJECTIVE: To regulate the use of sea containers within the Shire of Kulin.

PRACTICE: This guideline does not apply to sea containers already approved by the Shire. The Shire will permit the use of sea container(s) within any townsite defined by the Shire of Kulin Town Planning Scheme No. 2.

Approval for the placement of sea container(s) on properties outside of townsites as defined by the Shire of Kulin Scheme No. 2 is subject to;

- the approved sea container(s) not being used for habitation;
- the approved sea container(s) are used for the purpose of storage only, unless otherwise approved by the Shire; the approved sea container(s) being screened from view and shall not be highly visible from nearby roads, other public places, or adjoining properties; and/or
- if the sea container(s) are highly visible from nearby roads, other public places, or adjoining properties, then the exterior of the sea container(s) shall be upgraded (i.e. painted to blend in with the surrounding development or landscape) within 3 months of being granted planning approval.

In all zones under TPS2 within townsites, sea container(s) may be placed on a property to store building materials while construction of a house or commercial building is being carried out on the property, without requiring planning approval. A sea container must not be placed on the property prior to the issue of a building licence for the construction and must be removed immediately upon completion of construction or expiry of the building licence. The number of sea containers allowable on a property at one given time will be dealt with on a case-by-case base, with each application assessed on its merits.

DEFINITIONS

‘Sea Container’

Standardised re-sealable steel transportation box for unitised freight handling.

Approval Requirements:

All proposals for the placement and use of sea containers within the Shire of Kulin require an application for planning consent to be submitted to the Shire of Kulin for approval. In considering an application for planning consent, the Shire shall before granting consent, be satisfied as to the impact of the proposal on the amenity of the area. If in the opinion of the Shire, a sea container will have a detrimental effect on the local amenity, or have the potential to visually impair or detract from the exterior design or appearance of other buildings in the vicinity, the application will be refused.

An application for planning consent shall be made on an Application for Planning Consent form together with the following information:

- A site plan showing the proposed location of the sea containers on the property and the location of any existing buildings/ structures
- Plans, dimensions, and details of the sea containers; and
- Details of modifications and other works to be carried out on sea containers such as painting etc. Notwithstanding that Planning Consent may be granted by the Shire, a building license may be required prior to the placement of the sea containers if modifications are to be made to the sea container (for example if a roof or patio were to be attached).

The structure will need to meet all relevant requirements under the Building Code of Australia and relevant Australian Standards.

Standard Conditions of Planning Approval

The placement and use of sea containers may be approved subject, but not limited to, the conditions stipulated below:

- All development being generally in accordance with the approved development plans which form part of this Development Approval.
- The exterior of the sea container shall be upgraded (i.e. painted to blend in with the surrounding development or landscape) within 3 months of being granted planning approval.
- Any activity relating to the hereby approved development is not to cause injury to or prejudicially affect the amenity of the locality including injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, smell, fumes, smoke, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.

The hereby approved development shall not be used for habitable purposes.

PROCESS: By Application

DELEGATION: To the Chief Executive Officer for the approval of applications for the use of sea-containers.

HEAD OF POWER: Local Government Act 1995, Shire of Kulin Town Planning Scheme No 2, Shire Policy.

CS15 SECOND HAND DWELLINGS – USE OF – BUILDING CONTROL

Community Services

PREAMBLE: The Shire appreciates that it may be economical to use second hand relocated and transportable dwellings as housing in lieu of constructing new homes. These may be acceptable within the Shire, providing the development is in keeping with the rest of the dwelling stock of the area into which it is proposed to bring the relocated or transportable dwelling.

OBJECTIVE: To maintain a high standard of dwelling stock with the Shire of Kulin and to ensure that the relocation of second hand dwellings and the construction of transportable dwellings is undertaken to an approved standard with regard to local amenity and aesthetics. Ensure the style, construction and design of relocated second hand and transportable dwellings is consistent with the character of the surrounding dwellings and the locality in general

DEFINITIONS

‘Second hand dwelling’ - A residential dwelling which has not been specifically designed as a transportable residence and has previously been located at any place other than the lot upon which it is erected; or

- A building which has been specifically designed as a transportable residence and which has been used as residential dwelling at any place other than on the lot upon which it is to be erected.

‘Townsite’ - Residential areas bounded by a townsite boundary defined by the Shire of Kulin Town Planning Scheme No. 2.

‘Transportable dwelling’ - Any dwelling or part of that is prefabricated at any place other than on the site upon which it is to be erected.

PRACTICE: The Shire will consider all applications for the relocation of second hand dwellings and their re-erection in ‘townsites’ within the Shire of Kulin. This guideline shall apply to the relocation and installation of second hand dwellings and the construction of a transportable dwelling within the Shire of Kulin.

This guideline does not apply to:

- Relocated buildings for non-habitable uses;
- Sea and shipping containers; or
- Caravan and park homes.

Approval Requirements

All proposals for the relocation and use of second hand dwellings and the construction of transportable dwellings require an application for planning consent to be submitted to the Shire of Kulin for approval. In considering an application for planning consent, the Shire shall before granting consent, be satisfied as to the impact of the proposal on the amenity of the area. If in the opinion of the Shire, a second hand relocated dwelling or a transportable dwelling will have a detrimental effect on the local amenity, or have the potential to visually impair or detract from the exterior design or appearance of other buildings in the vicinity, the application will be refused.

An application for planning consent shall be made on an Application for Planning Consent form together with the following information:

- A site plan showing the proposed location of the building on the property;
- Plans, evaluations, and details of the building;
- Details of modifications and other works to be carried out on the building such as re-cladding, painting, construction of verandahs, etc.; and
- Certification and a detailed report from a practicing structural engineer stating that the design and condition of the building is suitable for transportation and re-erection (in the case of second hand relocated dwellings),

is required to be lodged with the application for Planning Consent.

Notwithstanding that Planning Consent may be granted by the Shire, a building license is required prior to relocation or construction commencing. The building will need to meet all relevant requirements under the Building Code of Australia and relevant Australian Standards.

With regards to second hand relocated dwellings, a condition of planning approval will be the payment of a bond to the amount of \$10,000 to be paid prior to the issuance of a building licence.

Refund of this bond will only occur upon fulfilment of conditions of planning approval. Partial refunds of the bond based on progressive completion of conditions will not be considered. Failure to comply with all conditions of planning approval within 12 months from the issuance of the building license (or any subsequent reissue), will result in forfeiture of the bond and removal of the building unless otherwise determined by the Shire.

No person shall occupy a relocated dwelling or a transportable dwelling until such time as a Certificate of Occupancy or equivalent has been issued by a Building Surveyor on behalf of the Shire.

Development Guidelines Minimum Dwelling Standard.

The following minimum dwelling standard applies:

A minimum gross floor area of 60m²;

At least one (1) bedroom separate from the other rooms in the dwelling;

A lounge, meals and kitchen area (may be open plan); and

A separate bathroom and laundry.

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 and Australian Standards.

Energy Efficiency Requirements

A second hand relocated or transportable dwelling is required to meet the current Energy Efficiency requirements for the Climate Zone outlined in part 3.12 of the Building Code of Australia to the satisfaction of the Shire of Kulin. A condition requiring compliance may be included in the planning consent.

Bushfire Attack Level (BAL) assessment requirements

A second hand relocated or transportable dwelling is required to meet the current Bushfire Attack Level (BAL) assessment requirements for its intended lot/location as outlined in the Dept. of Planning WA Bushfire Attack Level (BAL) assessment requirements, to the satisfaction of the Shire of Kulin. A condition requiring compliance may be included in the planning consent.

Amenity

When giving consideration to an application for planning consent, the Shire shall give consideration to:

- The second hand relocated or transportable dwelling being rendered visually acceptable by the use of verandahs, screening and/ or landscaping.
- The design, scale and bulk of the second hand relocated or transportable dwelling being compatible with the type of dwellings that exist in the locality in which it is to be located.
- In recognition of the higher standards of development and amenity expected within the Residential and Small Holding zones, applications for transportable dwellings within these zones will be subject to stringent assessment to ensure their compatibility with the amenity, character and development standards of that area.
- In recognition of the higher standards of development and amenity expected within the small rural and semi-rural zones, applications for second hand relocated dwellings within this zone will be subject to stringent assessment to ensure their compatibility with the amenity, character and development standards of that area.

Standard Conditions of Planning Approval

Second hand relocated and transportable dwellings may be approved subject, but not limited to, the conditions stipulated below:

- All development being generally in accordance with the approved development plans which form part of this Development Approval.
- This approval shall expire unless the development hereby approved has been completed within 12 months of the date of issuance of the building license (or any subsequent reissue), or within any extended period for which the Shire has granted written consent. An application for such consent must be made within one month of the date of expiry of the approval.

- Any activity relating to the hereby approved development is not to cause injury to or prejudicially affect the amenity of the locality including injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, smell, fumes, smoke, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.
- No development shall take place on the subject site until an application for a crossover is submitted and approved by the Shire, unless a Shire approved crossover already exists on the subject site.

The hereby approved second hand relocated or transportable dwelling is to be assembled, upgraded and maintained in the following manner within twelve months of the date of issuance of the building license (or any subsequent reissue), to the satisfaction of the Shire of Kulin:

- The dwelling shall be properly fixed to stumps on the subject site and effectively re-joined or constructed in compliance with all legislation;
- External walls, fixtures and fittings to be made good;
- The dwelling is to have a high quality external finish/cladding (painted or otherwise) completed in a tradesman-like manner.
- All debris to be removed from the subject site and left in a tidy state to the satisfaction of the Shire of Kulin
- No person shall occupy a second hand relocated or transportable dwelling until such time that a Certificate of Occupancy or equivalent has been issued by the Shire of Kulin.
- A bond of \$10,000 is payable to the Shire of Kulin prior to the issue of a Building License.

PROCESS: By development Application.

DELEGATION: To the Chief Executive Officer to approve Development Applications for the use of second hand relocated or transportable dwellings.

HEAD OF POWER: Local Government Act 1995

CS16 TEMPORARY ACCOMMODATION

Community Services

PREAMBLE: Legislation now permits the occupation of caravans with Shire approval, in connection with the erection of dwelling houses.

OBJECTIVE: To ensure that the use of caravans as temporary accommodation does not impact adversely on the amenity of an area on the environment.

PRACTICE: The Shire permits the use of a caravan for temporary accommodation in townsites of the Shire while a house is being erected subject to the following conditions:

- Satisfactory toilet and ablution facilities are available for use by the occupants;
- The approval will be for a six (6) month period inclusive of a period of up to two months prior to the commencement of the building;
- The Shire may, at its discretion, approve a further six (6) month period;
- A Development Application for the house has been approved by the Shire;
- Plans and specifications for the house have been approved by the Building Surveyor;
- Any requests for approval for a period longer than twelve (12) months shall be made to the Department of Local Government and Communities.

PROCESS: Initial application is to be in writing and addressed to the Chief Executive Officer where the applicant requires approval for twelve months or less. If a greater period than twelve months is required then the application must be made to the Department of Local Government and Communities.

DELEGATION: To the Chief Executive Officer to approve applications for temporary accommodation in caravans that meet the guideline conditions.

HEAD OF POWER: Caravan and Camping Ground Regulations 1997: Regulation 6 and 11(2)(a); Local Government Act 1995.

CS17 UNAUTHORISED STRUCTURES – BUILDING CONTROL

Community Services

PREAMBLE: Acting quickly to prevent the erection of unauthorised structures saves both the Shire and the erector considerable angst and expense.

OBJECTIVE: To outline the process to address unauthorised structures progressing.

PRACTICE: Where a building, work or structure is constructed in breach of any provisions of the Building Regulations 1989 and/or Building Code of Australia, the Building Surveyor is authorised to give notice to the owner for the building work or structure to conform to the Building Regulations 1989 and/or Building Code of Australia:

- Serve written Notice on the owner of the building or the builder drawing notice to the existence of the structure in breach of the Building Regulations 1989 and/or the Building Code of Australia and requiring written explanation within 14 days of the Notice;
- Provided a satisfactory explanation is received and the relevant action is taken to comply with the requirements of the Notice, the Building Surveyor is authorised to issue a building licence;
- Should the owner or builder fail to comply with the requirements of the Notice within the prescribed time, or show good and sufficient reason for not doing so, the matter should be placed before Council for their consideration.

The CEO is authorised to seek legal advice under Shire policy to inform the Shire of its rights and actions in addressing unauthorised structures.

PROCESS:

Where an owner fails to respond to the Shires Notice, the CEO is authorised to seek legal assistance to prepare a “Stop Work” order as an interim step in allowing the Shire to consider the Notice response.

DELEGATION: To the Chief Executive Officer to seek legal advice or to prepare a “Stop Work” order where Notice to the owner fails to illicit any response or results in the hastening of action to complete the structure.

HEAD OF POWER: Local Government Act 1995, Building Regulations 1989.

CS19 FREEBAIRN SPORTS FOUNDATION

PREAMBLE: The purpose of the Foundation is to make scholarships available to Kulin residents who achieve a State or International level in their chosen sport or recreational activity.

OBJECTIVE: To provide financial assistance to talented sportspersons who are competing in State or International competitions.

PRACTICE:

Eligibility

Applicants must reside within the boundaries of the Shire of Kulin with the Kulin townsite being their town of community interest. The allocation of funds under this selection criteria is purely at the discretion of the Councillors of the Shire of Kulin at the time of application.

Applicants may be any age.

Applicants must be chosen in a team or individual competition or event that is State or Internationally based. Representation in any team competing internationally or interstate may be considered subject to Council discretion however point two under the guidelines below shall be a major factor when any application is being considered under this part.

Guidelines

Applications must be submitted on the relevant form

All applications must be endorsed by the relevant State Association

Only one scholarship per person per year will be allocated.

Applications may be made at any time.

Scholarships are based on the applicants proposed 12 month program following the date of application.

Funding must be applied for prior to the commencement of the applicants program or event.

Management

The Shire of Kulin will manage the fund and have absolute discretion in the allocation of funds to any applicant.

The Council's decision shall be final and no appeal regarding a decision shall be entered into.

Unsuccessful applicants may reapply after a period of 12 months.

Acquittal

Applicants must produce evidence of the expenditure of funds within 3 months of the completion of their program or event.

General

Grants will generally not exceed \$2,000 however Council has absolute discretion to vary this amount depending on the circumstances of this applicant.

Grants will be made available for basically any expense that can be substantiated by the applicant and that expense is due directly to his/her selection in the State or International team or competition.

FREEBAIRN SPORTS FOUNDATION

SCHOLARSHIP APPLICATION

APPLICANT (athlete) DETAILS:

Name: _____

Address: _____

_____ Post Code: _____

Phone: (H) _____ (W) _____

Date of Birth: _____

Sport/s for which Scholarship is sought: _____

Name of Sporting Organisation / Sponsoring Body: _____

List your major achievements to date in the above sport/s: _____

Name of school/college/university you are attending or your current employer:

Contact Person: _____

Phone Number: _____

PROGRAM DETAILS

What are your future goals? (short term – 12 months / Long term – 12 months>

CS20 SEED COLLECTION

Community Services

PREAMBLE: To outline the process of application and approval for those seeking Shire approval to collect seeds from land managed and controlled by the Shire.

OBJECTIVE: To expedite the application and approval process for seed collection whilst outlining the Shire requirements.

PRACTICE: That Council permit seed collection under the following conditions;

- All persons collecting native seed are to be licensed according to the Wildlife Conservation Act 1950 and will abide by the conditions of this licence,
- A copy of the License is to be sent to the Shire on receipt of the Shire approval;
- Collection is to only be undertaken by the applicant or the applicant's staff,
- Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds,
- All care to be taken to avoid the disturbance of fauna habitat, and
- All care to be taken to avoid any disturbance that may lead to soil degradation.
- 10 % of seed collected within the Shire of Kulin is to be returned to the Shire of Kulin for replanting of native flora areas in our region; and

PROCESS:

Applicants should correspond or email the CEO requesting the issue of a seed collection license. CEO will issue license in writing, following agreement of applicant to terms and conditions.

DELEGATION: Without reference to the Council the Chief Executive Officer is delegated authority to process applications for seed collection licenses.

HEAD OF POWER: Local Government Act 1995

WORKS

- W1 GENERAL - WORKS PRACTICES
- W2 GRAVEL SUPPLIES
- W3 ROADS - CLEARING
- W4 ROADS - DAMAGE TO
- W5 ROADS - ROADSIDE MARKERS – MANAGEMENT OF
- W6 STORMWATER DRAINAGE
- W7 STREET TREES
- W8 STREETScape - IMPROVEMENTS
- W9 ROADSIDE BURNING

W1 GENERAL - WORKS PRACTICES

Works

PREAMBLE: Providing information on a variety of work practices, guidelines and operational information, each insignificant to warrant individual record.

OBJECTIVE: To ensure individual minor items are not lost in the system of recording practices, procedures and guidelines.

PRACTICES:

Application for Private Works

Whenever private works are requested to be carried out, the client should sign a private works authorisation form. This form can be obtained from the Shire Office or from the Manager of Works and should include an indicative cost of works.

Private works are to be carried out on the following conditions:

- The client is responsible for marking out and supervising the work.
- The Shire of Kulin is not responsible for damage to property, foundations, cables etc. caused when working within the clients instructions
- The Shire of Kulin is not responsible for any expense incurred through breakdown or delay.

Private works will not be performed for individuals or contractors who still have unpaid invoices exceeding 3 months.

Cemetery Tree Planting

No planting of trees around the gravesites is permitted. Any beautification of gravesites involving vegetation should be submitted to the Chief Executive Officer.

Niche Wall

All plaques for the Niche Wall are to be approved by the Chief Executive Officer and fitted by Shire staff.

Heavy Haulage Vehicle Permits

The Chief Executive Officer is authorised to issue heavy haulage permits in accordance with/or as required under the Restricted Access Vehicles (RAV) legislation adopted by Main Roads WA. .

Roadside Signage for Electoral Advertising

For Federal, State and Local elections the placement and location of all signage must be approved by the Chief Executive Officer.

As a standard, all signs must;

- Be less than .8m²;
- Be freestanding and not affixed to road structures. Star pickets shall not be used to support the signs;
- Placed not to obscure the vision of drivers;
- Placed not to be an obstruction to vehicles, pedestrians or other road users;
- Not to be placed within 50m of an intersection median or 100m of a roadworks site;
- Produced from material not to cause injury or damage if struck by a vehicle;
- Must be securely installed; and
- Removed within 21 days of the election closing.

School Bus Stop Signs

The Shire practice is to provide the relevant school bus warning signs at all school bus stops. The CEO and Manager of Works are to ensure that the signs are removed if not in use.

Verge Clearing

All roads that are reconstructed are to be widened to 13 metres to allow for an 11 metre road with 1.5 metres on each side of the road for the table drain.

Use of Depot - For Servicing Private Motor Vehicles

The Shire will not permit the servicing or maintaining of private vehicles and equipment in the Shire Depot without the express permission of the Chief Executive Officer, who is authorised to delegate the authority to determine requests to the Deputy Chief Executive Officer and Manager of Works.

Verge Clearing

All roads that are reconstructed are to be widened to 13 metres to allow for an 11 metre road with 1.5 metres on each side of the road for the table drain.

Use of Plant – Local Clubs and Organisations

The Chief Executive Officer with the authority to delegate to the Deputy Chief Executive Officer and Manager of Works the authority to approve requests from clubs and community organisations to use Shire plant. The plant must be operated by a Shire employee with the club or organisation being responsible for payment of wages (if required) to the employee for time worked.

Minimum Standard of Footpath

Footpaths and pathways in public areas are to be constructed to a minimum standard. In addition these footpaths shall be clear of all obstruction and provide a vertical clearance of at least 2,000mm.

Townsite Crossovers

Residential, Commercial and Industrial Lots

Council will provide one 3.6 metre crossover per lot free of charge to ratepayers. Additional costs involved in wider or additional crossovers (less the footpath portion) will be at the cost of the ratepayer.

Life Style

Council will provide one 4.8 metre crossover per lot free of charge to ratepayers. Additional costs involved in wider or additional crossovers (less the footpath portion) will be at the cost of the ratepayer.

Rural Crossovers

Where landowners require a new culvert crossover, Council will provide one crossover free of charge and if an additional crossover is required to the same location or paddock, Council will provide the labour to install the culvert where the landowner pays for the culverts. A standard rural crossover is to be 12 metres wide.

Natural Surface Water Crossing

Council upgrades natural surface water crossings to an adequate standard when requested for conservation purposes up to 900mm pipes.

Deep Drainage Road Crossings

Where requested by the landholder for a road crossing to handle deep drainage surface water the landholder is to pay for all materials (except gravel). Council will carry out the restoration works, with pipes to be a minimum of 24 meters in length. The landholder is responsible for the maintenance and cleaning of the pipes. Where possible the end of the pipes to be fenced on landholders property.

Road Name Changes

Anyone wishing to alter a road name to recognise a pioneering family is to apply to Council stating their reasons, and Council is to write to all the landholders adjoining the affected road to obtain their views.

DELEGATION:

To the Chief Executive Officer to;

- Determine applications to beautify grave sites at Shire Cemetery's;
- Approve Niche Wall plaque design and placement;
- Approve the use of the depot for the servicing of private vehicles and equipment;
- Determine requests from local Clubs and Organisations to use Shire plant;
- To issue heavy Haulage Vehicle Permits.

To the Deputy Chief Executive Officer and Manager of Works

- Approve the use of the depot for the servicing of private vehicles and equipment;
- Determine requests from local Clubs and Organisations to use Shire plant.

HEAD OF POWER: Local Government Act 1995

W2 GRAVEL SUPPLIES

Works

PREAMBLE: The Shire of Kulin has maintained strict principles in its search for suitable road making gravel over many years. These principles revolve around seeking the best gravel available and not paying landowners for gravel sourced. If resourcing requires the Shire to resume land for gravel, it will do so. These principles and efforts have resulted in the construction and maintenance of a superior road network when compared to its peers.

OBJECTIVE: This guideline reinforces the principles of obtaining suitable roadmaking gravel for use within the Shire of Kulin.

PRACTICE: Where gravel supplies are required for roadworks, the Manager of Works is to approach the landowner concerned with a request for the gravel. No payment is to be offered for the supply of gravel.

All gravel pits opened on private property are to be reinstated before the plant moves to the next programmed job unless other firm arrangements are negotiated with the landowner.

All care is to be taken to ensure that the least amount of inconvenience is caused to the landowner.

The Manager of Works may from time to time negotiate private works assistance for gravel removed with the landowner as part of the arrangement to open access to gravel.

Land resumption for Gravel

If landowners are unwilling to allow the Shire access for gravel reserves, it is the Shire practice where no other suitable alternatives exist, to resume the land to enable the gravel to be obtained.

Gravel Supplies – Road Reserves

Where possible, gravel for road building will not be obtained from existing road reserves.

Clearance

The opening of new private and Shire gravel sources will only be undertaken when the Manager of Works is confident that clearing, Native Title requirements and Flora and Fauna clearances/approvals have been obtained.

PROCESS: The Manager of Works is to outline gravel requirements annually and source suitable local supplies to meet needs.

DELEGATION: To the CEO and the Manager of Works to negotiate the supply of gravel with landholders, which may incur a quid pro quo cost to the Shire and to initiate the resumption of land for the purpose of obtaining gravel where no alternate suitable supplies exist.

HEAD OF POWER: Local Government Act 1995

W3 ROADS - CLEARING

Works

PREAMBLE: Required to effectively manage vegetation on the road corridor.

OBJECTIVE: To ensure that clearing of roadsides is completed in a professional and satisfactory manner which is compliant with applicable State legislation.

PRACTICE: The Manager of Works will in relation to the clearing of roadsides will ensure compliance with existing legislation;

Soil and Land Conservation Act 1945 (Agriculture WA)

Clearing of any area of vegetation exceeding 1 hectare (this also includes the removal of a 1.5 m strip along a fence of length of .75km) requires that the Shire and the landowner gain the approval of Agriculture WA prior to the proposed action.

Wildlife Conservation Act 1950-1979

Under this Act, native vegetation may only be removed from a road reserve for the purposes of road construction or maintenance, drain construction and maintenance up to within one metre of an adjoining fence.

In areas already identified as having flora of significance – in accordance with Dept. guidelines.

Main Roads Act

Main Roads WA should be contacted for any clearing on a main road, which is under the care and control of Main Roads WA.

Native Title Legislation

Clearance of Native Title is required for identified areas of conservation significance or in the case of clearing exceeding 1 ha.

The following legislation also pertains to the management of road reserves and should be considered prior to any roadside verge works.

State legislation:

- Aboriginal Heritage Act 1972
- Agriculture and Related Resources Protection Act 1976
- Bush Fires Act 1954
- Conservation and Land Management Act 1984
- Environmental Protection Act 1986
- Heritage of WA Act 1990
- Land Act 1933
- Local Government Act 1995
- Main Roads Act 1930
- Mining Act 1978
- Soil and Land Conservation Act 1945
- State Energy Commission Supply Act 1979
- Water Authority Act 1987
- Wildlife Conservation Act 1950 - 1979

Commonwealth legislation:

- Environmental Protection and Biodiversity Conservation Act 1999

The Manager of Works will in relation to the clearing of roadsides remain cognisant to conservation issues;

Direct felling of vegetation

That vegetation to be removed be felled in the direction that minimises damage to surrounding vegetation.

Disposal of Excess Waste Material

Tree litter and excess material left over from road construction or verge clearing activities be removed and disposed of at a designated site of low conservation value specified by the Manager of Works and not spread over existing vegetation or dumped on a nearby roadside.

Transfer of Soils and Materials

That wherever possible and especially in high conservation areas, that soil or materials used for road maintenance operations not to be taken from at conservation risk sites. That in the event of major works that modify existing indigenous vegetation on a road side or where verges have become denuded of vegetation, then rehabilitation of verges should be encouraged.

The Manager of Works will in relation to the clearing and maintenance of roadsides shall apply the following policy framework;

Clearing and Maintenance of Roadside vegetation

That the guidelines contained in the Roadside Conservation Manual, and endorsed by the WALGA be formally adopted as guidelines for road verge clearing in the Shire of Kulin,

Weed Control

Weed control methods that minimise disturbance to native vegetation will be implemented,

Proposals to Clear Vegetation

That all proposals to clear vegetation on a road reserve must be submitted to the CEO in writing and should detail the location, number of trees and type of vegetation to be removed.

Annual proposals to Clear roadways of over protruding vegetation

The Shire Manager of Works may submit to the Council as part of annual budget processes, proposals to remove vegetation along particular roads, by way of slashing, flail mowing, mobile saw or mulching. The removal of vegetation in these circumstances (when approved in the Budget process) does not require additional approval by the CEO, or reference to Council. Clearing of this form, where the mulched remains of trees are to be left as mulch groundcover, is to extend to the top of the table drain and can include those tree limbs that protrude into the road space, table drain to table drain; if in the opinion of the Manager of Works they pose a current or future hazard.

Authorisation to remove vegetation from fence lines

That the Shire delegate authority to the CEO that following on-site inspection, to approve the removal of necessary vegetation only, up to within a minimum distance of one metre from the fence line. All requests for removing vegetation in excess of one metre from the fence, or more than 20 major trees per kilometre, must be submitted to Council for consideration prior to approval.

Application to Clear Vegetation from Services as part of Shire Works

That service authorities operating in the Shire of Kulin be advised of the necessity to consult with the Shire when planning to extend or maintain activities which involve the disturbance of road verge vegetation and that they be informed of high conservation verge areas and the appropriate practices in these areas.

Written Authorisation Processes

That the removal of roadside vegetation by service authorities must be authorised by the CEO in writing, prior to the commencement of such clearing, and that the authorisation specify the conditions of the clearing process in terms of the guidelines outlined above. Clearing to be carried out within 3 months of written approval, after which time the approval lapses.

On Site Implementation

Either the Shire Manager of Works or the designated contractor be given the onsite responsibility to ensure that no indigenous vegetation beyond the working zone be removed, disturbed or damaged.

Verge Tree Planting

Community groups or individuals wishing to plant verge trees are required to submit, in writing, plans of tree species and locations for planting to the Shire and the CEO will decide upon the suitability of the proposal. All roadside revegetation projects to be only of trees that are native to the area.

Revegetation Plans

The Manager of Works is to include roadside revegetation proposals in the design plans for all reconstruction projects in rural areas of the Shire where practicable.

PROCESS: As above

DELEGATION: To the Chief Executive Officer the power to;

- consider and authorise the removal of vegetation from fence lines;
- to issue approval to service authorities to remove vegetation on Shire roads in relation to their works;
- to determine the suitability of roadside vegetation planting applications submitted by community groups or individuals.

HEAD OF POWER:

Local Government Act 1995

Soil and Land Conservation Act 1945. (Agriculture WA)

Wildlife Conservation Act 1950 – 1979

Aboriginal Heritage Act 1972

Agriculture and Related Resources Protection Act 1976

Bush Fires Act 1954

Conservation and Land Management Act 1984

Environmental Protection and Biodiversity Conservation Act 1999

Environmental Protection Act 1986

Heritage of WA Act 1990

Land Act 1933

Main Roads Act 1930

Mining Act 1978

State Energy Commission Supply Act 1979

Water Authority Act 1987

W4 ROADS - DAMAGE TO

Works

PREAMBLE: During site works and construction of buildings and improvements or the transport of machinery or vehicles, a wide range of damage and maintenance issues occur on roads and road verges. The Shire will recover and recoup repair costs on a road or verge should the property owner or their contractor damage infrastructure and not repair it. This approach applies to all commercial, residential and industrial developments (new and significant improvements) and rural roads in the case of transportation of farm machinery and equipment.

OBJECTIVE: To allow the Shire to act quickly to prevent damage to roads and to recoup costs incurred in repairing damage to roads or verges as a result of the construction of buildings and improvements to properties or the transportation of equipment.

PRACTICE: All building permit holders whom impact the road or road verge is required to leave the local government property in a clean and tidy condition after use. Any building permit holder is required to report any damage sustained to local government property as a result of their activities, immediately, so assistance can be given to minimise damage, or repair can commence.

All damage by the transportation of farm machinery along local roads is to be reported by the parties concerned as soon as is noted.

Where road or verge damage notification is received, the Manager of Works is authorised to seek redress and a commitment from the landowner or contractor to repair the damage. Failing the issue of a written commitment to repair the damage from the landowner or contractor, the Manager of Works is to report the details and circumstances to the Chief Executive Officer (CEO).

The CEO will verify the circumstances and take immediate action to receive the commitment to repair – failing which the repairs will be undertaken and a cost recovery commenced. If cost recovery seems tenuous, the CEO may seek to apply the cost of the repairs to the landholding for recovery.

In major works situations where damage or alteration to the Shires road or verge asset is required, a deposit sufficient to cover the rectification works or any damage or mess to the verge caused by the property owner or their contractor can be imposed. Deposits will be used for reinstatement of the road and verge.

PROCESS: Under Section 6.16(2)(d) of the Local Government Act 1995, a Local Government may impose fees and charges in relation to receiving applications, issuing approvals, making inspections and issuing licences.

If in relation to a Building Licence application damage has occurred, the CEO may consider the application of a verge deposit prior to the continuance of any works. A letter/notice will be sent to the responsible party detailing separately the following costs:

- Damage Inspection costs recoverable; and
- Damage Deposit
- The terms and conditions upon which the Damage Deposit will be utilised or refunded.

How Damage Deposits are reimbursed

On completion of the building or improvements a final inspection is conducted by the Manager of Works. If the road/verge has been left in a satisfactory state the bond will be returned; if not, the owner or their contractor will be notified of the reason. Verges are to be left clean; trimmed (if material stockpiles were temporarily stored); and the kerb, gutter, road shoulder and seal swept to remove all materials. Any washed or blown materials shall also be removed and the road surface swept clean. Any damage to the road surface repaired to the satisfaction of the Shire.

Any infrastructure such as manhole covers and scour valves, covered by stockpiles, shall be exposed and swept clean. Swale drains are to be trimmed to reinstate the original gradient and shape. Any vegetation damaged is to be reinstated where possible to its original condition. Damaged signs, manhole covers, side entry pits, kerbing, pathways, etc. are to be replaced at the applicant's cost. Replacement must be according to the Shires specifications.

Use of Damage Deposit by Shire

Should damage or a maintenance issue remain unresolved, the deposit will be withheld and contact made with the applicant to rectify the defect. If the defect is not rectified within twenty-one (21) days of notification the Damage Deposit will be used to fund the repairs. Should the said repairs exceed the deposit held, the Shire may seek the balance of repair costs in terms of the Road Traffic Act 1974 (Section 85) through any court of competent jurisdiction.

In the case of damage to rural roads

The CEO is authorised to seek compensation or repair to Shire specifications from acknowledged landowners or contractors who have caused damage to rural roads or verges. The Manager of Works is authorised to carry out immediate repair in the case of road safety issues, whereby the Shire may seek the repair costs in terms of the Road Traffic Act 1974 (Section 85) through any court of competent jurisdiction, when negotiation to recover costs fail.

Works in Road Reserves Carried Out by Contractors

Property owners are advised that all contractors must carry the necessary Public Liability Insurance and follow Shire's Work Safety Standards when engaged in works on road verges.

DELEGATION: To the Chief Executive Officer to take action to recover the cost of damage to Shire road or verge asset and issue Notice to request the return of the road or verge to a clean and tidy condition.

HEAD OF POWER: Local Government Act 1995

W5 ROADS - ROADSIDE MARKERS – MANAGEMENT OF

Works

PREAMBLE: Family and friends may wish to place roadside markers to commemorate where a family member or a friend has died in a car accident.

OBJECTIVE: To have consistent, fair and appropriate control over roadside memorials and to be able to manage road side markers.

PRACTICE: The Shire has no objections to the placing of small white crosses on the verge area at the scene of major road accident providing that;

- the applicant indemnifies Shire against any action or damage claim arising from the installation of the markers,
- White crosses to be no more than 450 mm in width and to be less than 600 mm in height, and can only be placed at locations that are approved by the Shire, considering future maintenance and verge treatments that may occur,
- Applicant to agree that whilst the crosses remain in existence, they are to be properly maintained by the applicant,
- Derelict crosses, non-approved materials, wreaths etc. littering the verge area shall be removed,
- In urban areas no crosses shall be erected,
- The Shire reserves the right to reject applications, remove installations and relocate markers if procedures are not followed,
- that a site plan be presented before approval,

In relation to indemnification, the Shire obtain a suitable pro forma indemnity for applicants to sign from Shire insurers.

PROCESS:

1. Applications shall be in writing and supported by a sketch of the proposal.
2. Following approval or otherwise of the application the CEO is to advise the outcome to the applicant.

DELEGATION: To the Chief Executive Officer to determine roadside markers applications.

HEAD OF POWER: Local Government Act 1995

W6 STORMWATER DRAINAGE

Works

PREAMBLE: This Shire guideline is to express the means whereby storm water can be disposed from private property on to roadways.

OBJECTIVE: To ensure that stormwater discharge from private property is adequately planned and accommodated.

PRACTICE: The Shire requires the submission of stormwater drainage plans for all developments to be submitted in conjunction with the building licence application.

Rainfall run-off from the development of private property shall generally be retained on site but where overflow into Shire stormwater drainage is required or sought an applicant should make written application at the time of request of a Building License.

General

An overflow provision into the Shire system for any further stormwater run-off may be provided at the developer's cost subject to approval of the Chief Executive Officer on the advice of the Manager of Works.

The property owner is responsible for the maintenance of soak wells on private property. If in the opinion of the Manager of Works soak wells have become inoperative, the property owner shall undertake any necessary maintenance.

Connections to the Shire's stormwater system shall be approved in writing.

Overflow connections from soak wells shall be made from the final soak well of the private drainage system. A trapped manhole shall be placed at the boundary of the lot prior to entering the Shire's system.

PROCESS:

The applicant shall provide a stormwater drainage plan showing the following information:

- Table showing volume calculations, including lot area, impermeable area, minimum soak well volume required and additional volume required for high ground water or non-sandy soils.
- Plan of the site showing location, size and levels of soak wells, pipes and other drainage features.
- Where additional volume is required for high groundwater or non-sandy sites, calculations showing the additional storage volume and any levels necessary to ensure this is achieved.
- Details of any proposed connections to the Shire's drainage system.
- Construction details for soak wells, other drainage structures and any proposed connections to the Shire's drainage system.

Residential Development

Soak wells shall be provided and maintained in all instances where the aggregate impervious area including roofs, carparks, driveways, carports and patios exceeds 250 square metres or where the lot size is less than 1000m².

Soak wells shall be provided at the rate of 1.0 cubic metres of storage for each 65 square metres of impervious area in excess of 250 square metres.

An additional 1m³ per 65m² of impervious area shall be provided in areas of clayey soils or in high groundwater table areas. The collection points and soak wells shall be located so as to minimise the amount of run-off entering the road reserve.

Group Dwellings, Strata Lots, Commercial and Industrial Development

Stormwater run-off from all roofs, carparks, driveways and other impervious areas shall be collected and disposed of into sufficient soak wells on site. Soak wells shall be provided at the rate of 1.0 cubic metres of storage for each 65 square metres of impervious area.

An additional 1m³ per 65m² of impervious area shall be provided in areas of clayey or silty soils or in high groundwater table areas.

DELEGATION: To the Chief Executive Officer to approve applications for connection to the Shire stormwater drainage from landowners on advice from the Manager of Works.

HEAD OF POWER: Local Government Act 1995

W7 STREET TREES

Works

PREAMBLE: To foster pride in the street appearance through efforts of tree planting and encourage ratepayers to undertake the growth of street trees.

OBJECTIVE: To control and manage the supply and planting of street trees.

PRACTICE: The Shire is prepared to provide and replace upon request, suitable trees to townsites householders for planting on the street verge fronting their properties on the condition that they are prepared to plant and maintain them.

Residents are permitted to plant and tend suitable street trees in townsites provided: -

- Trees are planted in accordance with acknowledged standards for street placement.
- Trees planted below power lines, etc. to be of a type that the average growth shall not reach to within 2.5m of the lowest height of the overhead lines.
- Street trees shall be of a variety suitable for pruning.
- Street trees shall be of a variety suitable to minimise leaf, stalk and flowering litter that requires regular clean-up.

No resident shall plant trees on the road reserve without the prior approval of the Chief Executive Officer who is authorised to stipulate the position and spacing and who may refuse tree varieties which he considers unsuitable.

All street trees must be planted with a root barrier or root director system to prevent damage to footpaths and road surfaces.

No street trees are to be removed within the Kulin Townsite without due consideration by the Chief Executive Officer.

PROCESS: Applications for trees for planting on the street verge fronting the property are to be in writing. Following approval or otherwise of the application the Manager of Works is to advise the outcome to the applicant.

DELEGATION: To the Chief Executive Officer to determine applications for approval to plant street trees in accordance with this guideline.

HEAD OF POWER: Local Government Act 1995

W8 STREETScape - IMPROVEMENTS

Works

PREAMBLE: It is accepted that road reserves form a significant proportion of public open space available to residents for improving their streetscape and lifestyle.

OBJECTIVE: To control, manage and permit verge treatments.

PRACTICE: Council delegates its authority to the CEO to approve the installation of any gardens, reticulation, landscaping or treatments other than grass to the verge between the front property line and the kerb.

The following principles shall apply to any application:

No permanent structure can be permitted in the road reserve except with the written approval of the Shire. Applications to the CEO for may include recommendations for terms and conditions that include the payment of deposit bonds for removal.

Verge treatments will be assessed on an individual basis against the following criteria:

- Safety;
- Drainage;
- Water Conservation;
- Ongoing Maintenance;
- Appearance; and Impact on others (including public services).

No part of verge treatment shall present any trip hazards, slip hazards or obstructions. Adequate space must be retained for the provision of services e.g. waste collection.

Hazards include but are not limited to the following examples:

- Trip Hazards - sudden depressions, protruding (i.e. Not flush) garden edging, kerbing, etc.
- Slip Hazards - loose aggregate and stones, etc.
- Obstructions - stakes, pickets, walls, etc.

Designs shall take into account the sight line requirements of vehicles using nearby intersections and driveways.

Consideration should be made for pedestrians, gophers, bikes, etc. An allowance should be made for a clear zone of 2m wide if no footpath is provided.

Materials used shall be a different colour to the existing road surface to provide definition and reduce the chance of the verge being confused as part of the road.

Planting within 6m of an intersection is restricted to grass, ground covers, low shrubs or similar plants and no plants may be planted between 6m and 10m of an intersection that exceeds or may exceed 750mm in height.

Drainage

Stormwater run-off should not affect any other property, roadway or adjoining verge. If non-permeable materials are used as any part of the verge treatment, drainage must be accounted for in the design.

Water Conservation and Environment

The Shire encourages designs incorporating the planting of drought tolerant and water sensitive plants and ground covers.

Ongoing Maintenance

The ongoing maintenance requirements will form an important part of the Shire's assessment. The assessment will consider the overall maintenance requirements of the treatment as a whole, including pruning, stabilisation of hardstand areas, etc.

All verge treatments must be maintained by the adjoining property owner to ensure any approved treatments do not become unacceptable. Where there is a change in ownership the new owner will become responsible for any ongoing maintenance.

Appearance

Proposed works will be assessed on their aesthetic qualities and should be designed with the local streetscape in mind.

Impact on Others and/or Services

Proposed treatments should take into account the impact on neighbours and service providers. Examples: Planting low growing plants under power lines; and minimum clearance around any service installations e.g. water meters.

PROCESS: The treatments are to be in accordance with this guideline and installation may take place after formal written application and approval from the Chief Executive Officer. The CEO may take direction from the Manager of Works and gardening staff in regard to each application and place such conditions on the approval as deemed necessary.

No works are to commence unless approval (with or without conditions) is granted.

Following approval the applicant must notify Shire staff at any milestone points where the Shire's ongoing approval is required before proceeding to the next step. Non-conforming works shall be rectified until approved.

On completion of works a final inspection shall be undertaken to ensure the works have been completed as per the approval.

DELEGATION: To the Chief Executive Officer to approve streetscape improvements.

HEAD OF POWER: Local Government Act 1995

W9 ROADSIDE BURNING

Works

PREAMBLE: The Shire recognises the concerns of rural property owners regarding potential fire hazards on roadsides yet at the same time recognises the flora damage that fire can do to road verges.

OBJECTIVE: To reduce the risk of fire damage to road verges.

PRACTICE: No roadside burning is allowed by any persons within the Shire without the approval of the Shire. Similarly, any application to use chemicals on road reserves for firebreak protection for the elimination of weeds or grasses must be submitted to the Chief Executive Officer for approval.

To achieve that approval the landowner supported by the local Fire Control Officer is required to provide details of the sections of roadside proposed for burning or spraying to remove the fire hazards. The Chief Executive Officer under delegation with the agreement of the Manager of Works may issue approval but this will be subject to:

- The adjoining property owner(s) supports the burn and accepts responsibility for protection of his/her fencing;
- Burning is carried out or directly supervised by members of a registered Bushfire Brigade and the Shire;
- Landowners are given instructions to only burn by way of a Fire Permit, issued with or without conditions as are considered appropriate by the issuing Fire Control Officer for each section of roadside;
- All reasonable precautions are taken to protect flora and fauna during the course of roadside burning (pest plants and wild weeds excluded).
- Warning signs must be displayed on the road at either end of each burn in accordance with Australian Standards on Traffic Management.
- The Shire is to coordinate the placing and removal of traffic warning signs.

Permission to burn road verges may be considered when in conjunction with Shire works or maintenance, where it considered beneficial to both the Shire and the landowner to burn.

PROCESS: Landowners requiring their road verge to be burned are to apply to their local Fire Control Officer and then present the information to the Shire. If an approval is granted, the Shire will be directly involved and provide signage.

DELEGATION: To the Chief Executive Officer for the burning or spraying of road verges following agreement of the Manager of Works in accordance with the listed conditions.

HEAD OF POWER:

Local Government Act 1995
Bush Fires Act 1954 25
Occupational Health & Safety
Road Traffic Act 1974