

# 2023

# Policy Manual



(NOTE: Excluding policies adopted by the Council pursuant to the Planning and Development Act 2005)



**Reviewed: October 2022**

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Shire of Kondinin

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## History Summary

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Item	Date	Action	Description
1	February 2021	Review Major	A complete update and review of the policy manual were undertaken.
2	June 2022	Minor Review	Minor adjustments to policies
3	October 2022	Minor Review	Minor adjustment to Purchasing Policy
4	February 2023	New Policy	Added the Community Grant Program Policy
5	May 2023	New Policy	Added the Habitual or Vexatious Complainants Policy
6	July 2023	Minor Review	Minor adjustment to Community Grant Program
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## Preface

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The Policy Manual is the compiled decisions of Council to the Chief Executive Officer (CEO), employees and other officers, detailing how specific matters are to be administered, the standards to apply etc. Council Policy is over-ridden by –

- Commonwealth and State legislation and regulations,
- the Local Planning Schemes
- Local Laws
- Council resolutions
- Delegations

Council Policy overrides –

- Executive Instructions
- Local Government Guidelines
  - although are not decisions of Council, close observance is strongly recommended
- Administrative directions/instructions

The decisions can be made at any time, and may be varied at Council’s discretion. Council Policy is not binding on the Council, but is binding on employees and officers, unless discretion is stated. Council Policy is to be considered as Council’s standing or permanent instructions.

The Local Government Act requires the development of only a few policies, otherwise all policies are at Council’s sole discretion. Policies of a local government required by the Local Government Act 1995 include:

- Adoption of an Attendance at Events Policy (S5.90A)
  - o refer Policy GOV-007
- Adoption of a Council Members Code of Conduct (S5.104)
  - o refer Policy GOV-001
- Adoption of an Employees Code of Conduct (S5.51A)
  - o refer Policy GOV-001
- Adoption of Continuing Professional Development Policy for Council Members (S5.128)
  - o refer Policy GOV-008
- Adoption of a Policy relating to employing a CEO or Acting CEO (S5.39)
  - o refer Policy ADM-001
- Adoption of Regional Price Preference Policy (R24C Local Government (Functions and General) Regulations 1996)
  - o refer Policy FIN-005
- Adoption of a Policy that pays employees more than required by their contract or award (recognition of service / gratuity) (S5.50)
  - o refer Policy STAFF-003

Within the Policy Manual is a detailed outline of –

- how actions and administrative decisions are to be made,
- when they are to be implemented or made,
- limitations and restrictions etc.

The Policy Statement is resolved by Council. All procedural or reference information, formatting and spelling errors may be amended or updated by the CEO.

### **Statutory and Corporate context**

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The Council is responsible for functions and activities under numerous Acts and other legislation, many of which permit Council to delegate responsibilities and authority to various employees and officers, and to stipulate conditions, standards or methods of control and management. This Council Policy Manual has been prepared to complement a range of obligations imposed by legislation including local laws, and various documents adopted by Council.

The order of priority for compliance is –

1. Federal and State legislation and regulations;
2. the Local Planning Scheme;
3. a specific resolution of Council;
4. Delegations Register – being specific authorisations resolved by Council, and having a statutory context under the Local Government Act;
5. Local Planning Policy – as it is made under the authority of the Local Planning Scheme, by resolution of Council;
6. Council Policy – being instructions resolved by Council on how particular matters are to be dealt with;
7. Executive Instruction – standing instructions or procedures issued by the CEO;
8. Administrative directions or instructions.

Although not decisions of Council, and therefore not a requirement of staff, consideration should be given to the following as being best practice –

- DLGRD Guidelines
- WALGA Councillors Manual, Practice Notes etc.

Unless specifically resolved that the instruction is to be included in the Policy Manual, it is considered that it is for a specific matter, and is not a general or on-going instruction.

There are some policies that have specific legislative provision, and these are noted in the individual policy.

### **IMPORTANT – Consequences of Breaching Council Policy**

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Where there is a breach of Council Policy –

- (a) it may result in disciplinary action up to and including termination of employment;
- (b) the Shire may also be obligated to refer a breach to an external agency where an employee may be held personally liable for their actions;
- (c) the employee in breach may also be personally liable for their actions, such costs charged to the Shire or to repair as a result of the private/personal or unauthorised use.

### **Application – is to staff, not to community**

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Policy cannot be used to control or manage the general community – it is essentially an instruction to staff that in particular circumstances, a specific action or process is to be followed, for instance –

- Hire of facilities – if there is damage, then staff are to invoice the hirer or cancel their booking etc
  - Caravan Park Rules – if a patron does not comply with these, staff are to take action
  - HR / Personnel policies – outlines the circumstances in which actions are to be taken
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- Crossovers – staff may approve if an application complies with requirements, or take action if a crossover does not comply

A Policy cannot be applied directly to the community as they may not be aware of its adoption. The community has to have had the opportunity to be aware of the requirements imposed on them.

However, policy may require staff to apply specific conditions to a licence, permit etc, and to provide a written copy of the conditions being applied. These conditions applied are then enforceable.

Advertising of a local law constitutes community wide notification, whether the person is aware of it or not. Accordingly, many policies expand on how a Local Law is to be interpreted or acted upon by staff.

## Definitions

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The LG Act has not defined the term “delegation” or “delegated power”. However:

- s.5.16 refers to “... the exercise of any of its powers and duties ...”
- s.5.42 refers to “... the exercise of any of its powers or the discharge of any of its duties ...”

The term “policy” is not defined anywhere in the LG Act, however, Departmental guidelines refer to Council “acting through” the administration to fulfil requirements and obligations.

The following terms used in this document apply insofar as they are consistent with enabling legislation –

**authority** means the permission or requirement for Council, a Committee or a person to act in accordance with –

- the Local Government Act, Regulation or other legislation,
- a delegation made by Council,
- a Council Policy,
- a specific decision of Council, or
- an Executive Instruction.

**delegation** means the authority for a Committee, the CEO or other person to exercise a power, or discharge a duty, as conferred by absolute majority decision of Council under the provisions of the relevant legislation.

**employee** means a person employed by the Shire and is on the payroll, and does not include contractors or consultants Council Policy is a standing instruction resolved by Council as to how a particular matter is to be implemented: Executive Instruction is a standing instruction issued by the CEO as to how a particular matter is to be implemented.

**instruction** means the requirement for a staff member to act in accordance with a direction given by the Council, the CEO, senior employee or supervisor.

**officer** generally only to be used in the context of a formal authorisation, and may include an authorised employee

## Guidelines No.17 – Delegations (Department of Local Government)

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The Department of Local Government and Communities has published Guidelines for the formation of Delegations.

The Guidelines outline the concept of “delegation” and “acting through” in parts 3 and 4, particularly in paragraph 13 where it is stated –

... the key difference between a delegation and “acting through” is that a delegate exercises the delegated decision making function in his or her own right. The principal issue is that where a person

has no discretion in carrying out a function, then that function may be undertaken through the “acting through” concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

In effect, “acting through” is an action that could reasonably be expected to be carried out as the result of a decision by Council (e.g. advertising of a tender), or as a function reasonably expected of the position that a person holds.

Not all matters which will be recorded in Policy are “acting through” matters. Similarly, not all “acting through” matters will be listed. Council Policy supported by Executive Instructions describe how that action or some other action is to be carried out.

### **Making, amending and revoking Council Policy**

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Administrative Policy requires approval by a simple majority of Council, and may be made, amended or revoked at any time by Council.

Council may impose limitations on Policy or the functions delegated as they see fit.

### **Review of Council Policy**

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There is no required timetable for the review of policy, however, it is suggested that it should be done regularly to ensure that policies are relevant, current and understood.

To maintain the Policy Manual up to date, an administrative review should be reviewed at least once a year, and a report made to Council on matters needing amendment or inclusion.

It is suggested that detailed consideration of all policies be undertaken by Council at least once every two years.

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<b>Council / Governance (GOV)</b>	<b>Policy No.</b>	<b>Old Policy No.</b>
Communications and Social Media Policy	<a href="#">GOV-001</a>	
Honorary Freeman of the Shire of Kondinin	<a href="#">GOV-002</a>	1.0.5
Recordkeeping Policy	<a href="#">GOV-003</a>	10.1.7
Meetings of Council	<a href="#">GOV-004</a>	1.3.0
Legal Representation	<a href="#">GOV-005</a>	1.3.5
Attendance at Events	<a href="#">GOV-006</a>	
Council Member Continuing Professional Development	<a href="#">GOV-007</a>	

<b>Council Meeting Procedures (CMP)</b>	<b>Policy No.</b>	<b>Old Policy No.</b>
Council Meeting Procedures	<a href="#">CMP-001</a>	1.2.0 – 1.2.10

<b>Administration / Organisation (ADM)</b>	<b>Policy No.</b>	<b>Old Policy No.</b>
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Flag Protocol for Funerals	<a href="#">ADM-002</a>	1.1.11
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## Community Services (COM)

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*Rescinded Policies*

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<b>Policy Name</b>	<b>Policy #</b>

## Council / Governance (GOV)

### Communications and Social Media

GOV-001

<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	3606
<b>Resolution Date</b>	17 <sup>th</sup> June 2020
<b>Old Policy Number</b>	N/A
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995 Local Government (Rules of Conduct) 2007 State Records Act 2000 Freedom of Information Act 1992
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

This policy establishes protocols for the Shire of Kondinin's official communications with our community to ensure the Shire of Kondinin is professionally and accurately represented and to maximise a positive public perception of the Shire.

### Scope

This policy applies to:

1. Communications initiated or responded to by the Shire of Kondinin with our community; and
2. Council Members, Committee Members, staff and contractors when making comment in either their Shire of Kondinin role or in a personal capacity perceived to be representing the Shire of Kondinin.

### Policy

#### Definitions

Social Media – Social media is a tool for communication and sharing of information.

Inappropriate Content –

- a) is offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;
- b) is promotional, soliciting or commercial in nature, unless approved by the CEO;
- c) is unlawful or incites others to break the law;

- d) is overtly sexual or explicit;
- e) is threatening or describing violent events or behaviours;
- f) refers to or encourages the use of illegal drugs;
- g) is harassing or hateful to an organisation or person, including the Shire of Kondinin, our employees, stakeholders, associates and suppliers;
- h) contains information which may compromise individual or community safety or security;
- i) is repetitive material copied and pasted or duplicated;
- j) promotes or opposes any person campaigning for election to the Council, appointment to official office, or any ballot;
- k) violates intellectual property rights or the legal ownership of interests or another party; and
- l) contains inappropriate content or comments at the discretion of the Shire.

### **Official Communications**

The purposes of the Shire's official communications include:

- Sharing information required by law to be publicly available.
- Sharing information that is of interest and benefit to the Community.
- Promoting Shire of Kondinin events and services.
- Promoting Public Notices and community consultation / engagement opportunities.
- Answering questions and responding to requests for information relevant to the role of the Shire.
- Receiving and responding to community feedback, ideas, comments, compliments and complaints.

The Shire's official communications will be consistent with relevant legislation, policies, standards and the positions adopted by the Council. Our communications will always be respectful and professional. The Shire will use a combination of different communication modes to suit the type of information to be communicated and the requirements of the community or specific audience, including:

- Website;
- Advertising and promotional materials;
- Media releases prepared for the President, to promote specific Shire of Kondinin positions;
- Social media; and
- Community newsletters, letter drops and other modes of communications undertaken by the Shire of Kondinin's Administration at the discretion of the CEO.

### **Speaking on behalf of the Shire of Kondinin**

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

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

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

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

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

- bring the Shire of Kondinin into disrepute,
- compromise the person's effectiveness in their role with the Shire,
- compromise the effectiveness of the Shire of Kondinin;
- imply the Shire's endorsement of personal views, or
- disclose, without authorisation, confidential information.

Social media accounts or unsecured website forums must not be used to transact meetings which relate to the official business of the Shire of Kondinin. Council member communications must comply with the Code of Conduct and the Local Government (Rules of Conduct) Regulations 2007.

### **Responding to Media Enquiries**

All enquiries from the Media for an official Shire of Kondinin comment, whether made to an individual Council Member or Employee, must be directed to the CEO or a person authorised by the CEO. Information will be coordinated to support the President or CEO (where authorised) to make an official response on behalf of the Shire of Kondinin.

### **Website**

The Shire of Kondinin will maintain an official website, as our community's on-line resource to access to the Shire's official communications. The content of the website will be consistent with any advertisements or media releases published on the other social media platforms.

### **Social Media**

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

- Social networks, including – Facebook;
- Media Sharing networks, including –Instagram;
- Apps (applications). The Shire can update content to third party apps such as the WALGA app Localeye and Snap Send Solve, but does not maintain content on these apps.

The Shire of Kondinin may also post and contribute to Social Media hosted by others, so as to ensure that the Shire's strategic objectives are appropriately represented and promoted.

The Shire actively seeks ideas, questions and feedback from our community however, we expect participants to behave in a respectful manner. The Shire of Kondinin will moderate its Social Media

accounts to address and where necessary delete content which is deemed to be Inappropriate Content as soon as the Shire becomes aware or as soon as practicable once notified.

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

### **Use of Social Media in Emergency Management and Response**

The Shire of Kondinin will use Facebook, WhatsApp and the Harvest and vehicle Movement ban text messaging system to communicate and advise our community regarding Emergency Management.

### **Record Keeping and Freedom of Information**

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

### **Personal Communications**

Personal communications and statements referring to the business decisions of the Shire made privately in conversation, written, recorded email or posted on personal social media have the potential to be made public, whether it was intended to be made public or not. Therefore, on the basis that personal or private communications may be shared or become public at some point in the future, Council Members, Committee Members, staff and contractors must ensure that their personal or private communications do not breach the requirements of this policy, the Code of Conduct and/or the Local Government (Rules of Conduct) Regulations 2007.

This should be read in conjunction with the definitions of inappropriate content and Statements on Shire Matters as it applies to Council decisions, business and other fellow Councillors, Committee Members and Staff.

### **Statements on Shire Matters**

A Council Member, Committee Member, staff and contractors may choose to make a personal statement publicly on a matter related to the business of the Shire of Kondinin. Any public statement made by an A Council Member, Committee Member, staff or contractor, whether made in a personal capacity or in their Local Government representative capacity, must:

1. Clearly state that the comment or content is a personal view only, which does not necessarily represent the views of Shire of Kondinin;
2. Be made with reasonable care and diligence;
3. Be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment laws;
4. Be factually correct;
5. Avoid damage to the reputation of the local government;
6. Not reflect adversely on a decision of the Council;

7. Not reflect adversely on the character or actions of another Council Member, Committee Member or Employee;
8. Maintain a respectful and positive tone and not use offensive or objectionable expressions in reference to any Council Member, Committee Member, Employee or community member.

A Council Member who is approached by the media for a personal statement may request the assistance of the CEO. Comments which become public and which breach this policy, the Code of Conduct or the Local Government (Rules of Conduct) Regulations 2007, may constitute a serious breach of the Local Government Act 1995 and may be referred for investigation.

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Policy End

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<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	3632
<b>Resolution Date</b>	19 <sup>th</sup> August 2020
<b>Old Policy Number</b>	1.0.5
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	N/A
<b>Guidelines</b>	GUIDE-003
<b>Next Review</b>	

### Objective

This policy sets out the circumstances under which the Shire of Kondinin Council may bestow the title of “Honorary Freeman of the Shire of Kondinin” upon individuals who have made an outstanding and exceptional contribution to the Shire or community.

### Scope

This policy covers matters relating to the nomination and conferring of the honour.

### Policy

#### Introduction

From time to time members of the Kondinin, Karlgarin and Hyden communities may demonstrate outstanding commitment and contribution to the Shire of Kondinin community and it is recognised that this contribution should be acknowledged. The Council will do this by, in special circumstances that meet the criteria of this policy and guidelines, awarding to an individual the title of “Honorary Freeman of the Shire of Kondinin”.

The Council will recognise, under appropriate circumstances, individuals who have demonstrated an outstanding contribution. It is the highest honour available to the Shire.

#### Principles

1. The award of Freeman is intended to recognise outstanding community service over a significant period of time and in a diversity of activities within the Shire of Kondinin.
2. The award would not usually be presented for excellence of service in only one activity.
3. The award is intended to recognise service within the local community.
4. The award of Freeman is to be seen as independent of any other award.
5. This award is to be recognised as the highest honour that the local community, through its elected Shire Council, can bestow on one of its citizens. It therefore follows that the award is to be given sparingly.
6. For the award to have the desired standing within the community, it should only be conferred where there is a great assurance of public approval.

7. It is not seen as desirable that the award of Freeman be presented to a sitting Member of Council.

Policy End

## Record Keeping Policy

GOV-003

<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	3067
<b>Resolution Date</b>	16 <sup>th</sup> August 2017
<b>Old Policy Number</b>	10.1.7 (providing link to document only)
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995 Local Government (Rules of Conduct) 2007 State Records Act 2000 Freedom of Information Act 1992
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

The Shire of Kondinin is committed to the management of records in accordance with applicable legislation.

### Scope

1. To encompass the principles of the State Records Act 2000;
2. To ensure uniformity and consistency within the creation and maintenance of records management systems within the Shire of Kondinin;
3. To define the roles and responsibilities of the officers who manage and perform record keeping processes for, or on behalf of, the Shire of Kondinin; and
4. To prescribe a methodical and organised approach in the management of the Shire of Kondinin's records.

### Policy

#### Policy Statement

The Shire of Kondinin is committed to making and keeping full and accurate records of the business transactions and activities of Council. Records created and received by Kondinin council employees and contractors and Council members, irrespective of format, are to be managed in accordance with the Recordkeeping Policy and Procedures.

All employees, contractors and Council members as applicable will ensure that full and accurate records are created to provide evidence of business transactions and decisions.

The Shire of Kondinin is responsible for the security and protection of all records in its custody. Records will be maintained in a safe and secure environment ensuring their usability, reliability, authenticity and preservation for as long as they are needed.

Access to the Shire of Kondinin records by employees, contractors and Council members will be in accordance with appropriate security and access classifications. Access to Shire of Kondinin records by the general public will be in accordance with the Freedom of Information Act 1992.

Disposal of Shire of Kondinin records will be in accordance with the General Disposal Authority for Local Government Records following authorisation from the Chief Executive Officer as appropriate.

### **3 Roles and Responsibilities**

#### **3.1 Chief Executive Officer**

The Chief Executive Officer will ensure that there is a system for the maintenance and management of Shire of Kondinin records that is compliant with the State Records Act 2000. The Chief Executive Officer will ensure that no records are disposed of except in accordance with an approved records retention and disposal authority.

#### **3.2 Council Members**

All Council Members will forward all records created and received relating to the activities they perform as a Councillor to the Chief Executive Officer for registration and capture into the recordkeeping system.

#### **3.3 All Shire of Kondinin Staff**

All Shire of Kondinin staff will create and receive records relating to the business activities they perform and are required to:

- Make records to document and support business activities.
- Ensure that records are captured and registered into the recordkeeping system.
- Ensure that records are secure at all times.

Shire of Kondinin staff must not:

- Hold records in informal or uncontrolled files that are not registered in the recordkeeping system.
- Delete, destroy or alter records without proper authority.
- Remove official records from the Shire of Kondinin without permission.
- Lose, misuse or pass records to an unauthorised person.

#### **3.4 Legislation and Standards**

Legislation and standards applicable to recordkeeping in Western Australian Local Government organisations include:

- State Records Act 2000
- State Records (Consequential Provisions) Act 2000
- Electronic Transactions Act 2003
- Freedom of Information Act 1992
- Local Government Act 1995
- State Records Commission: Principles and Standards
- Australian Standard on Records Management: AS ISO 15489

#### 4 What is a Record?

- **Record** means information created, received and maintained as evidence and information by an organisation or person in pursuance of legal obligations or in the transaction of business however recorded and includes:
  - Anything on which there is writing or Braille;
  - A map, plan, diagram or graph;
  - A drawing, pictorial or graphic work or photograph;
  - Anything on which there are figures, marks, perforations or symbols, having meaning for persons qualified to interpret them;
  - Anything from which images, sounds or writings can be reproduced with or without the aid of anything else; and
  - Anything on which information has been stored or recorded, either mechanically, magnetically or electronically.
- A record may have any or all of the following attributes:
  - Information which is of evidentiary or historical value and is not recorded elsewhere;
  - Formal communications and/or transactions between officers or between an officer and another party; or
  - It may document the rationale behind agency policy, decisions or directives.

**Ephemeral records** have extremely short term value and are usually disposed of almost immediately.

Examples include:

- Duplicate (or extract) copies;
- Information and brochures (other organisations);
- Reference sets of directories and addresses;
- Promotional material (other organisations);
- Rough drafts; and
- Routine or trivial email.

**Personal communications** are private in nature, have nothing to do with the business of the Shire of Kondinin and are not subject to this policy. Examples include:

- Messages making personal arrangements (eg lunch arrangements); or
- Unsolicited information with no relation to the business of the Shire.

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Policy End

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<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	3634
<b>Resolution Date</b>	19 <sup>th</sup> August 2020
<b>Old Policy Number</b>	1.3.0
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995 Local Government (Administration) Regulations 1996
<b>Link to Strategic Plan</b>	N/A
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

This policy sets out the place and timing details of meetings of Council.

### Scope

This policy will set out the day of the month, place and time of Council meetings.

### Policy

The Ordinary Meeting of the Council will be held at 3.00pm on the third Wednesday of each month, except January when there is no meeting and November where the meeting will commence at 4.00pm, unless a change is carried by Council Resolution for a specific purpose.

The locality of the Ordinary Council Meetings are as follows;

<b>Month</b>	<b>Locality</b>
January	No meeting
February	Kondinin
March	Hyden
April	Kondinin
May	Kondinin
June	Kondinin
July	Kondinin
August	Hyden
September	Kondinin
October	Kondinin
November	Hyden
December	Kondinin

Special meetings and committee meetings shall be held as and when business dictates.

## Legal Representation

GOV-005

<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	
<b>Resolution Date</b>	
<b>Old Policy Number</b>	1.3.5
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

This policy is to provide direction as to whether financial assistance will be provided in the instance legal representation is required when a Council member or Employee is involved in civil legal proceedings.

### Scope

This policy relates to Council Members and Employees.

### Policy

#### Introduction

- a) 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.
- (b) 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.

#### General Principles

- (a) The local government may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the local government or otherwise in bad faith.
- (b) the local government may provide such assistance in the following types of legal proceedings:
  - (i) proceedings brought by members and employees to enable them to carry out their local government functions (eg where a member or employee seeks a restraining order against a person using threatening behaviour);

- (ii) proceedings brought against members or employees [this could be in relation to a decision of Council or an employee which aggrieves another person (eg 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 (eg defending defamation actions)]; and
  - (iii) statutory or other inquiries where representation of members or employees is justified.
- (c) 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.
- d) the legal services the subject of assistance under this policy will usually be provided by the local government's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors approved by the local government.

### **Applications for Financial Assistance**

- (a) subject to item (e), decisions as to financial assistance under this policy are to be made by the Council.
- (b) 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.
- (c) an application to the Council is to be accompanied by an assessment of the request and with a recommendation that has been prepared by, or on behalf of, the Chief Executive Officer (CEO).
- (d) 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.
- (e) where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation to the value of \$5000 provided that the power to make such an authorisation has been delegated to the CEO in writing under section 5.42 of the Local Government Act 1995.
- (f) where it is the CEO who is seeking urgent financial support for legal services the Council shall deal with the application.

### **Repayment of Assistance**

- (a) 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.
- (b) 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.

- (c) 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.

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Policy End

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<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	3947
<b>Resolution Date</b>	15 June 2022
<b>Old Policy Number</b>	
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

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

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

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

Notewell:

- If a Council Member receives a ticket in their name, in their role as a Council Member, of \$300 or greater value, they are still required to comply with normal gift disclosure requirements.
- Whilst the law permits gifts greater than \$300 to be accepted by the Chief Executive Officer (but not other employees), in their role with the Shire, the Chief Executive Officer must seek Council approval before accepting a gift over \$300, all other employees, by operation of this Policy, are prohibited from accepting any gift greater than \$300, unless from the Shire as the organiser of the event, or as a gift pursuant to Section 5.50 of the Local Government Act 1995 (gratuity on termination).
- If the Chief Executive Officer or an employee receives a ticket in their name, in their role as an employee, of between \$50 and \$300, they are required to comply with normal gift disclosure requirements and the Code of Conduct re notifiable and prohibited gifts.
- An event does not include training, which is dealt with separately via Policy GOV-008 Council Member Continuing Professional Development.

- Nothing in this Policy shall be construed as diminishing the role of the Chief Executive Officer in approving attendance at activities or events by other employees that in the opinion of the CEO, are appropriate, relevant and beneficial to the Shire of Kondinin and its employees.

### Definitions

District: is defined as the Wheatbelt Region of Western Australia.

Council Members: includes the Shire President and all Councillors.

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

- Concert
- Conference
- Function
- Sporting event
- Occasions prescribed by the Local Government (Administration) Regulations 1996.

### Acronyms

CEO - Chief Executive Officer

GST - Goods & Services Tax

LGIS - Local Government Insurance Services

WALGA - Western Australian Local Government Association

### **Scope**

This policy applies to Council Members, the Chief Executive Officer and all employees of the Shire of Kondinin (the Shire) in their capacity as a Council Member or employee of the Shire.

### **Policy**

Council Members, the Chief Executive Officer and Executive Managers occasionally receive tickets or invitations to attend events to represent the Shire to fulfil their leadership roles in the community. The event may be a paid event or a ticket/invitation may be gifted in kind, or indeed it may be to a free / open invitation event for the community in general.

### Pre-Approved Events

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

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

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

- a) Advocacy, lobbying or Members of Parliament or Ministerial briefings (Council Members, the Chief Executive Officer and Executive Management only);

- b) Meetings of clubs or organisations within the Shire of Kondinin;
- c) Any free event held within the Shire of Kondinin;
- d) Australian or West Australian Local Government events;
- e) Events hosted by Clubs or Not for Profit Organisations within the Shire of Kondinin to which the Shire President, Council Member, Chief Executive Officer or employee has been officially invited;
- f) Shire hosted ceremonies and functions;
- g) Shire hosted events with employees;
- h) Shire run tournaments or events;
- i) Shire sponsored functions or events;
- j) Community art exhibitions within the Shire of Kondinin or District;
- k) Cultural events/festivals within the Shire of Kondinin or District;
- l) Events run by a Local, State or Federal Government;
- m) Events run by schools within the Shire of Kondinin or District;
- n) Major professional bodies associated with local government at a local, state and federal level;
- o) Opening or launch of an event or facility within the Shire of Kondinin or District;
- p) Recognition of Service event's within the Shire of Kondinin or District;
- q) RSL events within the Shire of Kondinin or District;
- r) Events run by WALGA, LGIS or a recognised and incorporated WA based local government professional association;
- s) Where Shire President, Council Member or Chief Executive Officer representation has been formally requested.

All Council Members, the Chief Executive Officer and employees with the approval of the CEO or their respective Executive Manager, are entitled to attend a pre-approved event.

If there is a fee associated with a pre-approved event, the fee, including the attendance of a partner, may be paid for by the Shire out of the Shire's budget by way of reimbursement, unless the event is a conference which is dealt with under clause 5 of this policy.

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

#### Approval Process

Where an invitation is received to an event that is not pre-approved, it may be submitted for approval prior to the event for approval as follows:

- Events for the Shire President may be approved by the Deputy Shire President;
- Events for Councillors may be approved by the Shire President;
- Events for the Chief Executive Officer may be approved by the Shire President; and
- Events for employees may be approved by the Chief Executive Officer or their respective Executive Manager.

Considerations for approval of the event include:

- Any justification provided by the applicant when the event is submitted for approval.
- The benefit to the Shire of the person attending.
- Alignment to the Shire's Strategic Objectives.

- The number of Shire representatives already approved to attend.

Where a Council Member has an event approved through this process and there is a fee associated with the event, then the cost of the event, including for attendance of a partner, is to be paid out of the Members Conference Expenses.

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

#### 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 Council Member, Chief Executive Officer or employee pays the full ticketed price and does not seek reimbursement, then no action is required.
- If the event is ticketed and the Council Member, Chief Executive Officer or employee pays a discounted rate, or is provided with a free ticket(s), with a discount value, then the recipient must disclose receipt of the tickets (and any other associated hospitality) within 10 days to the Chief Executive Officer (or President if the CEO) if the discount or free value is greater than \$50 for employees, other than the Chief Executive Officer, and greater than \$300 for Council Members and the CEO.

#### Conference Registration, Bookings, Payment and Expenses

Shall be dealt with in accordance with Council Policy:

- GOV-008 Council Member Continuing Professional Development

#### Dispute Resolution

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

#### **Procedures**

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

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

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Policy End

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<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	
<b>Resolution Date</b>	
<b>Old Policy Number</b>	
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	4.1 Develop leadership skills and behaviours that enhance the knowledge, skills and experience of the Shire staff and Council 4.2 Manage the organisation in a responsible and accountable manner 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

To ensure that Council Members of the Shire of Kondinin meet and comply with the prescribed professional development requirements under the Local Government Act 1995, and to further encourage participation in other conferences and training specifically designed to enhance skills and knowledge relating to roles and responsibilities, as a Council Member of the Shire of Kondinin.

### Scope

This policy applies to Council Members of the Shire of Kondinin.

### Policy

The Local Government Act 1995 requires all Council Members to undertake compulsory training within 12 months of being elected. The Shire of Kondinin is required under the Local Government Act 1995 to adopt and report on compulsory training, and additionally, continuing development for Council Members of the Shire of Kondinin.

It is policy that – Council Members of the Shire of Kondinin undertake and successfully complete the following prescribed professional development training modules titled “Council Member Essentials” within the period of 12 months from the day the council member was elected, unless a prescribed exemption applies:

- Understanding Local Government;
- Serving on Council;
- Meeting Procedures;
- Conflicts of Interest; and
- Understanding Financial Reports and Budgets.

All units and associated costs will be paid for by the Shire and completed within the 12 months following election. The training is valid for 5 years. Additionally, the Shire will publish, on the Shire’s website, training undertaken by all Council Members within one month after the end of the financial

year pursuant to the Local Government Act 1995. It is Council's preference that the training is undertaken via the eLearning method which is the more cost efficient form of delivery. It is acknowledged however that there may be Council Members who prefer to receive training face-to-face and/or opportunities to attend training which is being delivered in the region or in the Perth metropolitan area.

### Ongoing Professional Development

The professional development of Council Members is an important activity of the Shire to ensure that its decision making is of the highest standard and is the product of informed and ethical debate by well trained and committed Council Members acting in the best interest of all of the community. Members are encouraged to nominate to attend other conferences or training opportunities to enhance and broaden their knowledge of local government issues to support the community.

### Eligible Formal Training Events

The formal training events to which this policy applies is limited to those conducted by, or organised by, any of the following organisations or individuals:

- The West Australian Local Government Association (WALGA);
- Local Government Professionals WA;
- Accredited training organisations offering training which directly related to the role and responsibilities of Council Members;
- Information sessions organised by the Department of Local Government, Sport and Cultural Industries; or
- Seminars, training and/or information sessions provided by individuals with a demonstrably strong knowledge of local government in Western Australia.

The following are examples of other conferences or training opportunities as described above:

- National General Assembly of Local Government;
- WA Local Government Week;
- Special "one off" conferences sponsored by WALGA or the Department of Local Government, Sport and Cultural Industries on important local government issues;
- Annual conferences of major professions of local government;
- The Annual Road Congress;
- Conferences which advance the development of Council Members in their role as Councillors; or
- Conferences of organisations on which a Council Member has been elected or appointed as a delegate.

## **PROCEDURES**

### Approval of Professional Development

- Considerations for approval of the training or professional development activity include:
- The costs of attendance including registration, travel and accommodation, if required;
- The Budget provisions allowed and the uncommitted or unspent funds remaining;
- Any justification provided by the applicant when the training is submitted for approval;
- The benefits to the Shire of the person attending;
- Identified skills gaps of Council members both individually and as a collective;
- Alignment to the Shire's Strategic Objectives; and

- The number of Shire representatives already approved to attend.

Consideration of attendance at training or professional development courses, other than the online Council Member Essentials, which are deemed to be approved, are to be assessed as follows:

- Events for the Shire President must be approved by the Deputy Shire President, in conjunction with the CEO; and
- Events for Councillors must be approved by either the Council or the Shire President, in conjunction with the CEO.

### **Travel Arrangements**

All booking arrangements for other conferences and training for Council Members are coordinated through the Chief Executive's Office. Council Members should note that the Local Government Act 1995 precludes a Council Member to pre-spend Shire funds.

Any airline travel for a Council Member is to be booked at economy level and booking arrangements are to be reviewed upon any improved discount offer being identified. Any upgrade to Business Class is permissible provided the Council member funds the difference in cost.

Other than to amend departure times, tickets provided to representatives of the Shire shall not be exchanged, downgraded or rebated. Tickets or bookings may not be altered to include personal travel that is not part of the scheduled conference itinerary. The proposed duration of another conference or training attendance together with travel time and planned supplementary pre or post conference activities relevant to the Shire of Kondinin will be notified to Council or the Chief Executive Officer for confirmation and/or amendment prior to the delegate's departure for the other conference or training.

### **Expenses**

Expenses relating to other conferences and training as approved, will be paid direct by the Shire. Expenses may include the following items:

- Air fare;
- Travel insurance;
- Conference registration;
- Copy of conference proceedings;
- Room accommodation;
- Reasonable phone utilisation;
- Reasonable laundry expenses; and
- Meals in the hotel where registered if these are not provided during the course of the conference.

Incidental expenses include:

- Phone calls made outside the accommodation premises and for the purposes of the conference and/or Council business;
- Travel to and from the conference venue; and
- Travel to and from all airport destinations.

## **Reporting and Publishing**

All Council Members attending any other conference or training are expected to report to Council on the benefits achieved by attending and should make the conference papers available to other Councillors. A record of conferences or other training attended by Council Members will be maintained by the Chief Executive Officer. The Chief Executive Officer is to prepare a report each financial year on prescribed professional development training completed by Council Members in the financial year. This report is to be published on the Shire official website within 1 month after the end of the financial year to which the report relates.

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Policy End

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# Council Meeting Procedures (CMP)

## Council Meeting Procedures

CMP-001

<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	
<b>Resolution Date</b>	
<b>Old Policy Number</b>	1.2.0 – 1.2.10
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995 Local Government (Rules of Conduct) 2007 WALGA Meeting Procedures
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

To provide guidance on the order of the meeting procedures of Council.

### Scope

To provide the order of business and expected conduct of Council meetings.

### Policy

#### Order of Business

The Order of Business at any Ordinary Meeting shall be as follows or as near thereto as shall be practicable but for greater convenience of Council at any Meeting it may be altered by resolution or General agreement.

1. Declaration of opening /announcement of visitors
2. Record of attendance/apologies/leave of absence (previously approved)
3. Response to previous public questions taken on notice
4. Public question time
5. Applications for leave of absence
6. Petitions/deputations/presentations
7. Confirmation of minutes of previous meetings
8. Announcements by presiding member without discussion
9. Reports of committees and officers

10. New business of an urgent nature introduced by decision of meeting

11. Closure of meeting

### **Address of the Chairperson**

Any Councillor moving a motion or amendment or taking part in discussion shall address the Chairperson.

### **Chairperson May Call Order**

The Chairperson shall preserve order and may call any Councillor to order whenever in his opinion there shall be cause for so doing.

### **Points of Order**

A member who is addressing the Chairperson shall not be interrupted except on a point of order, in which event he shall cease speaking until the member raising the point of order has been heard. Where the question or point of order has been disposed of the member so interrupted may, if permitted, proceed.

The following four points may be recognised as breaches of order -

1. The discussion of a question that is not being considered by Council.
2. The use of offensive or insulting language.
3. The violation of any By-Law or Standing Order of the Council.
4. When the Chairperson or any Councillor claims to have been misrepresented.

### **Chairperson's Ruling**

The Chairperson, when called upon to decide a point of order, shall give his decision and no argument or comments shall be permitted thereon and his decision shall be final in that particular case except on a motion to the contrary being carried by simple majority of Councillors.

Whenever any motion, amendment or other matter before the Council is out of order, it shall be rejected.

### **Withdrawal of Offensive Expressions**

Any Councillor who uses an expression, which in the opinion of the Chairperson reflects offensively on any Councillor or Officer of the Council, shall, when required by the Chairperson withdraw such expression and make an apology to the Chair. If the Councillor declines or neglects to do that, the Chairperson shall refuse to hear the Councillor further upon the matter, and shall call upon the next speaker.

### **Priority of Speakers**

If two or more Councillors simultaneously begin to speak on a matter before Council, the Chairperson shall decide who is entitled to priority.

### **Councillor not to Speak Twice**

No Councillor shall speak twice on the same question unless allowed by the Chairperson and except by way of explanation or in reply upon any original motion of which he may be the mover. No Councillor shall speak on any question after the mover has been permitted his reply.

The Chairman shall call to order any Councillor proceeding to speak a second time on the same motion.

**Mover or Seconder to be held to Have Spoken**

A Councillor moving or seconding a motion shall be held to have spoken thereon except where the Councillor who seconds the motion reserves the right to speak later in the debate.

**Limit of Speeches**

A Councillor shall not speak on any motion or amendment or in reply for a longer period than 10 minutes, without the consent of Council.

**Procedure for Unopposed Business**

The following procedure, whenever possible, will apply:

Upon recommendation on an item of business being submitted from a Committee, the Chairperson will ask the Meeting if any Member opposes it. If no one signifies his opposition to the recommendation, the Chairperson shall put the recommendation to the vote without further debate thereon. If any member signifies his opposition to the recommendation, the Chairperson will call for further consideration of the subject.

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Policy End

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# Administration / Organisation (ADM)

## Appointment of the Acting CEO

ADM-001

<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	3403
<b>Resolution Date</b>	25 <sup>th</sup> June 2019
<b>Old Policy Number</b>	1.1.25
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

Under Section 5.36 of the Local Government Act 1995 a local government is to employ a person to be the Chief Executive Officer of the local government along with other persons as the council believes are necessary to enable the functions of the local government and council to be performed.

### Scope

To provide for the appointment of one of the Shire's Employees or other Suitable Individuals as Acting Chief Executive Officer during limited absences of the Chief Executive Officer.

### Policy

1. Council has determined that individuals holding the following positions within the Shire of Kondinin and the individuals nominated within this policy are considered to be suitably qualified to act in the position of Chief Executive Officer.  
Manager of Corporate Services, Manager of Planning and Assets and Manager of Works.  
Individuals Nominated by Council Resolution in accordance with Section 5.36 (Including a review and/or expiry date)
2. Employees or individuals nominated by Council under this policy will be appointed to the role of Acting Chief Executive Officer at the discretion of the Chief Executive Officer, subject to performance.
3. Appointment to the role of Acting Chief Executive Officer shall be made in writing for a defined period that is longer than 5 Days and does not exceed 3 months. A Council resolution is required for periods exceeding 3 months.
4. The Remuneration/Contract for the position of Acting Chief Executive Officer is to be determined by Council for Nominated Individuals and ninety percent (90%) of the CEO cash component for the employee positions listed in this policy.

Policy End

<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	
<b>Resolution Date</b>	
<b>Old Policy Number</b>	1.1.11
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	N/A
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

To provide protocols for the flying of the national flag in the instance of funerals.

### Scope

To provide protocols for the flying of the national flag in the instance of funerals for Administration Staff.

### Policy

The National Flag is to be flown at half-mast at the Kondinin Administration Building as a mark of respect on the day of funerals held locally or for the funeral of a present or past resident on request to the Administration.

Policy End

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<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	
<b>Resolution Date</b>	
<b>Old Policy Number</b>	1.0
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	N/A
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

To provide guidance to community groups or organisations when handing control of assets over to the Shire.

### Scope

To provide guidance to asset users, on the expectation from the Shire when being handed assets from community groups / organisations.

### Policy

A Community Group/Organisation wishing to pass ownership of their community assets over to Council are to be advised that in handing over the control of their asset, Council will determine maintenance, usage and any other matters pertaining to the asset.

Policy End

<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	3947
<b>Resolution Date</b>	15 June 2022
<b>Old Policy Number</b>	1.1.4
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	N/A
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

To designate the Kondinin and Hyden Administration Office Hours.

### Scope

To provide guidance to staff and community on the Hyden and Kondinin Administration Office hours.

### Policy

#### Kondinin Administration Office

The Kondinin Administrative Office hours are from 8.30am to 4.30pm every weekday, excluding public holidays.

Department of Transport licensing will close at 3pm.

#### Hyden Library and Licencing Office

The Hyden Library and Licencing Office hours are from 10am to 4.30pm every weekday, excluding public holidays.

Department of Transport licensing will close at 3pm.

#### Christmas Closure Period

The Kondinin Administrative Office, Hyden Library and Licencing Office and Kondinin and Hyden Depots will be closed on 24<sup>th</sup> December and reopen on the first business day following New Years Day each year unless otherwise approved by Council.

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Policy End

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**Responsible Department** Chief Executive Officer

**Policy Owner** Chief Executive Officer

**Resolution Number** 4129

**Resolution Date** 17 May 2023

**Old Policy Number**

**Register of Delegations**

**Relevant Legislation**

**Link to Strategic Plan** 4.1 Skilled, capable and transparent team

**Guidelines** N/A

**Next Review**

## Objective

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

## Background

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

In this policy, the term habitual means „done repeatedly or as a habit“. The term vexatious is recognised in law and means „denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant“

## Scope

To provide guidance to Members and Staff to identify and manage Habitual or Vexatious Complainants.

## Policy

### Habitual or Vexatious Complainants

1. For the purpose of this policy, the following definition of habitual or vexatious complainants will be used:

The repeated and/or obsessive pursuit of:

- (i) Unreasonable complaints and/or unrealistic outcomes; and/or
  - (ii) Reasonable complaints in an unreasonable manner.
2. Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in the attached document (Schedule A), the CEO, following discussions with the Senior Management Team, will seek agreement to treat the complainant as a habitual or vexatious complainant and for an appropriate course of action to be taken. The attached schedule (B) details the options available for dealing with habitual or vexatious complaints.
  3. The CEO will notify complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious, and the action that will be taken. The CEO will also notify the Council Members that a constituent has been designated as a habitual or vexatious complainant.
  4. Once a complainant has been determined to be habitual or vexatious, their status will be kept under review after one year and monitored by the CEO with reports being taken to Council as required. If a complainant subsequently demonstrates a more reasonable approach then their status will be reviewed.

#### **Schedule A – Criteria for Determining Habitual or Vexatious Complaints**

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

Where complainants:

1. Persist in pursuing a complaint where the Council’s complaints process has been fully and properly implemented and exhausted.
2. Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints).
3. Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
4. Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.
5. Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognized that determining what is a trivial matter can be subjective and careful judgment will be used in applying this criteria.
6. Have threatened or used physical violence towards employees at any time. This will, in itself, cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, thereafter, only be continued through written communication. The Council has determined that any complainant who threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the Council is to be made.

7. Have, in the course of addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on employees. A contact may be in person, by telephone, letter, email or fax. Judgment will be used to determine excessive contact taking into account the specific circumstances of each individual case.
8. Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint. Employees recognize that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental health disability and there is a need to be sensitive in circumstances of that kind.
9. Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.
10. Make unreasonable demands on the Council and its employees and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council’s complaints procedure or normal recognized practice.
11. Make unreasonable complaints that impose a significant burden on the human resources of the Council and where the complaint:
  - Clearly does not have any serious purpose or value; or
  - Is designed to cause disruption or annoyance; or
  - Has the effect of harassing the public authority; or
  - Can otherwise fairly be characterized as obsessive or manifestly unreasonable.
12. Make repetitive complaints and allegations which ignore the replies which Council Officers have supplied in previous correspondence.

#### **Schedule B – Options for Dealing with Habitual or Vexatious Complainants**

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

1. A letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
2. Decline contact with the complainant, either in person, by telephone, by fax, by letter, by email or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this in person.
3. Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.
4. Inform the complainant that in extreme circumstances the Council will seek legal advice on habitual or vexatious complaints.
5. Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered habitual or vexatious, while seeking legal advice or guidance from its solicitor or other relevant agencies.

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Policy End

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# Financial Management (FIN)

## Financial Hardship

FIN-001

<b>Responsible Department</b>	Corporate Services
<b>Policy Owner</b>	Manager Corporate Services
<b>Resolution Number</b>	3585
<b>Resolution Date</b>	20 <sup>th</sup> May 2020
<b>Old Policy Number</b>	
<b>Register of Delegations</b>	1.2.16 Agreement as to Payment of Rates and Service Charges
<b>Relevant Legislation</b>	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Civil Judgments Enforcement Act 2004
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner
<b>Guidelines</b>	GUIDE-001 Financial Hardship
<b>Next Review</b>	

### Objective

This financial hardship policy outlines how the Shire of Kondinin will assist customers who cannot pay a debt because of financial hardship.

### Scope

This policy applies to charges levied for all ratepayers and may include debtors. Tenants who have agreed with the land owner to receive a rate notice are also covered by this policy.

The Shire of Kondinin is committed to working with customers and ratepayers to find an appropriate payment solution that works for both parties.

The Shire of Kondinin understands that it can be difficult to ask for support, and will treat all applications with sensitivity and respect.

### Policy

#### Definition of Financial Hardship

Payment difficulties, or short term financial hardship, occur where a change in a person's circumstances result in an inability to pay their debts in full in one payment, without affecting their ability to meet their basic living needs or the basic living needs of their dependants,

#### Identifying customers in financial hardship

While evidence of hardship will be required, we recognise that not all circumstances are alike. We will take a flexible approach to a range of individual circumstances.

Financial Hardship may, for example, be caused by;

- Separation or divorce or loss of spouse or partner
- Unemployment or under-employment
- Physical or mental health issues
- A chronically ill family member
- Sickness or recovery from sickness
- Declared State of Emergency Restrictions

Ratepayers and debtors are encouraged to contact Shire of Kondinin as soon as possible. They may ask a financial counsellor to contact us on their behalf.

As part of our assessment we will consider any information provided by the applicant and, if applicable, their financial counsellor. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying with our statutory responsibilities.

We will also take into account any information we may have on payment history.

### **Payment Plans**

On the determination of financial hardship the Shire of Kondinin will offer more time to pay the amount in question or enter into a payment plan arrangement. The Shire of Kondinin will not charge any fees as part of your arrangement. We will involve the ratepayer/debtor and if applicable their financial counsellor in setting a payment plan.

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

- That a ratepayer/debtor has made genuine effort to meet rate and service charge obligations in the past.
- The payment arrangement has established a known end date that is realistic and achievable.
- The ratepayer/debtor will be responsible for informing the Shire of Kondinin of any change in circumstances that may jeopardise the agreed payment schedule.

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

### **Interest Charges**

A ratepayer/debtor that meets the Financial Hardship Criteria and enters into a payment arrangement may request a suspension or waiver of interest charges. Applications will be assessed on a case by case basis.

### **Deferment of Rates**

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:

- Remains as a debt on the property until paid;
- Becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- May be paid at any time. BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- Does not incur penalty interest charges.

### **Debt recovery**

The Shire of Kondinin will suspend any debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises the Shire and makes an alternative plan before defaulting on the 3<sup>rd</sup> due payment, then any debt recovery processes will be suspended.

Where a ratepayer has not reasonably adhered to the agreed payment plan, any Rates and Service Charge debts that remain outstanding at the start of the financial year, the Shire will offer the

ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of that financial year.

Rates and service charge debts that remain outstanding at the end of the financial year, will then be subject to the rates debt recovery procedures prescribed in the *Local Government Act 1995*.

### **Review**

The Shire of Kondinin will establish a mechanism for review of decisions made under this policy, and advise the applicant of their right to seek advice and the procedure to be followed.

### **Communication and Confidentiality**

The Shire of Kondinin will maintain confidential communications at all times and will direct all communication to a nominated support person or other third party at your request.

The Shire of Kondinin will advise ratepayers of this policy and its application, when communicating in any format (ie verbal or written) with a ratepayer that has an outstanding rates or service charge debt. The Shire of Kondinin recognises that applicants for hardship consideration are experiencing additional stressor, and may have complex needs. The Shire will provide additional time to respond to communication and will communicate in alternative formats where appropriate. The will ensure all communication with applicants is clear and respectful.

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Policy End

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<b>Responsible Department</b>	Corporate Services
<b>Policy Owner</b>	Manager Corporate Services
<b>Resolution Number</b>	3947
<b>Resolution Date</b>	15 <sup>th</sup> June 2022
<b>Old Policy Number</b>	1.1.22
<b>Register of Delegations</b>	1.2.16 Agreement as to Payment of Rates and Service Charges
<b>Relevant Legislation</b>	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Civil Judgments Enforcement Act 2004
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

To ensure that outstanding accounts are collected in a timely manner.

### Scope

Debtors who receive goods and services from the Shire and do not pay in a prompt manner will be referred to debt collectors to recover debt.

### Policy

Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

The following guidelines are to be followed for outstanding debtors:

- End of month statements for outstanding debts to be sent out.
- If payment outstanding at end of second month, final demand letter to be sent requesting payment within 15 days or the matter will be referred to Collection Agent.
- If payment not received and/or suitable explanation given as to explain non-payment, final letter sent advising matter referred to the Shire's Collection Agent.
- Contact Shire's Collection Agent with details and proceed with action to recover debt.
- Manager of Corporate Services to assess cost effectiveness of collection process before deciding to proceed with action.

Policy End

<b>Responsible Department</b>	Corporate Services
<b>Policy Owner</b>	Manager Corporate Services
<b>Resolution Number</b>	3947
<b>Resolution Date</b>	15 <sup>th</sup> June 2022
<b>Old Policy Number</b>	1.1.23
<b>Register of Delegations</b>	1.2.16 Agreement as to Payment of Rates and Service Charges
<b>Relevant Legislation</b>	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Civil Judgments Enforcement Act 2004 Rates and Charges (Rebates and Deferments) Act 1992
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

To ensure that outstanding rates are collected in a timely manner.

### Scope

Ratepayers with outstanding rates will be referred to debt collectors to recover debt.

### Policy

The following guidelines are to be followed for outstanding rates debtors:

- Final rates notice sent to all outstanding rates debtors except those on instalment plans after completion of nominated payment period giving 21 days to pay.
- For rates on ad-hoc instalments plans, notice to be sent out 15 days after failure to make a payment then normal process to follow.
- For rates on standard instalments plans, notice to be sent 15 days after the final instalment
- Final demand letter to be sent to last known address of rate debtor giving further 15 days to pay debt otherwise legal action will proceed to recover debt.
- Unless suitable explanation or a payment arrangement is made, refer to Collection Agent.
- Contact the Shires Collection Agent with details and proceed with action to recover debt.

Policy End

<b>Responsible Department</b>	Corporate Services
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	3947
<b>Resolution Date</b>	15 <sup>th</sup> June 2022
<b>Old Policy Number</b>	1.1.24
<b>Register of Delegations</b>	1.3.2 Financial Management Systems and Procedures
<b>Relevant Legislation</b>	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Local Government (Audit) Regulations 1996
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

The purpose of the Corporate Credit Card Policy is to establish rules for their use and the responsibilities of cardholders using the Shire's corporate credit cards.

### Scope

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

### Policy

#### Authority for Use of Corporate Credit Cards

Shire of Kondinin Corporate Credit Cards may be issued to the Chief Executive Officer, Manager Corporate Services and Manager of Works where it is inappropriate or inconvenient to use the Shire's normal payment systems.

#### Authority for Approval of Corporate Credit Cards

The Council must approve the issue of a credit card to the Chief Executive Officer, Manager Corporate Services and Manager of Works and any change to the credit card limit. The following Limits to apply–

\$10,000	Chief Executive Officer
\$5,000	Manager Corporate Services
\$5,000	Manager of Works
\$5,000	Manager of Planning and Assets

The Local Government Act 1995 does not allow for the issue of Credit Cards to Council members of Local Governments. Councillors are entitled to allowances or the reimbursement of expenses incurred on Council business.

## Legislation

The Local Government Act 1995 does not specifically mention the use of Corporate Credit Cards by officers in a Local Government. However, Section 6.5(a) of the Act requires the CEO to ensure that proper accounts and records of the transactions and affairs of the Local Government are kept in accordance with regulations. In addition, the Local Government (Financial Management) Regulation 11(1)(a) requires Local Government to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisation in place for the use of credit cards.

## Purchases and Use of Corporate Credit Cards

The Shire's Corporate Credit Cards shall only be used for purchases of goods and services in the performance of official duties for which there is a budget provision. Under no circumstances are they to be used for personal or private purposes or for the withdrawal of cash through a bank branch or any automatic teller machine.

Most internet transactions provide this ability and any telephone or facsimile communications provide the opportunity to make such a request. If no invoice or receipt is available, as much detail about the transaction should be recorded and used to support the payment when required. (Date, Company, Address, ABN, amount, any GST included).

Where a payment is made for entertainment, it is important to note on the invoice/receipt the number of persons entertained and the names of any Shire of Kondinin employees in that number. This is required to ensure the Shire pays the correct amount of Fringe Benefits Tax.

## Accounts and Settlement

The provider of the credit card will supply the Shire with a statement on each card each month. This statement will be forwarded to each cardholder for certification and the supply of receipts and tax invoices to support the Shire's claim for the GST component of purchases and services obtained. The Chief Executive Officer will approve the expenses by signing all statements.

The credit shall be linked to Council's Municipal bank account and a recoup of expenditure be made, on a monthly basis, via funds transferred from the Shire of Kondinin Municipal Account.

## Card Lost or Stolen

Cards that are lost or stolen must be reported immediately by the cardholder to the issuing banker by telephone. At the earliest opportunity, written notification must also be given to the Manager Finance Services so that the cancellation of the card may be confirmed and a reconciliation of the card account from the date the card was lost or stolen may be performed.

## Misuse of Corporate Credit Cards

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

## Recovery of Unauthorised Expenditure

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

## Internal Audit of the Corporate Credit Card System

The Chief Executive Officer will monitor the use of all credit cards and the adherence to the policy and procedures.

### Reward/Bonus Points

Where the Corporate Cards carry rewards or bonus points, usually to encourage the use of the card by the issuing institution, these rewards or points will be accumulated in the name of the Shire of Kondinin. The Chief Executive Officer will decide how these points are to be utilised and may include a charitable, social or sporting distribution. Under no circumstances are rewards or bonus points to be redeemed for an officer's private benefit.

### Return of Cards

When the Chief Executive Officer or other Managers cease to occupy a position that is authorised to be issued with a corporate credit card they must return the card to the Manager Corporate Services at least one week prior to vacating the position so that the card may be cancelled and the account settled.

### Manager Corporate Services Responsibilities

The Manager Corporate Services is responsible for arranging the issue of the Corporate Credit Card on advice from the CEO.

The Finance and Corporate services section responsibilities in relation to the Shire's Corporate Credit Cards include:-

1. Maintain a Card Register of all cardholders.
2. Arrange the issue/cancellation of the Corporate Cards.
3. Arrange for all cardholders to sign the Card User Instruction Agreement (see Appendix A) on receipt of the new card and ensure the signed agreement is filed with the Card Register.
4. Verify payment of card expenditure on receipt of the card statement from the Bank after certification from the cardholder. Ensure that all receipts and tax invoices are in place prior to authorisation for payment.
5. To keep cardholders informed of any changes to policy and procedures on the use of the Corporate Cards.

### Cardholders Responsibilities

Officers who are issued with Corporate Cards must –

- (i) Ensure the care and safe keeping of the card.
- (ii) Adhere to the policy and procedures in relation to use of the card and its financial limits.
- (iii) Ensure receipts and tax invoices are received when the card is used and to produce them as evidence for settlement with the Bank.
- (iv) Ensure the monthly card statement is certified correct and approved for payment when received from the Finance and Corporate Services section and return to the Finance and Corporate Services section together with the receipts and tax invoices
- (v) To provide an early response to enquiries that may be made by the bank, creditors or related parties, as the case may be.

## Appendix A

To: \_\_\_\_\_

Title: \_\_\_\_\_

From: Manager Corporate Services

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

### CORPORATE CARD USER INSTRUCTIONS

You have been provided with a Shire of Kondinin sponsored Corporate Card in line with your official duties. The limit of this card is \$\_\_\_\_\_.

The following guidelines are provided for your information.

- a. The card is issued in your name. It is a corporate card and all transactions made with it are the responsibility of the Shire of Kondinin.
  - b. The card is to be used for official expenditure in the performance of official duties for which there is budget provision. Under no circumstances is it to be used for personal or private purposes.
  - c. Being in your name, you are responsible for the care and safe keeping of the card and therefore held accountable to the Shire for its proper use.
  - d. The card is not to be used to withdraw cash even for official functions.
  - e. Any unauthorised, excessive or unreasonable use of the card will result in an enquiry and appropriate disciplinary action.
  - f. When using the card, the holder is required to obtain Tax Invoices to support all purchases. A credit card statement or credit card transaction slip is not acceptable as support for purchases. (Only a Tax Invoice allows the Shire to reclaim the GST component of purchases from the Australian Taxation Office). A Tax Invoice should provide a description of the goods or services supplied, the suppliers Australian Business Number and identifies any GST component of the amount paid.
7. When a Statement of Account is provided, you are required to certify the correctness of the expenditure and return the Statement to the Finance and Corporate Services section together with all supporting Tax Invoices.
  8. If the card is lost or stolen, you must immediately notify Bankwest by phone on 1370 00. The Manager Corporate Services should be notified on the next working day.
  9. The card must be returned to the Shire via the Manager Corporate Services if you vacate the position. This must be done one week prior to your last working day so the card can be cancelled and accounts settled.

10. Please acknowledge the above by signing and returning the duplicate copy of this statement to the Manager Corporate Services

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_____	_____
Name	Title
_____	_____

Policy End

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<b>Responsible Department</b>	Corporate Services
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	4030
<b>Resolution Date</b>	26 <sup>th</sup> October 2022
<b>Old Policy Number</b>	1.1.19
<b>Register of Delegations</b>	1.3.2 Financial Management Systems and Procedures
<b>Relevant Legislation</b>	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Local Government (Audit) Regulations 1996
<b>Link to Strategic Plan</b>	CIVIC LEADERSHIP 4.1 Skilled, capable and transparent team 4.2 We are a compliant and resourced Local Government
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

This policy aims to deliver a high level of accountability whilst providing a flexible, efficient and effective procurement framework.

### Scope

The requirements that must be complied with by the Local Governments, including purchasing thresholds and processes, are prescribed within the Local Government (Functions and General) Regulations 1996 and this Purchasing Policy.

### Policy

Purchasing that is below \$250,000 in total value (excluding GST) must utilise a Request for Quotation process, either direct to the market or through a panel of pre-qualified suppliers (such as a WALGA Preferred Supply Contract).

Purchasing that exceeds \$250,000 in total value (excluding GST) must be put into a public Tender unless a regulatory Tender exemption is utilised by the Local Government. Tender exemptions apply in the following instances:

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is from a WALGA Preferred Supply Contract or Business Service. All WALGA Preferred Supply Contracts have been established utilising a competitive public procurement process to pre-qualify suppliers that meet compliance requirements and offer optimal value for money to the Local Government sector.
- The purchase is from a Department of Finance Common Use Arrangements (where Local Government use is permitted), a Regional Local Government or another Local Government;
- The purchase is under auction that has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines; or
- Any of the other exclusions under Regulation 11 of the Local Government (Functions and General) Regulations 1996 apply.

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

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

*WALGA Note: When deciding about whether to conduct a public Tender or utilise a Tender exempt arrangement, the Local Government should compare the cost and benefits of both processes.*

*The compliance requirements, time constraints, costs and risks associated with a public Tender should be evaluated against the value delivered by such a process. This should then be compared with the costs and benefits of using a Tender exempt arrangement which includes direct access to pre-qualified suppliers, full regulatory compliance, risk mitigation, administrative efficiencies and cost savings.*

### **Purchasing Thresholds - Requirements**

Below is the purchasing process that must be followed based on the actual or expected value of each purchase by the Local Government:

#### **Purchasing Thresholds (ex GST) Up to \$1,999**

No quotes are required as a purchase is of minor value. This is for a single item only and cannot be used for multiple purchases of items to avoid the quote requirements

#### **Purchasing Thresholds (ex GST) \$2,000 to \$4,999**

Obtain one verbal or written quotation from suppliers supported by evidence of the quotation (eg email, fax, name of salesperson providing the quote or record of quotation) in each instance.

#### **Purchasing Thresholds (ex GST) \$5,000 to \$19,999**

Obtain at least two (2) written quotations from suppliers supported by evidence of the quotation (eg email, fax or record of quotation) in each instance.

OR

Obtain quotations directly from a pre-qualified panel of suppliers which include WALGA Preferred Supply Contracts. It is recommended that wherever possible, the Local Government source multiple competitive quotations (at least two Preferred Suppliers) using a simple quotation process either through eQuotes or directly in writing.

#### **Purchasing Thresholds (ex GST) \$20,000 - \$49,999**

Obtain at least three (3) written quotations (eg email, fax or original copy).

OR

Obtain quotations directly from a pre-qualified panel of suppliers which include WALGA Preferred Supply Contracts. It is recommended that wherever possible, the Local Government source multiple competitive quotations (at least three Preferred Suppliers) using a simple quotation process either through eQuotes or directly in writing.

### **Purchasing Thresholds (ex GST) \$50,000 - \$249,999**

Obtain at least three (3) written quotations (eg email, fax or original copy) from suppliers containing the price and specification of goods and services. The procurement decision is to be based on all value-for-money considerations in accordance with the definition stated within this Policy.

OR

Obtain quotations directly from a pre-qualified panel of suppliers which include WALGA Preferred Supply Contracts. It is recommended that wherever possible, the Local Government source multiple competitive quotations (at least three Preferred Suppliers) using a formal Request for Quotation process either through eQuotes or directly in writing.

### **Purchasing Thresholds (ex GST) \$250,000 and above**

Conduct a public Tender process in accordance with this policy and the WALGA Procurement Handbook. The procurement decision is to be based on value-for-money considerations in accordance with the definition stated within this Policy.

OR

Obtain quotations directly from a Tender exempt and pre-qualified panel of suppliers which include WALGA Preferred Supply Contracts. It is recommended that wherever possible, the Local Government source multiple competitive quotations (at least three Preferred Suppliers) using a formal Request for Quotation process either through eQuotes or directly in writing.

### **Local Price Preference**

When officers seek quotations or purchase goods or services, quotes must be obtained from businesses that could provide the goods or services required that are located within the Shire of Kondinin. 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 Kondinin, the product quality is comparable and the cost of freight has been taken into consideration.

5% for any purchase up to \$20,000.00

2% for any purchase between \$20,001.00 and \$99,999.00

### **Purchase Orders and Incurring Liability**

WALGA Notes

Incurring liabilities is not described in the Local Government Act or Regulations as an express power or duty, rather it is only described as a requirement for the Local Government and the CEO to control by developing “systems and procedures” [see FM Regs 5 and 11].

Incurring liabilities is therefore not an express (written) power or duty that is capable of being delegated.

Therefore, the CEO must establish systems and written procedures which give effect compliance with legislation and purchasing policy and provide appropriate internal controls and risk mitigation for incurring liabilities.

Issuing a Requisition – the Requisition is only a proposal to purchase (FM Regs 5 & 11), describing the goods or services required to enable a decision to issue a Purchase Order. It does not incur liability as the goods/services may only be provided on the basis of an appropriately issued Purchase Order.

A decision to issue a requisition and therefore Purchase Order is informed by other, previous Council decisions, for example – the Budget adopted by Council, and Council decisions to approve projects or implement policies.

The decision to incur liability is in fact and in operation a method of implementing a Council decision and therefore accords with the CEO's duties under s.5.41(c) to cause council decisions to be implemented.

Issuing a Purchase Order – The Purchase Order creates a contract between the supplier and the Local Government. It incurs a liability (FM Regs.5 & 11), provided that the goods or services are ultimately supplied in accordance with the requirements specified in the purchase order. Administrative procedures should establish which positions are authorised to issue Purchase Orders, with pre-requisite requirements for a Purchase Order to only be issued, where due diligence confirms:

- a) Compliance with the Purchasing Policy
- b) The committal value of the Purchase Order is within an appropriate and available budget allocation.
- c) The proposed goods/services are within the scope of implementing a Council decision either specific or general.

Using Credit or Transaction Cards (store card, fuel card or corporate credit card) is a method of incurring liability, with the goods or services received and a monthly statement provided to the Local Government for acquittal (verification of a liability) on a monthly basis. Please refer to the Credit Card Policy.

### **Verification of Liability**

Goods / Services Received – Officers are required to check packing slips and follow up directly on any discrepancies. Reports and evidence of goods/services are to be kept as per the Shires Record Keeping Plan.

Verification of Invoice or Transaction Card Statement – Officers, their Manager or the CEO are to ensure that charges align with the accepted quote or the contracted schedule or rates and are to sign all such invoices as being both Received and Authorised for payment.

Council through its Audit Committee, may form an opinion as to its satisfaction with the procedures prepared in accordance with FM 11 when it undertakes the review of Internal Controls in accordance with Audit Reg. 17(1)(b).

### **Internal Controls**

The Shire of Kondinin utilises the Synergy Soft Purchase Order Software Module distributed by IT Vision as well as controlled triplicate Purchase Order Books issued to a specific Officer.

All Municipal and Trust Payments require dual authorisation so that if a payment batch contains an invoice approved by an officer with Delegation of "Payments from the Municipal or Trust Funds" there is a second officer separating the roles of verifying the liability and approving the payment.

Payment batches require each of the following for a payment to a creditor:

- Quotes or exemption explanations

- A valid purchase order
- Invoice
- An “authorising/received” signature from the issuer of the Purchase Order or their Manager/ the CEO.
- A “checked” signature showing that a second officer has entered the Invoice and compared it to the Purchase Order.
- A signature and date from the Manager of Corporate Services or Chief Executive Officer agreeing with the total amount of the batch and its allocations including the allocation of GST.

**All generated and handwritten purchase orders require the following:**

- The appropriate number of supporting quotes or the relevant contract as per the Purchasing Policy. This includes a description of an exemption if it applies such as “Fuel”.
- An allocation that is within budget or variance. Officers are required to regularly check and operate within adopted budget allocations.
- The cost of the work (goods or services) - actual or a maximum estimation that is below that particular officer’s liability threshold.
- A brief description of the services and an itemised list of goods – reference can be made to a quote for itemised descriptions but all other requirements (i) to (v) must be included on the purchase order.
- The signature of the officer showing that they accept, on behalf of the Shire of Kondinin, liability for the purchase of the detailed goods or services.

**Purchase Order Threshold**

≤ \$249,999	≤ \$39,999	≤ \$15,000	≤ \$5,000	≤ \$3,000
CEO	MCS	Community Development Officers	Administration Staff (limit at CEO’s discretion)	Pool Manager
	MOW			
	MPA		Depot Storeman/Depot Admin	

*Officers are responsible for ensuring that purchases are within budget limits unless details of additional funds are submitted to the Manager of Corporate Services.*

An Officer may, with the verbal or written permission of their Manager provide Purchase Orders above their threshold for the purchase of Fuel or other requested items that will be countersigned by that Manager at the earliest possible opportunity and is not above the Purchase Threshold of that Manager.

Officers may provide a Purchase Order above their threshold for a payment that was directly approved via minuted Council Resolution at the verbal or written request of the CEO.

The Council Resolution number and/or WALGA preferred supplier contract number must appear in the purchase order description.

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Policy End

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<b>Responsible Department</b>	Corporate Services
<b>Policy Owner</b>	Manager Corporate Services
<b>Resolution Number</b>	2022
<b>Resolution Date</b>	20/03/2013
<b>Old Policy Number</b>	1.1.20
<b>Register of Delegations</b>	1.3.2 Financial Management Systems and Procedures
<b>Relevant Legislation</b>	Local Government Act 1995 Local Government (Administration) Regulations 1996
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

This Policy provides clear direction in the provision and management of all the Shire's assets. It defines the key principles, responsibilities and framework that underpins the Shire's asset management practices. It seeks to ensure that assets support the Strategic Vision and Values in order to deliver sustainable service outcomes and achieve a thriving future.

### Scope

This policy applies to physical assets which are required to be managed by the Shire and where their components have a useful life of more than one year and a replacement cost greater than \$5,000.

The Shire considers physical assets (such as infrastructure, land, plant and equipment) to be any that support the delivery of one or more of the following services:

- Property
- Recreation
- Transport
- Fleet
- Information Technology
- Waste

### Policy

This Policy will ensure that assets are provided at appropriate levels of service for present and future stakeholders. A key indicator of our asset management success will be whether the Shire provides better services, not better assets. The Shire will monitor success through the reporting of Key Performance Indicators.

The Shire will plan for, acquire and manage appropriate assets that directly support the delivery of services in line with its Strategic Vision (Strategic Community Plan). Assets that do not support these services will be disposed of.

To provide optimal management of these assets, the Shire will develop and implement an asset management framework. The framework will consist of a Vision, a Strategy and Management Plans.

The Shire's asset management will:

- Define agreed asset levels of service, matched with the associated resources and assets required to enable their delivery;
- Manage assets in a whole-of-life and economically, environmentally and socially sustainable manner;
- Balance decisions with other key Shire policies and functions;
- Give priority to the needs of existing assets and services before new ones;
- Manage the risks associated with asset ownership and management;
- Commit to continuous improvement; and
- Involve a whole of organisation approach.

For clarity, the following describes the Shire's definition of its Assets' Lifecycles.

Lifecycle asset management involves the decisions made at each stage of an asset's life, from conception to disposal. The decisions made at one stage may affect the asset's performance and cost in others.



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Policy End

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<b>Responsible Department</b>	Corporate Services
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	2539
<b>Resolution Date</b>	17 <sup>th</sup> June 2015
<b>Old Policy Number</b>	1.1.16
<b>Register of Delegations</b>	1.3.2 Financial Management Systems and Procedures
<b>Relevant Legislation</b>	Local Government Act 1995 Local Government (Administration) Regulations 1996
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

This Policy provides clear direction in the provision and management of all the Shire's assets.

### Scope

This policy applies to physical assets which are required to be managed by the Shire and where their components have a useful life of more than one year and a replacement cost greater than \$5,000.

### Policy

Assets to the value greater than \$5,000 only are to be capitalised in the books of accounts.

Policy End

<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	2524
<b>Resolution Date</b>	20 <sup>th</sup> May 2015
<b>Old Policy Number</b>	1.1.21
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	N/A
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

This policy provides clear direction when entering into funding agreements with community groups.

### Scope

This policy is applicable in decision making when entering into funding agreements with community groups.

### Policy

The Shire of Kondinin as a matter of policy will not contribute financially to a community group or any other organisation in respect of capital infrastructure of a fixed nature (building, etc.) that is located on private property.

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Policy End

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<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	2583
<b>Resolution Date</b>	16 <sup>th</sup> September 2015
<b>Old Policy Number</b>	1.1.12
<b>Register of Delegations</b>	1.2.14 Power to Invest and Manage Investments
<b>Relevant Legislation</b>	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Trustees Amendment Act 1997 – Part 111 Investments
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

To provide guidelines for financial investment activities by the Shire of Kondinin, which includes the scope of authority, compliance, and reporting

### Scope

To invest the Shire of Kondinin's surplus funds, with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, while ensuring that its liquidity requirements are being met.

While exercising the power to invest, consideration is to be given in preservation of capital, liquidity, and the return of investment.

### Policy

#### Rationale

Local governments are required to ensure that they have effective and accountable systems in place to safeguard the Shire's financial resources. This includes the development of proper systems to authorise, verify and record the investment of monies in appropriate financial institutions. Hence, it is necessary to amend the Shire's (inadequate) investment procedures numbered 1.1.13.

#### Legislative Compliance

All investments are to comply with the minimum requirements set out in the following:

- Local Government Act 1995 – Section 6.14;
- Trustees Amendment Act 1997 – Part 111 Investments;
- Local Government (Financial Management) Regulations 1996 – Regulations 19, 28, and 49; and
- Australian Accounting Standards.

## Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the Chief Executive Officer (CEO) in accordance with the Local Government Act 1995. The CEO may in turn delegate the day-to-day management of Council's investment to senior staff or the Manager Corporate Services, subject to regular reviews.

## Prudent Person Standard

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

## Ethics and Conflict of Interest

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

## Diversification/Credit Risk

Investment shall be made with institutions that meet diversification credit risk ratings as defined by Standard and Poor's ratings. To control the credit quality of the investment funds, the following credit framework limits the percentage of the funds exposed to any particular rating category:

Long Term Rating (Standard & Poor's)	Short Term Rating (Standard & Poor's)	Direct Investment (Maximum %)	Manage Funds (Maximum %)
AAA	A1+	100%	100%
AA	A1	100%	100%
A	A2	80%	80%

Should the credit rating of investment institution or funds be downgraded such that no longer fall within the Council's investment policy guidelines, then any investment will be divested as soon as practicable with the exception of Bendigo Bank (A- rating) term deposits which shall be restricted to terms not exceeding three (3) months, providing that a Hyden sub branch of Kulin Bendigo Bank is established in Hyden.

If Bendigo Bank's rating drops below A-, then no investment funds are to be placed with them.

Not less than 3 quotes or comparative interest shall be obtained from authorised institutions whenever an investment is proposed. Authorised officer to determine the best quote on the day after considering the administration and banking cost and having regard set in this policy.

## Credit Ratings

The short term (0-365 days) rating as defined by Standard and Poor's Australia Ratings is:

- A+ Extremely strong degree of safety regarding timely payment
- A1 A strong degree of safety for timely payment
- A2 A satisfactory capacity for timely payment

The long term rating is:

- AAA An extremely strong capacity to repay
- AA A very strong capacity to repay
- A Strong capacity to repay

### **Approved Investments**

Investments shall be restricted to term deposits or commercial bills offered by the following banks or government institutions:

- National Australia Bank
- Bank of Western Australia Ltd
- Commonwealth Bank of Australia
- Westpac Banking corporation
- Australia and New Zealand Bank (ANZ)
- WA Treasury Corporation
- Bendigo Bank, subject to conditions details shown under **Diversification/Credit Risk** above.

Without approval from Council, investments shall be limited to:

- State/Commonwealth Government bonds
- Interest bearing deposits
- Bank accepted/endorsed bank bills
- Bank negotiable certificate of deposits; and
- Managed funds with a minimum long term Standard and Poor's rating of "A" and short term rating of "A2".

### **Prohibited Investments**

In accordance with regulation 19C of the Local Government (Financial Management) Regulations 1996 when investing money, the Shire of Kondinin will not do any of the following:

- Deposit with an institution except an authorised institution (an authorized deposit-taking institution as defined in the Banking Act 1959 of the Western Australian Treasury Corporation);
- Deposit for a fixed term for more than 3 years;
- Invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory Government;
- Invest in bonds with a term to maturity of more than 3 years; and
- Invest in a foreign currency.

This investment policy also prohibits any investment carried out for speculative purposes including:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow;
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind; and
- The use of leveraging (borrowing for investment purposes).

## Reporting and Review

- Documentary evidence must be held for each investment and details thereof maintained in an Investment Register;
- A monthly report will be provided to Council detailing the performance of all investments;
- This investment policy will be reviewed at least once a year or as required in the event of legislative changes.

## Policy Variation

The Chief Executive Officer (CEO) or any Officer with delegated authority by the CEO is authorised to approve variations to this policy if the investment is to the Shire's advantage and/or due to a revised legislative requirement.

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Policy End

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## Order, Public Safety (OPS)

Nil Policy

# Fire Control (FIRE)

## Fire Control

FIRE-001

<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	2539
<b>Resolution Date</b>	17 <sup>th</sup> June 2015
<b>Old Policy Number</b>	2.1.0 – 2.1.9
<b>Register of Delegations</b>	3.17 Fire Breaks
<b>Relevant Legislation</b>	Local Government Act 1995 Bush Fires Act 1954 Bushfires Regulations 1954
<b>Link to Strategic Plan</b>	4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

The purpose of this policy is to provide guidance to officers on fire control.

### Scope

The policy applies to all bush fire control operations and fire control officers appointed by Council.

### Policy

#### Firebreaks

Land within Townsites

- On land not exceeding 2023 square metres in area, all flammable material shall be removed.
- On land no exceeding 2023 square metres, a firebreak 3 metres wide shall be constructed inside and immediately adjoining all external boundaries.
- Firebreaks 3 metres wide shall be constructed immediately surrounding all buildings.
- Haystacks must not be located more than 20 metres to an external boundary. They shall be surrounded by a 10 metre wide firebreak situated between 10 and 20 metres distance from the stack.
- Stored fuel, oil and flammable materials shall be protected from fire as prescribed in the Explosives and Dangerous Goods Act 1961 and the Flammable Liquids Regulations 1967.

Rural Land

- Firebreaks 3 metres wide shall be constructed immediately inside and adjoining all property boundaries.
- Firebreaks 3 metres wide shall be constructed immediately surrounding all buildings.
- Firebreaks 3 metres wide shall be constructed between 10 and 20 metres distance from and surrounding all haystacks.

- d) Stored fuel, oil and flammable materials shall be protected from fire as prescribed in the Explosives and Dangerous Goods Act 1961 and the Flammable Liquids Act 1967 and which include a firebreak 6 metres wide will be provided immediately surrounding storage areas.

### **Roadside Burning**

No roadside burning is allowed within the Shire for the purpose of fire protection, except for traffic control of intersection and corners with Councils approval and any landholder wishing to utilise road reserves for fire protection may apply to Council for permission to use chemical spray or ploughing.

### **Annual Meeting of the Bushfire Brigades**

That the annual bush fires advisory meeting be held in September each year and that all Bush Fire Brigades be encouraged to hold their annual meeting prior to the Advisory meeting.

### **Fire Control Officers**

Council's policy is that the Chief Fire Control Officer is the Chief Executive Officer and a Deputy Fire Control Officer from both the West and East end of the Shire. It is the responsibility of the individual brigades to nominate fire control officers for their brigade area.

### **Harvesting Ban Officers**

That the officer authorised to impose a harvesting ban within the Shire of Kondinin be as follows:  
The Chief Executive Officer, and the Deputy Chief Fire Control Officers.

### **Harvesting Ban Procedure**

1. If the reading is 35 or higher on the McArthur Metre, a harvest ban should be imposed immediately.
2. Send out an SMS to all contact numbers supplied to the Shire for harvest ban notification.
3. Contact the ABC, 6MD, 747 Esperance and Radio West and advise them of the ban conditions.
4. Contact each CBH Bin in the Shire and request that they post advice on their notice boards about the ban.

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Policy End

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## Environmental Health / Food (EHO)

### Kondinin and Hyden Waste Transfer Station

EHO-001

<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	850
<b>Resolution Date</b>	17 <sup>th</sup> December 2008
<b>Old Policy Number</b>	10.1.0
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995 Waste Avoidance and Resource Recovery Act 2007
<b>Link to Strategic Plan</b>	3.2.2 Sustainable waste management focusing on waste minimisation, infill sewerage in all three communities and resource recovery 3.2.3 Encourage the community to participate in programs that enhance the environment 3.2.4 Minimise waste, maximise recycling and educate the community on sustainable environments
<b>Guidelines</b>	N/A
<b>Next Review</b>	

#### Objective

This policy is to provide clear direction as to the expected operations of the Kondinin and Hyden Waste Transfer facilities.

#### Scope

This policy applies to all employees engaged to undertake work within either waste transfer facility.

#### Policy

##### Definitions

**Green Waste** – means waste that originates from trees or plants.

**Clean Fill** – material that will have no harmful effects on the environment and which consists of rocks or soil arising from the excavation of undisturbed material. That it is not contaminated with any other material.

**Construction and Demolition Waste** – materials in the waste stream which arise from construction, refurbishment or demolition activities. Including but not limited to building and demolition waste (e.g. bricks, concrete and associated small quantities of paper, plastic, glass, metal and timber), being material resulting from the demolition, erection, construction, repair or alteration of infrastructure-type development such as roads, bridges and dams and which is not mixed with any other type of waste, and does not contain any asbestos.

This policy applies to the Kondinin and Hyden Waste Transfer Stations within the Shire of Kondinin.

1. The Kondinin and Hyden Waste Transfer Stations are not landfill sites.
2. The attendant/Shire has discretion to refuse acceptance of any waste at the transfer stations.
3. In the event of bins being full at either site, no further refuse is to be accepted, but directed to the alternate Shire transfer site during opening hours.
4. All waste material coming onto site is to be segregated by type and placed in the appropriate container or location:
  - Putrescible (domestic)
  - Inert
  - Recyclables
  - Green waste
5. No liquid chemical or hazardous waste shall be stored or accepted at the stations whatsoever.
6. Green waste is to be deposited within the green waste designated area. No contaminated green waste shall be accepted at the stations.
7. Clean fill is to be placed in the designated area. No contaminated clean fill shall be accepted.
8. All oil shall be deposited in receptacles provided.
9. Only asbestos suitably wrapped, as per current guidelines, shall be accepted at the transfer stations.
10. Construction and demolition waste greater than 0.5 cubic metres (level 6 foot x 4 foot trailer) will not be accepted at the sites without prior arrangements being made.

The purpose of this policy is to avoid filling of Skip Bins from a single use, preventing the use by the whole community and to enhance site operation.

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Policy End

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# Community Services (COM)

## Community Buses

COM-001

<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	2539
<b>Resolution Date</b>	17 <sup>th</sup> June 2015
<b>Old Policy Number</b>	6.1.24
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

The purpose of this policy is to provide guidance to the use and expectations of hiring the community buses.

### Scope

The policy applies to all users of the community buses.

### Policy

The following be adhered to in the hiring of the Shire's Community Bus:

- I. A request for the use of the community bus can made to the Shire in person, by telephone or in writing. Groups requesting the use of the bus must provide detail on dates, hours booked, destination and client group;
- II. Preference will be given to locally based groups or organisations, defined as groups of residents and community agencies and organisations who reside or provide services in the Shire of Kondinin. For the purpose of this Policy the Kondinin Primary School, the Hyden Primary School, the Kulin District High School and the Narembeen District High School all have equal status as organisations that provide services in the Shire of Kondinin;
- III. Should a non-locally based organisation book the bus then they be advised that a locally based group or organisation will receive preference over that booking, provided at least two (2) weeks notice is given by the locally based organisation;
- IV. Fees and Charges for bookings will be as per the Shire's current Fees and Charges Schedule;
- V. The bus is to be collected and returned to the Bus Shed in Kondinin or Hyden. On request, depending on adjacent bookings and Shire staff resources, the Works Manager can approve for the bus to be collected and returned to an alternate location;

- VI. The community bus is not to be driven under the influence of alcohol or other drugs in any circumstance.
- VII. The bus must be cleaned inside and outside on return, including windows. If the vehicle is returned in an unsatisfactory condition, a cleaning fee will be charged. Under no circumstances is the bus to be “hosed out” and any resulting damage will be on charged to the hirer.
- VIII. Please insure that any damages or breakages are noted before the bus is taken out. You will be responsible for any damages discovered after your use that weren’t written down on your damage report sheet.
- IX. The bus and driver checklist is completed for every outing of the bus.
- X. The Shire reserves the right to reject any booking

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Policy End

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<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Community Development Officer
<b>Resolution Number</b>	4089
<b>Resolution Date</b>	15 February 2023
<b>Old Policy Number</b>	
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	1.5 Support local volunteer organisations- Community Grant Scheme is well subscribed.
<b>Guidelines</b>	Community Grant Program Guidelines
<b>Next Review</b>	Bi-annually

**Objective:** To enable Council to plan its support of community projects.

**Scope:** The Community Grants Program (CGP) provides funding support up to a maximum of \$7,500 each, to enable Shire of Kondinin community-based organisations to develop projects that increase participation and benefit the community. The total amount Council will allocate to the Community Grants Program is \$80,000.00 each financial year.

### Guidelines

#### **Selection Criteria:**

Each application will be assessed against the following criteria:

- Does the project meet a community need?
- Does the project benefit a sufficiently broad, or diverse, target group?
- Does the organisation have the capacity to undertake and manage the project?
- Does the application represent value for money?
- Collaborative community-wide projects are encouraged.

#### **Funding Rounds:**

The Community Grants Program is allocated from within Council's general revenue budget each year with applications being called at the **end of March and closing at the start of May**. Funding will be announced following approval by Council in May.

#### **Eligible Projects can include:**

- Printing of posters/flyers;
- Advertising and promotion;
- Purchase of equipment required for the ongoing operations e.g. shade tent, tables, chairs, computers etc.;
- Assistance towards workshops/projects that benefit the Shire of Kondinin community;
- Entertainment;
- Costs associated with public events or functions in the Shire of Kondinin; and
- Infrastructure improvements e.g. fencing, lighting, storage etc.

### What items will not be funded

- Assistance towards Council's rates or standard user agreements;
- Assistance towards financial operating costs of the applicant e.g. rent, staff wages, utility costs, insurance, stationery, etc;
- No replacement & repairs of consumables: including technology items;
- Food, drinks and alcohol;
- Interstate and overseas travel;
- Conference attendance;
- Projects that have already commenced;
- Projects not based in the Shire of Kondinin;
- Projects that duplicate an existing or similar project/service within the community unless support can be shown of approval by business & council approval; (The Community Resource Centres in the Shire usually service their own community, as this will not be considered as a competing business.)
- An item benefiting an individual; and
- Subsidising sporting club fees.

### Who can apply?

Eligible groups and organisations must be:

- an incorporated not-for-profit organisation; or sub-committees organisations are eligible to apply, subject to providing a letter of support from the main organisation body; or
- An unincorporated not-for-profit organisation, applying through the auspice of a not-for-profit incorporated body or Local Government authority.

### Who can not apply?

- an unincorporated organisation without an auspice arrangement;
- an individual;
- a commercial for-profit organisation;
- Government Agencies (including Education, Health, Transport etc.); or
- Organisations that have not provided an acquittal from a previous Community Grants Program are ineligible to apply until the required documentation has been submitted.

### Advertising

Each financial year, at the beginning of March, Council shall advertise its intention to consider applications for financial assistance under the Community Grants Program.

### The advertisements will be placed in:

- At least 1 edition of the 'Kondinin Calendar';
- The Hyden/Karlgarin Householder;
- The monthly Shire newsletter, 'THE ECHO';
- The Shire of Kondinin website;
- The Shire of Kondinin Facebook page; and
- Shire information boards.

### Community Grants (maximum \$7,500 regardless if your Organisation is registered for GST)

Applicants can request funding of up to \$7,500 from Council per grant round. All requests for funding over \$5,000 require a cash component of 25% from the applicant or a confirmed source of funding.

## Timeline of Project

- No items can be purchased before the adoption of annual budget (unless approved by the Shire CEO);
- Applications must be received **by 4:00 pm on the closing date of the Community Grant Program**, late applications will not be considered;
- The project must take place within the financial year unless an extension of time is approved by Council;
- Approval must be obtained from Council for any significant change to the project;
- Grant allocations that are not accessed within 9 months from notification of success will be forfeited (unless an extension before the 9 months is completed has been approved by the Shire CEO).

## Administration of Financial Assistance

Financial assistance approvals shall be administered by the following:

- Where financial assistance is approved by the Council for projects that are dependent upon funding from an outside source, Eg: Department of Local Government, Sport and Cultural Industries; Lotterywest etc, and that funding application is unsuccessful, then the approved Council CGP funds may be accrued in the following financial year, subject to a written request to the CEO.
- Where an application for accrued funding is again unsuccessful, the approved Council CGP monies shall be withdrawn and may be made available to other community organisations.
- Where funding from an outside source is approved any CGP monies (as approved) shall be paid to the applicant, on the acquittal of the project.
- Where the level of financial assistance from an outside source has been reduced below that requested by an organisation, the organisation shall be required to demonstrate its ability to meet the funding shortfall. In such circumstances, the council will reassess the viability of the project and may, if project viability is not substantiated, revoke the grant approval. Those funds may then be made available to other applicant organisations.
- Where requests for financial assistance are received outside the deadline for receipt of applications they shall not be accepted and the applicants will be advised accordingly.
- Projects that can demonstrate benefits to the wider community will be preferred. Those projects that can demonstrate contributions from the community or community groups will be preferred.
- Applications that have multiple funding sources/financial contributors will be preferred.
- Applications for the Shire of Kondinin Community grants program received from individuals will not be accepted.
- Projects requesting funding for salary costs, administration support and recurring expenditure are ineligible for support.
- Council's decision is FINAL and applicants may not request an appeal.
- Organisation can be the auspicing group for more than one application.

## Payment

Payment of the CGP funds to successful community organisations will be made once the evidence of the project is provided. Requests for extensions and justification must be provided in writing to the CEO for approval.

This information is to be disseminated to the Shire of Kondinin Councillors. The Community Grants Program is to be reported via Shire's Annual Report.

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End of Policy

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## Building / Development (BUILD)

### Unauthorised Structures

BUILD-001

<b>Responsible Department</b>	Planning and Development
<b>Policy Owner</b>	Manager Planning and Assets
<b>Resolution Number</b>	2539
<b>Resolution Date</b>	17 <sup>th</sup> June 2015
<b>Old Policy Number</b>	8.1.0
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995 Building Act 2011
<b>Link to Strategic Plan</b>	3.1.2 Encourage development that is best practice and protects biodiversity
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

The purpose of this policy is to provide guidance for matters relating to unauthorised structures within the Shire.

### Scope

The policy applies to all staff of the Shire of Kondinin.

### Policy

#### Procedure for Rectifications

Where any building, work or structure is constructed in breach of any provisions of the Building Act 2011, the Chief Executive Officer is authorised to give notice to the owner in accordance with the following procedures for the purpose of bringing the building work or structure into conformity with the Code.

- a) Serve written notice on the owner or building, drawing attention to the existence of the structure in breach of the Code and requiring a written explanation within 14 days of the Notice.
- b) Provided a satisfactory explanation is received, and the relevant action is taken to comply with the requirements of the notice and the By-Laws, the Building Surveyor is authorised to issue a Building License.
- c) 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 shall be placed before Council for their consideration.

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Policy End

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<b>Responsible Department</b>	Planning and Development
<b>Policy Owner</b>	Manager Planning and Assets
<b>Resolution Number</b>	3947
<b>Resolution Date</b>	15 <sup>th</sup> June 2022
<b>Old Policy Number</b>	8.1.1
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	3.1.2 Encourage development that is best practice and protects biodiversity
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

The purpose of this policy is to provide guidance for matters relating to re-erection of second-hand houses within the Shire.

### Scope

The policy applies to all employees of the Shire of Kondinin.

### Policy

All applications for the re-erection of second hand houses are to be accompanied by a Certificate of a Practising Structural Engineer, stating that the house has been built as a transportable and that it is in good sound condition and when re-erected will comply with all requirements of the Building Act 2011.

When a Practising Structural Engineer is not available, Council's Building Surveyor may carry out the inspection.

Deposit of \$2,000 required upon application and to be refunded when the Building is made habitable to Councils satisfaction by the specified time otherwise deposit forfeited.

Policy End

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<b>Responsible Department</b>	Planning and Development
<b>Policy Owner</b>	Manager Planning and Assets
<b>Resolution Number</b>	2539
<b>Resolution Date</b>	17 <sup>th</sup> June 2015
<b>Old Policy Number</b>	8.1.5
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	3.1.2 Encourage development that is best practice and protects biodiversity
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

The purpose of this policy is to provide guidance for matters relating to prohibition of unsightly objects within the Shire.

### Scope

The policy applies to all employees of the Shire of Kondinin.

### Policy

No person shall cause, allow or permit to be placed on any building lot, any article object or thing which shall be visible from any street, way or public place from any other land or building or any part thereof, which is in the opinion of Council offensive, unsightly or otherwise considered to be detrimental to the amenity of the neighbourhood.

Where land is used, or is to be used for the storage of goods, Council may require the area to be screened by a closed wall or fence situated at or on the building line.

Policy End

<b>Responsible Department</b>	Planning and Development
<b>Policy Owner</b>	Manager Planning and Assets
<b>Resolution Number</b>	2727
<b>Resolution Date</b>	18 <sup>th</sup> May 2016
<b>Old Policy Number</b>	8.1.6
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	3.1.2 Encourage development that is best practice and protects biodiversity
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

The purpose of this policy is to provide guidance for matters relating to outbuildings within the Shire.

### Scope

The policy applies to all employees of the Shire of Kondinin.

### Policy

Planning Approval is required first if the Outbuilding does not comply with the 'Deemed to Comply' provisions of the R Codes of Western Australia. Building Permits are to be issued by the Chief Executive Officer upon application.

Policy End

<b>Responsible Department</b>	Planning and Development
<b>Policy Owner</b>	Manager Planning and Assets
<b>Resolution Number</b>	2727
<b>Resolution Date</b>	18 <sup>th</sup> May 2016
<b>Old Policy Number</b>	8.1.9
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995 Residential Design Codes of WA
<b>Link to Strategic Plan</b>	3.1.2 Encourage development that is best practice and protects biodiversity
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

The purpose of this policy is to provide guidance for matters relating to fencing requirements within the Shire.

### Scope

The policy applies to all employees of the Shire of Kondinin.

### Policy

In the townsites of Kondinin, Karlgarin and Hyden all new fences shall comply with the Shire's Local Law relating to Fences (1979) and where applicable to the R Codes of Western Australia. Planning Approval is required for fences in the primary street set back that do not comply with the 'Deemed to Comply' provisions of the R Codes of Western Australia. Side and boundary fences that do not comply with the provisions of the Shire's Local Law relating to Fences (1979) shall be determined by the Council and require written approval in the form of a permit issued by the Local Government. A person shall not construct a fence on a Residential lot, Commercial lot or Industrial lot from pre-used material without the approval of the Council. Where the Council approves the use of pre-used materials in the construction of a fence that approval shall be conditioned on the applicant painting or treating the pre-used material as stated in the form of approval issued.

Policy End

# Public Facilities (FACS)

## Caravan Parks & Overflow Camping

FACS-001

<b>Responsible Department</b>	Assets
<b>Policy Owner</b>	Manager Planning and Assets
<b>Resolution Number</b>	3932
<b>Resolution Date</b>	18 May 2022
<b>Old Policy Number</b>	7.1.0 – 7.1.3
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995 Caravan Parks and Camping Grounds Act 1995
<b>Link to Strategic Plan</b>	2.4.2 Add value to current tourism experiences and facilities as well as creating additional tourism experiences and facilities
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

The purpose of this policy is to provide guidance for matters relating to caravanning and camping with the Shire.

### Scope

The policy applies to all staff and users of the caravan park and overflow camping areas.

### Policy

#### Camping at Sports Grounds

At their discretion, the Chief Executive Officer can authorise the use of the sporting grounds as an overflow area to be used to occupy caravans.

#### Dogs in Caravan Park

In accordance with the Caravan and Camping Ground Regulations 1997 it is Council policy that dogs be allowed in the Caravan Parks provided that dogs are kept on a leash or enclosed in a caravan at all times.

Should the dog becomes a nuisance to anyone in the facility the ranger is authorised to ask for them to be removed from the caravan park.

Dogs are not allowed in any on-site accommodation.

#### Kondinin Caravan Park Occupancy

The following provisions apply in relation to the allowable occupancy tenure at the Shire run facility at Kondinin:

- The Chief Executive Officer is to have the authority to allow any stay longer than a month if established that any use longer than this is only temporary with the occupant required to be able to establish accommodation is available elsewhere after this time.

- The maximum allowable time that will be permitted unless extenuating circumstances can be proven (i.e. the need to finish a building project or similar) is limited to three months.
- No caravan is to be setup for the purpose of an onsite van to be separately rented out sub-let without the written approval of the Chief Executive Officer.
- Any permission to occupy any site at the caravan park for any length of time does not confer that tenancy rights are granted under the provisions of the Residential Tenancy Act or any Amendment thereto.

**Booking and Cancellation for the Caravan Park and Chalets**

Payments for bookings at the caravan park and chalets must be made 24 hours prior to stay.

Bookings cancelled less than 24 hours prior to stay will be non-refundable up to 1 night's accommodation for that booking.

Bookings and payments made in person on the day do not apply to this policy.

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Policy End

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<b>Responsible Department</b>	Assets
<b>Policy Owner</b>	Manager Planning and Assets
<b>Resolution Number</b>	2539
<b>Resolution Date</b>	17 <sup>th</sup> June 2015
<b>Old Policy Number</b>	5.2.3 – 5.2.5 5.2.11
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	1.3.3 Provide a variety of quality sport, recreation and leisure services and facilities for all life stages across the three communities
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

The purpose of this policy is to provide guidance for patronage and use of the Kondinin and Hyden Public Swimming Pools.

### Scope

The policy applies to all users of the Kondinin and Hyden swimming pools.

### Policy

#### School Use of Pools for Swimming Carnivals

When the Kondinin and Hyden Schools are given exclusive use of the Kondinin and Hyden Swimming Pools for school or interschool swimming sports, all persons participating or spectating will be allowed in free of charge. The pools should advertise this a minimum of two weeks prior to the event.

#### Kondinin and Hyden Swimming Club

Onlookers and officials at Swimming Club swims must pay normal entrance fee, if not the holder of a current season ticket.

#### Supervision of Children

- Children under 10 years of age who do not possess at least a stage 5 (Junior) swimming certificate will not be allowed entry to the pool unless under supervision of a person 16 years or older.
- Parents or guardians (including those persons described in the section above) should supervise their charges at all times.
- Signage or literature indicating the parental supervision policy of the pool is to be provided.
- Ratio of children to supervisor is 5 to 1

#### Closure

The Hyden and Kondinin Swimming Pools will be closed all day on Good Friday and Christmas Day and will open on New Years Day at the discretion of the Pool Manager.

Any closures of the pool shall be coordinated between the pool managers and the Chief Executive Officer and closing times have to be advertised locally.

The Pool Manager has the discretion to open the pool on extremely hot Mondays, being the Manager's day off, and have the discretion to close the Pool on days of inclement weather, the implications to be under constant review.

### **Early Morning Swimming**

- Applications must be received from four or more swimmers of which all are season or monthly ticket holders.
- A person with Life Saving Bronze Medallion Certificate must be in attendance at all times.
- Hours are from 6.00am to 8.00am only.

### **No Smoking**

In accordance with the Health (Smoking in Enclosed Public Place) Regulations 2003, smoking is prohibited at all times at both the Kondinin and Hyden swimming pools.

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Policy End

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<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	2539
<b>Resolution Date</b>	17 June 2015
<b>Old Policy Number</b>	5.3.0 – 5.3.2
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

To provide guidance to staff members when considering projects with sporting clubs and amenities.

### Scope

This policy applies to all staff of the Shire of Kondinin.

### Policy

#### Recreation Complex

The Administration and Bookings of the Kondinin and Hyden Recreation Complexes be vested in the Kondinin and Hyden Sports Councils respectively for an annual fee of \$1,800.00 each or such fees as set from time to time by Council.

#### Capital Works Programs

All requests to improve existing facilities or construction of new facilities will be considered by Council on a 1/3 Council, 1/3 Organisations and 1/3 Government Grant Basis. All projects to be discussed fully by the appropriate Council Committee with the Organisation Committee before the application is submitted to Council for consideration. All Government Grants to be approved and the Organisations funds received by Council before an approved project shall commence. Council shall consider no capital works unless it is on the organisation's five-year plan and has the full support of the Sports Council.

#### Power – Sporting Clubs

Council to pay the first \$4,000 for electricity charges at the Kondinin Country Club and the Karlgarin Club.

Policy End

## Transport (TRANS)

### Road Maintenance and Operations

TRANS-001

<b>Responsible Department</b>	Works
<b>Policy Owner</b>	Manager of Work
<b>Resolution Number</b>	3947
<b>Resolution Date</b>	15 June 2022
<b>Old Policy Number</b>	6.1.0 – 6.1.5 6.1.10 10.1.2
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	2.2.1 Support and maintain safe, connected, critical transport infrastructure including rail and roads, public transport
<b>Guidelines</b>	N/A
<b>Next Review</b>	

#### Objective

The purpose of this policy is to provide guidance to officers on road maintenance and operations.

#### Scope

The policy applies to all road maintenance and operations.

#### Policy

##### Maintenance Grading

That Council's policy for maintenance grading is to cut rubbish out of water tables and drains. This rubbish is not to be brought back onto the road surface. Push gravel or stabilising material out of the road surface to remove pot holes or corrugations, grade back and make sufficient crown on the formation for drainage into table drains, no ridges to be left between formation and the table drains.

##### Gravel Supplies – Road Reserves

It be Council policy that where possible gravel for road building not be obtained from the road reserve. The private purchase of gravel is preferred over the creation of a new pit.

##### Roadside Memorials

Council has adopted the Main Roads Western Australia "Roadside Memorials Policy and Guidelines" Document No D10#252657 Issued 01/12/10 as its Roadside Memorials Policy.

Policy End

<b>Responsible Department</b>	Works
<b>Policy Owner</b>	Manager of Work
<b>Resolution Number</b>	3947
<b>Resolution Date</b>	15 <sup>th</sup> June 2022
<b>Old Policy Number</b>	6.1.16
<b>Register of Delegations</b>	1.3.2 Financial Management Systems and Procedures
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

The purpose of this policy is to provide guidance to officers on replacement of the Shire's motor vehicle fleet.

### Scope

The policy applies to all officers undertaking purchasing delegation.

### Policy

With regard to vehicles that are not subject to the provisions of Section 3.57 of the Local Government Act 1995, the CEO from time to time may obtain quotations for their purchase and replacement. Upon receipt of these quotations, the CEO is authorised to purchase vehicles as per the Purchasing Policy-

Policy End

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<b>Responsible Department</b>	Works
<b>Policy Owner</b>	Manager of Work
<b>Resolution Number</b>	3785
<b>Resolution Date</b>	21 July 2021
<b>Old Policy Number</b>	6.1.6 – 6.1.8
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

The purpose of this policy is to provide guidance to officers on construction and responsibilities for property crossovers and rural gateways.

### Scope

The policy applies to all officers and residence requesting work in regards to crossovers and rural gateways.

### Policy

#### Townsite Crossover

That Council allows one crossover per lot, as per Council specifications at 50% of cost to ratepayers. Additional costs involved in wider crossovers or additional crossovers to be paid in full by the ratepayer.

#### Footpath Replacement/Upgrade.

In areas where a footpath is replaced or upgraded (i.e. from asphalt to concrete), if a crossover has previously been installed, then the owner can request replacement of the crossover to the new material. This will be done as per Council specifications at 50% cost to the ratepayer following the same process as an initial install. Additional costs involved in wider crossovers or additional crossovers to be paid in full by the ratepayer.

If the Owner is not willing to contribute to a new crossover, then the Shire will attempt to minimise the impact of the new footpath by providing gravel for vehicles to transition between the existing crossover and the new footpath.

#### Rural Crossover

Council is to provide one free 8 metre culverted crossover and thereafter all crossovers to be paid in full by the Land Owner.

#### Rural Gateways

Grader Operators are to leave reasonable access to all property gateways.

Policy End

<b>Responsible Department</b>	Works
<b>Policy Owner</b>	Manager of Work
<b>Resolution Number</b>	2539
<b>Resolution Date</b>	17 <sup>th</sup> June 2015
<b>Old Policy Number</b>	6.1.9
<b>Register of Delegations</b>	1.3.2 Financial Management Systems and Procedures
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

The purpose of this policy is to provide guidance to officers when purchasing gravel from private property.

### Scope

The policy applies to all officers purchasing gravel from private property.

### Policy

The following procedure will apply when Council proposes to remove gravel from private properties.

1. The Manager of Works is to approach the landowner at least 30 days prior to the time when works are due to commence to advise the landowner of Council's intention to remove gravel, by way of a letter of intention, to negotiate compensation, to enable the landowner to make any domestic arrangements in relation to stock etc.
2. A gravel procurement agreement is to be signed with the farmer setting out the compensation and the rehabilitation works to be done.
3. All gravel pits opened on private property are to be reclaimed as soon as possible, unless firm arrangements are made with the landowner for not reclaiming.
4. All care is to be taken to ensure that the least amount of inconvenience is caused to the landowners as possible.

Policy End

<b>Responsible Department</b>	Works
<b>Policy Owner</b>	Manager of Work
<b>Resolution Number</b>	3947
<b>Resolution Date</b>	15 <sup>th</sup> June 2022
<b>Old Policy Number</b>	9.1.0-9.1.1
<b>Register of Delegations</b>	1.3.2 Financial Management Systems and Procedures
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

The purpose of this policy is to provide guidance to officers when entering into agreements to undertake private works

### Scope

The policy applies to all officers who undertake private works.

### Policy

#### Private Works Authorisation Forms

1. Whenever private works are carried out the client must sign a private works authorisation form. Private Works are carried out on the following conditions:  
The client is responsible for marking out and supervising the work.
2. The Shire of Kondinin is not responsible for damage to property, foundations, cables, etc., caused when working within the client's instructions.
3. The Shire of Kondinin is not responsible for any expense whatsoever incurred through breakdown or delay.
4. The times of work and travelling shown are correct and chargeable.

#### Grade Hire – Soil Conservation Committee

Any grader work carried out for the Soil Conservation Committee is to be done at the to cover costs and administration.

Policy End

<b>Responsible Department</b>	Works
<b>Policy Owner</b>	Manager of Work
<b>Resolution Number</b>	2539
<b>Resolution Date</b>	17 <sup>th</sup> June 2015
<b>Old Policy Number</b>	6.1.4, 6.1.22
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

The purpose of this policy is to provide guidance to employees when receiving requests for school bus stop signs

### Scope

The policy applies to all depot employees.

### Policy

#### School Bus Stop Signs

Council has resolved that all requests for School Bus Stop Signs will be acceded to, provided that the requester is prepared to pay for the cost of the Signs. Council will meet the cost of erection.

#### School Bus Stop Signs - Removal

Signs are to be removed once it has been established that they are no longer required.

Policy End

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<b>Responsible Department</b>	Works
<b>Policy Owner</b>	Manager of Work
<b>Resolution Number</b>	2539
<b>Resolution Date</b>	17 <sup>th</sup> June 2015
<b>Old Policy Number</b>	6.1.15
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

To allow storm water from properties in town sites within the Shire of Kondinin to be disposed of into Council's roadside drainage.

### Scope

The policy applies to Shire of Kondinin Management staff.

### Policy

Council policy is that where contour banks are constructed and no previous problem existed, then either culvert installation or alternative roadway alterations be carried out at the landowner's expense.

Property owners within the town sites of Kondinin, Karlgarin and Hyden shall be permitted to drain storm water from their properties into the main roadside drainage system.

Permission to dispose of storm water into Council's roadside drainage system must be provided by the Manager of Works.

Policy End

# Natural Resources Management (NRM)

Wave Rock Precinct

NRM-001

<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	2539
<b>Resolution Date</b>	17 <sup>th</sup> June 2015
<b>Old Policy Number</b>	8.1.10-8.1.11
<b>Register of Delegations</b>	1.3.2 Financial Management Systems and Procedures
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner
<b>Guidelines</b>	N/A
<b>Next Review</b>	

## Objective

The purpose of this policy is to encourage the care and protection of the Wave Rock Precinct

## Scope

The policy applies to all employees within the Shire.

## Policy

### Wave Rock Precinct

That it is Council policy not to allow the area between the Dam wall, Hippo's Yawn and the road or associated tourist areas to be utilised for abseiling and orienteering activities. Further that all organisations be advised that Wave Rock is vested in the Water Corporation and therefore, their permission is required to use any other area of Hyden Rock.

### Wave Rock Depreciation

That it is Council Policy that the Depreciation allocation for Expense Account No. 1132600 is be transferred to the Tourism Development Reserve as a cash amount.

Policy End

## Personnel (STAFF)

### Community Services Leave

STAFF-001

<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	3652
<b>Resolution Date</b>	16 <sup>th</sup> September 2020
<b>Old Policy Number</b>	1.1.18
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Fair Work Act 2009 Defence Reserve Service (Protection) Act 2001
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

#### Objective

To enable employees to engage in Community Services and provide them with access to a reasonable amount of additional leave for the purpose of performing those functions when required.

#### Scope

This policy applies to all permanent full time and part time employees.

#### Policy

Employees seeking to participate in volunteer emergency service organisations or defence reservists under this policy must provide certification or documentation that they have become members of a recognised volunteer service organisation or reservist. This record will be placed on the employee's personnel file and recorded electronically within payroll records.

Employees requiring access to Community Services Leave are to provide as much notice as reasonably practicable to the Shire of Kondinin.

#### Jury duty

- Jury Duty is a legal responsibility shared between all members of the community. Any employee who has been summoned to Jury Duty should advise their Manager as soon as reasonably practicable.
- It is the employees responsibility to keep their Manager informed of the expected period of time they will be absent from work.
- Employees will continue to receive full pay for any periods of Jury Duty. The employee is required to provide evidence of attendance at Jury Duty to receive full pay, this includes attendance for the Jury selection process and attendance should the employee be selected on a Jury.

### **Volunteer emergency management activities**

- The Shire of Kondinin recognises and supports the participation of employees in volunteer emergency organisations such as the Volunteer Bush Fire Brigade and St John Ambulance as a positive and a vital role to the community.
- Paid leave of up to 38 hours per calendar year will be granted to employees who are members of an approved volunteer emergency service organisation (such as Volunteer Bush Fire Brigade and St John Ambulance) for the purpose of participating in training or service, at the discretion of the Chief Executive Officer, or Manager of the employee. This leave will be in addition to all other leave entitlements.
- Service or training in excess of 38 hours per calendar year is subject to the approval of the Chief Executive Officer and is conditional upon the likely disruption to the employee's work.
- Paid leave granted under this Policy will be treated as continuous service for the purposes of calculating annual leave, long service leave, personal leave or any other entitlements. Unpaid leave will be treated as leave without pay.
- Employees requiring access to leave to perform volunteer emergency services require the approval of the Chief Executive Officer or Manager of the employee.
- Employees granted paid leave under this Policy shall be paid for time absent from duty up to the total of ordinary time usually worked in that day or period during the emergency, but not including time in excess of ordinary working hours, weekends or public holidays.

### **Defence Reservist**

- The Shire of Kondinin recognises that the Australian Defence Reserves continue to be an important part of our national defence strategy and that support to Defence Reserves is essential to their continued effectiveness.
- This Policy applies to all employees who are Reservists and undertake training and/or service with the Australian Defence Forces.
- At the discretion of the Chief Executive Officer, paid leave or top-up pay may be granted to employees who are members of the Defence Forces Reserves for the purpose of participating in training or other defence service. This leave will be in addition to the use of annual leave or long service leave entitlements. Any other periods of leave for defence service shall be unpaid leave.
- Paid leave granted under this Policy will be treated as continuous service for the purposes of calculating annual leave, long service leave, personal leave or any other entitlements. Unpaid leave will be treated as leave without pay.

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Policy End

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<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	2539
<b>Resolution Date</b>	17 <sup>th</sup> June 2015
<b>Old Policy Number</b>	1.4.9
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995 Superannuation Guarantee Administration Act 1992 Superannuation Guarantee Charge Act 1992
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

To enable employees to engage in Community Services and provide them with access to a reasonable amount of additional leave for the purpose of performing those functions when required.

### Scope

This policy applies to all employees at the Shire.

### Policy

- Upon engagement, the Shire of Kondinin shall notify the Employee that they shall have freedom of choice over the complying fund that their superannuation contributions are paid into. The parties shall be bound by the Employee's choice and an Employer shall not unreasonably refuse an Employee's choice of fund.
- Should a fund not be nominated by the employee, the default fund shall be the WA Super Fund (previously known as the WA Local Government Superannuation Plan)
- Matching payments made by the Employer in excess of the amount prescribed in Superannuation Guarantee Administration Act 1992 and the Superannuation Guarantee Charge Act 1992 (as varied from time to time) of up to 3% will be contingent upon the Employee making their own contributions of up to 3%. After 4 years of service Council will contribute 4% with the employee making a contribution of 4% or higher. After 10 years of service Council will contribute 5% with the employee making a contribution of 5% or higher.

Tenure	Council	Employee
1-4 years	3%	3%
5-9 years	4%	4% or higher
10 years onwards	5%	5% or higher

- At the request of the Employee, the Employer may from time to time vary the amount of the Employee's contribution towards superannuation by way of Salary/Wages Sacrifice or by Salary/Wages Deduction and any variation will result in a lower corresponding employer component being paid.

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Policy End

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<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	3933
<b>Resolution Date</b>	18 May 2022
<b>Old Policy Number</b>	STAFF-003
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995 Local Government (Administration) Regulations 1996
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

To provide guidance on gratuities made to employees who retire, resign or are made redundant from full-time or permanent part-time employment as a token of appreciation for their commitment and service to the Shire of Kondinin.

This policy outlines the circumstances in which gratuity payments may be made to an employee. This policy should be read in conjunction with section 5.50 of the Local Government Act 1995 and regulation 19a of the Local Government Administration Regulations 1996.

### Scope

This policy applies to all employees at the Shire.

### Policy

#### *Eligibility for Gratuity Payments*

An employee may be entitled to a gratuity payment as outlined within this policy at the discretion of the CEO, when an employee's services cease with the Shire of Kondinin after a period of continuous employment for any of the following reasons:

- Resignation (not as a result of any performance management or investigation being conducted by Local Government);
- Retirement; or
- Redundancy (An employee who has been dismissed by the Shire of Kondinin for any other reason than redundancy will not be eligible for any Gratuity Payment.)

#### *Prescribed Amounts for Gratuity Payments*

In accordance with Section 5.50 (1) of the Local Government Act 1995 the Shire of Kondinin authorises a gratuity payment or gift to an employee who after continuous employment with the Shire ceases employment, retires or resigns. The maximum value of the gift or gratuity will correlate to the length of continuous employment by the employee with the Shire as follows:

5 – 10 years \$800      10 – 15 years \$2,000

15 – 20 years \$3,000      20 years plus \$4,000

The Chief Executive Officer may elect to confer a farewell gift up to the value of \$60 for each year of service to an employee with more than 2 years and less than 5 years continuous service who has displayed exceptional performance, initiative or commitment to the Shire.

#### *Determining Continuous Service*

Continuous service includes –

- Any period of absence from duty on approved annual leave, long service leave, paid compassionate leave, paid personal/carer's leave and public holidays.
- Any period of absence that has been supported by an approved worker's compensation claim up to a maximum of 1 year.

For the purpose of this policy, unless otherwise determined by Council resolution, continuous service does not include –

- Any period of unauthorised absence from duty
- Any period of unpaid leave unless the Shire determines otherwise

# Appendix A

## SHIRE OF KONDININ

### EMPLOYEE CONFIDENTIALITY UNDERTAKING

I (Print name) \_\_\_\_\_

DECLARE that I **am / am not** (cross out the option that does not apply) 18 years of age or older.

IN CONSIDERATION of being provided with and or given access to confidential information from the SHIRE OF KONDININ or the like (“the Confidential Information”) and unless ordered otherwise to so do by a competent court:

AGREE AND HEREBY UNDERTAKE as follows:

1. That I shall not divulge or communicate any of the Confidential Information to any other person, including any identification number or password that enables me to obtain access to the Shire of Kondinin Database.
2. That I shall not use the Confidential Information for any purpose other than the purpose for which the Confidential Information was given or released to me and I acknowledge that the Confidential Information and or any documents created and information imparted are created and imparted in circumstances to which privacy obligations are imposed.
3. That I shall at all times comply with the processes for ensuring security for storage of or access to the Confidential Information.
4. That I understand and agree that divulging Confidential Information may result in legal action against the Shire of Kondinin and/or myself and I accept legal responsibility.
5. That I shall indemnify the Shire of Kondinin from and against all losses, claims, or proceedings arising out of any negligent or other wrongful act, omission or breach by me in connection with undertaking.
6. That this undertaking shall survive the termination or expiry of my employment with or engagement by my employer (whether directly or indirectly) and inure for the benefit of my (then) employer and or the Shire of Kondinin and is binding upon me, my executors, administrators and others in interest.
7. That I give this undertaking on the condition that no claim for damages or compensation shall be made against me in respect of any breach of this undertaking save and except where the breach is knowing or deliberate.

GIVEN by me (signature) \_\_\_\_\_

In the presence of (signature of witness) \_\_\_\_\_

at (place and date of signature) \_\_\_\_\_

\_\_\_\_\_  
Policy End

<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	3947
<b>Resolution Date</b>	15 <sup>th</sup> June 2022
<b>Old Policy Number</b>	4.1.1 – 4.1.5
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

To provide clear expectations of employees occupying housing provided by the Shire as part of their employment agreement.

### Scope

This policy applies to all employees who are provided housing as part of their employment agreement.

### Policy

#### Tenancy Agreement

All Tenants are required to sign Council's Tenancy Agreement prior to occupying a Council owned house.

#### Standard of Gardens

All tenants in Shire Houses are expected to maintain a satisfactory standard of garden and if this standard is not met to the satisfaction of Council, the Chief Executive Officer is required to discuss the matter with the tenant.

#### Annual Inspection of Council houses

That an annual inspection of all Council Houses be carried out in Feb-May to ascertain the housing maintenance items that should be included in the next budget.

#### Building Alterations

That all tenants be advised that Council permission is required prior to any structural alterations being made to Shire Houses.

#### Water Consumption

Council will bear the cost of Water Rates and Water Consumption (to 600Kls) on all Council residential properties occupied by a Shire employee.

#### Rent Fees

Rent Fees for staff who do not have their own home is to be based on 50% of the current market rent value as an incentive to attract employees to the Shire of Kondinin.

In order to ensure that all staff receive a similar reward (reduced rent is considered a reward for services) staff who own and inhabit their own homes will be entitled to a Housing Allowance of equal value to the reduce rent paid by staff in Shire housing.

Policy End

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<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	1472
<b>Resolution Date</b>	16 <sup>th</sup> February 2011
<b>Old Policy Number</b>	1.4.14
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

To provide clear direction of employees use of drugs and alcohol in the workplace.

### Scope

This policy applies to all employees of the Shire.

### Policy

#### **AN ALCOHOL READING OF 0.00 IS REQUIRED ON ALL COUNCIL PROJECTS**

The use of drugs and alcohol in the workplace – including Council premises, parks, reserves, vehicles, plant or any other Council building or physical asset – is prohibited.

Persons suspected of being under the influence of alcohol or drugs may be requested to provide a blood or urine sample

The Chief Executive Officer may waive this requirement when circumstances warrant – for example, when Council sponsors a social event, such as an official farewell or a Christmas Party.

The focus of this policy is drug and alcohol use that affects the work performance of the individual. This policy is directed towards maintaining a satisfactory level of employee safety, health and work performance.

Policy End

<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	3947
<b>Resolution Date</b>	15 June 2022
<b>Old Policy Number</b>	1.4.1
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

To provide authorisation for the Chief Executive Officer to act on behalf of Council with the employer unions.

### Scope

This policy applies to the Chief Executive Officer in respect to the Employer Unions.

### Policy

The Chief Executive Officer is authorised to sign the Employees Unions Warrant to appear "on behalf of Council on all matters relating to Award Variation".

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Policy End

<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	2539
<b>Resolution Date</b>	17 <sup>th</sup> June 2015
<b>Old Policy Number</b>	1.4.11
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

To provide employees with a uniform allowance to ensure a professional dress standard is maintained.

### Scope

This policy applies to all inside staff.

### Policy

The Shire of Kondinin shall supply uniforms for all staff as per the following:

- Outside Staff - as per the current Workplace Agreement
- Inside Staff – Full Time – up to \$500
- Inside Staff – Part Time – up to \$300

Policy End

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<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	3947
<b>Resolution Date</b>	15 <sup>th</sup> June 2022
<b>Old Policy Number</b>	1.4.10
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

To provide guidance for employees when using Shire owned plant and equipment.

### Scope

This policy applies to all employees.

### Policy

Employees may use the shire plant after hours free of charge, only with the express written approval of the 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.

Approval will only be granted for private use by the Employee. At no time will the employee charge a fee or make any profit by way of barter or exchange from the use of Shire owned plant or equipment.

Policy End

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<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	2846
<b>Resolution Date</b>	21 <sup>st</sup> December 2016
<b>Old Policy Number</b>	10.1.4
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995 Work Health and Safety Act 2020
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

To provide clear expectations of employees in relation to health and safety of workers and workplaces.

### Scope

This policy applies to all employees and contractors.

### Policy

The Shire of Kondinin is committed to providing a safe and healthy workplace for all employees, contractors and visitors. This means that we aim to avoid or eliminate the causes, which lead to:

- Accidents, Injury or sickness of employees, contractors or visitors.
- Damage and downtime of Shire plant, equipment and of Shire or public infrastructure.
- Unsafe or poor quality products and environmental damage.

### In order to fulfil our aim, we are committed to:

- Leading by example.
- Providing a safe and healthy working environment for all our Employees, Contractors and Visitors.
- Implement safe systems of work and maintain plant and equipment to a safe standard where associated hazards are identified, assessed and controlled.
- Taking action to eliminate, control or reduce to an acceptable level, hazards to which Employees, Contractors and Visitors may be exposed.
- Providing Information and training on matters relating to Safety together with a high standard of supervision
- Implement ongoing processes to prevent accidents including performing work place inspections, hazard/near miss reporting.

- Fostering cooperation and consultation with Employees, their representatives (where required) and Contractors through Daily Pre Start Safety Committee meetings, Toolbox Meetings, Management Safety Committee Meetings.
- Recorded/update the Action Register, make available and reported back to the entire organisation outcomes of all meetings/reports
- Provide Appropriate Personal Protective Equipment (PPE) to protect all employees and Visitors.
- Protect members of the public, customers and the environment from potential adverse effects which may be associated with our activities or the use of our products
- Conform with the requirements of Legislation and Statutory authorities
- Conduct annual audits of the Shire OSH Management System and implement agreed outcomes to continually improve current systems of work

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Policy End

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<b>Responsible Department</b>	Chief Executive Officer
<b>Policy Owner</b>	Chief Executive Officer
<b>Resolution Number</b>	3064
<b>Resolution Date</b>	16 <sup>th</sup> August 2017
<b>Old Policy Number</b>	10.1.5
<b>Register of Delegations</b>	N/A
<b>Relevant Legislation</b>	Local Government Act 1995 Equal Opportunity Act 1984
<b>Link to Strategic Plan</b>	4.2 Manage the organisation in a responsible and accountable manner 4.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance
<b>Guidelines</b>	N/A
<b>Next Review</b>	

### Objective

To provide clear expectations of Management and employees in relation ensuring equal opportunities for all.

### Scope

This policy applies to all managers and employees.

### Policy

The Local Government aims to provide an environment of fairness and equity in its workplace. Council believes that equal opportunity creates a more harmonious and productive workplace, which not only benefits Council, but also, the wider community.

Council considers it the right of every individual to carry out their job in an environment which promotes job satisfaction, maximises performance and provides economic security. Such an environment is dependent of it being free from all forms of harassment, discrimination and victimisation.

Council operates under the following State and Federal legislation (as amended):

- 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

In accordance with the WA Equal Opportunity Act 1984, the Local Government shall develop and maintain an Equal Opportunity Management Plan.

## Definitions

**Discrimination** is treating someone unfairly due to their race, sex, marital status, pregnancy, impairment, religious or political conviction, age, family responsibility or family status. These grounds may change as legislation is amended.

**Harassment** is defined as any unwelcome, offensive comment or action relating to the grounds of discrimination. It is behaviour towards another employee that is offending, humiliating or intimidating. It shall not be condoned and if necessary, disciplinary action shall be taken.

Any individual who experiences harassment should immediately make it clear to the person(s) concerned that such behaviour is unwelcome. However, if the individual has difficulty in doing this, then assistance should be sought from others to meet with the person(s) concerned.

## Procedure

It is the responsibility of all staff to ensure that proper standards of conduct as contained in the Local Governments Code of Conduct are upheld in the workplace. Management and staff in supervisory positions shall ensure that the work environment is free from all forms of harassment and discrimination.

Allegations of discrimination or harassment may be discussed or assistance sought from the Human Resources Department or the Chief Executive Officer.

Harassment allegations shall be considered seriously and sympathetically and authorised and trained mediators shall attend to them promptly and confidentially. In all cases, the utmost care shall be taken to investigate allegations impartially by recognising the rights of all parties. Victimisation of any party will not be tolerated by the Local Government.

However, if an employee is dissatisfied with the outcome of any conciliation attempt, they may take the matter up with the Equal Opportunity Commission or their Union.

## Equal Employment Opportunity

In accordance with the Local Government Act 1995 (as amended) the Council shall recruit in accordance with the principles of merit and equity and shall ensure that discrimination does not occur.

All employment training with the Council shall be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements for such training.

All promotional policies and opportunities with the Council shall be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements for such promotion.

The equal employment opportunity goals of the Council shall be designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability.

## Council's Obligations

The Local Government has a legal obligation to make sure that the Council is free from discrimination and harassment. The following laws state this requirement:

- 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

Council also has a moral obligation to ensure its staff are not subjected to other forms of harassment. All employees are expected to treat each other with consideration and respect at all times.

### **Responsibilities**

The overall responsibility for monitoring the effectiveness, the policy and management plan lies with the Chief Executive Officer, however Council recognises that equal opportunity is the responsibility of everyone in the Council, and as such will ensure that advice on equal opportunity matters is available on an on-going basis to all staff.

The co-ordination of the equal opportunity function within Council is primarily the responsibility of the Human Resources section.

The **Chief Executive Officer** is responsible for:

- The maintenance of equal opportunity statistics;
- The distribution and maintenance of the EO & Diversity Plan;
- Ensuring that the EO & Diversity Plan is in accordance with legislative requirements;
- The identification, organisation and evaluation of equal opportunity training to meet Council's equal opportunity and diversity goals;
- Ensuring recruitment and selection procedures for Council are not discriminatory;
- Providing advice and/or assistance to employees who feel they are being discriminated against or harassed;
- Coordinating investigations for a discrimination or harassment complaint.
- Recording informal and formal allegations;
- Making and carrying out training recommendations.

Other employees within Council have responsibilities for ensuring the implementation of equal opportunity. These employees include Directors, Managers, Supervisors and individual employees.

**Managers and Supervisors** are responsible for:

- Promoting the aims and objectives of the equal opportunity policy and objectives;
- Ensuring that staff of the Department participate in equal opportunity training;
- Ensuring that Supervisors fulfil their responsibilities in regards to equal opportunity.
- Ensuring that staff of the section (or who they supervise) are acting in a non-discriminatory manner, free of harassment;
- Ensure that all new staff of the section (or who they supervise) attend Council's induction training;
- Ensuring that all new staff of the section (or who they supervise) have equal access to employment and training opportunities subject to individual, section and corporate priorities;

**All employees** of Council are responsible for:

- Treating all work colleagues equally, in a non-discriminatory manner and with consideration and respect;
- Undertaking equal opportunity training provided by Council;

## **Approach**

The strategy that Council will implement to achieve the EO and Diversity Management Policy includes:

1. Devise policies and procedures to meet the legislative requirements;
2. Communicate those policies and procedures to the staff of council;
3. Collect and record appropriate information;
4. Review human resources practices within the Council (including recruitment techniques, selection criteria and training) with a view to identifying any discriminatory practices;
5. Set goals against which the success of the plan can be assessed;
6. Appoint appropriate Council staff to be responsible for the above.

## **Purpose**

The purpose of this plan is to create an environment of equal opportunity and diversity to achieve good working relationships. The goals of this plan are as follows:

1. Council will actively work to raise the level of awareness of Equal Opportunity and Diversity principles and practices within Council.
2. Council will actively promote an environment for all staff that is free of discrimination and harassment.
3. Council will enable all staff to apply equally for all positions within Council, for which they are qualified, through its commitment to their support, provision of career planning and development, advice and assistance.
4. Council will recognise the diverse cultural needs of employees and the community.

## Goal One

Goal: Council will work to actively raise the level of awareness of Equal Opportunity and Diversity principles and practices within Council.

Objective	Strategy	Performance Measure	Responsible Officer	Timeframe
Dissemination of Information which addresses Equal Opportunity and Diversity issues	Place information on staff notice boards	Audits of material on noticeboards, memos distributed and minutes of staff meetings	Chief Executive Officer	Ongoing
	Internal circulation			Ongoing
	Discussion at staff meetings			Ongoing
All staff and councillors are aware of their responsibility for Equal Opportunity and Diversity issues	Provide training and/or information sessions to all staff	Training completed within time frame	Chief Executive Officer	Include in induction checklist by all new employees
	Include Equal Opportunity and Diversity information during induction of new employees	Equal opportunity and diversity included in induction checklist		



Reviewed: October 2022

All staff and councillors are aware of their responsibility for Equal Opportunity and Diversity issues	Provide training and/or information sessions to all staff	Training completed within time frame	Chief Executive Officer	Ongoing
	Include Equal Opportunity and Diversity information during induction of new employees	Equal opportunity and diversity included in induction checklist		Include in induction checklist by all new employees

## Goal Two

Goal: Council will actively promote an environment for all staff that is free of discrimination and harassment.

Objective	Strategy	Performance Measure	Responsible Officer	Time Frame
All Council policies and practices support the application of Equal Opportunity and Diversity principles	Selection criteria to include an item on Equal Opportunity and Diversity	Audit of position descriptions	Chief Executive Officer	Ongoing
	Review of Council policies	Council policies reviewed and recommendations made if required		Review completed by July of each year
All staff have access to equity procedures	Implement an issue handling policy	Equity policy implemented	Chief Executive Officer	Ongoing
	Nominate an Equity Officer	Equity Officer nominated in policy		Ongoing

Employment of staff to be fair and equitable	Review Selection and Recruitment Manual	Audit of manual to ensure it incorporates the principles fairness and equity, and reflects current legislative requirements	Chief Executive Officer	Annually
	Provide information to interview panel members at commencement of process	Chief Executive Officer to ensure that panel members are informed and all Equal Opportunity and Diversity procedures are followed during the employment process	Chief Executive Officer	Ongoing
Staff have access to information about their rights, responsibilities and their legislative obligations to ensure that no discriminatory practices develop or are promoted	Information on Equal Opportunity and Diversity issues is readily available to all staff	Training provided to all staff on equal opportunity and diversity	Chief Executive Officer	Ongoing
	Staff are aware of contact person should they require advice or assistance regarding discrimination or harassment	Information provided in training sessions	Chief Executive Officer	Ongoing

Policy End