Shire of Coolgardie

Mother of the Goldfields

Council Policy Manual

March 2026



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Introduction

The Council of the Shire of Coolgardie has determined to develop Council Policies and the CEO to develop CEO Management Policies and Procedures to guide its direction and operations and their implementation.

This accords with the provisions of s2.7(2)(b) Local Government Act 1995 - s2.7. Role of council:
(1) The council —
(a) governs the local government's affairs; and
(b) is responsible for the performance of the local government's functions.
(2) Without limiting subsection (1), the council is to —
(a) oversee the allocation of the local government's finances and resources; and
(b) determine the local government's policies.

In addition, the Local Government Act 1995 and other Acts require, or contemplate, the development of Policies.

Policies that must be adopted by Council under various Acts include:

Local Government Act

- s5.50 Payments to employees in addition to contract or award (can be delegated to CEO under s5.42)
- s5.90A – attendance at events by Council Members and CEO
- s5.103 - Code of Conduct
- s5.127 – Professional Development of Council Members
- A procurement policy under regulation 11A of the Local Government (Functions and General) Regulations 1996

State Records Act, Freedom of Information Act 1992

- Record Keeping

In addition, Council makes policies under the Local Planning Scheme.

Council Policies are high level decisions intended to guide the decision-making processes of the Council, as the local government, and the CEO as the employer of all Shire employees, in implementing decisions of the Council, or under delegated authority (from various Acts). These Policies reflect current practices and procedures for the Shire to ensure compliance with relevant legislative and administrative requirements.

Many of the Council and Management Policies have been developed to support delegations and sub delegations contained within the Register of Delegations. Within the Register of Delegations, each instrument of delegation or sub delegation provides a link to the relevant Council or Management Policy, which serve to guide implementation.

In many cases there will also be detailed operational instructions in place to complement Policies. These may include CEO instructions and procedures, machinery operational instructions etc but

such matters are entirely administrative and procedural.

The CEO is responsible for the development and implementation of Management Policies, but this Policy Manual contains both Council and Management Policies for completeness of the record and to ensure transparency for Shire residents and ratepayers.

Management Policies cannot be amended by Council. Council Policy is over-ridden by:

- Commonwealth and State legislation and regulations,
- the Local Planning Scheme,
- Local Laws,
- Council resolutions,
- Decisions made under delegated authority (although all such decisions should comply with Council Policy).

Council Policy overrides:

- Management Policy,
- Local Government Guidelines – although these are not decisions of Council, close observance is strongly recommended,
- Operational/Administrative directions/instructions.

Council Policy is not binding on the Council, but is binding on employees, unless discretion is stated. Council Policy is to be considered as Council's standing or permanent instructions.

Policy is not required to be based in legislation but can be a stand-alone instruction of Council or the CEO. However, it cannot be inconsistent with legislation.

The Council and CEO will each review all relevant Policies on an annual basis, but when necessity requires a review to address circumstances this may also occur.

1. Council Policies – Legislative

Policy Number 1.01 Council Policy Management

Legislative Reference: s.2.7 Local Government Act 1995

Relates to: Delegation Sub Delegation NA

Policy Objective: To enable the documentation and maintenance of a record of policies adopted by Council and outline processes to be followed for their drafting and implementation.

Policy Scope: This policy details the process to follow for the setting of Council policy.

Policy Statement: s2.7 of the Local Government Act 1995 prescribes part of the role of a Council is to "determine the local governments policies"

Definition

The Act does not define the term "policy" and hence, for the purpose of this manual, it means:

A general rule, adopted by Council, which provides a key influence in the Shire's decision making, rendering direction for the day-to-day management of the subject functions within the Shire's operations.

Policies will provide for the more efficient and effective use of the Shire's resources and enable the Shire to make decisions based on the principles of equity, fairness, natural justice, transparency of decision making and good government as well as meeting statutory requirements.

Objectives of the Shire's Policies

- To provide the Shire with a record of policy decisions.
- To provide employees with guidelines in which to act in accordance with Council's direction.
- To enable employees to act promptly in accordance with Council's requirements, but without continual reference to Council.
- To enable Council Members to adequately handle enquiries from electors without undue reference to the employees or the Council.
- To enable the Shire to maintain a structured review of Council Policies and to ensure they are in keeping with statutory requirements, community needs, current trends, and circumstances.
- To enable the Community to obtain immediate advice on matters of Council Policy.

Policy Development

A Policy response will be considered where there is either complexity or lack of clarity in one or a combination of any of the following circumstances:

- Legislative requirement,
- Industry standards,

- Organisational standards,
- Strategic objective; or
- Community needs or expectation.

A Policy response will only be proposed where it can be demonstrated that the policy will deliver:

- Clarity and consistency in decision making,
- Improved efficiency and effectiveness; or
- Improved customer / community outcomes.

Where it is identified that for purposes of effectiveness, efficiency or clarity in decision making, a new policy or policy amendment may be required, it may be initiated by either:

- A Council resolution; or
- An officer report to Council.

Where Council has resolved that a policy is required to be developed, the Chief Executive Officer is to cause a Council report to be prepared that considers the range of influences on the proposed policy and includes a draft policy. Policy needs which are identified through the Shire's operations will similarly be provided to Council in a comprehensive report.

Requirements for Proposed New Policies and Major Amendment to Existing Policies

Where a new policy or substantial review of an existing policy is commenced, the following key elements will be researched and considered:

- Statutory compliance obligations,
- Industry standards, codes of practice, guidelines,
- Risk implications,
- Customer / community needs and expectations,
- Whether it effectively integrates in the Shire's operations,
- External stakeholder consultation, where determined appropriate in accordance with the Shire's Community Consultation Manual,
- Internal stakeholder consultation (including relevant senior employees and Council Members),
- Potential resource and budget implications

When the draft new policy or major amendment to existing policy has been prepared it is to be circulated to Council Members and senior employees seeking feedback over a minimum period of 21 days prior to inclusion in the Ordinary Council Meeting Agenda. Where feedback identifies improvements, these will be incorporated into the final draft presented for Council's consideration and detailed within the report to Council.

Minor Amendments to Existing Policies

Where a proposed policy amendment is considered minor and does not impact on the Substantive operation of the existing policy, then the requirements outlined in this policy do not apply and the amendment can be provided direct to Council via a report.

Policy Manual Review

Each Policy adopted is to be assessed using the following risk considerations:

- Implications of statutory requirements,
- Implications for operational effectiveness and efficiency,
- Potential for negative impact on:
  - operational activity
  - strategic objectives
  - environmental / economic factors
  - reputation
- Complex procedures or technical information; or
- Change is likely to occur

All Council policies will be reviewed at least every 2 years:

This does not, however, limit the review of individual policies during the year if identified as requiring amendment prior to the annual review date.

Amendment to and revocation of, policies shall be done in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996, with all decisions to be carried by an Absolute Majority of Council.

Responsible Department: Executive Services
Responsible Officer: CEO
Delegation link (if any): 1.17
Date First Adopted: June 2017
Review dates: May 2017, August 2019, October 2020, November 2023

Policy Number 1.02 Audit and Risk Committee – Terms of Reference

Legislative Reference: Section 5.8, Part 7 Local Government Act 1995

Relates to: Delegation Sub Delegation NA

Policy Scope: To establish Terms of Reference for the effective operation of the Audit, Risk and Improvement Committee.

Policy Statement

1.0 INTRODUCTION

1.1 The Council of the Shire of Coolgardie has established an Audit, Risk and Improvement Committee (the Committee) pursuant to Part 7 of the Local Government Act 1995 (the Act).

1.2 The Committee is established to fulfil the requirements of Local Government (Audit) Regulation 16 and provides oversight of the financial systems of the local government on behalf of the Council.

1.3 The Committee operates to assist Council to fulfil its corporate governance, stewardship, leadership, and control responsibilities in relation to financial reporting and audit, internal audit, and risk management.

1.4 The Committee is to provide guidance and assistance to the local government as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act.

1.5 The Committee shall act in accordance with the provisions of the Act, the local laws and policies of the Shire of Coolgardie and these Terms of Reference.

1.6 The Committee Members are bound to comply with the Shire of Coolgardie Code of Conduct for Council Members, Committee Members, and candidates for Election.

2.0 OBJECTIVES

The objectives of the Committee are to oversee:

2.1 The credibility and objectivity of financial reporting,

2.2 The effective management of financial and other risks and protect Council assets,

2.3 Compliance with laws and regulations as well as use of best practice guidelines relative to audit, risk management, internal control, and legislative compliance,

2.4 The provision of an effective means of communication between the external auditor, the CEO and Council,

2.5 The scope of work, objectivity, performance, and independence of the external and internal auditors; and

2.6 The process and systems which protect against fraud and improper activities.

3.0 AUTHORITY

The Committee is a formally appointed committee of the Council and is responsible to that body.

The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated authority.

The Committee does not have any management functions and cannot involve itself in management processes or procedures.

The Committee has the authority to:

3.1 Review the internal and external auditor's annual audit plans and the outcomes/results of all audits undertaken,

3.2 Request the CEO to seek information or advice in relation to matters considered by the Committee,

3.3 Formally meet with internal and external auditors as necessary,

3.4 Seek resolution on any disagreements between management and the external auditors on financial reporting; and

3.5 Make recommendations to Council with regards to matters within its scope of responsibility.

4.0 MEMBERSHIP

4.1 4.1 The Committee will consist of 6 members including the Independent Presiding Member. Membership will be reviewed biennially immediately following Local Government elections unless, by a decision of Council, an interim appointment is required.

4.2 All members shall have full voting rights. In the event of a tie, the Presiding Member must exercise a casting vote.

4.3 Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.

4.5 The membership of a member may be terminated in accordance with the Act.

4.6 The Presiding Member, and alternate Independent Presiding Member of the Committee are appointed by majority vote of the Committee.

4.7 In the Presiding Member's absence from a meeting, the alternate Independent Presiding Member will act, and if the alternate Independent Presiding Member is unable, or unwilling to act, the members of the Committee present at the meeting will select a Presiding Member for that meeting.

4.8 The CEO and employees are not members of the Committee.

4.9 The CEO and/or his/her nominee is to be available to attend meetings to provide advice and guidance to the Committee.

4.10 The Shire shall provide secretarial and administrative support to the Committee.

4.11 New committee Members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

5.0 MEETINGS

5.1 5.1 The Committee shall meet not less than two times a year. Additional meetings shall be convened at the discretion of the Presiding Member or at the request of the CEO.

5.2 The Committee meetings shall be 'Closed' and therefore not open to the public, and because it has no delegated authority from Council, there is no Public Question Time at the commencement of the meetings of the Committee.

5.3 Council Members who are not members of the Committee may attend each Committee meeting, as observers only, with no right to speak, or vote

5.4 Using electronic means:

If a Committee member is not physically present and in accordance with the Local Government (Administration) Regulations 1996 section 14 A or section 14 B, the Committee member may join the meeting using electronic means.

The Committee meeting may be held using electronic means if the circumstances of Local Government (Administration) Regulations 1996 section 14 C or section 14 D are activated.

5.5 The Committee shall report to Council in accordance with the Shire of Coolgardie Meeting Procedures Local Law.

5.6 Notice of meetings shall be given to members at least five days prior to each meeting, with the agenda papers to be provided to members not less than 72 hours prior to the meeting.

5.7 A quorum for a meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

6.0 MINUTES OF MEETINGS

6.1 The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the Shire of Coolgardie Meeting Procedures Local Law.

6.2 Where the Committee makes a recommendation to the Council, the Chief Executive Officer shall ensure that the recommendation is on the agenda of the next practicable ordinary Council meeting.

6.3 Minutes will be taken at each meeting and presented to the subsequent meeting for confirmation. Minutes will include the proceedings, resolutions of the meeting including the names of those in attendance.

6.4 The Presiding Member shall ascertain, at the beginning of each meeting, the existence of any conflicts of interest and minute them accordingly. Conflicts of Interest will be managed in accordance with the Shire of Coolgardie Code of Conduct for Council Members, Committee Members, and Candidates for election, Shire's policies and the Local Government Act 1995, and related Regulations.

6.5 Minutes of Committee meetings shall be circulated promptly to all members of the Committee.

6.6 Other than confidential papers and attachments, agendas and minutes of the Committee will be made publicly available on the Shire's website.

7.0 DELEGATED AUTHORITY TO AUDIT, RISK AND IMPROVEMENT COMMITTEE

7.1 The Audit, Risk and Improvement Committee has no delegated authority to undertake any duties on behalf of the Council, acting as the local government.

8. ROLES AND RESPONSIBILTIES

In addition to the functions listed in the Local Government Act 1995 (Local Government (Audit) Regulations 1996, section 16), the roles and responsibilities of the Committee include:

External Audits (the Auditor General will be responsible for conducting external audits):

- Provide guidance and assistance to Council as to the carrying out of the functions of the Shire in relation to external audits.
- Meet with the external auditors to discuss any matters that the Committee or the external auditors believe should be discussed.
- May meet with the auditor annually to receive the audit report and make a recommendation to Council with respect to that report.
- Examine the reports of the auditor after receiving a report from the CEO on the matters to:
- Determine if any matters raised require action to be taken by the Shire; and
    - Ensure that appropriate action is taken in respect of those matters.
- Consider and recommend adoption of the Annual Report to Council. Review any significant changes that may arise after any such recommendation but before the Annual Report is signed.
- Address issues brought to the attention of the Committee, including responding to requests from Council for advice that are within the parameters of the Committee's TOR.

Internal Audit:

- Provide guidance, support, and appropriate recommendations to Council on the appointment, and oversight of the Shire Internal Auditor.
- Provide guidance and assistance to Council as to the carrying out of the functions of the local government in relation to internal audits.
- Review and recommend the annual internal audit plan for endorsement by the Council and all major changes to the plan. Monitor that the internal auditor's annual plan is linked with and covers the material business strategic risks and themes.
- Monitor processes and practices to ensure that the independence of the internal audit function is maintained.
- Annually receive the summary of Internal Audit Auditees' satisfaction surveys.
- Review all internal audit reports and provide advice to the Council on significant issues (i.e., high, and extreme) identified in audit reports and action to be taken on issues raised,

including identification and dissemination of good practice.

- Monitor management's implementation of internal audit recommendations.
- Receive the findings of special internal audit assignments undertaken at the request of Council or CEO.
- Review the annual Compliance Audit Return and report to the Council the results of that review - Local Government Act 1995 section 7.13 (1)(i).
- Consider the CEO's Triennial Review of the appropriateness and effectiveness of the Shire's systems and procedures regarding risk management, internal control, and legislative compliance, required to be provided to the Committee, and report to the Council the results of those reviews - Local Government (Audit) Regulations 1996 reg.17.
- Oversee the process of developing and implementing the Shire's fraud control arrangements to assist Council in ensuring it has appropriate processes and systems in place to detect, capture and effectively respond to fraud and improper activities.
- Consider the financial management systems and procedures as per - s.5(2) Local Government (Financial Management) Regulations 1996 - within the statutory timeframe.
- Review all transactions on the CEO corporate credit card for compliance with legislation, and Shire Policies and procedures.

Risk Management:

- Ensure that management has in place a current and comprehensive Enterprise Risk Management Framework and associated procedures for effective identification and management of Shire's business and financial risks.
- Determine whether a sound and effective approach has been followed in managing Shire's major risks including those associated with individual projects, program implementation, and activities.
- Ensure that the Shire identifies, reviews, and regularly updates the strategic and operational risk profiles.
- Understand and endorse the Shire's risk appetite.
- Oversee the periodic review of the Risk Management Framework.

Business Continuity:

- Ensure a sound and effective approach has been followed in establishing the Shire's business continuity planning arrangements, including whether business continuity and disaster recovery plans have been periodically updated and tested.
- Oversee the periodic review of the Business Continuity Management Framework.

Financial Reporting:

- Review significant accounting and reporting issues, recent accounting, professional and

regulatory pronouncements, and legislative changes, and understand their effect on the financial report.

- Review with management and the external auditors the results of the audit, including any difficulties encountered.
- Review the Annual Financial Statements forming part of the Shire's Annual Report and consider whether it is complete, consistent with information known to Committee members, and reflects appropriate accounting principles.
- Review with management and the external auditors all matters required to be communicated to the Committee under the Australian Auditing Standards.
- Recommend the adoption of the Annual Financial Statements forming part of the Annual Report to Council.

Internal Control:

- Ensure management's approach to maintaining an effective Internal Control Framework is sound and effective.
- Ensure management has in place relevant policies and procedures, including CEO's Instructions or their equivalent, and that these are periodically reviewed and updated.
- Ensure appropriate processes are in place to assess, at least once a year, whether key policies and procedures are complied with.
- Ensure appropriate policies and supporting procedures are in place for the management and exercise of delegations.
- Review how management identifies any required changes to the design or implementation of key internal controls.

Fraud and Corruption Prevention:

- Oversee the process of developing and implementing the Shire's fraud control arrangements to assist Council in ensuring it has appropriate processes and systems in place to detect, capture and effectively respond to fraud and improper activities.
- Receive and consider information and advice presented by the CEO on the strategies and controls to manage fraud and corruption risks at the Shire.
- Provide oversight over the Shire's exposure and issues raised in relation to fraud and corruption.

Legislative Compliance:

- Oversee the effectiveness of the systems for monitoring compliance with relevant laws, regulations, and associated government policies.

Reporting Responsibilities:

- Reports and recommendations of the Committee which require presentation to Council will be presented at the next available ordinary council meeting. Additional updates may be appropriate, should issues of concern arise.

Other Responsibilities:

- Monitor the progress of the implementation of external audit recommendations made by the auditor, which have been accepted by the Shire.
- Receive recommendations arising from reviews of local government systems and procedures.
- At least once every two (2) years review and assess the adequacy of the Committee TOR, request Council approval for proposed changes, and ensure appropriate disclosure as required by legislation or regulation.
- Annually confirm that all responsibilities outlined in this TOR have been carried out.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: June 2017

Review dates: 2022, November 2023, December 2025

Policy Number 1.03 Code of Conduct for Council Members, Committee Members, Committee Members and Candidates

This Code of Conduct for Council Members, Committee Members and Candidates was adopted by Council by Absolute Majority on 24th March 2026 in accordance with section 5.104 of the Local Government Act 1995.

Division 1 — Preliminary provisions

1. Citation

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

2. Terms used

(1) In this code —

Act means the *Local Government Act 1995*;

candidate means a candidate for election as a council member;

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

publish includes to publish on a social media platform.

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

Division 2 — General principles

3. Overview of Division

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

4. Personal integrity

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

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

(c) act lawfully; and

(d) identify and appropriately manage any conflict of interest; and

(e) avoid damage to the reputation of the local government.

(2) A council member or committee member should —

(a) act in accordance with the trust placed in council members and committee members; and

(b) participate in decision-making in an honest, fair, impartial and timely manner; and

(c) actively seek out and engage in training and development opportunities to improve the performance of their role; and

(d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

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

(a) treat others with respect, courtesy and fairness; and

(b) respect and value diversity in the community.

(2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. Accountability

A council member or committee member should —

(a) base decisions on relevant and factually correct information; and

(b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and

(c) read all agenda papers given to them in relation to council or committee meetings; and

(d) be open and accountable to, and represent, the community in the district.

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

(a) requirements relating to the behaviour of council members, committee members and candidates; and

(b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

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

(a) must ensure that their use of social media and other forms of communication complies with this code; and

(b) must only publish material that is factually correct.

(2) A council member or committee member —

(a) must not be impaired by alcohol or drugs in the performance of their official duties; and

(b) must comply with all policies, procedures and resolutions of the local government.

9. Relationship with others

A council member, committee member or candidate —

(a) must not bully or harass another person in any way; and

(b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and

(c) must not use offensive or derogatory language when referring to another person; and

(d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and

(e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

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

(a) must not act in an abusive or threatening manner towards another person; and

(b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and

(c) must not repeatedly disrupt the meeting; and

(d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and

(e) must comply with any direction given by the person presiding at the meeting; and

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

11. Complaint about alleged breach

(1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.

(2) A complaint must be made —

(a) in writing in the form approved by the local government; and

(b) to a person authorised under subclause (3); and

(c) within 1 month after the occurrence of the alleged breach.

(3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

12. Dealing with complaint

(1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.

(2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.

(3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.

(4) If the local government makes a finding that the alleged breach has occurred, the local government may —

(a) take no further action; or

(b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

(5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.

(6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —

(a) engage in mediation;

(b) undertake counselling;

(c) undertake training;

(d) take other action the local government considers appropriate.

(7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —

(a) its finding and the reasons for its finding; and

(b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

(1) The local government must dismiss a complaint if it is satisfied that —

(a) the behaviour to which the complaint relates occurred at a council or committee meeting; and

(b) either —

(i) the behaviour was dealt with by the person presiding at the meeting; or

(ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.

(2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

14. Withdrawal of complaint

(1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.

(2) The withdrawal of a complaint must be —

(a) in writing; and

(b) given to a person authorised under clause 11(3).

14A. Appointment of monitor

(1) The Inspector may appoint a monitor for the local government to assist the local government to deal with matters raised by a complaint.

(2) If the Inspector appoints a monitor —

(a) the Inspector may direct the local government to defer further dealing with the complaint until the monitor reports to the Inspector on the outcome of the monitoring assignment; and

(b) the local government must comply with the direction.

[Clause 14A inserted: SL 2025/208 r. 45.]

14B. Performance of local government's functions under cl. 12 and 13

(1) The local government's functions under clauses 12 and 13 must be performed by the council.

(2) Despite subclause (1), the council may, by resolution carried with an absolute majority of the council, authorise a committee of the council comprising council members only to perform a function for and on behalf of the local government.

(3) Despite subclause (1), the council may, by resolution carried with an absolute majority of the council, authorise a person who is none of the following to perform a function for and on behalf of the local government —

(a) a member of the council of any local government;

(b) a member of the governing body of any regional subsidiary;

(c) an employee of any local government or regional subsidiary;

(d) an employee of WALGA or the Local Government Professionals Australia (WA);

(e) a member of the governing body of, or an employee of, a body corporate the activities of which are, wholly or partly, advocating or otherwise acting for, or on behalf of, 1 or more of the following —

(i) local governments;

(ii) members of councils;

(iii) employees of local governments.

(4) A resolution made under subclause (3) must include the following —

(a) a statement to the effect that the council is satisfied that the person being authorised is suitably qualified and experienced to perform the function;

(b) an explanation as to why the council is satisfied as referred to in paragraph (a);

(c) a statement to the effect that the council is satisfied that the person being authorised is impartial and has no close association with any member of the council or any employee of the local government.

(5) Nothing in this clause prevents an employee of the local government from providing, in relation to the performance of a function, any advice or other assistance to the council, a committee authorised under subclause (2) or a person authorised under subclause (3).

[Clause 14B inserted: SL 2025/208 r. 45.]

15. Other provisions about complaints

(1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.

(2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

Division 4 — Rules of conduct

Notes for this Division:

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

16. Overview of Division

(1) This Division sets out rules of conduct for council members and candidates.

(2) A reference in this Division to a council member includes a council member when acting as a committee member.

17. Misuse of local government resources

(1) In this clause —

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

resources of a local government includes —

(a) local government property; and

(b) services provided, or paid for, by a local government.

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

18. Securing personal advantage or disadvantaging others

(1) A council member must not make improper use of their office —

(a) to gain, directly or indirectly, an advantage for the council member or any other person; or

(b) to cause detriment to the local government or any other person.

(2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

19. Prohibition against involvement in administration

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

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

20. Relationship with local government employees

(1) In this clause —

local government employee means a person —

(a) employed by a local government under section 5.36(1) of the Act; or

(b) engaged by a local government under a contract for services.

(2) A council member or candidate must not —

(a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or

(b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or

(c) act in an abusive or threatening manner towards a local government employee.

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

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

(a) make a statement that a local government employee is incompetent or dishonest; or

(b) use an offensive or objectionable expression when referring to a local government employee.

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

21. Disclosure of information

(1) In this clause —

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

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

document includes a part of a document;

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

(2) A council member must not disclose information that the council member —

(a) derived from a confidential document; or

(b) acquired at a closed meeting other than information derived from a non-confidential document.

(3) Subclause (2) does not prevent a council member from disclosing information —

(a) at a closed meeting; or

(b) to the extent specified by the council and subject to such other conditions as the council determines; or

(c) that is already in the public domain; or

(d) to an officer of the Department; or

(e) to the Minister; or

(f) to a legal practitioner for the purpose of obtaining legal advice; or

(g) if the disclosure is required or permitted by law.

22. Disclosure of interests

(1) In this clause —

interest —

(a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and

(b) includes an interest arising from kinship, friendship or membership of an association.

(2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —

(a) in a written notice given to the CEO before the meeting; or

(b) at the meeting immediately before the matter is discussed.

(3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.

(4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —

(a) that they had an interest in the matter; or

(b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.

(5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —

(a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and

(b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.

(6) Subclause (7) applies in relation to an interest if —

(a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or

(b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.

(7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

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

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any): 1.17

Date First Adopted: February 2021

Review dates: November 2023, March 2026

Policy Number 1.04 Council Code of Conduct Division 3 Complaint Handling

Policy Objective

To establish, in accordance with Clause 15(2) of Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021 and Shire of Coolgardie Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct), the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Code of Conduct.

Definitions

Act means the Local Government Act 1995

Behaviour Complaints Officer for the purposes of Division 3 of the Code, means:

- the Shire President for dealing with complaints about Council Members or candidates for elections that become Council Members but excluding those made by the Shire President,
- the Deputy President for dealing with complaints made by the President excluding those made about the Deputy President,
- the Deputy President for dealing with complaints about the President,
- the CEO for referral to Council, for complaints about the Deputy President made by the President,
- the CEO for complaints made jointly by the President and Deputy President or made about the President and Deputy President.
- The Behavioural Complaints Officer performs administrative and procedural functions in managing complaints and may appoint a Complaint Assessor or Investigator or refer a complaint to the Local Government Inspector where appropriate.

Behavioural breaches

Section 8A.2

A behavioural breach occurs when a council member fails to meet the behavioural standards set out in their local government's adopted code of conduct.

The Code must incorporate the model code prescribed in the Local Government (Model Code of Conduct) Regulations 2021 which outlines behavioural expectations in three key areas:

- personal integrity
- relationships with others
- council or committee meetings.

Local governments may also include additional requirements, provided they align with

the model code.

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

Candidate means a candidate for election as a Council Member, whose nomination has been accepted by the Returning Officer under s.4.49 of the Act but does not include a Council Member who has nominated for re-election.

A person is a Candidate from the date on which their nomination is accepted, until the Returning Officer declares the election result in accordance with s.4.77 of the Act.

Candidate Complaint means a Complaint alleging a Breach by a Candidate

Code of Conduct means the Code of Conduct for Council Members, Committee Members and Candidates adopted by the Shire of Coolgardie.

Committee Member - includes any Council Member, local government employee or unelected member of the community, in any of those cases, who has been appointed by the council to be a member of a council committee.

Complaint means a complaint made under clause 11(1) of the Code of Conduct

Complainant means a person complaining of a behaviour breach by a Council or Committee Member of the Shire or a candidate.

Complaint Assessor means a person appointed by the Behaviour Complaints Officer in accordance with this Policy.

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

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

Conduct breaches and recurrent breaches

Section 8A.3

A council member commits a conduct breach if they:

- contravene a rule of conduct in the model code of conduct prescribed in the Local Government (Model Code of Conduct) Regulations 2021.
- violate a local law made under the Act relating to conduct at council or committee meetings.

The rules of conduct include:

- misuse of local government resources
- securing personal advantage or disadvantaging others
- prohibition against involvement in administration
- relationship with local government employees
- disclosure of information
- disclosure of interests
- compliance with plan requirement.

A recurrent breach happens when a council member commits a conduct breach after already being found to have committed two or more previous conduct breaches.

Council means the Council of the Shire of Coolgardie.

Council Member means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act.

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

Evidence means the available facts or information which go to indicate whether or not an allegation of a breach is true or valid. Local governments must use evidence provided by the complainant and by the person to whom the complaint relates, as well as any other available evidence, to decide whether a breach has occurred.

Finding means a finding made in accordance with clause 12(1) of the Code of Conduct as to whether the alleged Breach has or has not occurred.

Local Government Inspector Local Government Inspector means a person appointed under the Local Government Act 1995 to perform functions relating to the investigation or assessment of complaints about elected member conduct, including behaviour breaches under the Local Government (Model Code of Conduct) regulations 2021.

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

Report means the report for the council of the outcome of the investigation of a Complaint dealing with the following:

1. whether or not the Investigator considers that the behaviour the subject of the Complaint has occurred,
2. the evidence relied on by the Investigator under clause 12(3) of the Code for that conclusion; and
3. a recommendation as to whether no further action should be taken on the Complaint, or as to the terms of the plan under clause 12(4)(b) of the Code.

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

Other terms used in this Policy that are also used in the LG Act have the same meanings as they have in the Act unless the contrary intention appears.

Specified breaches

Section 8A.4

A council member who commits a specified offence commits a specified breach. A specified offence is:

- an offence under a provision listed in Schedule 8A.1 of the Act.

- an offence under a written law, other than a local law, that is prescribed by regulations as a specified offence.

A list of all specified offences is available on the Inspector's website - www.wa.gov.au/organisation/local-government-inspector/information-and-guidance

Procedural fairness

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

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

Any person involved in the assessment or investigation of a complaint must disclose any actual, potential or perceived conflict of interest and must not participate in the decision-making process where such a conflict exists.

Decision Making Responsibility

The determination of behaviour breach complaints will occur in accordance with the Model Code of Conduct.

Depending on the circumstances, a complaint may be:

- assessed and determined by the Behaviour Complaints Officer;
- investigated and determined by a Complaint Assessor or Investigator appointed by the Behaviour Complaints Officer, or
- referred to the Local Government Inspector for assessment and determination.

Council will not determine whether a behaviour breach has occurred in relation to one of its members except where required to consider or implement an action plan following a determination.

Accessibility

The Shire of Coolgardie will ensure that information on how to make a complaint, including this Policy, is available at the Shire of Coolgardie's Administration Buildings and on the Shire's website.

The Shire of Coolgardie will make information available in alternative formats if requested.

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

Making a complaint

Complaint Assessor

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

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

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

Initiating a Complaint

- Any person may make a Complaint alleging a behaviour breach.
- A Complaint must be in writing on the Shire's approved form – 'Complaint About Alleged Behaviour Breach form'.
- The complainant must lodge the Complaint with the Shire's Behaviour Complaints Officer.
- The complainant must provide with the Complaint, details of the alleged behaviour breach together with any supporting evidence.
- The Complaint must be lodged within one month of the occurrence of the alleged behaviour breach.
- A Complaint must be submitted by the complainant.

A Complaint is required to include the name and contact details of the Complainant therefore anonymous complaints cannot be accepted.

Where a Complaint Form omits required details, the Behaviour Complaints Officer will invite the Complainant to provide this information for the Complaint to be progressed.

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

The Behaviour Complaints Officer may provide any Complaint to the Investigator.

Notice to Complainant

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

(i) confirms receipt of the Complaint;

(ii) outlines the process that will be followed and possible outcomes;

(iii) explains the application of confidentiality to the complaint; and

(iv) includes a copy of this Policy.

Notice to Respondent

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

(i) advises that a Complaint has been made in accordance with the Code and this Policy,

(ii) includes a final copy of the Complaint Documents,

(iii) outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes; and

(iv) includes a copy of this Policy.

Order of Complaints

Complaints will normally be dealt with in the order in which they are received.

If more than one Complaint is received that relates to the same alleged behaviour, the Officer may decide to progress those Complaints concurrently.

Complaints about Candidates

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

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

(i) to the Complainant confirming receipt, and advising of the procedure for candidate complaints; and

(ii) to the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints.

No action will be taken until the results of the election are declared by the Returning Officer.

If the respondent is elected, then the complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date.

If the Respondent is not elected, the Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with [clause 15(1) of the Code of Conduct]

Alternative Dispute Resolution

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

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

To commence the process, the Behaviour Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Alternative Dispute Resolution.

If both parties agree to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will pause the formal process.

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

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

If Alternative Dispute Resolution is commenced, both the Complainant and Respondent may decline to proceed with the process at any time.

The process may also be terminated on the advice of a third party who is helping the Local Government, such as a facilitator or mediator.

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

Fees and Costs in the complaints process

a) No fee is payable to lodge a Complaint under this Policy.

b) The Investigator or a mediator appointed pursuant to the Policy may charge the Shire a fee to cover the costs of dealing with the Complaint whether a breach is ultimately found.

c) Any fee charged by an Investigator or a mediator, is to be based on the time spent in connection with the Complaint and may be established in advance on a quotation or otherwise in accordance with the Shire's procurement/purchasing policies.

Dealing with Complaints

a) The Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under this Policy. The Complaint Assessor must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions or drafting the Complaint Report or recommendations.

b) Search of Local Government Records

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

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

- the behaviour occurred at a Council or Committee Meeting,
- the behaviour was dealt with by the person presiding at the meeting, and/or
- the Respondent has taken remedial action in accordance with the Shire of Coolgardie

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

Mediation

The Investigator must offer mediation to both parties as the first option for dealing with a Complaint and before progressing with the consideration or determination of the Complaint.

If issues raised in the Complaint are resolved to the satisfaction of both parties in mediation and otherwise before the determination of the Complaint, the complainant must lodge a Withdrawal of Complaint in writing with the Behaviour Complaints Officer.

Assessment and Determination of Complaint.

Before deciding in relation to a Complaint, the Investigator must provide the Council Member or Committee Member to whom the Complaint relates with an opportunity to respond to the allegations in the Complaint and to provide their own comments and evidence for consideration within 14 days of the notification of the Complaint to them by the Behaviour Complaints Officer.

After considering a Complaint, the Investigator or Complaint Assessor must determine whether the alleged behaviour occurred or whether the matter should be referred to the Local Government Inspector for external assessment and determination.

The determination must be made within 21 days:

a) from receiving a Complaint from the Behaviour Complaints Officer; or

b) from receiving a copy of the response to the allegations by the person to whom the Complaint relates, whichever is the latter.

A determination by the Investigator that the alleged behaviour breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.

Having decided on the alleged behaviour breach, the Investigator must inform the Behaviour Complaints Officer by providing a determination and reasons for it in a Determination and Reasons Report (Report).

The Report must be provided to the Behaviour Complaints Officer within 14 days of making the determination.

The Behaviour Complaints Officer may also refer the Report and supporting material to the Local Government Inspector where the matter is considered appropriate for external review or determination.

If the Investigator decides that the alleged breach has occurred, the Report must make a recommendation if further action is required and make a recommendation on the plan to address the behaviour of the person to whom the Complaint relates (action plan).

The Investigator may recommend to the Behaviour Complaints Officer to recommend that Council dismiss a Complaint in accordance with clause 13 of the Code, and if the Investigator concludes that the behaviour the subject of the Complaint is an offence under a local law that deals with meeting procedures, the Complaint should not be dealt with further as a behaviour breach but should be referred to the Behaviour Complaints Officer.

The Investigator's deliberations and determination are to be confidential and reported only to the Behaviour Complaints Officer, but subject to any consultation with the person to whom the Complaint relates under the following clause.

Complaint Report

The Complaint Assessor will prepare a Complaint Report that will:

- outline the process followed, including how the Respondent was provided with an opportunity to be heard,
- include the Complaint Documents, the Response Documents, and any relevant Local Government Records as attachments; and
- include recommendations on each decision that may be made by the Complaints Committee; and
- include reasons for each recommendation, with reference to this Policy.

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

The Complaint Assessor will liaise with the Behaviour Complaints Officer to include the Complaint Report in the Agenda for a meeting of the Complaints Committee.

The Behaviour Complaints Officer will be responsible for preparation of an Officer Report with the Complaint Report provided as a confidential attachment.

The recommendations of the Complaint Report will be provided as the Officer Recommendations.

Action Plans

The Proposed Plan should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.

The Proposed Plan may also outline:

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

When preparing an action plan under this Policy, the Investigator must consult with the person to whom the Complaint relates.

The Council or Committee Member must be provided with the opportunity to be involved in matters such as the timing of meetings or training.

An action plan may include a requirement for the person to whom the Complaint relates to do one or more of the following –

a) engage in mediation,

b) undertake counselling,

c) undertake training; or

d) take other actions the local government considers appropriate.

An action plan should be designed to provide the Council or Committee Member with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives.

The plan should outline:

a) the behaviour(s) of concern,

b) the actions to be taken to address the behaviour(s),

c) who is responsible for the actions; and

d) an agreed timeframe for the actions to be completed.

Report to Council (Where required)

Council does not determine whether a behaviour breach has occurred unless the matter is specifically required to be considered by Council under the Code of Conduct.

Council's role is limited to considering any recommended action plan or organizational response following determination.

The Behaviour Complaints Officer must provide a confidential report to council including:

- a copy of the Complaint,
- the Report of the Investigator together with the evidence received by the Investigator and any submissions or other communications from the parties,
- a recommendation on the question whether a behaviour breach has occurred,
- a recommendation as to whether any and if so, what further action is required; and
- if further action is required, a recommendation must be provided to the council on an action plan to address the behaviour of the person to whom the Complaint relates.

Council Consideration of Outcome

Where a determination has been made that a behaviour breach has occurred, Council may be requested to consider and support the implementation of an action plan recommended by the Investigator or Complaint Assessor.

Council must not participate in determining whether a behaviour breach has occurred unless required by legislation.

This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a breach of a requirement of Division 3 of the Code of Conduct.

The council must not make a finding that a behaviour breach has occurred without first having given the person to whom the Complaint relates a reasonable opportunity to be heard.

A finding that the alleged behaviour breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.

If the council makes a finding that the alleged breach has occurred, it may resolve to –

a) take no further action; or

b) prepare and implement an action plan recommended by the Investigator with or without modifications as it thinks fit.

Based on the Investigator's Report, the evidence and any further comments or submissions by the parties, the council may:

a) dismiss the Complaint in accordance with this Policy; or

b) find that the alleged breach has occurred; or

c) find that the alleged breach has not occurred; or

d) if the finding is that the breach has occurred, decide that no further action is required; or

e) if the finding is that a breach has occurred, decide that further action is required and consider the adoption of an action plan; or

f) adopt an action plan to address the behaviour of the person to whom the Complaint relates.

If the council makes a finding that the alleged breach has occurred, it must give reasons for that finding.

Behaviour Complaints Officer acting on Council finding.

When the council makes a finding in relation to a Complaint, the Behaviour Complaints Officer must give the complainant and the person to whom the Complaint relates written notice of –

a) the finding and the reasons for the finding; and

b) if the finding is that the alleged breach has occurred, council's decision on the course of action to be taken including the options in clauses outlined above

Referral to Inspector

The Behaviour Complaints Officer may refer a complaint or investigation material to the Local Government Inspector where:

- the complaint raises broader governance concerns;
- the complaint may be more appropriately dealt with externally;
- a conflict of interest or perceived bias may exist in local assessment; or
- guidance or intervention from the department responsible for local government is required.

Confidentiality of Complaints

The fact of a Complaint having been made and the details of a Complaint and the processes undertaken in connection with a Complaint including the referral to an Investigator are confidential matters and should not be disclosed unless and until the council has made a formal finding of breach in respect of the Complaint.

The Shire of Coolgardie will take all reasonable steps to maintain confidentiality when dealing with the Complaint, to protect both the Complainant and Respondent.

Council Members, Local Government employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role.

They must manage this information securely and must not disclose or inappropriately use this information.

Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

Dismissal of Complaint

The council must dismiss a Complaint where:

a) the behaviour occurred at a council or committee meeting, and the behaviour was dealt with at that meeting; and

b) either:

the behaviour was dealt with by the person presiding at the meeting; or

a) the person responsible for the behaviour has taken remedial action in accordance with the local law of the local government that deals with meeting procedures.

b) In any event behaviour that is an offence under a local law that deals with meeting procedures cannot be dealt with as a behaviour breach.

Withdrawal of Complaint

A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint.

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

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

Compliance with Plan requirement

The Behaviour Complaints Officer is to monitor the actions in timeframes set out in an action plan.

Should the Councillor not comply with the plan within the specified timeframe, the Chief Executive Officer is to refer the matter to the Local Government Inspector as a breach of regulation 23 of the Local Government (Model Code of Conduct) Regulations 2021.The Behaviour Complaints Officer must provide a report advising Council of any failure to comply with a requirement included in a Plan.

Restricting communication with a complainant

The purpose of the Shire's Code of Conduct is to guide the decisions, actions and behaviours of Council Members, Committee Members, and candidates for election as a Council Member.

The objective of this Policy is to deal with matters relating to breaches of the behaviour requirements in Division 3 of the Code of Conduct, and all Complaints under this Policy should be made with that objective in mind.

Consequently, Complaints such as the following are inappropriate to be dealt with under this Policy:

a) Complaints made with the intent of addressing personal grievances or disagreements,

b) Complaints made to express dissatisfaction with a Council or Committee Member's lawfully made decisions or performance of their role,

c) Conduct breaches under Division 4 of the Code of Conduct,

d) Conduct breaches, or recurrent behavioural breaches ; and

e) Allegations of corruption (which should be referred to the WA Police, or the CCC).

Vexatious or unreasonable persistence complaints

Under certain circumstances, a local government Chief Executive Officer (CEO) may determine that the local government will no longer communicate with a complainant regarding a specific complaint or category of complaints.

This decision may be made if:

- the local government has previously responded to the complainant about the same issue; or
- the complaint is assessed as vexatious, misconceived, frivolous, or lacking substance.

In either case, the CEO must be satisfied that continuing to respond would divert an unreasonable proportion of the local government's resources from its other operations.

The decision to restrict communication cannot be applied to a council member or a committee member.

Issuing a notice of restricted communication

If a CEO decides to restrict communication, they must issue a formal notice to the complainant using a letter template approved by the Local Government Inspector. The notice must include:

- the decision to restrict communication
- the subject matter or category of subject matter to which the decision applies
- the duration of the restriction (not exceeding 12 months from the date of the notice)
- a summary of the local government's previous response to the complainant (if applicable)
- the reasons why the complaint is considered vexatious, misconceived, frivolous, or without substance (if applicable)
- reasons why responding would unreasonably impact the local government's operations
- information on how the complainant can lodge a complaint with the Inspector regarding the CEO's decision.

Related Sources

www.wa.gov.au/system/files/2025-12/breach_complaints_guideline.pdf

Local Government Act 1995 - Part 5, Division 9; Part 8A

Local Government (Local Government Inspector) Regulations 2025 - Part 2

Local Government (Model Code of Conduct) Regulations 2021 - r. 3A, Schedule 1

Shire of Coolgardie Code of Conduct for Council Members, Committee Members and Candidates for election

Guidelines on Complaint Handling (Ombudsman Western Australia) January 2017 AS/NZS 10002-2014 Guidelines for Complaint Management in Organizations

Responsible Department: Executive Services
Responsible Officer: CEO
Delegation link (if any):
Date First Adopted: May 2021
Review dates: November 2023, March 2026

Policy Number 1.05 Investment of Surplus Funds

Legislative Reference: s.6.14 (and others) Local Government Act 1995 and Regulations

Relates to: Delegation 1.20 Sub Delegation 1.20a

Policy Objective:

- To take a conservative approach to investments, but with a focus to add value through prudent investment of funds.
- To have investment funds achieve a return consistent with the BBSW (90-day average) rate and/or UBSWA 90-day Bank Bill Index.
- To achieve a high level of security for the overall portfolio by using recognised rating criteria.
- To maintain an adequate level of diversification
- To have ready access to funds for day-to-day requirements, without penalty

Policy Scope:

This policy applies to investments made by the Shire of Coolgardie employees in accordance with the requirements of s143 of the Local Government Act.

Policy Statement:

Statutory Compliance

All investments are to be made in compliance with:

- Local Government Act 1995 – s6.14
- Trustees Act 1962 – Part III Investments as amended by the Trustees Amendment Act 1977.
- r19c Local Government (Financial Management) Regulations 1996

Delegated Authority

The Chief Executive Officer is delegated the authority to make investment decisions and sign investment lodgements and withdrawals. Pursuant to the provisions of s5.44 of the Local Government Act 1995, this authority may be delegated to Shire employees.

Approved Institutions

Investments shall be made with institutions which meet this policy's guidelines on diversification and credit risk.

Authorised Investments

Authorised investments shall include but not necessarily be limited to:

- Fixed and floating rate interest bearing deposits/securities issued by Authorised Deposit

taking Institutions (ADI's) as authorised by the Australian Prudential Regulation Authority (APRA), including Fixed and Floating Rate securities,

- State/Commonwealth Government Bonds,
- Mortgage and Asset Backed Securities with a credit rating of "AA- "or better.

Risk Profile

When exercising the power of investment, the following are to be given consideration:

- The purpose of the investment, and its needs together with the circumstances.
- The nature of and the risk associated with the different investments.
- The need to maintain the real value of capital and income.
- The risk of capital loss or income loss.
- The likely income returns and the timing of that return.
- The liquidity and the marketability of the proposed investment during, and at the determination of the term of the proposed investment.
- The aggregate value of the investment.
- The likelihood of inflation affecting the value of the proposed investment.
- The costs (including commissions, fees, charges, and duties payable) of making the proposed investment.

Investment Guidelines

Council's Direct Investments

Quotations on Investments

- Not less than three (3) quotations shall be obtained from authorised institutions whenever an investment is proposed. The best quote on the day will be successful after allowing for administrative and banking costs, as well as having regard to the limits set above.
- Term to maturity
- Fixed rate investments up to one (1) year.
- ADI floating rate investments of more than one (1) year to legal maturity, subject to the investments having the capacity to be able to be sold at any time before maturity.
- Investment grade mortgage/asset-based securities up to five (2) years. Liquidity
- At least 35% of the total investment portfolio must be liquefiable within 10 days. Cash flow must be monitored daily to ensure cash funds are available to meet commitments.

General Policy Guidelines

Restrictions on investments are per the regulations imposed by r19c Local Government (Financial Management) Regulations 1996.

Diversification/Credit Risk

The amount invested with any one financial institution or managed fund should not exceed the following percentages of average annual funds invested. When placing investments, consideration should be given to the relationship between credit rating and return.

Long Term Rating (Standard & Poors)	**Short Term Rating (Standard & Poors)**	**Direct Investments Maximum % with any one institution**	**Maximum % of Total Portfolio**
AAA Category	A1+	75%	100%
AA Category	A1+	75%	100%
A Category	A1	25%	80%

Credit Ratings

If any of the funds/securities are downgraded such that they no longer fall within the Shire's investment policy guidelines, they will be divested as soon as practicable.

The Short term (0-365 days) rating (as defined by Standard & Poors Australian Ratings) is:

A1+	Extremely strong degree of safety regarding timely payment
A1	A strong degree of safety for timely payment

The long-term rating is:

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

Benchmarks

Investment	**Performance Benchmark**
Cash, Cash Plus or equivalent and Direct Investments	UBSWA Bank Bill Index & BBSW Rate

Reporting

- Documentary evidence must be held for each investment and details thereof maintained in an Investment Registrar.
- Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Shire's behalf as at 30th June each year and reconciled to the Investment Registrar.

- All investments to be shown separately in the cash and cash equivalent note in the Financial Report presented to Council each month.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any): 1.20

Date First Adopted: October 2013

Review dates: May 2017, 30 April 2019, August 2019, October 2020, November 2023

Policy Number 1.06 Procurement and Purchasing

Legislative Reference: s6.5, s6.8(1)(c) (and others) Local Government Act 1995 and Regulations

Relates to: Delegation 1.2.15, 1.2.16, 1.2.17, 1.2.18, 1.2.19.

Sub Delegation 1.2.15, 1.2.16, 1.2.17, 1.2.18, 1.2.19

Policy Objectives:

The Shire of Coolgardie is committed to the principles of transparency, probity, and good governance with the procurement of goods, services and works to deliver a best practice approach to procurement procedures and to align with the Shire's strategic and operational objectives.

Acting always within the legislative requirements of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996. Procurement practices and processes defined within this policy are to be complied with throughout the Shire.

For the avoidance of doubt, this Policy is the purchasing policy referred to in the Local Government (Functions and General) Regulations 1996, Part 4, Reg 11A.

All purchasing activities will:

- Comply with s6.5(a) of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996, other relevant legislation, Codes of Practice, Standards and the Shire's Policies and procedures,
- Ensure consistency of all purchasing activities across all operational areas,
- Contribute to the efficient and effective operation of the Coolgardie Shire,
- Eliminate probity risk by providing consistent and demonstrated processes that promote openness, fairness, transparency, and equity to all potential suppliers,
- Ensure the best value for money is achieved through design, construction, maintenance and replacement of new and existing infrastructure and plant asset that considers sustainable benefits, such as environmental, social, and local economic factors,
- Foster economic development by maximizing participation of local businesses in the delivery of goods and services,
- Use consistent, efficient, and accountable purchasing processes and decision-making, including competitive quotation processes, assessment of best value for money and sustainable procurement outcomes for all purchasing activity, including tender exempt arrangements,
- Apply fair and equitable competitive purchasing processes that engage potential suppliers impartially, honestly, and consistently,
- Commit to probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest,
- Ensure purchasing outcomes contribute to efficiencies (time and resources) for the Shire,

- Identify and manage risks arising from purchasing processes and purchasing outcomes in accordance with the Shire's Risk Management framework,
- Ensure records evidence purchasing activities in accordance with the State Records Act 2000 and the Shire's Record Keeping Plan,
- Ensure confidentiality that protects commercial-in-confidence information and only releases information where appropriately approved.

Policy Scope:

This Policy applies to all purchases made under proper authority on behalf of the Shire of Coolgardie.

Policy Statement:

The purchasing or procurement of goods and services by or on behalf of the Shire shall be conducted in accordance with the following principles, wherever possible, and practicable to do so:

- Principle 1 – Socially Sustainable Procurement - Aboriginal Business and Australian Disability Enterprises,
- Principle 2 – Sustainable Procurement,
- Principle 3 – Act fairly,
- Principle 4 – Value for money; and
- Principle 5 – Local economic benefit.

1. Value for money

Value for Money is a key concept that guides all purchasing and procurement decision making.

Value for money is an overarching principle governing the procurement of goods and services and underpins the Shire's purchasing activities.

Value for money is the achievement of the best possible outcomes for the total cost of ownership (or whole of life cost), it does not necessarily mean selecting the lowest price response.

Value for Money is determined when the consideration of price, risk and quantitate factors that are assessed to determine the most advantageous outcome to be achieved for the Shire of Coolgardie.

Procurement decisions will be made with greater consideration than obtaining the lowest price, with consideration given to incorporate qualitative and risk factors into the decision.

1.1 Assessing Value for Money

Value for money assessment will consider:

(a) All relevant Total Costs of Ownership (TCO) and benefits including transaction costs associated with acquisition, delivery, distribution, and other costs such as, but not limited to holding costs, consumables, deployment, training, maintenance, and disposal,

(b) The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality.

This includes but is not limited to an assessment of compliances, the supplier's resource availability, capacity, and capability, value-adds offered, warranties, guarantees, repair and replacement policies and response times, ease of inspection and maintenance, ease of after sales service, ease of communications, etc.,

(c) The supplier's financial viability and capacity to supply without the risk of default, including the competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history,

(d) A strong element of competition by obtaining enough competitive quotations consistent with this Policy, where practicable,

(e) The safety requirements and standards associated with both the product design and the specification offered by suppliers and the evaluation of risk arising from the supply, operation, and maintenance,

(f) The environmental, economic, and social benefits arising from the goods, services or works required, including consideration of these benefits regarding the supplier's operations, in accordance with this Policy and any other relevant Shire Policies, including, and,

(g) Analysis and management of risks and opportunities that may be associated with the purchasing activity, potential supplier/s and the goods or services required.

2. Purchasing Thresholds and Practices

Unless by Council resolution, or by requirement of legislation, the following minimum guidelines for inviting quotes prior to the procurement of any goods or services will be adhered to by all employees.

2.1 Defining the Purchasing Value

The Shire will apply reasonable and consistent methodologies to assess and determine Purchasing Values, which ensure:

(a) The appropriate purchasing threshold and practice is applied in all purchasing activities and,

(b) Wherever possible, purchasing activity for the same category of supply is aggregated into single contract arrangements to achieve the best value and efficiency in future purchasing activities where the requirements can be provided by a single supplier.

A category of supply can be defined as groupings of similar goods or services with common supply and demand drivers; market characteristics; or suppliers.

2.2 Strategic Purchasing Value Assessments

The Shire will periodically review recent past purchasing activity across its operations to identify categories of supply for which the Shire will have continuing need, and which can be aggregated into single contract arrangements to achieve best value for money and efficiency in future purchasing activity.

The assessment of aggregated expenditure for the same category of supply capable of being supplied by a single supplier will determine the Purchasing Value threshold applicable to future purchasing activity.

2.3 Individual Purchasing Value Assessments

In any case, where there is no relevant current contract, each purchasing activity is to assess the Purchasing Value based upon the following considerations:

(a) Exclusive of Goods and Services Tax (GST); and

(b) The estimated total expenditure for the proposed supply including the value of all contract extension options and where applicable, the total cost of ownership considerations.

(c) The appropriate length of a contract is to be determined based on market volatility, ongoing nature of supply, historical purchasing evidence and estimated future purchasing requirements.

(d) Requirements must not be split to avoid purchasing or tendering thresholds [F&G Reg.12].

The calculated estimated Purchasing Value will determine the applicable threshold and purchasing practice to be undertaken.

2.4 Table of Purchasing Thresholds and Practices

2.4.1 Supplier Order of Priority

The Shire will consider and apply, where applicable, the following Supplier Order of Priority:

Priority 1	Existing Prequalified Supplier Panel or another Contract Current contracts, including a Panel of Prequalified Suppliers or contracted supplier, must be used where the Shire's supply requirements can be met through the existing contract. If the Shire does not have a current contract relevant to the required supply, then a relevant WALGA PSA is to be used.
Priority 2	Local Suppliers Where the Purchasing Value does not exceed the tender threshold and a relevant local supplier can provide the required supply, the Shire will ensure that wherever possible quotations are obtained from local suppliers permanently located within the District as a priority, and those permanently located within surrounding Districts as the second priority. If no relevant local supplier is available, then a relevant WALGA PSA may be used.
Priority 3	Tender Exempt - WALGA Preferred Supplier Arrangement (PSA) Use a relevant WALGA PSA regardless of whether the Purchasing Value will exceed the tender threshold. However, if a relevant PSA exists but an alternative supplier is considered to provide best value, then the CEO, or an officer authorised by the CEO, must approve the alternative supplier. Reasons for not using a PSA may include: i. Local supplier availability (that are not within the PSA); or, ii. Social procurement – preference to use Aboriginal business or Disability Enterprise. If no relevant WALGA PSA is available, then a relevant State Government CUA may be used.
Priority 4	Tender Exempt - WA State Government Common Use Arrangement (CUA)

	Use a relevant CUA regardless of whether the Purchasing Value will exceed the tender threshold. However, if a relevant CUA exists, but an alternative supplier is considered to provide best value for money, then the proposed alternative supplier must be approved by the CEO, or an officer authorised by the CEO. If no relevant CUA is available, then a Tender Exempt [F&G Reg.11(2)] arrangement may be used.
Priority 5	Other Tender Exempt arrangement [F&G Reg. 11(2)] Regardless of whether the Purchasing Value will exceed the tender threshold, the Shire will investigate and seek quotations from tender exempt suppliers and will specifically ensure that wherever possible quotations are obtained from a WA Disability Enterprise and / or an Aboriginal Owned Business that can provide the required supply.
Priority 6	Other Suppliers Where there is no relevant existing contract or tender exempt arrangement available, purchasing activity from any other supplier is to be in accordance with relevant Purchasing Value Threshold and Purchasing Practice specified in the table below

2.4.2 Purchasing Practice Purchasing Value Thresholds

The Purchasing Value, assessed in accordance with clause 2.1, determines the Purchasing Practice to be applied to the Shire's purchasing activities.

Purchase Value Threshold	Purchasing Requirement
Up to $2,000 ex GST	Direct purchase from a supplier using a purchase order but must ensure value for money – see principles above. The purchasing decision is to be evidenced in accordance with the Shire's Record Keeping Plan.
$2,001 and up to $20,000 ex GST	Seek at least two (2) quotes and obtain at least one (1) itemised written quote from a suitable supplier in accordance with the Supplier Order of Priority detailed in clause 2.4.1, or: • Purchase directly from a supplier using a purchasing order; or obtain at least one (1) written quotation from a suitable supplier, either from: ➢ an existing panel of pre-qualified suppliers administered by the Shire of Coolgardie; or ➢ a pre-qualified supplier on the WALGA Preferred Supply Program or State Government Common Use Arrangement (CUA). The purchasing decision is to be based upon assessment of the supplier's response to: • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest price

	The purchasing decision is to be evidenced in accordance with the Shire's Record Keeping Plan.
$20,001 and up to $100,000 ex GST	Seek at least three (3) quotes and obtain at least two (2) itemised written quotes authorised by the CEO from suppliers by formal invitation under a Request for Quotation, containing price and detailed specifications of goods and services required. The procurement decision is to be based on all value for money considerations in accordance with the definition of this policy. Exceptions include: ➢ Requests for quotation from a pre-qualified panel of suppliers (whether administered by the Shire of Coolgardie through the WALGA preferred supply program are not required to be invited using a Request for Quotation form, however at least two (2) written quotes are still required to be obtained. ➢ Purchase directly from a supplier using a purchasing order; or obtain at least one (1) written quotation from a suitable State Government Common Use Arrangement (CUA). The purchasing decision is to be based upon assessment of the supplier's response to: • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest price. The purchasing decision is to be evidenced in accordance with the Shire's Record Keeping Plan.
$100,001and up to $250,000 ex GST	Seek at least three (3) quotes and obtain at least three (3) itemised written quotes authorised by the CEO from suppliers by formal invitation under a Request for Quotation, containing price and detailed specifications of goods and services required. The procurement decision is to be based on all value for money considerations in accordance with the definition of this policy. Exceptions include: ➢ Requests for quotation from a pre-qualified panel of suppliers (whether administered by the Shire of Coolgardie through the WALGA preferred supply program are not required to be invited using a Request for Quotation form, however at least three (3) written quotes are still required to be obtained. ➢ Purchase directly from a supplier using a purchasing order; or obtain at least one (1) written quotation from a suitable State Government Common Use Arrangement (CUA). The purchasing decision is to be based upon assessment of the supplier's response to: • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest price. The purchasing decision is to be evidenced in accordance with the Shire's Record Keeping Plan.

Over $250,000 ex GST	Tender Exempt arrangements (i.e., WALGA PSA, CUA or other tender exemption under F&G Reg.11(2)) require at least one (1) written responses from suppliers by invitation under a formal Request for Quotation in accordance with the Supplier Order of Priority detailed in clause 2.4.1, OR Public Tender undertaken in accordance with the Local Government Act 1995 and relevant Shire Policy and procedures. Note - the CEO holds delegated authority to determine tenders, up to the amount determined by Council, and reviewed on annual basis. The Tender Exempt or Public Tender purchasing decision is to be based on the supplier's response to: • A detailed specification; and • Pre-determined selection criteria that assess all best and sustainable value considerations. The purchasing decision is to be evidenced using the Evaluation Report template and retained on the relevant RFQ/RFT File in accordance with the Shire's Record Keeping Plan.
Emergency Purchases (Within Budget) Refer to Clause 2.4.3	An emergency purchase is defined as an unanticipated and unbudgeted purchase which is required in response to an emergency as provided for in s6.8(1)(c) Local Government Act 1995. In seeking the President's approval, the CEO must provide: • A brief explanation of the emergency/urgency of the situation prior to issue of purchase order and prior to payment of the invoice for the service. • The value of the works being undertaken is within the limits of the Council's adopted Annual Plan and Budget. It is the CEO's responsibility to provide evidence that a reasonable attempt has been made to meet the above guidelines. If a selection criterion, other than price, is used to determine the successful supplier, the authorising officer will advise of all potential suppliers of the selection criteria prior to receiving quotations. Where goods or services are required for an emergency response and are within scope of an established Panel of Pre-qualified Supplier or existing contract, the emergency supply must be obtained from the Panel, or existing contract using relevant unallocated budgeted funds. If there is no existing Panel or contract, then clause 2.4.1 Supplier Order of Priority will apply wherever practicable. However, where due to the urgency of the situation; a contracted or tender exempt supplier is unable to provide the emergency supply OR compliance with this Purchasing Policy would cause unreasonable delay, the supply may be obtained from any supplier capable of providing the emergency supply. However, an emergency supply is only to be obtained to the extent necessary to facilitate the urgent emergency response and must be subject to due consideration of best value and sustainable practice.

	The rationale for policy non-compliance and the purchasing decision must be evidenced in accordance with the Shire's Record Keeping Plan. All documentation received or internally generated, as evidence of meeting the above quoting requirements will be attached to Council's copy of the payment advice and retained as per either Council internal or legislated records requirements for financial documents, whichever is the longest.
Emergency Purchases (No budget allocation available) Refer for Clause 2.4.3	An emergency purchase is defined as an unanticipated and unbudgeted purchase which is required in response to an emergency as provided for in s6.8(1)(c) Local Government Act 1995. In seeking the President's approval, the CEO must provide: • A brief explanation of the emergency/urgency of the situation prior to issue of purchase order and prior to payment of the invoice for the service. • The value of the works being undertaken is within the limits of the Council's adopted Annual Plan and Budget. Where no relevant budget allocation is available for an emergency purchasing activity then, in accordance with s.6.8 of the Local Government Act 1995, the Shire President must authorise, in writing, the necessary budget adjustment prior to the expense being incurred. The CEO is responsible for ensuring that an authorised emergency expenditure under s.6.8 is reported to the next ordinary Council Meeting. The Purchasing Practices prescribed for Emergency Purchases (within budget) above, then apply. Where goods or services are required for an emergency response and are within scope of an established Panel of Pre-qualified Supplier or existing contract, the emergency supply must be obtained from the Panel, or existing contract using relevant unallocated budgeted funds. If there is no existing Panel or contract, then clause 2.4.1 Supplier Order of Priority will apply wherever practicable. However, where due to the urgency of the situation; a contracted or tender exempt supplier is unable to provide the emergency supply OR compliance with this Purchasing Policy would cause unreasonable delay, the supply may be obtained from any supplier capable of providing the emergency supply. However, an emergency supply is only to be obtained to the extent necessary to facilitate the urgent emergency response and must be subject to due consideration of best value and sustainable practice. The rationale for policy non-compliance and the purchasing decision must be evidenced in accordance with the Shire's Record Keeping Plan. All documentation received or internally generated, as evidence of meeting the above quoting requirements will be attached to Council's copy of the payment advice and retained as per either Council internal or legislated records requirements for financial documents, whichever is the longest.

LGIS Services s9.58(6)(b) Local Government Act	The suite of LGIS insurances is established in accordance with s.9.58(6)(b) of the Local Government Act 1995 and are provided as part of a mutual, where WALGA Member Local Governments are the owners of LGIS. Therefore, obtaining LGIS insurance services is available as a member-base service and is not defined as a purchasing activity subject to this Policy. Should Council resolve to seek quotations from alternative insurance suppliers, compliance with this Policy is required.

2.4.3 Other Purchasing Exemptions

In addition to the regulatory Tender exemptions for purchasing as set out in Regulation 11(2) of the of the Functions and General Regulations, the following are further exemptions where the Shire is not required to undertake a competitive purchasing process:

(a) Advance / Prior Payment of Services (for example: accommodation, travel services, entertainment, conferences, seminars, training courses): (b) Annual Memberships / Subscriptions,

(c) Annual Service / Software licensing and Maintenance / Support Fees,

(d) Employment of temporary staff through temporary personnel service agencies (CEO approval required for any contract exceeding or extended beyond three (3) months),

(e) Insurance excess,

(f) Motor vehicle licensing and registration,

(g) Postage,

(h) Pre-employment medicals and staff medical services (for example: Annual flue immunization program),

(i) Purchases from Original Equipment Manufacturer (OEM's) and where warranty provisions may be voided,

(j) Talents acts for community events,

(k) Purchasing as required and determined by the CEO or Director providing the approval is provided in writing prior to the purchase and attached to the requisition.

(l) Utilities; including telephone, electricity, water, and gas.

(m) Reimbursements to Council Members and employees

(n) Department of Land Information online transactions

(o) Freight

(p) Motor Vehicle Licensing and Registration

(q) Postage

(r) Petty Cash purchases - $200 limit GST inclusive

(s) Corporate Credit or Fleet Fuel Card purchases.

2.4.4 Inviting Tenders Though Not Required to do so.

The Shire may determine to invite Public Tenders, despite the estimated Purchase Value being less than the $250,000 prescribed tender threshold, but only where an assessment determines that the purchasing requirement cannot be met through a tender exempt arrangement and the use of a public tender process will enhance value for money, efficiency, risk mitigation and sustainable procurement benefits. In such cases, the tender process must comply with the legislative requirements and the Shire's tendering procedures [F&G Reg.13].

2.4.5 Expressions of Interest

Expressions of Interest (EOI) will be considered as a prerequisite to a tender process [F&G Reg.21] where the required supply evidence one or more of the following criteria:

(a) Unable to sufficiently scope or specify the requirement,

(b) There is significant variability for how the requirement may be met,

(c) There is potential for suppliers to offer unique solutions and / or multiple options for how the purchasing requirement may be obtained, specified, created or delivered,

(d) Subject to a creative element; or

(e) Provides a procurement methodology that allows for the assessment of a significant number of potential tenderers leading to a shortlisting process based on non-price assessment. All EOI processes will be based upon qualitative and other non-price information only.

2.4.6 Unique Nature of Supply (Sole Supplier)

An arrangement with a supplier based on the unique nature of the goods or services required or for any other reason, where it is unlikely that there is more than one potential supplier may only be approved where the:

(a) purchasing value is estimated to be over $5,000; and

(b) purchasing requirement has been documented in a detailed specification; and

(c) specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement; and

(d) market testing process and outcomes of supplier assessments have been evidenced in records, inclusive of a rationale for why the supply is determined as unique and why quotations / tenders cannot be sourced through more than one potential supplier.

An arrangement of this nature will only be approved for a period not exceeding three (3) years. For any continuing purchasing requirement, the approval must be re-assessed before expiry, to evidence that only one potential supplier still genuinely exists.

2.4.7 Anti-Avoidance

The Shire will not conduct multiple purchasing activities with the intent (inadvertent or otherwise) of "splitting" the purchase value or the contract value, so that the effect is to avoid a particular purchasing threshold or the need to call a Public Tender.

This includes the creation of two or more contracts or creating multiple purchase order transactions

of a similar nature.

2.4.8 Contract Renewals, Extensions and Variations

Where a contract has been entered into as the result of a publicly invited tender process, then Functions and General Regulation 21A applies.

For any other contract, the contract must not be varied unless:

(a) The variation is necessary for the goods or services to be supplied and does not change the scope of the contract; or

(b) The variation is a renewal or extension of the term of the contract where the extension or renewal options were included in the original contract.

Upon expiry of the original contract, and after any options for renewal or extension included in the original contract have been exercised, the Shire is required to review the purchasing requirements and commence a new competitive purchasing process in accordance with this Policy.

Pursuant to Delegation 1.2.17 the CEO has delegated:

"6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering into a contract [F&G r.20(1) and (3)].

7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)].

8. Authority to vary a tendered contract, after it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond 10% or to a maximum of $40,000 whichever is the lesser value [F&G r.21A(a)].

9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j)."

These delegations are subject to conditions including:

"d. A decision to vary a tendered contract before entry into the contract [F&G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.

e. A decision to vary a tendered contract after entry into the contract [F&G r.21A(a)] must include evidence that the variation is necessary and does not change the scope of the contract.

f. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.

g. Contract variations under r20 and 21A of Local Government (Functions and General) Regulations 1996 are subject to:

- prior budget provision having been made, or
- being to give effect to a Council decision to accept a variation of a contract entered into, or
- the intentions and purposes of the contract are not substantially altered,
- an assessment, in writing, of the reasons for the variation, as determined by the CEO, either generally or specifically in relation to a contract
- consideration is given to the cumulative impact of variations, to ensure that the scope of the original contract is not significantly altered, and that a separate procurement process is not required, and where the effect on the total contract is –
- a reduction or
- the cumulative value remains below the tender threshold or
- likely increase in cost to a cumulative total of $40,000 ex GST or 10% whichever is the greater, where the adjusted total contract payment remains within Budget provision: or
- is a reasonable and unforeseen increase in duration of the contract.

Contract extensions under r20 and 21A of Local Government (Functions and General) Regulations 1996 are subject to:

- *prior budget provision having been made, or*
- *being to give effect to a Council decision to extend a contract entered into, or*
- *the intentions and purposes of the contract are not substantially altered, and*
- *the original contract including provisions which permit an extension,*
- *an assessment, in writing, of the merits of extending the contract, as determined by the CEO, either generally or specifically in relation to a contract,*
- *any extension taking effect prior to the expiration of the original contract,*
- *written evidence that the terms of the contract extension have been mutually agreed by the Shire and the contractor."*

This Policy confirms those delegations and conditions attached to the delegations, to the CEO, and other employees sub delegated by the CEO.

Where a contract variation is required, the contract can only be varied if it is necessary for the goods/services to be supplied and does not change the scope of the contract.

When considering contract, any variation must also be identified as not to have affected the outcome of the initial procurement process in the view of both a reasonably skilled and experienced person having relevant expertise in the specific industry or type of work and the Procurement and Contracts team.

For all contract variations, a formal variation agreement must be completed by an employee with authority to do so.

This agreement must be signed by a person with appropriate delegation and authorisation.

3. Purchasing Policy Non-Compliance

The Purchasing Policy is mandated under the Local Government Act 1995 and Regulation 11A of the Local Government (Functions and General) Regulations 1996 and therefore the policy forms part of the legislative framework in which the Local Government is required to conduct business.

Where legislative or policy compliance is not reasonably able to be achieved, records must evidence the rationale and decision-making processes that substantiate the non-compliance.

Purchasing activities are subject to internal and external financial and performance audits, which examine compliance with legislative requirements and the Shire's policies and procedures.

If non-compliance with legislation, this Purchasing Policy, or the Code of Conduct for Employees, is identified it must be reported to the Chief Executive Officer.

A failure to comply with legislation or policy requirements, including compliance with the Code of Conduct when undertaking purchasing activities, may be subject to investigation, with findings to be considered in context of the responsible person's training, experience, seniority, and reasonable expectations for performance of their role.

Where a breach is substantiated, it may be treated as:

(a) an opportunity for additional training to be provided,

(b) a disciplinary matter, which may or may not be subject to reporting requirements under Public Sector Management Act 1994; or

(c) where the breach is also identified as potentially serious misconduct, the matter will be reported in accordance with the Corruption, Crime and Misconduct Act 2003.

4. Record Keeping

All Local Government purchasing activity, communications and transactions must be evidenced and retained as local government records in accordance with the State Records Act 2000 and the Shire's Record Keeping Plan.

All records and documents associated with the tender, quotation or panel process must be recorded and retained as defined within the State Records Act 2000 and the Shire's Records Management Policy.

This includes:

- Tender, quotation, and panel documentation
- Internal documentation
- Evaluation documentation
- Enquiry and response documentation
- Approval and award documentation
- Order forms and requisitions.

In addition, the Shire must consider and will include in each contract for the provision of works or services, the contractor's obligations for creating, maintaining and where necessary the transferal of

records to the Shire relevant to the performance of the contract.

5. Authorising Officer

An Authorising Officer is a Shire of Coolgardie employee who is registered in the Authorisations Register as authorised to incur expenditure and claims for payment, within a set monetary limit.

6. Purchase Orders

The Shire of Coolgardie requires a purchase order to be raised and issued prior to the service or product being supplied. The authorising officer will ensure items purchased are made within budget parameters.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any): 1.10, 1.11, 1.12, 1.13 (and sub delegations)

Date First Adopted: May 2016

Review dates: May 2017, June 2018, November 2018, April 2020, November 2023

Policy Number 1.07 Regional Price Preference

Legislative Reference: Local Government (Functions and General) Regulations 1996: Part 4

Relates to: Delegation 1.13 Sub Delegation 1.13a

Policy Objective:

The purpose of this policy is to maximise the use of competitive locally based businesses in the provision of goods or services purchased or contracted by the Shire of Coolgardie.

Policy Scope:

The scope of this policy is to obtain value in the purchase of goods and services whilst providing an opportunity for locally based businesses to be competitive in the process.

Policy Statement:

To promote sub-regional development and encourage the use of local suppliers and / or materials, the Shire of Coolgardie will provide a price preference to regional suppliers (located within the stipulated areas) when evaluating and awarding contracts via the Tendering Process. Note that this policy does not apply to quotations.

Any price preference provided will comply with Part 4A of the Local Government (Functions and General) Regulations 1996 as amended.

Policy Details

Price preference will be given to all regional suppliers claiming Regional Price Preference when they submit a conforming tender for the supply of goods and services (including construction (building) services) to the Shire of Coolgardie, unless Council resolves that this policy does not apply to a particular tender, or the CEO or another employee holding delegated authority to determine tenders decides that this Policy does not apply to a particular tender.

A regional supplier is a supplier of goods and services (including construction (building) services) that have been operating a business continuously out of premises in the stipulated area for at least 6 months before the tender deadline (closing time of tender) or some or all the good or services are to be supplied from regional sources (i.e., from within the stipulated area).

Only those goods or services identified in the tender as being from regional sources may be included in the discounted calculations that form a part of the assessments of a tender when a regional price preference policy is in operation.

A tenderer must claim the component (the parts that are supplied from the stipulated area) of their tender that Regional Price Preference is to be applied to.

Stipulated Area means:

- for the purposes of the 10% discount on goods and services - the district of the Shire of Coolgardie.
- for the purposes of the 5% discount on goods and services - the districts of the Shire of Ravensthorpe, Shire of Esperance, Shire of Dundas, City of Kalgoorlie Boulder, Shire of Menzies, Shire of Leonora, Shire of Laverton and Shire of Ngaanyatjarraku.

- for the purposes of the 5% discount on Construction (Building) Services – the district of the Shire of Coolgardie.
- for the purposes of the 2.5% discount on Construction (Building) Services - the districts of the Shire of Ravensthorpe, Shire of Esperance, Shire of Dundas, City of Kalgoorlie Boulder, Shire of Menzies, Shire of Leonora, Shire of Laverton and Shire of Ngaanyatjarraku.
- for the purposes of the 10% discount on Goods & Services (including Construction (Building) Services), where those goods or services having been, until then, undertaken by the local government – the district of the Shire of Coolgardie.
- for the purposes of the 5% discount on Goods & Services (including Construction (Building) Services), where those goods or services having been, until then, undertaken by the local government – the districts of the Shire of Ravensthorpe, Shire of Esperance, Shire of Dundas, City of Kalgoorlie Boulder, Shire of Menzies, Shire of Leonora, Shire of Laverton and Shire of Ngaanyatjarraku.

Regional Price Preference involves assessing the tender as if the tender price were discounted in accordance with the following:

- Goods & Services

✓ 10% discount on the value of supplies up to a maximum discount of $50,000 (inc GST) where the regional supplier is located within the stipulated area of the district of the Shire of Coolgardie.

✓ 5% discount on the value of supplies up to the maximum discount of $50,000 (inc GST) where the regional supplier is located within the stipulated area defined by the districts of Shire of Ravensthorpe, Shire of Esperance, Shire of Dundas, City of Kalgoorlie Boulder, Shire of Menzies, Shire of Leonora, Shire of Laverton and Shire of Ngaanyatjarraku.

- Construction (Building) Services

✓ 5% discount on the value of supplies up to a maximum discount of $50,000 (inc GST) where the regional supplier is located within the stipulated area of the district of the Shire of Coolgardie.

✓ 2.5% discount on the value of supplies up to the maximum discount of $50,000 (inc GST) where the regional supplier is located within the stipulated area defined by the districts of Shire of Ravensthorpe, Shire of Esperance, Shire of Dundas, City of Kalgoorlie Boulder, Shire of Menzies, Shire of Leonora, Shire of Laverton and Shire of Ngaanyatjarraku.

- Goods & Services (including Construction (Building) Services), where those goods or services having been, until then, undertaken by the local government.

✓ 10% discount on the value of supplies up to a maximum discount of $500,000 (inc GST) where the regional supplier is located within the stipulated area of the district of the Shire of Coolgardie.

✓ 5% discount on the value of supplies up to the maximum discount of $500,000 (inc GST) where the regional supplier is located within the stipulated area defined by the districts of Shire of

Ravensthorpe, Shire of Esperance, Shire of Dundas, City of Kalgoorlie Boulder, Shire of Menzies, Shire of Leonora, hire of Laverton and Shire of Ngaanyatjarraku.

It must be noted that price is only one of the factors to be assessed when the local government decides which tender to accept, and the cheapest or any tender will not necessarily be accepted. Other factors to be considered (but not necessarily limited to) include due diligence, quality of the product, terms of supply including after sales service, freight costs, urgency factors and budget provision.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any): Delegation 1.13 Sub Delegation 1.13a

Date First Adopted: September 2020

Review dates: November 2023

Policy Number 1.08 Media / Public Relations

Legislative Reference: Local Government Act 1995 s 2.8(1)(d), 5.41(f)

Relates to: Delegation NA Sub Delegation NA Authorisation 11.16

Policy Objective:

To provide direction for media engagement between Authorised employees and media

Policy Scope:

To provide a framework for Council Members, employees, delegates, and advisers to:

- Ensure all communication with the media is consistent, balanced, well-informed, timely, professional, and appropriate,
- Clearly indicate Council's authority spokespersons,
- Improve communication with customers and enhance Council's public image,
- Limit the possibility of miscommunication and to maximise the effectiveness of employees by ensuring comments to the media relating to Council are made only through authorised people.

Policy Statement:

Introduction / background

Council recognises that a well-run, competent, ethical, and reputable organisation is the best way to promote favourable image and that way public relations program is only as good as the organisation behind it.

Council will take advantage of interest from the media to further its reputation and inform the public about Council's activities.

Council will also distribute information to the media to communicate information about Council's activities and decisions.

In dealing with the media, Council Members and employees must be careful to communicate accurate information.

Council welcomes enquiries from the media. All media representatives are to be treated in the same manner as any other customer of Council.

Council Members and employees should treat all media outlets equally and should avoid giving one outlet preferential treatment. Media releases should be distributed to all media outlets at the same time.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any): Authorisation 11.16

Date First Adopted: 22 October 2013

Review dates: 16 May 2017, June 2019, August 2019, October 2020, November 2023

Policy Number 1.09 Complaints Management

Legislative Reference: s5.94 Local Government Act 1995

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

The Council Members, employees and contractors at the Shire of Coolgardie are committed to providing an efficient, effective, systematic, and consistent approach that strives for continuous improvement in the management of complaints.

Policy Scope:

This policy applies to all Council Members, employees and contractors of the Shire of Coolgardie that receive and manage customer feedback relating to products and services delivered by or on behalf of the Shire of Coolgardie. For the purposes of this policy, the following is not classified as customer feedback and are out of the scope of this policy:

- Feedback obtained during stakeholder and community engagement processes.
- Queries and requests for specific information.
- Requests for a direct service.
- Matters currently being dealt with or have been previously dealt with by a court, tribunal or external complaints agency.
- Matters that have already been subjected to an Internal review and an outcome has been determined.

Policy Statement:

Definitions / Abbreviations Used in Policy

Complaint: The Australian Standard on Complaints Handling (ISO 10002:2006) defines a 'complaint' as any: "expression of dissatisfaction made to an organisation, related to its products [or services] or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected.

Feedback: a generic term that includes compliments, complaints, suggestions, and service requests

Request for Service: provision of a Shire service or some action required to be taken to address a problem or a request for a change to the way a Shire service is delivered. For example, a customer at the Swimming Pool tells employees member there is not hot water in the shower.

This is a request for service and the employees must rectify the problem.

If the problem is not rectified and the customer must repeatedly ask for hot water over several visits the request is likely to escalate to a complaint.

The Shire recognises that effective complaints management is integral to customer service excellence and values all complaints and encourages a people-focused and proactive approach to complaints management.

The Shire is committed to the following complaints management principles:

- complaints can be lodged without fear of retribution,
- the confidentiality and privacy of complainants will be protected,
- complaints will be assessed in a fair, objective, and professional manner,
- complaints are resolved in a timely manner,
- ensure the application of natural justice; and
- integrate complaints information into business improvement processes.

This policy acknowledges customers, employees, Council Members, contractors, and all other parties who deal with the Shire of Coolgardie have a right to provide feedback about the Shire's policies, products, and services.

Fairness and Objectivity

The Shire's handling of customer feedback is based on the Shire of Coolgardie's values and guiding principles and is in line with the standards set by the Code of Conduct and Customer Service Charter. All feedback will be addressed in an equitable, objective, and unbiased manner.

Confidentiality

Personally identifiable information concerning customer feedback should be available where needed, but only for the purposes of addressing the feedback within the organisation and should be actively protected from disclosure, unless the customer expressly consents to its disclosure.

Data Collection

The Shire may collect and register data on customer feedback.

Remedies and Resolution of Complaints

The decision or action taken regarding the customer complaint will be communicated to the customer as soon as the decision or action is taken.

The Shire recognises the various remedial methods that can be used to deal with a complaint:

- A review of the issue,
- Information to the customer as to how the complaint was dealt with, upon conclusion thereof,
- A change to the decision,
- A conciliation process,
- Referral to third party for appeals e.g., State Administrative Tribunal, the State Ombudsman's Office,
- Other remedies that are considered appropriate to the circumstances i.e., an apology.

External Review

Any complainant can seek external review about any complaint about any Council Members or

employees from the Ombudsman, Public Sector Commission or Department of Local Government and Communities.

The level of information provided to the Shire by these agencies, and that which it can report to others is constrained by the various laws and policies governing those agencies.

Responsible Department: Executive Services
Responsible Officer: CEO
Delegation link (if any):
Date First Adopted: June 2017
Review dates: May 2017, August 2019, October 2020, November 2023

Policy Number 1.10 CEO Standards and performance review processes

Legislative Reference: Local Government Act 1995, Part 5, Division 4, s5.38, Division D Local Government (Administration) Regulations 1996, Salaries and Allowances Act 1975 (Salary and Allowances Tribunal), Shire of Coolgardie CEO Standards.

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

To ensure the Shire of Coolgardie complies with s5.38 of the Local Government Act 1995, and the Shire of Coolgardie CEO Standards which requires that the performance of the Chief Executive Officer be reviewed at least once in relation to every year of employment.

To also describe the processes and procedures for annual, mid-term and interim reviews of the CEO's performance.

Policy Scope:

The process of undertaking a performance and salary review of the Chief Executive Officer must be formalised to ensure equity in assessment against Key Performance Indicators (KPIs) established in the Chief Executive Officer's Contract of Employment, and/or in the immediately previous performance assessment.

Adoption of this process by Council ensures a consistent approach to the Shire of Coolgardie's Chief Executive Officer performance and salary review.

This Policy ensures a collaborative, constructive process, designed to enhance performance and to provide guidance for the forthcoming review period.

Council Members should take a corporate view and regard the process as an opportunity to build relationships, increase the effectiveness of individuals, systems, and processes, whilst offering improved performance and profile of the Shire of Coolgardie.

Division 1 — Preliminary provisions

1. Citation

These are the Shire of Coolgardie Standards for CEO Recruitment, Performance and Termination.

2. Terms used

(1) In these standards —

Act means the Local Government Act 1995,

additional performance criteria means performance criteria agreed by the local government and the CEO under clause 16(1)(b),

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

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

contractual performance criteria means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act,

job description form means the job description form for the position of CEO approved by the local government under clause 5(2),

local government means the Shire of Coolgardie,

selection criteria means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

selection panel means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

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

Division 2 — Standards for recruitment of CEOs

3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

4. Application of Division

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

(2) This Division does not apply —

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

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

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

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

(2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —

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

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

6. Advertising requirements

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

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

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

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

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

(b) if the person advises the local government that the person is unable to access that website address —

(i) email a copy of the job description form to an email address provided by the person; or

(ii) mail a copy of the job description form to a postal address provided by the person.

8. Establishment of selection panel for employment of CEO

(1) In this clause —

independent person means a person other than any of the following —

(a) a council member;

(b) an employee of the local government;

(c) a human resources consultant engaged by the local government.

(2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.

(3) The selection panel must comprise —

(a) Council Members (the number of which must be determined by the local government); and

(b) at least 1 independent person.

9. Recommendation by selection panel

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

(2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —

(a) a summary of the selection panel's assessment of each applicant; and

(b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.

(3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —

(a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and

(b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.

(4) The selection panel must act under subclauses (1), (2) and (3) —

(a) in an impartial and transparent manner; and

(b) in accordance with the principles set out in section 5.40 of the Act.

(5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —

(a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications, and skills meet the selection criteria; and

(b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and

(c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.

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

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

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

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

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

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

11. Offer of employment in position of CEO

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

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

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

12. Variations to proposed terms of contract of employment

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

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

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

(1) In this clause —

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

(2) This clause applies if —

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

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

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

And

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

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

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

14. Confidentiality of information

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

Division 3 — Standards for review of performance of CEOs

15. Overview of Division

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

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

(1) The local government and the CEO must agree on —

(a) the process by which the CEO's performance will be reviewed; and

(b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.

(2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.

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

17. Carrying out a performance review

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

(2) The local government must —

(a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and

(b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

18. Endorsement of performance review by local government

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

19. CEO to be notified of results of performance review

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

(a) the results of the review; and

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

Division 4 — Standards for termination of employment of CEOs

20. Overview of Division

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

21. General principles applying to any termination

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

(2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —

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

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

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

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

22. Additional principles applying to termination for performance-related reasons

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

(2) The local government must not terminate the CEO's employment unless the local government has –

(a) in the course of carrying out the review of the CEO's performance referred to in subclause

(3) or any other review of the CEO's performance, identified any issues (the performance issues) related to the performance of the CEO; and

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

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

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

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

23. Decision to terminate

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

24. Notice of termination of employment

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

(2) The notice must set out the local government's reasons for terminating the employment of the CEO.

CEO Performance and Salary Review

Council will establish a committee to be titled the "Chief Executive Officer - Performance and Salary Review Committee" (the Committee) for the purpose of undertaking the probationary, and annual performance and salary review of the Shire's Chief Executive Officer.

Establishment of the Committee will be in accordance with Part 5, Division 2, Subdivision 2 of the Local Government Act 1995.

Part 5, Division 2, s5.9(4) of the Act determines that if Council were to form such a committee, and the Shire President informs Council Members of his/her wish to be a member of that Committee, the local government is to appoint the Shire President to the Committee.

The undertaking of performance and salary reviews will be in accordance with the Local Government Act 1995, the Local Government (Administration) Regulations 1996, Salaries and Allowances Act 1975 (Salary and Allowances Tribunal), The CEO Standards and the Chief

Executive Officer's Contract of Employment.

The Committee will comprise the Shire President and all Council Members.

Where possible, the CEO will endeavor to arrange for all Council Members to undertake the relevant Chief Executive Officer Performance Review training provided by the Western Australian Local Government Association (WALGA), or by another suitable provider prior to commencement of the process of reviewing the CEO performance.

If for any reason this is not possible, it does not invalidate the process or outcomes.

The Shire President is authorised to source a suitably qualified external professional to facilitate the review process.

Probationary and Annual/Mid-Year Reviews

- An initial review will be undertaken following completion of the designated probationary period.
- Annual reviews will be undertaken in accordance with the start dates of the CEO Contract.

Mid-Year:

- Shire President to arrange meeting with Council Members to discuss the mid-year progress of the CEO's Annual Action Plan and provide feedback and guidance,
- Council will meet with the CEO to discuss work-in-progress on the Annual Action Plan and provide feedback and guidance,
- CEO to present a report on the mid-year progress of his Annual Action Plan and provide supporting materials to assist the Shire President and Council Members with their deliberations,
- Shire President and Council Members have an opportunity to provide specific feedback to the CEO on each activity/KPI and make recommendations detailing any change of priorities including change of resources and professional development,
- Shire President and Council Members are to complete their Council member Feedback Form following the meeting with the CEO and the Manager Executive Services is to collect the Council member Feedback Forms and compile the Council Feedback Form, providing the CEO with performance feedback and guidance,
- Council Members will have an opportunity to clarify the CEO's progress against each activity/KPI before they finalise their Council Member Feedback Form − noting there is no rating of CEO's performance at Mid-Year,
- A Strategic Issues Briefing may be scheduled to provide all Council Members with the opportunity to provide input to the review process,
- The Committee will report and make recommendation(s) to Council following each review.

End-of-Year:

- Council to meet with CEO to discuss performance results, review the Annual Action Plan and provide performance feedback and guidance as well as recommendations on any

salary/bonus variation,

- Shire President to arrange meeting with Council Members to discuss the end-of-year results of the CEO's Annual Action Plan and provide feedback and guidance,
- CEO to present a report on the end-of-year results of his Annual Action Plan and provide supporting materials to assist the Shire President and Council Members with their deliberations,
- Shire President and Council Members will have an opportunity to clarify the CEO's progress against each activity/KPI before they finalise their Council member Feedback Form,
- Shire President and Council Members to complete their Council member Feedback Form following the meeting with the CEO,
- Manager Executive Service to collect the Council member Feedback Forms and compile the Council member Feedback Form, providing the CEO with performance feedback and guidance as well as recommendations on any salary/bonus variations.

Key Performance Indicators and Annual Action Plan

- CEO is to prepare a draft Annual Action Plan that details key strategic initiatives – activity and KPIs − using the Community Strategic Planning, Corporate Business Plan, and the latest Budget,
- CEO is to present the draft Annual Action Plan to the Shire President and Council Members for: − consideration of key strategic initiatives − development of quality standards as may be required − adoption of KPIs,
- CEO's Annual Action Plan is the foundation document on which the CEO's annual performance will be considered,
- CEO is to develop and present to Council the proposed Annual Action Plan and proposed KPIs,
- Council is to consider and agree on CEO's Annual Action Plan and KPIs,
- KPIs must refer to the Chief Executive Officer's Contract of Employment, the Corporate Business Plan and/or the Strategic Community Plan,
- KPIs must contain a balance of both tactical and strategic indicators, define realistic milestones and reporting requirements, mirror expectations of Council and the community, and acknowledge leadership,
- KPIs are reviewed annually and are to be agreed upon by the Chief Executive Officer and the Council after each review period,
- The Chief Executive Officer will provide a self-assessment to the Committee of his/her performance against the relevant KPIs prior to the commencement of each.
- Interim Reviews and informal discussions
- If Council has concerns about the performance of the Chief Executive Officer, at Council's request, the Shire President will ask the Committee to undertake an interim performance

review,

- The Chief Executive Officer is to be advised in writing by the Shire President if there is to be an interim review, advising the areas of concern, and providing a minimum of one week's notice of the timing of the review,
- Shire President is to arrange two informal performance discussions with the CEO − one between the End-of-Year Review (previous) and Mid-Year Review (current) − one between the Mid-Year Review and End-of-Year Review,
- The agenda for the ongoing performance dialogue sessions will come from earlier performance discussions,
- Ongoing performance dialogue sessions should be used to implement the CEO's agreed Action Plan − amend the CEO's contract if required − discuss the CEO's professional development needs − progress the CEO's performance direction in line with the Council's desires,
- These informal sessions should be documented to reflect the discussions and any agreements, which may be a variation to earlier agreements/direction − where there are significant variations to what has previously been agreed, the Shire President and CEO should report to Council.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: June 2017

Review dates: May 2017, August 2019, October 2020, November 2023

Policy Number 1.11 Additional payments to employees

Legislative Reference: s5.50 Local Government Act 1995

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

The purpose of this policy is to outline the circumstances in which a payment may be made to an employee who:

- is ceasing employment with the Shire, in accordance with s5.50 of the Local Government Act 1995 (the Act) or
- has exceeded the minimum years of service and is entitled to a service award payment.

Policy Scope:

The aim of this policy is to:

- establish guidelines for the consideration of Gratuity Payments to employees in accordance with s5.50 of the Local Government Act 1995; and
- prescribe the circumstances when an employee who is ceasing employment with the Shire may be paid an amount in addition to their entitlements under an award or contract of employment ("Gratuity Payment"),
- establish guidelines and the relevant amounts for employees who have exceeded minimum years of service and are entitled to a service award payment.

Application

An employee who has been dismissed by the Shire for any reason other than redundancy, will not be eligible to receive any payment under this policy.

Long serving employees may be recognised within the parameters set by section 5.50 of the Local Government Act 1995 and the associated Regulations.

An employee, whose employment is finishing, may be paid a gratuity payment when their employment is ceasing due to –

- Resignation (not because of any performance management or investigation being conducted or pending/potential disciplinary action by the Shire),
- Retirement; or
- Redundancy.

The Gratuity Payment identified within this policy does not apply to an employee, whose services have been terminated by the Shire for any reason, other than redundancy.

Gratuity

The CEO in consultation with the relevant Supervisor, may provide a gratuity to a qualifying employee in the form of a gift card or voucher from a local business within the Shire, exercise

discretion to provide money instead of a gift card or voucher.

Gratuity Payment Amounts

Gratuity payments will be calculated based on the following formula –

- continuous service of Five – Ten years' service - $500,
- continuous service of Ten – Fifteen or above years of service - $750,
- continuous service of 15 years or move - $1000.

At the discretion of the Chief Executive Officer an employee with less than five years continuous service who has displayed exceptional performance, initiative or commitment to the organisation may receive a gratuity up to the value of $250.

This policy shall not be considered as a contractual entitlement under the employment relationship.

The provisions do not apply to the CEO or a senior employee whose employment is governed by a written contract in accordance with s5.39.

Cessation of Employment – Payment of Gratuity in Excess of Policy

The Shire may elect to pay to a terminating employee an amount more than any payment that could be made under this Policy where:

- subject to other provisions in this Policy, the Employee has provided outstanding service or contribution to the Shire, or
- the termination of employment is a matter of serious and genuine dispute between the Shire and the Employee that is best resolved, in the judgement of the Chief Executive Officer, after considering legal and other relevant advice, on a commercially negotiated basis.

If the CEO proposes that such a gratuity payment should be made, a confidential report will be submitted to the Council, which will consider the matter on its merit having regard for the length of the employee's service or contribution with the Shire and the employee's standard of performance, outstanding service and/or contribution.

If, as required by s5.50 (2) of the Local Government Act 1995 it is proposed that such a payment, is to be made, then local public notice is to be given.

Farewell Function

A farewell function may be arranged for an employee who resigns or retires from continuous employment with the Shire more than 5 years.

The farewell function shall not exceed the value of $50 per head to a maximum value of $2,000 and must be authorised by the Chief Executive Officer.

Arrangements of a farewell function is the responsibility of the relevant Supervisor.

Service Award Payment and Function

At the discretion of the CEO, a function to recognize employee service will be held annually for employees who have completed 5 years or more of continuous service with the Shire.

Employees will be presented with a voucher (service gift) to the store of their choice to the value of:

- at 5 years' service $250 voucher
- at 10 years' service $500 voucher
- at 15 years' service $750 voucher
- at 20 years' service $1000 voucher

Determining Service

For this policy, continuous service shall be deemed to include:

- any period of absence from duty on annual leave, long service leave, paid compassionate leave, accrued paid personal leave and public holidays,
- any period of authorised paid absence from duty necessitated by sickness of or injury to the employee up to a maximum of three months in each calendar year, but not including leave without pay or parental leave; or
- any period of absence that has been supported by an approved workers compensation claim up to a maximum absence of 12 months.

Continuous service shall exclude:

- any period of unauthorised absence from duty unless the CEO determines otherwise,
- any period of unpaid leave unless the CEO determines otherwise; or
- any period of absence from duty on parental leave unless the CEO determines otherwise.

Financial Liability for Taxation

For the complete avoidance of doubt, the employee has full responsibility for any taxation payable on a gratuity payment.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: February 2016

Review dates: February 2019, August 2019, October 2020, November 2023

Policy Number 1.12 Legal Representation Costs Indemnification

Legislative Reference: NA but Local Government Operational Guidelines No. 14 – Legal Representation for Council Members and Employees – Department of Local Government 2006

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

This policy establishes the guidelines for determining when it is appropriate for the Shire to pay legal representation costs to protect the interests of Council Members and employees who become subject to legal proceedings through their performance of official functions in good faith.

Policy Scope:

s9.56 of the Local Government Act 1995 (the Act) provides protection from actions of tort for anything a Council member or employee has, in good faith, done in the performance of a function under the Act or any other written law.

s3.1 of the Act, provides that the general function of a Local Government is to provide for the good government of the district. s6.7(2) provides that money held in the Municipal Fund may be applied towards the performance of the functions of the Local Government.

Therefore, the Shire's approval to pay legal representation costs incurred by an individual Council member or employee will rely on the determination that it is reasonably concluded that the expenditure provides for the good governance of the district.

This policy does not apply to legal advice and representation that is obtained by the Shire in the normal course of fulfilling the functions and exercising the powers of a Local Government.

Policy Statement:

Definitions

Approved lawyer is to be:

- A 'certified practitioner' under the Legal Practice Act 2003,
- From a law firm on the Shire's panel of legal service providers, unless the Council considers that this is not appropriate for example in circumstances where a conflict of interest exists or insufficient expertise; and
- Approved in writing by Council or, where this policy allows, by the Chief Executive Officer.

Good faith *means a sincere belief or motive without any malice or desire to defraud others.*

Council member or employee *means a current or former Council member, employee or member of a council committee of the Shire.*

legal proceedings may be civil, criminal, or investigative.

legal representation *is the provision of legal services, to or on behalf of a Council member or employee, by an approved lawyer that are in respect of:*

- A matter or matters arising from the performance of the functions of the council member or employee; and

- Legal proceedings involving the Council member or employee that have been or may be commenced.

legal representation costs *are the costs, including fees and disbursements, properly incurred in providing legal representation.*

legal services include *advice, representation or documentation that is provided by an approved lawyer.*

payment by the Shire of legal representation costs may be either by:

- A direct payment to the approved lawyer; or
- A reimbursement to the council member or employee.

Payment Criteria

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

- The legal representation costs must relate to a matter that arises from the performance, by the Council member or employee, of his or her functions,
- The legal representation costs must be in respect of the legal proceedings that have been, or may be commenced,
- In performing his or her functions, to which the legal representation relates, the Council member or employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
- The legal representation costs do not relate to a matter that is of a personal or private nature.

Legal Representation - Costs that may be approved.

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

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

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

Application for payment

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

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

- The matter for which legal representation is sought,
- How that matter relates to the functions of the Council member or employee,
- The lawyer, or law firm, who is to be asked to provide the legal representation,
- The nature of the legal representation to be sought (such as but not limited to advice, representation in court, preparation of documentation.),
- An estimate of the cost of the legal representation; and
- Why it is the interest of the Shire for payment to be made.

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

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

- Has read, and understands, the terms of this Policy,
- Acknowledges that any approval of legal representation costs is conditional on the repayment provisions of this policy and any other conditions to which the approval is subject; and,
- Undertakes to repay to the Shire any legal representation costs in accordance with the provisions of this policy.

An application is to be presented to Council, accompanied by a report prepared by the Chief Executive Officer, or where the Chief Executive Officer is the applicant, by a senior employee.

Legal Representation Costs – Limit

Unless otherwise determined by Council, the payment of legal representation costs is respect of a matter is not to exceed $10,000.

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

Determining an Application

The Council may:

- Refuse,
- Grant approval; or
- Grant approval subject to conditions, on an application for payment of legal representation costs.

Conditions under this policy may include, but are not restricted to a:

- Financial limit,
- Requirement to enter into a formal agreement with the Shire, which includes requirements for repayment should this be required in accordance with this policy.

In assessing an application, the Council may have regard to any insurance benefits that may be available to the applicant under the Shire's Council member or employee indemnity insurance policy.

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

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

- Not acted in good faith or has acted unlawfully or in a way that constitutes improper conduct; or
- Given false or misleading information in respect of the application.

A determination under this policy may be made by Council based on, and consistent with, the findings of a court, tribunal, or inquiry.

Where the Council decides under this policy, legal representation costs paid by the Shire are to be repaid by the Council member or employee in accordance with this policy.

Urgent access to legal representation

In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the Chief Executive Officer may exercise, on behalf of Council, any of the powers provided in this policy to a maximum of $5000 in respect of a matter.

Where for the purposes of this policy, the Chief Executive Officer is the applicant, the President may exercise the powers of this policy to a maximum of $5000 in respect of a matter.

An application approved in accordance with this policy is to be submitted to the next ordinary meeting of the Council. Council may exercise any of its powers under this Policy, including its powers under this policy.

Repayment of legal representation costs

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

- All or part of those costs, in accordance with a determination by the Council under this policy.
- As much of those costs as are available to be paid by way of set-off, where the Council member or employee receives monies paid for costs, damages, or settlement, in respect of the matter for which the Shire paid the legal representation costs.

The Shire may act in a court of competent jurisdiction to recover any monies due to it under this Policy.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: October 2013

Review dates: May 2017, August 2019, October 2020, November 2023

Policy Number 1.13 Information Technology

Legislative Reference: NA

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

To provide conditions to govern the use of all Information Technology users for the Shire of Coolgardie.

Policy Scope:

This document outlines the conditions governing use of all Information Technology (IT) facilities provided by the Shire of Coolgardie. It applies to Council Members, employees and to others to whom access to IT facilities has been provided.

Deliberate and/or continued non-compliance with this Policy may result in disciplinary action and/or termination.

Policy Statement:

Introduction / background

This document describes the Shire of Coolgardie's conditions governing use of all Information Technology (IT) facilities (including computers, computer peripherals, voice mail, software, fixed and mobile telephones, and any other equipment related to the storage and/or distribution of electronic data) provided by the Shire of Coolgardie. All Council Members, employees and other people working the with Shire of Coolgardie requiring the use of IT facilities must sign a form as an acceptance of the terms and conditions described in this document.

Principles

- These conditions apply to all Council Members, employees, and others to whom access to Shire of Coolgardie IT facilities has been provided.
- The Shire of Coolgardie reserves the right to, without notice modify, upgrade, withdraw or otherwise alter any facilities provided.
- The Shire of Coolgardie has ownership of all files and email messages stored on the Shire's computers and reserves the right to examine all computer data and software on its facilities and to monitor usage to ensure compliance with this Policy.

Storage

- All corporate information including correspondence, minutes of meetings, memos, file notes and reports (other than those generated through the Shire's databases) are to be stored in accordance with the Shire's Record Keeping Plan. This is consistent with the legislative requirements of the State Records Act 2000.
- Emails sent and received, of a corporate nature must be captured and stored. This is consistent with the legislative requirements of the State Records Act 2000.
- Hard copy documents must be entered into the mail register immediately upon receipt.

- Corporate documents must not be solely stored on desktop computers or on portable media (i.e., USB, CD's)
- Only the network drives and corporate systems are backed up. 'C' drives are not backed up and users will be responsible for any loss of data stored on this drive or on portable media.
- Duplication of data is to be avoided. Any documents store on the server should not be stored elsewhere unless access to the Shire's system is planned to be unavailable or the data is stored on media specifically designed for the purpose of backup.

Installing Unauthorised Software or Files

- Users must not purchase, install, copy, or use any software without prior consultation with the Manager Executive Services.
- The use of any files that are subject to Copyright regulations that have not been authorised in writing for use by the Copyright owner are not permitted to be used on Shire of Coolgardie systems.
- The installation and use of third party "screen savers" are not permitted.

Access to computer facilities

- Users may use only those facilities, which they have been properly authorised to use by the CEO or Manager Executive Services
- Users may not use any of the facilities provided by the Shire of Coolgardie in such way as to reflect poorly upon the Shire either in part or wholly.
- Users may not use any of the facilities provided to them by the Shire of Coolgardie in such a way as to achieve personal gain or earn income external to the Shire.
- The playing of games on Shire of Coolgardie computers is not permitted.
- Where the use of any IT facility is governed by a password then the password must not be inappropriately divulged to any other person.
- Users must take every reasonable precaution to ensure that their passwords, accounts, software, and data are adequately protected.
- Any computer account or facility allocated to a user is for their exclusive use. The user must not allow another person to use it without appropriate authorisation from the Manager Executive Services.
- Users will comply with any directive (verbal, written or electronic) from the Manager Executive Services relating to access to IT facilities.
- Users must treat IT facilities with respect. Any willful damage sustained to equipment will result in the costs of repair being sought from the user of the equipment. Any damage sustained to equipment because of neglect may result in the costs of repair or replacement being sought from the user of the equipment.
- Food and beverages should not be consumed near IT equipment.

- Users must be aware that the use of mobile computing facilities may results in significant communications cots. When users do not have access to local call connections to the Shire, online time should be kept to a minimum. The shire of Coolgardie will not be responsible for any excessive costs incurred.

- Remote access to the Shire of Coolgardie IT facilities is provided on a need's basis. Those seeking such access will need approval in writing from the CEO. Users with remote access must take extra care in relation to security issues and report any breaches (or perceived breaches) of security immediately to the Manager Executive Services.

- The Shire's IT service employees reserve the right to perform system maintenance tasks outside regular Administration Centre working hours. Where abnormal maintenance tasks are planned notification of the anticipated down time will be communicated if possible. If employees have a need for after hour's access to IT facilities, they should liaise with the Manager Executive Services in advance to arrange access options.

Security

- Regardless of the prevailing security, or lack of security, users shall not access any data or software except data or software that belongs to the user and that has been provided for their use or is stored on a shared medium for which they have been granted access.

- Users must not attempt to rename, delete, or modify the data of another user without prior authorisation from the Manager Executive Services, except in the following circumstances:

  - For data or files stored on a shared network facility or transferred in/out via a shared network facility

  - Under direction of their supervising officer(s) to amend data or files stored in a personal directory.

- Anti-virus software protection is provided at both server and desktop level. If a user suspects that their machine has become infected with a virus (or similar type entity) it should be reported immediately to the Manager Executive Services.

- Users are encouraged to log out of their workstations when they are not in use. If users are aware that they are going to be away from their workstation for a period of at more than two hours, they should log out of their machines.

- Users should correctly shut their computer systems down before finishing work each day.

- Users must report to the Manager Executive Services, without delay, any breaches (either real or perceived) of security.

Software Copyright / License Regulations

Under Australian law all software is copyright by the author whether it explicitly contains copyright notice or not. Users must be aware of, and abide by, the relevant provisions of the Copyright Act as they apply to computer software including the following:

- Computer facilities provided by the Shire of Coolgardie must not be used to make illegal copies of software or copyrighted material.

- Users must comply with the conditions of the software license.
- Illegal software must not be installed on Shire of Coolgardie computer systems.

Regulating Internet Browsing Usage

- The provision of Internet browsing facilities to the user of a personal computer must be authorised by the relevant line Coordinator.
- Internet users must be aware that their use of the medium will be monitored and as such all use of internet browsing facilities must be for the Shire of Coolgardie business purposes only.
- For example, sites including but not limited to those of the following nature must be accessed:
  - Personal Shopping / Auctions
  - Share Trading
  - Entertainment
  - Adult Entertainment
  - Pornography
  - Personal Internet Email (such as hotmail or yahoo)
  - Personal Newsgroups
  - Chat rooms / Channels
  - Deliberate and/or continued access to sites such as (although not restricted to) those listed above will be a disciplinary matter.
- Users must not plagiaries works that are found on the internet.
- Internet users should not download the large files (more than ten (10) megabytes) unless necessary. If necessary, individual files of significant size should be downloaded at a time agreed to by the Manager Executive Services.
- The Shire of Coolgardie will not be responsible for any unauthorised financial obligations arising through the use or misuse of the internet.

Provision of Electronic Mail (E-Mail) Services

E-mail should not be used as a substitute for formal written correspondence on Shire of Coolgardie letterhead when letterhead is required. E-mail messages are official corporate documents and are legally binding.

- Most users of computer facilities will be provided with an e-mail address (where a need is identified) and are able to send and receive e-mail correspondence,
- The e-mail address of e-mail users identified the user as working for the Shire of Coolgardie. Users should communicate via electronic mail as they would in a public forum,
- E-mail messages of a corporate nature that leave the Shire of Coolgardie destined for an external organisation are public records and must be captured in the corporate memory. Any corporate e-mail messages that employees receive must also be captured in this manner. If the user is unclear of how to capture the correspondence themselves, such messages should be forwarded to Records employees to facilitate this legislative (State Records Act 2000) requirement,

- E-mail users must not post chain letters or engage in "spamming". Spamming is the sending of an annoying or unnecessary (i.e., non-business related) message to many recipients,
- Virus warnings will be issued by Administration Services. If you receive a virus warning by e-mail it should be forwarded to Administration Services so that its authenticity can be determined. Warnings should not be forwarded to any other e-mail user unless authorised by Administration Services,
- E-mail users must check their e-mail frequently, delete any unnecessary messages promptly and manage their e-mail files wisely.
- E-mail users must not use obscene, profane, lewd, inflammatory, or threatening language.
- E-mail users must not make or engage in personal, prejudicial, slanderous, libelous, or discriminatory attacks, remarks, statements, or messages.
- E-mail users must not harass other persons. Harassment is acting in a manner that distresses or annoys another person. If an employee is told by a person to stop sending them messages of this nature, the employee must stop.
- E-mail users must not knowingly or recklessly post false or defamatory information about a person or organisation.
- If you receive or continue to receive e-mail of a nature that does not comply with this Policy or includes non-business-related file attachments such as, but not limited to, sound files, games, presentations, images or movie clips, the sender of the message(s) should be instructed to stop sending them immediately and the messages deleted. The sending (or forwarding) of such non-business-related email attachments is not permitted.

Disciplinary Measures and Termination of Employment

- Any Breach of this policy will lead to disciplinary action against the employee, which may result in termination of the employee.
- Employees should also be aware that breaches of this Policy may incur legal action pursuant to the Copyright Act 1968, Sexual Discrimination Act 1984 the Anti Spamming Legislation and Equal Opportunity Act 1984.

Responsible Department: Project & Technical Services

Responsible Officer: Manager Executive Services

Delegation link (if any):

Date First Adopted: October 2013

Review dates: May 2017, August 2019, October 2020, November 2023

Policy Number 1.14 Execution of Documents

Legislative Reference: Local Government Act 1995 s9.49(A)

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

To provide guidance on the appropriate method of execution for the Shire's documents.

Policy Scope:

This policy ensures that the Shire's common seal is utilised, and documents executed in accordance with the provisions of s9.49A Local Government Act 1995 (the Act) whereby a document is duly executed by a local government if the common seal is affixed to it, or it is signed by an officer authorised by the Council to do so.

Policy Statement:

This policy applies to all Shire of Coolgardie employees who have been authorised through the provisions of this policy to execute documents on behalf of Council.

Executing documents using the common seal or by signing a document does not constitute the decision to undertake a course of action. A Council resolution or a decision under delegated authority is required prior to executing documents pertaining thereto.

If the Chief Executive Officer has authorised a senior employee to witness the affixation of the seal to a document or a class of documents, that authorisation is detailed in the Chief Executive Officer's Delegated Authority Register.

In the case of:

- Legislation,
- The formal requirements of a Commonwealth or State department, authority, or agency (as described in a policy or procedure, etc.); or
- A Council decision.

Expressly specifying a way in which a document is to be executed, that course of action is to take precedence over this policy.

Should ambiguity arise over what category might apply to a document i.e., two categories may have relevance to a document, then the higher category is to take precedence unless the decision has been made under delegated authority in which case it is a Category 2 document and can be executed by the officer exercising the delegated authority.

Procedure

- Where possible, documents requiring the common seal must be duly executed by the other counterparties prior to being submitted to the Shire of Coolgardie for execution. Exceptions may arise regarding Scheme Amendment and Structure Plan documents which may be certified prior to the WAPC certifying the document.
- Documents should be executed in original (paper) form, and the use of counterparts should

be avoided unless justified by the urgency of a document or transaction.

Category 1(A) Documents

Category 1A documents require a specific resolution of Council to sell, lease or enter into an agreement etc. as well as an authority to affix the seal e.g. (1) Council approves the leasing of Lot 1 on DP2 to Mr and Mrs Smith for four years; and (2) Council authorises the affixation of the seal to the lease.

These documents will be executed by having the common seal affixed under the authorisation of Council with the affixing of the seal in the presence of and being attested to by the President and Chief Executive Officer.

Following is a list of documents that are Category 1(A) documents.

Deeds, including but not limited to: -

- Deeds of Agreement,
- Deeds of Release; and
- Memorandum of Understanding,

in respect to sale, purchase or other commercial dealing relating to Shire assets including equitable interests.

Local Planning Schemes and Amendments.

Lease documents.

This category includes, but is not limited to: -

- Extension of Lease under original lease and new term not previously provided,
- Variation of Lease,
- Assignment of Lease; and
- Surrender of Lease.

Except for any of the above that is granted under delegated authority.

Local Laws

Landgate documents

Documents prepared for registration at Landgate that are mortgage documents and transfer of land forms where the value of the land exceeds the amount determined by the Shire of Coolgardie for the purpose of s5.43 (d) of the Act.

Category 1(B) Documents

Category 1(B) documents are those of a general form or category and which may be subject to time constraints for execution.

These documents are to be sealed as part of a "class of documents" authorised by Council to be executed under the common seal without a specific Council resolution to affix the seal.

Please note that the document may not require a Council resolution (being a Category 1(B) document) however the decision to undertake a course of action may still require Council approval.

Following is a list of documents that are Category 1(B) documents.

- Agreements relating to grant funding when the funder requests that the agreement be signed,
- under seal,
- Debenture documents for loans which Council has resolved to raise; General Legal and Service Agreements not already listed in this policy; and
- Indemnity given by the Shire to a third party.

Category 2 Documents

Category 2 documents do not require the seal to be affixed.

Under s9.49(A)(4) Council hereby authorises those employees listed in the table below to sign documents on behalf of the Shire of Coolgardie.

To follow is a list of documents that are Category 2 documents.

Description	**Authority of Execute**
Documents required to enact a decision of Council (i.e. contractual documents resulting from a tender process, adoption of a new Structure Plan etc.)	Any one of Chief Executive Officer, Deputy CEO and Director Projects & Technical Services
Documents required in the management of land as a landowner.	Chief Executive Officer
Documents required to be signed as the management body of Crown land where a decision is being made under delegated Authority	Chief Executive Officer
Documents prepared for registration at Landgate. The above authorisation does not extend to: - • Executing mortgage documents; and • Transfer of land forms where the value of the land exceeds the amount determined by the Shire of Coolgardie for the purpose of s5.43 (d) of the Act. which are category 1A documents.	President and Any one of Chief Executive Officer, Deputy CEO and Director Projects & Technical Services

Category 3 Documents

Category 3 documents are those documents that are created in the normal course of business and

are consistent with Shire policies and procedures. Category 3 documents are to be executed by CEO, Deputy CEO, Director Commercial Services and Director Projects & Technical Services, or a Shire officer where the authority and accountability has been extended through a policy or procedure.

These documents include but are not limited to the following: -

- Agreements in the normal course of business for the purchase of goods or services identified within the service unit's budget (other than for tenders awarded by Council) and conforming to the requirements of the Shire's Purchasing Policy and other relevant policies.
- General correspondence required to discharge the duties of your position; and
- Contracts for grant funding conducted in accordance with the Shire's External Grants - Development, Applications and Acquittals Management Procedure.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: June 2017

Review dates: May 2017, August 2019, October 2020, November 2023

Policy Number 1.15 Corporate credit cards

Legislative Reference: NA

Relates to: Delegation 1.15 Sub Delegation 1.15a

Policy Objective:

To provide clear direction on the use of Corporate Credit Cards by employees.

Policy Scope:

The Shire, to enhance daily purchasing processes and reduce administrative costs, will authorise the issue, by its preferred financial provider, of corporate credit cards with a maximum limit of $15,000 to the Chief Executive Officer, $10,000 for the Deputy CEO and Works Supervisor.

This Policy applies to the CEO, and all other employees, to whom Shire of Coolgardie corporate credit cards are issued.

The Local Government Act 1995 does not make any provision for the issuing of a credit card to the Shire President or any Council Member. As such, Council Members shall not be issued with a Corporate Credit Card.

Where a Council Member is accompanying an employee who holds a Shire corporate credit card, and a Shire Purchase Order has not, or cannot be issued to the supplier for the Council Member expenses, then those expenses may be incurred by the employee.

In such an event the restrictions and limits detailed below apply to expenses incurred by the Council Member, but "accepted" by the employee bearing the Shire corporate credit card.

Policy Statement:

Obligations of the Credit Cardholder

Credit Card Usage

The Credit Card:

- Shall only be used where a payment is required to be made via credit card; and/ a Purchase Order is not appropriate, for example:
  - one-off purchases where credit facilities do not exist or
  - immediate payment is a condition of the purchase.
- Is only to be used for the purchase of goods and services on behalf of the Shire such as but not limited to travel, accommodation and related parking costs, meals (breakfast, lunch, and dinner), travel expenses, conference/seminar fees, subscriptions to professional memberships, journals/publications, and activity cost charges where purchase orders are not useable,
- Shall not be used for "coffee and cake" meetings, where such meetings could be held at the Shire or client/stakeholder offices,
- Shall not be used for cash advances,
- Shall not be used for expenditure on personal items or services, and if the card holder cannot provide substantial of the claimed incurred expense, by way of receipt, or other

acceptable acquittal, then the card holder shall be liable for the expense, and must reimburse the Shire accordingly,

- Shall not be tied to any type of reward system that provides cardholders with any personal benefit or reward, other than outlined in a cardholder's employment contract,
- If lost, stolen and/or damaged shall be reported immediately to the Financial Institution and to the Manager Executive Services or Chief Executive Officer.

If a corporate card holder needs to secure goods or services that are not specifically covered by the above conditions, such as reciprocal hospitality to a key stakeholder, visiting dignitary etc then the corporate card holder may incur the expense, but if the Authorising Officer, or Council denies the relevance of the expense, or its necessity to be incurred, even if the corporate credit card invoice has been paid, the corporate card holder shall reimburse the Shire for the complete expense, or if the payment is pending the corporate card holder shall reimburse the Shire accordingly for the expense incurred.

The following are the approved methods of processing transactions, subject to the cardholder, on each occasion, maintaining a documented record of such transactions:

- Across the counter.
- By telephone (the transaction is completed by quoting Corporate card details to the supplier).
- By mail, quoting card details on orders to suppliers.
- By internet (the transaction is completed by quoting credit card details to the supplier).

Acquittals

It is the responsibility of the respective cardholder to retain purchase/expenditure documentation, tax invoices and reconcile credit card statements at the end of each month.

Each cardholder must sign the credit card statement in the space provided to validate the transactions shown in the statement and then obtain authorisation from their relevant supervisor being the:

- Shire President for the Chief Executive Officer
- Chief Executive Officer for the Deputy CEO and Works Supervisor. Disputed amounts must be investigated by the cardholder and notification must be provided immediately to the Senior Finance Officer.

Termination of employment

Credit cards must be returned to the Senior Finance Officer immediately on termination of employment of the cardholder for cancellation.

The cardholder remains responsible for providing details of any expenditure included on a credit card statement up to and including their final day of employment.

Cardholder Acknowledgement

The cardholder must sign a "letter of acknowledgement and declaration" acknowledging their responsibilities to comply with the Shire of Coolgardie policy when using their credit card.

Cardholder Register

The Senior Finance Officer shall ensure that a register of all Council Corporate credit cards is maintained.

Improper Use of Credit Cards

All holders of corporate credit cards are in a position of trust regarding the use of public funds and improper use of that trust may render the cardholder liable to disciplinary or legal action or criminal prosecution. Improper use includes misuse and/or fraudulent use.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any): 1.15, sub delegation 1.15a

Date First Adopted: June 2017

Review dates: May 2017, August 2019, October 2020, November 2021, November 2023

Policy Number 1.16 Record Keeping

Legislative Reference: State Records Act 2000, FOI Act 1992

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

To provide Council's expectations and commitment for record keeping of business transactions and official activities of the Shire of Coolgardie in line with legislative requirements

Under current records-related legislation including the State Records Act 2000 and Freedom of Information Act 1982, the Shire is required to maintain record keeping systems that are dedicated to the creation and control of the Shire's records.

The systems must ensure that the Shire's records accurately and adequately record the performance of its functions and are able to contribute towards informed decision-making of the Shire.

This Policy applies to all records, which are created or received by the Shire of Coolgardie, regardless of their media, date of creation or storage location.

Policy Scope:

This Policy fulfils the requirement of the State Records Principles and Standards 2002 for a Record Keeping Policy as part of a government organisation's record keeping framework that also includes a Record Keeping Plan and Operating Procedures (see Management Policies and Procedures Manual).

Policy Statement:

Definitions

Record, as defined by the State Records Act 2000, a record is information recorded in any form created or received and maintained by an organisation in the transaction of business and kept as evidence of such activity and includes:

- anything on which there is writing or Braille; and,
- a map, plan, diagram, or graph; and
- a drawing, pictorial or graphic work, or photograph; and
- anything on which there are figures, marks, perforations, or symbols, having a meaning for persons qualified to interpret them and;
- 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.

Council Policy

Council recognises that the Shire's records are a corporate asset.

Complete and accurate records of all business decisions and transactions are to be recorded in the Shire's records keeping system both in respect to their content and context.

The records are to be managed in accordance with the relevant legislation, policies, and procedures.

- Records creation:
  - All employees and Council Members are to create full and accurate records of the Shire's business decisions and transactions in the appropriate format.
- Records capture and control:
  - All records created and received during the Shire's business regardless of the format are to be captured into the Shire' record keeping system.
- Records access:
  - Council Members' access to the Shire' records will be via the Chief Executive Officer in accordance with the Local Government Act 1995.
  - Employees and Shire contractor's access to the Shire' records will be in accordance with designated access requirements, security classifications and operational guidelines.
  - The general public's access to the Shire' records by the will be in accordance with the Local Government Act 1995 and the Freedom of Information Act 1992.
- Records protection and security All records are to be managed and adequately protected and stored according to whether they are significant, insignificant, or vital records, and in accordance with their security classification definitions,
- Contractual and outsourcing obligations. All contractual arrangements are to ensure the Shire' ownership of its records.
- Retention and Disposal actions: All records within the record keeping system maintained by the Shire are to be disposed of in accordance with the State Records Office's General Disposal Schedule for Local Government Records (GDALG) RD2015-001.
- Records transfer Records are only to be transferred according to legislative requirements and the transfer is to be recorded in the relevant record keeping system.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any): 1.17

Date First Adopted: June 2017

Review dates: May 2017, August 2019, October 2020, November 2023

Policy Number 1.17 Attendance at Events – Council Members and CEO

Legislative Reference: Pursuant to s5.90A of the Local Government Act 1995 the local government must prepare and adopt (by absolute majority) a Policy in relation to attendance at events by Council Members and the CEO.

Definitions

Event - Local Government Act 1995 s5.90A (1**)** includes the following —

(a) a concert;
(b) a conference;
(c) a function;
(d) a sporting event;
(e) an occasion of a kind prescribed for the purposes of this definition.

Ticket - includes an admission ticket to an event, or an invitation to attend an event, or a complimentary registration to an event, that is offered by a third party.

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

To ensure compliance with s5.90A of the Local Government Act 1995 and to provide directions and guidance for Council Members and the CEO in relation to attendance at events.

Policy Scope:

This Policy applies only to the Council Members and the CEO of the Shire.

Council Members and the Chief Executive Officer attend events to fulfil their leadership role in the community. Council Members and/or the Chief Executive Officer will receive tickets or invitations to attend events to represent the Shire. The event may be a paid event, or a ticket/invitation may be gifted in kind. The primary objective of this policy is to:

- provide guidance concerning attendance at events by Council Members and the CEO,
- comply with the requirements of s5.90A of the Local Government Act 1995 by making and adopting (by absolute majority) a policy on attendance at events by Council Members and the CEO.

The Policy ensures appropriate disclosure and management of acceptance of invitations to events or functions (as defined below), where invitations to attend such events are made via the Council or the local government.

Policy Statement

The CEO will determine and apply a Policy regarding such matters, as they apply to all employees (other than CEO) who is bound by this policy.

In addition, this Policy only applies regarding tickets provided to the Council, or the local government, not to individual, specified Council Members, or the CEO.

Where invitations to such events are provided to individual, specified Council Members or the CEO, such invitations are to be assessed and determined as though they were gifts, pursuant to the Local

Government Act 1995, any Regulations made under the Act, and the Shire's Code of Conduct, where relevant.

Assessing Invitations to Council Members and the CEO

Given that this Policy applies only to Council Members and the CEO, and only in relation to tickets to events given to the Council or the local government, rather than specified, individual Council Members, or the CEO, the CEO and Shire President will liaise to determine on what basis, if at all such tickets (formerly described) will be provided to Council Members or the CEO.

In doing so the Shire President and CEO may consult with other Council Members about the merits of accepting an invitation, and in doing so may take account of a range of factors.

Assessing Invitations to specific Council Members or the CEO

Deciding whether an invitation to an event has been made to a council member or the CEO in an official capacity may be made by applying a range of criteria applied, including, but not limited to:

- Prior to being a council member, or the CEO, did the donor provide such invitations to the same individuals? If so, then the invitations have not been in the role as council member, or CEO and should be assessed as a gift.
- When the council member, or CEO are no longer holding this office, will the donor still provide, the same, or similar gifts to the same individuals? If so, then the invitations have not been in the role as council member, or CEO and should be assessed as a gift.

If a council member or the CEO forms the opinion that the tickets offered have been offered specifically, then such invitations should be treated as a gift, and disclosed (or not) accordingly.

Pre-approved events

Council Members and the CEO may receive tickets or invitations to attend events to represent the Shire.

Attendance at events covered by this policy is an "excluded gift" as defined in section 5.62(1B) of the Local Government Act 1995:

Where the Council Member or CEO is attending an event in an official capacity, such as:

- performing a speaking role or some other welcoming role,
- participating as a member of a discussion panel or judging panel,
- presenting at the event as part of the event program,
- representing the Shire of Coolgardie at a sponsorship acknowledgement event or award ceremony, where the primary purpose of attendance is not for the entertainment of the individual Council Member or employee, but enable the Shire to fulfil its role, and exercise its rights and benefits, as a sponsor,
- presenting awards or prizes to others on behalf of the Shire,
- attending an exhibition or display where the Shire, its programs or services are being showcased at the event.

Where the ticket is offered by:

- the Western Australian Local Government Association

- the Australian Local Government Association
- Local Government Professionals WA
- a department of the Public Service
- a government department of another State, a Territory or Commonwealth
- a State or Federal Member of Parliament, other than for party political events or fundraisers
- a local government or regional local government
- major professional or industry association(s) relevant to local government activities
- a stakeholder partner of the Shire
- a civic / cultural / community organisation within the Shire of Coolgardie
- educational institutions or
- a not-for profit organisation.

Complimentary tickets and benefits under sponsorship agreements

Where the provision of complimentary tickets or a benefit exists under a current sponsorship agreement or arrangement between the Shire and a third party, the management and allocation of tickets or benefits (unless expressly stated) shall be determined by the Chief Executive Officer, in conjunction with the Shire President, and disclosed in accordance with this policy.

A Council Member may be allocated a ticket or benefit by the Chief Executive Officer under this Policy on the basis that attendance would enable the Council Member to perform their role as a community representative and to network and liaise with community individuals /groups within the Shire's district.

The gift of tickets must be declared to the CEO (or by the CEO, to the Shire President) within 10 business days and recorded on the gift register within another 10 business days.

Unless attendance has been paid for in full by the council member, they must disclose the value of the tickets or hospitality to the CEO within ten days of receipt.

The council member will also have an interest in any matter involving the donor that comes before council.

Event attendance may create a perceived or actual conflict, which may preclude Council Members participating or the CEO from providing advice at a future meeting.

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

Reimbursement of Expenses

Where an invitation or ticket to an event, outside of the district, is provided free of charge, the Shire may reimburse appropriate expenses for attendance, such as travel and accommodation, if determined that attendance would be of public value.

If the Shire President or Council determines that a council member or CEO should attend a paid event, the Shire will pay the cost of attendance and reasonable expenses, such as travel and accommodation.

Other than the Annual Conference of WALGA the Shire will not fund or reimburse the cost of attendance by a partner of a council member, or the CEO, at an event.

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 or Chief Executive Officer personally pays the full ticketed price and does not seek reimbursement, then no action is required.

If the event is ticketed and the Council Member or Chief Executive Officer pays a discounted rate or is provided with a free ticket, then the recipient must disclose receipt of the ticket/s (and any other associated hospitality) within 10 days.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: 27 August 2019

Review dates: October 2020, October 2021, November 2023

Policy Number 1.18 Equal Employment Opportunity

Legislative Reference: s.145(2) (a-h) of the Equal Opportunity Act 1984, Local Government Act and Work Health and Safety Act (re safe workplaces)

Council has a legal obligation to ensure its workplaces are free from discrimination, harassment and bullying and abides by the following laws:

- Equal Employment Opportunity Act 1984 (Western Australia legislation).
- Gender Reassignment Act 2000 (Western Australia legislation).
- Occupational Safety and Health Act 1984 (Western Australia legislation), Work, Health and Safety Act (Western Australia legislation),
- Age Discrimination Act 2004 (Commonwealth legislation).
- Australian Human Rights Act 1986 (Commonwealth legislation).
- Disability Discrimination Act 1992 (Commonwealth legislation).
- Racial Discrimination Act 1975 (Commonwealth legislation).
- Sex Discrimination Act 1984 (Commonwealth legislation).

Definitions

"Affirmative Action" refers to a set of actions designed to eliminate existing and continuing discrimination, to remedy effects of past discrimination and to create systems and procedures to prevent future discrimination. Affirmative action includes actions, policies, and procedures to which an organisation commits itself and that are designed to eliminate poor equal employment opportunity,

"Bullying" refers to the repeated, less favourable treatment of a person by another or others, which may be considered unreasonable and inappropriate. It includes behaviour that intimidates, offends, degrades or humiliates a person,

"Contractor" refers to a person or business which provides goods or services to the Shire of Coolgardie under terms specified in a contract. Unlike an employee, a contractor does not work regularly for the Shire,

"Direct Discrimination" refers to when a person is treated less favourably because of a personal characteristic, which is not job related e.g., sex, ethnic origin, hair colour,

"Disability Harassment" refers to when a person is threatened, abused, offended or excluded because of their disability,

"Discrimination" refers to unequal treatment or access to opportunities. Discrimination may be direct, indirect or systemic,

"Employees" refers to all people employed by the Shire of Coolgardie, whether permanent, fixed term or casual contract of service, apprentice, and trainee and independent contractors,

"Council Member" refers to a person who holds the office of President or is a member of the Shire of Coolgardie Council.

"Employer" refers to:

- A person that employs an employee under a contract of employment; and,
- In relation to an apprentice, a person who employs the apprentice under a training contract registered under the Vocational Education and Training Act 1996 Part 7 Division

"Equal Employment Opportunity" refers to fairness and equity in recruitment and selection, career opportunities, training and development and all other Shire processes and procedures,

"Harassment" refers to any unwelcome unreciprocated behaviour that makes a person feel belittled, intimidated, offended or apprehensive,

"Indirect Discrimination" refers to the outcome of the application of a rule, practice or attitude which appears to be neutral and fair however which in practice has the effect of excluding or disadvantaging one group of people compared to another,

"Merit" refers to the assessment of each person's skills and abilities against the needs of the job,

"Racial Harassment" refers to when a person is threatened, abused, insulted or taunted about their race, or a characteristic generally associated with their race, and they believe if they object to the unwanted behaviour, they will be disadvantaged in their workplace, or they are already disadvantaged,

"Serious Misconduct" refers to misconduct that results in a criminal offence being committed, which is identified as serious by the Equal Employment Opportunity Commission, Australian Human Rights Commission or Work Safe, or which is deemed to be so serious that the actions would warrant instant dismissal,

"Sexual Harassment" refers to any behaviour of a sexual nature, which is unwanted, unwelcome or uninvited which makes a person feel humiliated, intimidated or offended,

"Social networking sites" refers to computer-based web sites that allow individuals to publicly make comment on matters,

"Systemic Discrimination" refers to the rules or practices that result in different patterns of access to different jobs and different access to benefits or services. It is the result of direct and indirect discrimination,

"Victimisation" refers to an employee who has been discriminated against, harassed, bullied, or suffered a disadvantage because of making a complaint, or is a witness to a complaint in relation to discriminatory behaviour.

"Vilification" refers to generally any act that occurs publicly as opposed to privately; and that could incite others to hate, have serious contempt for, or have severe ridicule of an individual or a group of individuals, because of race, colour, nationality, descent, ethnic, ethno-religious or national origin, homosexuality (lesbian or gay), HIV or AIDS status or transgender status.

This includes vilification because an individual is thought to be lesbian, gay or transgender, or thought to have HIV or AIDS.

Relates to: Delegation NA Sub Delegation NA Policy Objective:

To ensure compliance with the Equal Opportunity Act 1984 and to reinforce the commitment of the Shire of Coolgardie to the principles and application of same.

Policy Scope:

This Policy applies to all Council Members, the CEO, and all employees at the Shire and where relevant those performing work (paid and unpaid) for the Shire, including but not limited to direct employees, contractors, labour hire, volunteers and those performing work through a third party.

Employment related practices are to be periodically reviewed in accordance with this policy, with consideration of practices and directives covering:

- Recruitment,
- Conditions of service,
- Appointment, promotion, and transfer; and
- Training and development.

Policy Statement

The Shire is committed to the principles of equal employment opportunity. This involves the improvement in the skill and competency levels of all employees to provide equal access to further employment or career path progression.

The Shire acknowledges and celebrates diversity and commits to continuing to seek actively and flexibly to appoint and accommodate the unique needs of many different employees. The Shire is committed to providing an environment free from all forms of discrimination, harassment and bullying and all employees will be treated in a fair and equitable manner in all decisions and processes.

1. Workplace Bullying and Victimisation

Workplace bullying can be defined as repeated unreasonable or inappropriate behaviour directed towards a worker or group of workers which may be considered unreasonable and inappropriate workplace practice, that create a risk to health and safety.

Victimisation includes threatening, harassing, or punishing a person in any way because they have objected to the way they have been treated.

1.1 Workplace bullying can be defined as repeated unreasonable or inappropriate behaviour directed towards a worker or group of workers which may be considered unreasonable and inappropriate workplace practice, that create a risk to health and safety.

Victimisation includes threatening, harassing, or punishing a person in any way because they have objected to the way they have been treated.

Workplace bullying and victimisation can be placed under two behaviour categories – overt behaviour and covert behaviour.

1.1.1 Overt behaviour includes:

- Loud or abusive language,
- Yelling or screaming,
- Unexplained rages,

- Unjustified criticism or insults, particularly in front of others,
- Humiliating or demeaning conduct; or
- Unjustified threats of dismissal or other disciplinary action.

1.1.2 Covert behaviour includes:

- Sabotage by withholding information,
- Hiding documents or equipment,
- Constantly changing targets / work guidelines,
- Overloading a member of the organisation with work and impossible deadlines, causing physical and/or mental exhaustion,
- Withholding training or resources which is typically offered to other members of the organisation,
- Isolating or ignoring an employee; or
- Practical joking.

1.1.3 Workplace bullying can occur between:

- Co-workers,
- An employee and a manager/line supervisor,
- An employee and a Council Member,
- An employee and another person in the workplace (e.g., contractor, visitor); or
- A group of workers.

1.1.4 Workplace bullying can occur through the following mediums:

- Face to face.
- Via 3rd parties.
- On social media sites including Facebook and Twitter.

All reports of workplace bullying, or victimisation will be treated seriously and investigated promptly, with complete confidentiality (where possible) and without discrimination.

Appropriate action will be taken against any member of the organisation who partakes in bullying or victimizing a fellow colleague.

The Shire has a duty to protect all members of the organisation who report incidents of workplace bullying and victimisation. Any retaliation or victimisation against any member of the organisation who reports workplace bullying and victimisation will not be tolerated and will result in disciplinary action.

Workplace bullying and victimisation can occur in any work-related context, including council meetings, conferences, work functions and social club events such as Shire Christmas parties.

It is important for all members of the Shire to understand that workplace bullying, and victimisation does not include the Shire legitimately exercising its right to direct and control the way work is done, monitoring employees' performance and dealing with underperformance in appropriate and constructive manner, as per the Shire's procedures.

2.0 Workplace Discrimination and Harassment

2.1 Discrimination

Discrimination occurs when a person is treated less favourably than another person because of certain attributes.

Under Federal and State laws, it is against the law to discriminate against people or to harass them, in various areas of public life because of their:

- Race, including colour, ethno-religion background or nationality (under the Racial Discrimination Act 1975).
- Sex, pregnancy, transgender or marital status (under the Sex Discrimination Act 1984).
- Disability (under the Disability Discrimination Act 1992)
- Carers' responsibilities (under WA Equal Opportunity Act 1984)
- Sexual orientation (under WA Equal Opportunity Act 1984).
- Age (under the Age Discrimination Act 2004).

It is also against the law to treat people unfairly, or harass them, because of the age, disability, carers' responsibilities, homosexuality, marital status, race, sex or transgender of any relative, friend or colleague.

2.1.1 There are 2 types of discrimination (direct and indirect):

- Direct discrimination is where someone is treated less favourably because of their sex, age, race, disability, pregnancy, or any of the other grounds covered by anti-discrimination legislation,
- Indirect discrimination occurs when a requirement or rule that is the same for everyone has an effect or result that is, or is likely to, disadvantage employees because of their sex, race, disability etc. For example, a decision to insist that all employees complete a training assessment in a set time may indirectly discriminate against a person with vision impairment.

2.2 Harassment

Harassment is defined as behaviour that is directed at an individual or group of employees which, because of its severity and/or persistence, is likely to create a hostile or intimidating environment and detrimentally affect an individual's participation in employment.

Harassment is determined by the nature and consequences of the behaviour, not the intent of the initiator, and occurs in circumstances where a reasonable person would have expected the behaviour to be offensive, humiliating or intimidating.

2.2.1 General Harassment may include:

- Abusing a person loudly, usually when others are present,
- Repeated threats of dismissal or other severe punishment for no reason,
- Constant ridicule or being put down,
- Leaving offensive messages on email or the telephone,
- Sabotaging a person's work, for example, by deliberately withholding or supplying incorrect information, hiding documents or equipment, not passing on messages or getting a person into trouble in other ways,
- Maliciously excluding or isolating a person from workplace activities,
- Persistent and unjustified criticisms, often about petty, irrelevant, or insignificant matters,
- Humiliating a person through gestures, sarcasm, criticism, and insults, often in front of management or other workers; and
- Spreading gossip or false, malicious rumours about a person with an intent to cause the person harm.

2.2.1 Discrimination and harassment in the workplace are unlawful.

Discrimination or harassment is not just unlawful during working hours or in the workplace itself but can occur in any work-related context, including council meetings, conferences, work functions and social club events such as the Shire Christmas party.

2.2.2 Discrimination and Harassment can occur through the following mediums:

- Face to face
- Via 3rd parties
- On social media sites such as Facebook and Twitter Discrimination or harassment does not only occur between co-workers. A person (male or female) could be harassed or discriminated against by a line supervisor, manager, director, Council Member, contractor, service provider, client, or customer. It is important for all members of the City to understand that workplace discrimination or harassment does not include the Shire legitimately exercising its right to direct and control the way work is done, monitoring employees' performance and dealing with underperformance in appropriate and constructive manner, as per the Shire's procedures.

3. Workplace Sexual Harassment

3.1 Sexual harassment Sexual Harassment is any behaviour of a sexual nature, which is unwanted, unwelcome, or uninvited which makes a person feel humiliated, intimidated, or offended.

It may involve a single incident or a series of incidents.

The Commonwealth (Federal) Sex Discrimination Act 1984 and the W.A. (State) Equal Opportunity Act 1984 declare sexual harassment to be unlawful.

Sexual harassment can take many forms, from relatively mild sexual banter to actual physical violence. Members of the organisation may not always realise that their behaviour constitutes sexual harassment, but they must recognise that what is acceptable to one person may not be acceptable to

another.

Sexual harassment is unwanted behaviour of a sexual nature by one member of the organisation towards another.

3.1.1 Examples of behaviour that may be classed as sexual harassment include however is not limited to include:

- Unwanted physical contact - e.g., touching; patting; pinching; kissing or embracing someone; sexual assault or rape.
- Verbal comments - e.g., innuendo; smutty jokes; suggestive comments about someone's appearance or body; persistently inviting someone out; questions about a person's private life; requests for sexual favours.
- Nonverbal actions - e.g., leers; stares; displays of sexually explicit material; offensive body and hand movements; suggestive letters and drawings including emails; indecent exposure, stalking, taking unwanted photographs or the giving of unwanted gifts.

3.1.2 Although the Commonwealth (Federal) Sex Discrimination Act 1984 declares sexual harassment to be unlawful (deemed a civil offence), some types of sexual harassment may also be offences under criminal law.

Some examples include:

- Physical molestation or assault,
- Indecent exposure,
- Sexual assault,
- Stalking; or
- Obscene communications such as telephone calls and letters. If a claim of sexual harassment is found to be valid under criminal law, the offender can be prosecuted and may face a fine or jail sentence.

3.2 Identifying sexual harassment

When identifying sexual harassment, the intent of the person whose behaviour caused offence is largely immaterial, as it is the effect of their behaviour that is relevant.

If the behaviour is unwelcomed and is sexually oriented and occurs in circumstances where a reasonable person would have anticipated the possibility that a person would have been offended, humiliated, or intimidated by the conduct, then it is sexual harassment.

Sexual harassment is not just unlawful during working hours or in the workplace itself. Sexual harassment can occur in any work-related context, including conferences, council meetings, work functions and social club events such as Shire Christmas party.

Sexual harassment does not only occur between co-workers. A person could be sexually harassed by a line supervisor, Manager, Director, Council Member, Contractor, Service Provider, Client, or Customer.

3.2.1 Sexual harassment can occur between:

- Males and females,
- Males and males,
- Females and females,
- An individual and a group of people,
- Two individuals; or
- Two groups

3.2.2 Sexual Harassment can occur through the following mediums:

- Face to face,
- Via 3rd parties; or
- On social media sites such as Facebook and Twitter etc.

Sexual harassment is not behaviour which is based on mutual attraction, friendship, or respect.

If the interaction is consensual, welcome, and reciprocated, it is not sexual harassment.

It is also important for all members of the Shire to understand that workplace sexual harassment does not include the Shire legitimately exercising its right to direct and control the way work is done, monitoring employees' performance and dealing with underperformance in appropriate and constructive manner, as per the Shire's procedures.

4.0 Zero tolerance approach

4.1 Zero Tolerance means: All Council Members must conduct their own behaviour within the Shire's Equal Employment Opportunity (EEO) Policy.

All Council Members must demonstrate a positive example to all the community and to employees of the Shire in how to act appropriately within the workplace.

Each Director/Manager must conduct their own behaviour within the Shire's EEO Policy. Each Director/Manager must provide a positive example to all employees of how to act appropriately within the workplace.

All supervisors and line managers must monitor their work environments and immediately refer to the Shire's Grievance Management Policy & Procedures, should they witness a suspected breach of the Shire's EEO Policy.

All employees must report to their supervisor, coordinator or line manager, any situation in which they have witnessed a suspected breach of the Shire's EEO Policy.

All members of the organisation must always conduct their own behaviour within the Shire's EEO Policy.

4.1.1 All breaches and alleged breaches of the Shire's EEO Policy will be fully investigated and any member of the organisation, who disregards the Shire's EEO Policy, will be subjected to disciplinary action:

- Employees will be subject to the procedures in Shire's Code of Conduct for Employees and related internal procedures.

- Council Members will be referred to the Shire's Code of Conduct for Council Members.

5. The Shire's commitment to Equal Opportunity Employment

5.1 Equal Employment Opportunity at the Shire of Coolgardie means that the Shire will ensure that all policies, procedures, and actions reflect and value the social and cultural diversity within the Shire and the community it serves through:

- Structured recruitment and selection policies that are designed to select the best candidate based solely on qualifications, skills and experience.
- The implementation and constant monitoring of EEO policies to ensure that social and cultural backgrounds of all members of the organisation and customers are recognized and respected.
- Learning and Development opportunities are linked to the future needs of the Shire.
- The adherence to the Shire's organisational values that support our commitment to respect, fairness, dignity, diversity, and equity.
- Implementation and constant monitoring of a zero-tolerance approach identifying the responsibilities of all contractors, employees, managers, directors, the CEO and Council Members of their rights and responsibilities in respect of EEO.
- Provision of equal employment opportunity by making decisions concerning all members of the organisation based on merit and fairness only.
- The requirement that all staff are required to participate in extensive EEO training and managers, line supervisors, directors and the CEO receive formal training on managing EEO complaints and understanding the Shire's grievance management process.
- The implementation of a structured grievance management process, by which all EEO complaints are investigated.
- Provide an enjoyable, challenging, involving and harmonious working environment for all members of the organisation where each can progress to the extent of their ability based solely on merit.

6.0 Lodging a Complaint

6.1 Any member of the organisation who feels that they have being discriminated against, or witnessed a fellow member being discriminated against, is expected to report the alleged behaviour as follows:

- Employees will be required to immediately report any such behaviour to their line supervisor or Manager. In the case that the alleged behaviour is in respect of their direct line supervisor, the employee, should advise the Deputy CEO, or a member of the Human Resources Team.
- Council Members will be required to immediately report any such behaviour to the Shire President. In the case that the alleged behaviour is in respect of the Shire President, the Council Member should report the behaviour to the Deputy President.

7.0 Consequences of breaching Equal Employment opportunity

7.1 Any breach of equal employment legislation by an employee of the Shire will be a serious breach, and the individual concerned will be required to participate in the Shire's performance counselling process.

The outcome of a breach may result in the employee facing disciplinary action up to and including instant dismissal.

7.2 Any breach of equal employment legislation by a contractor of the Shire will be a serious breach, and the contractor will be required to explain their actions to the CEO.

The outcome of a breach may result in the contractor providing a written apology or contract being terminated for breach of conditions.

7.3 Any breach of equal employment legislation by a Council Member of the Shire will be a serious breach, and as such the Council Member may be required to participate in disciplinary action.

8.0 Roles and responsibilities

The overall responsibility for monitoring the effectiveness of this policy and for implementing an on-going program of action lies with:

8.1 The Council Members of Council who will be responsible for:

- Never engaging in any form of harassing behaviour.
- Demonstrating a positive example to the community of the strong principles the Shire holds in respect of EEO.
- Ensuring that all decision-making processes are made based on merit and fairness only.

8.2 The Executive Management Team who will be responsible for:

- Never engaging in any form of harassing behaviour.
- Enforcing a zero-tolerance policy on discrimination, harassment, or bullying.
- Making recommendations to HR for EEO related training and policy updates taking immediate steps to address any observed (or anecdotal) harassment or discriminatory behaviour.
- Taking immediate steps to address any harassment claims and ensuring that they are resolved in a timely manner.
- Being aware of Council's policies in respect of EEO and Discrimination ensuring that all subordinate staff within their teams, participates in all required EEO training and attending themselves.
- Ensuring that staff are aware of Council's EEO Policy.
- Ensuring that all new staff are inducted into their team and that they participate in an appropriate induction program.
- Providing equal opportunities for staff to participate in career development and higher duties based on merit.

- Ensuring all staff members have equal access to employment, development, and training opportunities subject to individual, team and organisation priorities.
- Ensuring that any recruitment and selection decisions made by them are not discriminatory.
- Ensuring that the working environment is free of sexist, racist or any other forms of stereotyping material, posters, screensavers, internet, email communications etc.

8.3 The Human Resources Team who will be responsible for:

- The collection, analysis, reporting and maintenance of EEO statistics.
- The writing, distribution, and maintenance of the EEO policy and the EEO Management Plan.
- The provision of up to date and relevant EEO information to management.
- Design, distribution, analysis, and reporting of employee survey data.
- Ensuring the EEO Management Plans are in accordance with relevant legislation.
- Educating staff at all levels on their EEO rights and responsibilities.
- Championing a zero-tolerance policy on any form of discrimination, harassment, or bullying.
- Providing support and advice on EEO Matters.

8.4 Individual Members of the organisation who are responsible for:

- Always treating all work colleagues equally and in a non-discriminatory manner and with consideration and respect.
- Promoting happy positive and harmonious working relationships with other members of staff in all circumstances.
- Being aware of what to do if they feel harassed or if they witness a colleague being harassed, bullied, or discriminated against.
- Being aware of their rights and responsibilities under the law.
- Being aware of Council's policies in respect to EEO.
- Undertaking training provided by Council.
- Completing EEO surveys honestly and returning them in a timely manner.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Adopted: June 2017

Review dates: October 2020, November 2023

Policy Number 1.19 Designated Senior Employees

Legislative Reference: s5.73 Local Government Act 1995

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

To provide an opportunity for Council, to identify a class of employees to be "Senior Employees" pursuant to the provisions of the Local Government Act 1995 and for those same employees to be designated senior employees, also pursuant to the provisions of the Act.

Policy Scope:

Applies to all employees, so designated by Council.

Policy Statement:

As at the date of making this Policy, the Council has not determined to designate any employees as Senior Employees.

It is acknowledged that it is open for Council, to determine to do so, at a future date.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Adopted: October 2022

Review dates: October 2022, November 2023

Policy Number 1.20 Public Interest Disclosure

Legislative Reference: Public Interest Disclosure Act 2003, State Records Act 2000

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

This policy outlines the Shire of Coolgardie's recognition of its ethical, legal obligations and its commitment to the principles and proper practices of Public Interest Disclosures.

The Shire will receive disclosures of public interest information in accordance with the provisions of the Public Interest Disclosure Act 2003.

Policy Scope:

Applies to all employees.

Policy Statement:

The Shire of Coolgardie is committed to the aims and objectives of the Public Interest Disclosure Act 2003 (PID Act).

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

The Shire will take all reasonable steps to provide protection to employees who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure.

The Shire does not tolerate any of its employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Adopted: October 2022

Review dates: October 2022, November 2023

Policy Number 1.21 Child Safety Awareness

Legislative Reference: recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

To enable the documentation and maintenance of a record of policies adopted by Council and outline processes to be followed for their drafting and implementation.

Policy Scope:

The safety and wellbeing of children is everyone's responsibility. This Child Safe Awareness policy applies to all, employees, volunteers, trainees, work experience students, interns, and anyone else who undertakes work on behalf of the Shire of Coolgardie regardless of their work related to children or young people.

It applies to occupants of Shire of Coolgardie facilities and venues, including visitors, contractors and suppliers.

Policy Statement:

s2.7 of the Local Government Act 1995 prescribes part of the role of a Council is to "determine the local governments policies"

The Shire of Coolgardie supports and values all children and young people. The Shire of Coolgardie makes a commitment to support the safety and wellbeing of all children and young people, including protection from abuse.

This Child Safe Awareness policy is one of the ways the Shire of Coolgardie demonstrates its commitment to being child safe and a zero-tolerance approach to child abuse.

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

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

The Shire of Coolgardie will promote the safety and wellbeing of children across the community.

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

Definitions

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

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

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

- creates an environment where children's safety and wellbeing are at the centre of thought, values, and actions
- places emphasis on genuine engagement with and valuing of children and young people
- creates conditions that reduce the likelihood of harm to children and young people
- creates conditions that increase the likelihood of identifying any harm, and
- responds to any concerns, disclosures, allegations, or suspicions of harm.

Note: in the context of local governments, this would involve referring concerns to the Department of Communities or WA Police to respond as appropriate.

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

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

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

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

Policy Principles:

- The rights of children and young people are upheld.
- Children and young people are respected, listened to, and informed about their rights.
- Children and young people have the fundamental right to be safe and cared for.
- Children and young people have the right to speak up, be heard and taken seriously without the threat of negative consequences.
- The safety and best interests of children and young people are a primary consideration when making decisions that concern them.
- Access to trusted and reliable information, including the National Principles for Child Safe Organisations, helps support organisations to understand what they must do to help reduce the risk of harm and abuse.
- Communities are informed and involved in promoting the safety and wellbeing of children and young people including protection from harm.
- Collaboration with the community and our partners promotes the safety, participation and empowerment of all children and young people.

Policy Functions:

The Shire of Coolgardie will ensure the following functions of this policy are resourced and assigned to the relevant officers for implementation:

- Developing a process to deliver child safe messages (for example at Shire of Coolgardie

venues, grounds and facilities or events).
- Connecting and supporting local community groups, organisations, and stakeholders to child safe resources (including culturally safe and inclusive resources).

Responsibilities:

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

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

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

Related Legislation:

Other legislation or policy frameworks that inform local government requirements, for example:
- Child Care Services Act 2007
- Children and Community Services Act 2004
- Civil Liability Act 2002
- Corruption, Crime and Misconduct Act 2003
- Equal Opportunity Act 1984
- Freedom of Information Act 1997
- Local Government Act 1995
- National Principles for Child Safety Organisations
- Parliamentary Commissioner Act 1971
- Public Interest Disclosure Act 2003r
- Public Sector Management Act 1994
- United Nations Convention on the Rights of the Child (CRC)
- Work Health and Safety Act 2020
- Working with Children (Criminal Record Checking) Act 2004

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any): N/A

Date First Adopted: July 2023

Review dates: November 2023

Policy Number 1.22 Bluebush Village - Room Allocation

Legislative Reference: Section 6.2, 6.16 and 6.17 of the Local Government Act (1995)

Relates to: Adopted Annual Plan and Budget (Fees and Charges)

Policy Objective:
The set guidance on how the CEO may exercise discretion when negotiating room hire at the Shire owned Kambalda Bluebush Village

Policy Scope:
The Shire's objectives for Bluebush Village are:

- *Economic Growth*: The Shire is eager to support businesses that that grow the economy of the District
- *Local Business Development/Diversification:* The Shire wants to ensure that the Bluebush Village helps existing Shire of Coolgardie businesses to grow and enables the development of new businesses within the community.
- *Community*: The Council is eager to ensure that the Village is accessible/available for community groups wishing to access accommodation for regional sporting competitions/events
- *Environmental*: The Council wants to be a local government leader in environmental sustainability. The accommodation available at the Bluebush Village shall be used a 'lever' to support environmental initiatives and excellence within the District.
- *Government Engagement*: Access to affordable accommodation can be a barrier to the delivery of government services within the Shire. The Bluebush Village shall be used as a lever to attract government services and government engagement with the Coolgardie Shire/community
- *Financial Return:* The Shire is growing its 'own source revenue' and seeks a strong financial return from its investment in the Bluebush Village.

Policy Statements Room
Allocations
When allocating rooms at Bluebush Village the following Policy provisions shall be applied:

1. No greater than up to 50% of rooms shall be let to any individual company. Consideration may be given where the individual company agrees to pay full price for rooms.
2. Contracts for room hire shall be for a duration of no longer than one calendar year
3. To ensure flexibility, a minimum of 10% of all rooms shall be available for use within a 45 day period at all times
4. Rooms may not be 'on-sold' by hirers without the prior written consent of the CEO.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any): N/A

Date First Adopted: December 2023

Review dates: December 2024, October 2025

Policy Number 1.23 Disposal of Property, including portable and attractive assets (Other than Land).

Legislative Reference: s3.58 Local Government Act 1995, cl 30(3) of the Local Government (Functions and General) Regulations 1996

Relates to: Delegation 1.2.20 Sub Delegation NA and Council Policy xxx Portable and Attractive Items

Policy Objective:

To provide guidance on the management of the disposition of property, including portable and attractive assets (other than land), valued less than $20,000, ensuring full compliance with applicable legislative obligations and principles of transparency.

Policy Scope:

This policy applies to all disposition of property (other than land) valued at less than $20,000, including the disposal of portable and attractive assets.

This policy applies to all Council Members, and employees, whether full-time or part-time, of the Shire of Coolgardie.

Policy Statement:

Definitions

Dispose means to sell, donate or dispose of in an environmentally responsible method.

Property means any local government property (valued less than $20,000) not including money or land but including portable and attractive assets.

The disposal of property, including portable and attractive assets (other than land) valued at less than $20,000, based on a reasonable judgement valuation, shall be as follows:

Property type	**Method of disposition**
Fleet, plant or machinery valued at less than $20,000	The CEO shall have discretion to dispose of the property through either a: • Public auction process, • Public tender process, or • Trade-in (in accordance with regulation 30(3)(b) of the Local Government (Functions and General) Regulations 1996.
Furniture, equipment, goods or portable and attractive assets valued from $5,000 and less than $20,000	The CEO shall have discretion to dispose of the property through either a: • Public auction process, or • Public tender process. In the event of there being no response to the auction or tender process, the property shall be offered to local community groups, sporting clubs or charities through a locally advertised expression of interest process which may comprise either an expression of interest or be on a "first in, first served"

	response basis: • Where more than one interest is received, the CEO shall determine the order of priority, with preference given to local not-for-profit community groups where practicable. • If no interest is received, the property will be disposed of through a waste collection service.
Furniture, equipment goods or portable and attractive assets valued from $1,000 and less than $5,000	Property will be offered to local community groups, sporting clubs, charities or schools through a locally advertised expression of interest process which may comprise either an expression of interest or be on a "first in, first served" response basis: • Where more than one interest is received, the CEO shall determine the order of priority, with preference given to local not-for-profit community groups where practicable. • If no interest is received, the property will be disposed of through a waste collection service.
Furniture, equipment, goods, or portable and attractive assets valued less than $1,000	The CEO, or an employee authorised by the CEO, may determine that the goods have little, or no value, and in such a case the goods may be disposed of, as rubbish. Where the CEO, or an employee authorised by the CEO, determines that the good may be of use to local community groups: • The property will be offered to local community groups, sporting clubs or charities through a locally advertised expression of interest process which may comprise either an expression of interest or be on a "first in, first served" response basis. • Where more than one interest is received, the CEO shall determine the order of priority, with preference given to local not-for-profit community groups, where practicable. • If no interest is received, the property will be disposed of through a waste collection service. Otherwise, the CEO may cause disposition of the property by offering it to Council Members, or employees, who may accept it.
Damaged, or unserviceable goods, portable and attractive assets.	The CEO, or an employee authorised by the CEO, may determine that the goods have little, or no value, and in such a case the goods may be disposed of, as rubbish.

	In such cases, the CEO may cause disposition of the property by offering it to Council Members, or employees, who may accept it.
Items surrendered at the security screening points at Kambalda Airport (not including weapons, dangerous or hazardous items) and lost and/or uncollected items after a three-month period.	Unless dealt with by the manager of the airport, on behalf of the lessee, under contract with the Shire of Coolgardie, the CEO shall have discretion to dispose of the property: • to local community groups, sporting clubs or charities through a locally advertised expression of interest process as detailed above, or • through a waste collection service, dependent on the condition of the items.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any): 1.2.20

Date First Adopted: July 2025

Review dates:

Policy Number 1.24 Portable and Attractive Items

Legislative Reference: Local Government (Financial Management) Regulations 1996

Relates to: Delegation 1.2.20 Sub Delegation NA

Policy Objective:

The objective of this Policy is to clearly set out guidelines in identifying, recording and tracking items that are portable and attractive within the Shire of Coolgardie.

All items of capital nature are capitalised based on the thresholds as determined by the Local Government (Financial Management) Regulations 1996 – 17A (5).

Policy Scope:

This Policy applies to all items –

a. that are portable and attractive with an acquisition value less than the asset recognition threshold for non-current assets and where the item satisfies all the following criteria:
    - portable – that is, the item can be easily moved between locations by one person,
    - attractive – by its nature (size, utility, marketability) is susceptible to theft or loss,
    - valued at, or within the Shire's portable and attractive asset recognition thresholds.

b. items defined as a portable and attractive asset:
    - purchased by the Shire, irrespective of the funding source; and
    - includes items gifted or donated to the Shire.

This Policy relates to all employees of the Shire (whether full-time, part-time or casual) and temporary staff as well as Council Members and the policy does not form part of any contract of employment with the Shire of Coolgardie, nor does it form part of any contract for service with the Shire of Coolgardie.

Policy Statement:

Items that are not capitalised and are considered by management to be of a portable and attractive nature, are recorded in a Portable and Attractive Items Register.

Exclusions

Items valued at less than the approved portable and attractive asset thresholds are not considered portable and attractive assets and therefore should not be recorded.

The CEO may also determine exclusions, such as those to be fixed to vehicles, buildings etc. (e.g. two-way radios).

Recording

To facilitate effective internal control over these items, each item will be individually registered in the Register, in a format determined by the Finance Manager, and approved by the CEO, and must:

a. be safeguarded against theft, fire and loss,
b. enable the physical control of high risk, low value acquisitions,
c. ensure that losses resulting from such items are minimised; and
d. ensure that the Shire does not incur significant costs in terms of managing low risk, low

value items.

Where possible, each item will be uniquely identified and an individual custodian who, due to their ability to directly exercise control over the item, will be responsible for the safe custody of the item.

Purchases will be captured via the purchasing system and acquisition cost, acquisition date, description fields, serial number, item custodian and any other relevant details are to be recorded within the appropriate register.

Portable and attractive items are removed from the register when they are disposed of (e.g. due to being obsolete, surplus or damaged beyond repair) or identified as lost or stolen, in accordance with Council Policy xxxx Disposal of Property, including portable and attractive assets (Other than Land).

The Portable and Attractive Items Register is to be regularly maintained and should contain the following information as a minimum:

a. a description of the asset
b. the location of the asset
c. the serial number (where available)
d. asset value
e. custodian and manager details
f. date of stock take

Stock take

Each Manager, in consultation with the Finance Manager, is responsible for ensuring that a stock take of all registered portable and attractive items within their jurisdiction is carried out on a regular basis, but at least every three years.

In addition, all registered portable and attractive items will be subject to spot audits on a periodic basis by the Finance Manager or their delegate, to ensure that adequate control over these items has been maintained.

Audits may take the following form –

a. in conjunction with tag and testing
b. recognition of existence through regular servicing/maintenance schedules
c. include a condition rating

The outcomes of the stocktake will be reported to the Finance Manager, highlighting those items identified as lost, stolen or unaccounted for in detail, and advised to the relevant Manager.

Reporting

A report will be produced at least every three years for each Manager:

a. outlining the staff who are noted as custodians of portable and attractive items,
b. the last time the item was part of a stocktake and where applicable, and
c. the condition of the item.

Disposal of Portable and Attractive Items

Disposal of Portable and Attractive Items will be undertaken in accordance with Delegation 1.2.20 Disposing of Property, and Council Policy xxxx Disposal of Property, including portable and attractive assets (other than Land).

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any): 1.2.20

Date First Adopted: July 2025

Review dates:

2. Council Policies - Governance and Council Members

Policy Number 2.01 Corporate Governance Charter

Legislative Reference: NA

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

The Shire of Coolgardie always strives to provide the best possible services for all our residents. Everyone in the organisation must serve the customer or support someone who does in dealing with all our stakeholders, both external and internal.

Policy Scope:

This policy details the expectations for the organisation to adhere by when engaging with the Community.

Policy Statement:

Offer integrity and equality to our customers by:

- Listening to, respecting, considering, and empathising with their opinions,
- Applying consistency and fairness in all dealings,
- Valuing our clients and their ability to make a positive contribution,
- Ensuring confidentiality where appropriate.

Provide a service focus to our customers by:

- Providing prompt, consistent, friendly, and professional assistance,
- Consulting our clients about their views and needs,
- Actively pursuing continuous improvement in our customer service.

Pledge ourselves to progressive leadership by:

- Adopting a positive focus which values trust, teamwork, and competence,
- Being flexible and adaptable in our response to changes in circumstances.

Ensure responsible management by:

- Being committed, decisive, ethical, effective, and accountable in all operations,
- Developing efficient and effective policies, procedures, and initiatives.

Achieving the desired outcomes.

We will:

- Greet you with courtesy and friendliness,
- Answer your telephone call promptly,

- Listen carefully to what you have to say and confirm your needs by questions,
- Assist with enquires promptly and to the best of our ability,
- Endeavour to establish your name and to use it in all dealings wherever possible,
- Wear name badges and give you the relevant employees names in all dealings that we have with you,
- Always follow up on commitments we have made to you,
- Be punctual for meetings and appointments,
- Return your telephone call within two (2) working days,
- Respond to your written requests in the first instance within five (5) working days,
- Formally record your query where appropriate and follow up on your request.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any): 1.17

Date First Adopted: June 2017

Review dates: May 2017, August 2019, October 2020, November 2023

Policy Number 2.02 Recognition of Retiring Council Member's service

Legislative Reference: NA

Legislative Reference: s5.100A Local Government Act 1995, r34AC Local Government (Administration)

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

To formally recognise retiring Council Members for their services during their elected term in local government and citizens of the Shire for their contributions to the community.

Policy Scope:

This policy applies to all Council Members.

Policy Statement:

Retiring Council Members are recognized at their last Ordinary Council meeting or at an official function recognizing past Council Members, Retiring Council Members are presented with:

- Shire plaque
- Name plate
- Gift to the value of $100 per year of service – to a maximum value of $1000.00.

* Each Shire President is to be presented with their gavel and striker plate, suitably engraved on the completion of their term of office as President.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: October 2013

Review dates: May 2017, August 2019, October 2020, November 2023

Policy Number 2.03 Acknowledgement of Country

Legislative Reference:

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

The purpose of this policy is to acknowledge and demonstrate respect to the Traditional Custodians of the land upon which the Shire of Coolgardie (the Shire) is situated. This policy provides direction to the Shire outlining how this acknowledgement is conducted.

Policy Scope:

This Policy applies to relevant Shire of Coolgardie functions, and where appropriate and relevant, to functions held in Shire facilities.

Policy Statement:

The Shire values its Aboriginal and Torres Strait Islander residents and employees. Observing Acknowledgment protocols demonstrates respect for Traditional cultural practices and recognition of indigenous people as traditional custodians in the history of the Coolgardie District.

Implementation

Acknowledgement of Country should only be observed at official major Shire events including:

- All events celebrating Aboriginal and Torres Strait Islander people and culture, for example NAIDOC and Reconciliation Week celebrations,
- Opening of new significant buildings or other infrastructure,
- Australia Day Citizenship Ceremonies; and
- Opening of major exhibitions and annual art awards.

Acknowledgement of Country ceremony gives Traditional Custodians, the opportunity to formally acknowledge people of their land. This ceremony should be undertaken by Elders acknowledged as such by their family and community. The Shire acknowledges the importance of having Elders who are recognised in the local community as being the most appropriate people to conduct an Acknowledgement of Country for the Shire.

Where a local Elder is not available, it is acceptable for an Elder from another area to give the Acknowledgement of Country.

Acknowledgement of Country

An Acknowledgement of Country can be undertaken by an Aboriginal and Torres Strait Islander person who is not a Traditional Custodian of the area or a non-Aboriginal person.

An Acknowledgement of Country is a way for people to show respect for indigenous heritage. This Acknowledgement of Country should make a specific link or observation to the Welcome to Country that has just occurred and give thanks.

An Acknowledgement of Traditional Custodians should be used by a Shire Officer or Council Member

at significant events, meetings, and ceremonies prior to the commencement of the activity.

Welcome to Country

Welcome to Country should always occur as the first item in a ceremony or event. There is no specific wording or format for a Welcome to Country and it may include speech, dance, music, song and/or other cultural rituals.

Where a Welcome to Country has occurred an Acknowledgement of Country should also be included in the speech notes of the MC, Senior Officer or council member who is the next to speak at the event, meeting, or ceremony. This Acknowledgement of Country should make a specific link or observation to the Welcome to Country that has just occurred and give thanks.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: 27 August 2019

Review dates: October 2020, November 2023

Policy Number 2.04 Display of National and other flags

Legislative Reference: Flags Act 1953 (Commonwealth)

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

To properly recognise precedence in relation to the flying of flags at Shire facilities.

Policy Scope:

This Policy applies to all Shire of Coolgardie offices and buildings where there are flagpoles.

Policy Statement

The Shire recognises the significance of certain flags connected to its governance responsibilities and will utilise Council flagpoles to fly such flags.

- The flags that are to be flown each working day are the:
- The Australian National flag,
- Australian Aboriginal flag and
- The Western Australian State flag that any other flag/s approved by Council or CEO may be flown on appropriate occasions.

Flags flown in response to Council's governance responsibilities will be flown in accordance with the relevant legislation and protocols in force at the time.

Order of precedence of flags:

- Australian National flag,
- National flags of other nations,
- State and Territory flags,
- Other flags prescribed by the Flags Act 1953 (Commonwealth):
  - Australian Aboriginal flag and the Torres Strait Islander flag in either order
  - Australian Defence Force Ensign
  - Australian White Ensign
  - Royal Australian Air Force Ensign,
- Ensigns and pennants:
  - Local Government,
  - Commonwealth, State and Territory agencies,
  - Non-Government organisations,

- Banners.

Flags should not be flown with any other flag on the same flagpole.

Flags will be flown at half-mast as directed by the relevant Government bodies.

The Shire of Coolgardie flag may be flown at half mast at the direction of the Shire President.

Responsible Department: Executive Services Responsible Officer: CEO Delegation link (if any): Date First Adopted: 27 August 2019 Review dates: November 2023

Policy Number 2.05 Use of Logo

Legislative Reference: NA

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

To protect the usage of the Shire title, and logo on material, other than Shire of Coolgardie material and to set a framework for the circumstances in which approval may be sought and obtained for external usage.

Policy Scope:

Applies to all Shire of Coolgardie material.

Policy Statement:

Corporate Branding and Logos

The Shire develops and uses, from time to time, a range of corporate branding and logos in its official and promotional publications and materials. Such corporate branding and logos remain the property of the Shire.

Use of the Corporate Branding and Logos

The Shire of Coolgardie corporate branding or logos shall not be used by any person or entity without the express authorisation of the Shire. The use of the Shire's corporate branding or logo by organisations may be authorised under the following circumstances:

- Used by an entity that is in partnership with the Shire, however the usage may only be used in activities and functions in relation to the partnership.
- Used by a person or entity in acknowledgement of the Shire's provision of sponsorship or in-kind support, however, may only be used in activities directly related to the sponsorship.
- Used by a person or entity in the promotion of an undertaking that is aligned with the strategic objectives of the Shire, where the use is considered to have the effect of promoting the Shire and the undertaking is not-for-profit or altruistic.

Applications to Use

Applications must be made prior to any use occurring and must be made in writing, specifying the planned use of the corporate branding, or logos, including but not limited to:

- The full text of the materials to which the corporate branding or logos are proposed to be applied,
- The manner and format by which the materials are to be distributed or published.
- Details of the persons who will be responsible for the administration of the Shire's approval and its conditions, should such an approval be provided.

Conditions on Use

The following criteria is conditional on any authorisation for the use of the Shire's corporate branding,

or logos, and will be communicated to the applicant on issue of an authorisation:

- Use of the corporate branding or logos will be in accordance with the Shire's style guidelines.
- The Shire will determine a period for which the approval remains valid.
- The Shire retains the right to withdraw its approval, with the applicant subsequently being obligated to remove the Shire's corporate branding or logos from their materials and circulation.
- Any other conditions deemed appropriate to the circumstances of the application.
- Shire of Coolgardie Title

The use of the title 'Shire of Coolgardie' in the name of an entity, will not be approved by the Shire.

Shire of Coolgardie Letterhead

The Shire of Coolgardie Letterhead may only be used by the Shire for its official functions and duties. It may not be used by:

- Council Members or employees for any purpose other than the fulfilment of their official duties; or
- Any other entity for any purpose.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: 27 June 2017

Review dates: August 2019, October 2020, November 2023

Policy Number 2.06 Risk Management

Legislative Reference:

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

To outline the Shire's commitment and approach to managing risks that may impact on its day-to- day operations and threaten the achievement of its objectives.

Policy Scope:

The Risk Management Policy and any associated frameworks, guidelines and protocols will apply across all operations of the Shire. All employees within the Shire are encouraged to develop an understanding and awareness of risk and contribute to the risk management process.

Policy Statement:

Objective:

The purpose of the Risk Management Framework (Framework) is to support an integrated and effective approach to enable the Shire of Coolgardie to manage its risks through informed decision- making and to achieve value creation and asset protection in accordance with the Shire's Risk Management Policy.

The Framework is based on good practice and sound corporate governance and is consistent with the risk management guidelines and principles of AS/NZS ISO 31000:2018 – Standard for Risk Management.

The Framework is an important component of the Shire's overall Governance Model and remains central to all its operations while delivering a wide and diverse range of services to its residents and visitors.

The management of risk is the responsibility of everyone and is an integral part of the Shire's organisational culture which is reflected in the various policies, protocols, systems, and processes to ensure efficient and effective service delivery.

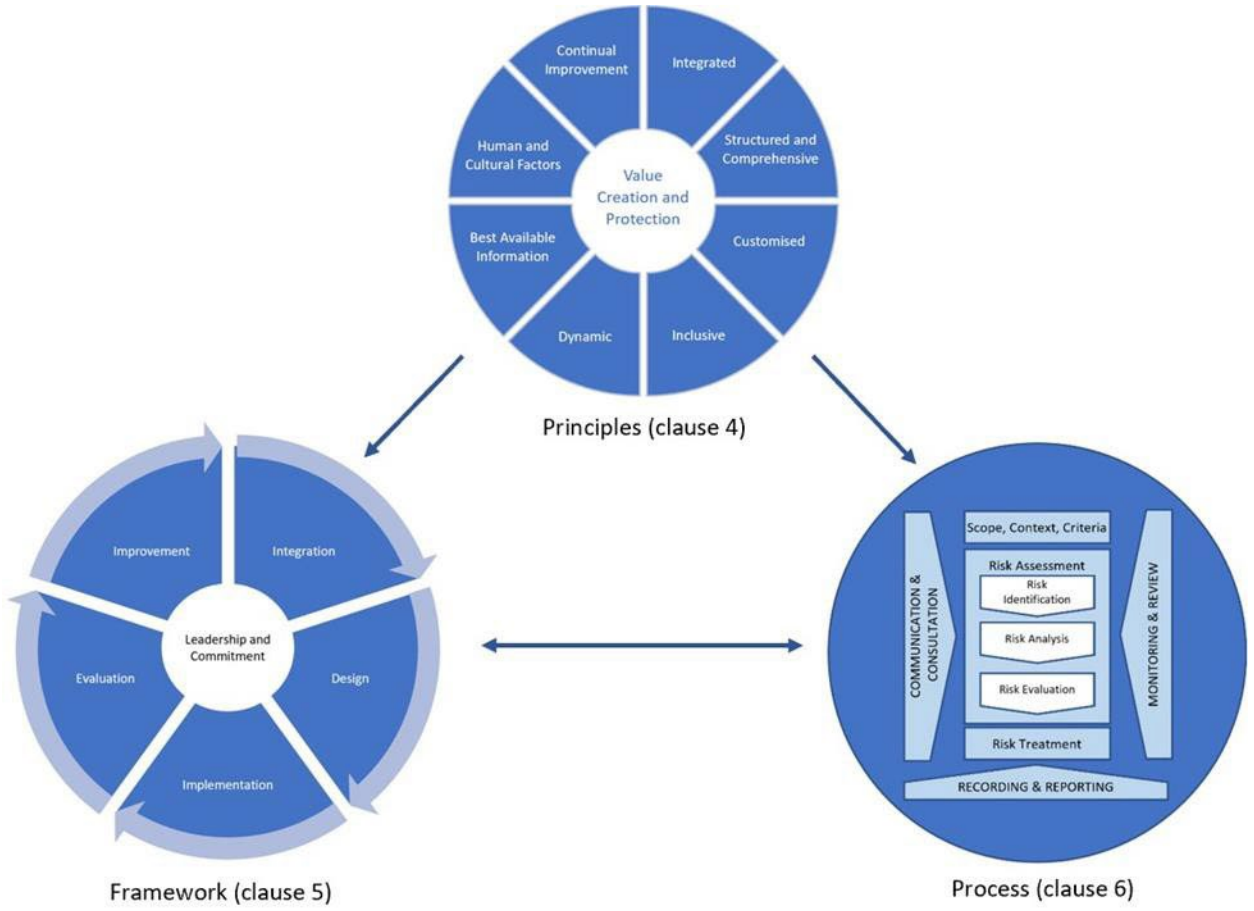
Risk Appetite

The Shire seeks to manage risk carefully. Risk appetite is the amount of risk to which an organisation is prepared to be exposed to before it judges action to be necessary. Risk appetite may be described using various terms such as high/medium/low or risk averse, risk prudent or risk tolerant. Resources available to control risks are limited and the amount of risk that the Shire is prepared to accept at any one time will have a limit.

The Shire's overall risk appetite is 'risk prudent'. The Shire should accept the taking of controlled risks, the use of innovative approaches and the development of new opportunities to improve service delivery and achieve its objectives provided that the risks are properly identified, evaluated, and managed to ensure that exposures are acceptable.

Principles of Risk Management Overview

of ISO 31000:2018 Standard



Source: Australia/New Zealand Standard ISO 31000:2018

The diagram above demonstrates the relationship between each component of the Risk Management Strategy with the Principles forming the foundation of the Strategy.

The Strategy is intended to facilitate integration of risk management throughout the Shire, through commitment from leadership to risk management practices. Any gaps identified through analysis of existing practices should be addressed through implementation of controls and other risk mitigation action plans.

The Risk Management Process is designed and tailored to align to the Shire's structure, resources and practices. The Risk Process is iterative, consisting of Risk Assessment, Risk Identification, Risk Analysis, Risk Evaluation and Risk Treatment, Communication and Consultation, Recording and Reporting along with Monitoring and Review.

The following key principles provide necessary guidance and methodology when implementing a structured risk management process.

Principles driving Value Creation and Protection Human and cultural factors: Risk culture is created from visible leadership and commitment in embedding a risk mindset. All Council Members and employees have responsibility for managing risk.

Risk management should be a part of, and not separate from, the Shire's purpose, governance, leadership and commitment, strategy, objectives, and operations. (ISO 31000:2018 Risk Management Guidelines, page 5)

Structured and comprehensive: Refers to the risk management process which encompasses:

- Risk identification, assessment, and treatment,
- Risk monitoring and review; and
- Risk reporting and communication.

Inclusive accountability and transparency: Leadership to assign clear roles and responsibilities for employees, external stakeholders, and decision makers to ensure risk management remains relevant and up-to-date and is based on informed choices and agreed priorities.

Integrated: Managing risks should create and protect value by contributing to the achievement of objectives as included in the Strategic Community Plan and Corporate Business Plan (Plan for the Future), as well as project outcomes and improving Shire performance as an integrated activity within existing processes.

Customised to Shire risk profile: Recognises the Shire's external and internal influences and challenges, due to its geographical location and community needs.

Dynamic: Risks needs to be managed in a dynamic, iterative, and responsive manner.

Continuous improvement: Developing a more risk aware workforce will result in operational processes which consider risk considerations and enable processes and decision making to improve over time.

Best available information: Risk management is reliant on use of the best available information at any given point in time. Risk analyses should also be forward looking to consider potential long-term risks

Risk Management Strategy – Implementation stages

The following are the key considerations when formulating the strategy for a sustainable risk management process:

Integration:

- Integrate risk management into Shire processes and structure. All Council Members and employees are responsible for managing risk.

Design the Strategy:

- Understand the organisation and its context,
- Establish and adopt Risk Management Policy,
- Establish roles, responsibilities, and accountabilities,

- Allocate resources; and
- Establish internal and external communication and reporting mechanisms.

Implement the Strategy:

- Develop Risk Management Plan,
- Engage stakeholders to convey the purpose and importance of the Strategy and Plan,
- Implement corporate risk management processes in all activities throughout the Shire, particularly decision-making processes; and
- Identify changes in the internal and external context, as well as identifying emerging risks or changed risk conditions.

Evaluate the Strategy:

- Regularly assess the purpose, objectives, and outcomes of the Strategy against actual risk management practices; and
- Consider the suitability and application of the Strategy to the Shire's operations and activities.

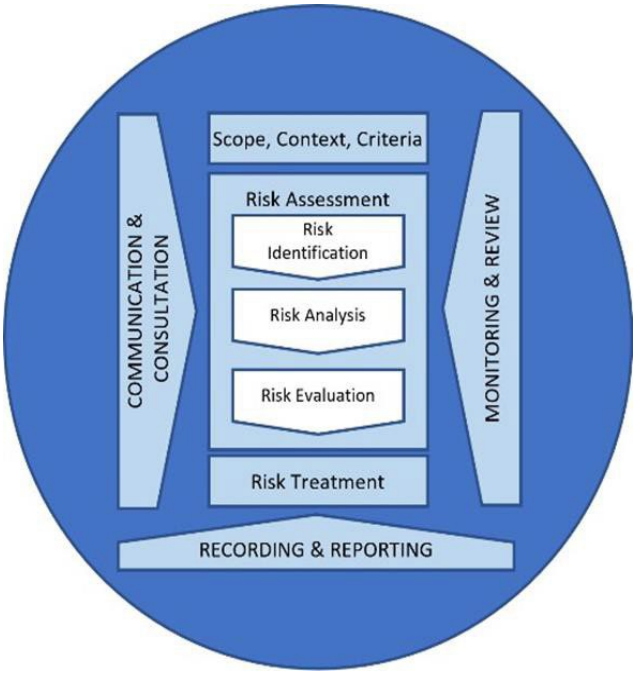
Continuous Improvement:

- As gaps or improvement opportunities are identified from risk processes, continuously refine the Framework and the way the process is integrated; and
- Develop plans and tasks and assign them to those accountable for implementation.

Risk Management Process

Risk Management is about understanding risk tolerance, identifying, and assessing what can go wrong in delivering business objectives, what opportunities for improvement or refinements exist and implementing risk treatments when necessary.

The diagram below depicts the re-iterative and continuous process for managing risks (Source: Australia/New Zealand ISO31000:2018).



Elements of Risk Management Process

The key elements are described below:

- Communication and Consultation Risk Identification Process
- Understanding Scope, Context and Criteria
- Risk Assessment Process
- Risk Treatment
- Monitoring and Review
- Recording and Reporting

Communication and Consultation

An effective risk management process relies on regular communication and consultation, both upward to leadership and downward from leadership and senior employees, involving risk owners, Shire management and Audit and Risk Committee / Council (as applicable).

The main objectives of risk communication and consultation are to:

- Provide information for decision making (relevance of information is dependent on currency),
- Utilise expertise from across the organisation while carrying out risk management activities; and
- Facilitate an inclusive and empowered culture across the Shire in relation to risk management.

Risk Identification and Risk Treatment Process

The day-to-day management of risks including potential risks is part of business as usual.

Understanding when existing risks reach above the tolerable level i.e., risk tolerance and requires

management attention is the focus of this critical step.

Risk Registers are established to ensure that the details of the risk 'event' or operational procedure are documented to outline the context of the issue, the potential impact and likelihood of the risk on the Shire and what is being done to treat the risk or to reduce the level of risk within the risk appetite / prescribed policy / minimum industry standard etc.

It is industry practice to report risks by risk category and/or risk themes to group similar risks under the appropriate risk category. The use of standard risk categories enables:

- Structured process for employees to identify and capture risks; and
- Reporting of risks by risk type, providing focus areas requiring risk mitigation, especially where similar risks are identified across functional areas and/or by different stakeholders.

The Shire's risk categories/themes should be continually reviewed to ensure relevance in current environment.

Examples of risk categories within the local government sector:

- Performance: inability to deliver on key strategic objectives, failure to manage key projects,
- Infrastructure: potential loss of infrastructure impacting on delivery of essential services,
- Financial: loss of assets, impact on annual revenues or costs, mismanagement of funds,
- Environmental Risk: negligence resulting in long term harm to the environment,
- Community / Reputational Damage: adverse publicity, release of sensitive data such as ratepayer details,
- Service Delivery/Business Interruption: loss of service, disruption in business processes or impact to service delivery (including through lack of skilled resources); and
- Legislative / Regulatory / Policy / Occupational Safety and Health: misconduct, injury, breaches to regulatory and/or statutory requirements. Detailed procedures for maintenance of risk registers are outlined in Appendix A.

Monitoring and Review

To ensure the design of the overall risk management process remains fit for purpose and relevant, it should be regularly reviewed for quality and effectiveness as a management tool.

The outcomes of the risk process should also be periodically reviewed to ensure accountabilities and responsibilities are clearly defined and risk issues are concise and contain sufficient data and analyses to enable informed decisions.

Recording and Reporting

To demonstrate an inclusive and transparent process, the Shire uses risk registers to document identified key risks, what is being done to mitigate the risk, who is responsible for managing the risk and are the risk treatment plans / risk mitigation strategies providing the desired outcomes.

Recording and reporting also enables the Shire to use the risk reporting process as a communication

tool to inform and share information across the organization including formal reporting such as Council and Audit & Risk meetings.

Detailed procedures for Risk Reporting are outlined in Appendix B.

Key Outcomes from Risk Management Process

- Risk identification will be integrated into the business and project planning processes. Employees should be trained to flag risks or potential risks to their supervisors if emerging issues are not dealt with adequately.
- Departmental Risk Registers should be used to capture new risks and to ensure risks which require ongoing risk mitigation can be validated by management as being adequately mitigated.
- The process for evaluating risks will be more consistent if the Risk Matrix and Assessment Criteria is applied according to the definitions outlined Tables 2-5.
- Risk mitigation plans should outline who, what, when and why of the proposed solution. For high-risk issues, management should receive regular progress updates for full transparency and for calibration of risk tolerance (i.e., in conjunction with all the other risks at the Shire).
- Summary risk reports should be provided to the Audit & Risk Committee on a regular basis to provide them with visibility as to how the Shire is managing its top risks.

Role	Responsibilities
Council	Council's responsibilities are to: • Adopt a Risk Management Policy compliant with the requirements of AS/NZS ISO 31000:2018 and to review and approve the Policy on a regular basis as required. • Be satisfied risks are identified, managed, and controlled appropriately, to achieve Shire's strategic objectives • Support the allocation of funds / resources to treat risks as required.
Audit and Risk Committee	Audit and Risk Committee responsibilities (in relation to risk matters) are: • Requests and reviews report on risk management on a semi- annual basis (minimum) or as required depending on the nature of the risk(s). • Monitors the overall risk exposure of the Shire and makes recommendations to Council as appropriate. • Assesses for effectiveness the risk control measures / risk treatment plans in reducing the severity of the risk(s).
Executive	Executive responsibilities are: • Creates an environment where employees are responsible for and actively involved in managing risk. • Oversight of the Shire's Risk Management Strategy. • Maintain and implement the Risk Management Strategy. • Ensures a consistent risk management approach is embedded in the operations and processes of the Shire. • Actively participates and supports the Risk Management Strategy through identification and creation of suitable risk treatments to control strategic and operational risks facing the Shire. • Monitors the strategic and operational risk management performance. • Reviews the Shire's Risk Summary Report prior to submission to the Audit & Risk Committee.
Employees	Employee responsibilities are: • Adopt and understand the principles of risk management and comply with policies, processes and practices relating to risk management. • Alert and bring to management's attention, any risks which are above the acceptable risk tolerance levels, • Conduct risk assessments which are appropriate with the scope of the task and the associated level of risk identified, • Take responsibility for risks assigned to them

Table 2: Consequence Ratings

Description	Performance	Financial	Environment	Reputation	Service Delivery / Business Disruption	Legislative / Regulatory / Policy /OSH
CATASTROPHIC	Unable to achieve key objectives. External resources required. Ongoing loss of critical infrastructure.	>15% of asset value. Adverse >15% deviation from budget. Audit unable to be completed.	Catastrophic long term environmental harm.	Significant damage to public confidence leading to sustained compromise in the achievement of strategic objectives.	Major, including several important areas of service and/or a protracted period. Ongoing loss of business systems.	Criminal instances of regulatory non-compliance. Extreme breaches of Code of Conduct. Personal details compromised / revealed – all. Death.
MAJOR	Major impact on ability to achieve key objectives. Impact cannot be managed with current allocated resources. Long-term loss of critical infrastructure.	5%-15% of asset value. Adverse 5%→15% deviation from budget. Audit qualification on the report and accounts.	Significant long-term environmental harm.	Local publicity of a major and persistent nature, affecting the perception/ standing within the community.	Complete loss of an important service area for a short period. Major disruption to business processes.	Major revenue or cost implications. Individuals at risk of harm. Significant breaches of Code of Conduct. Personal details compromised / revealed – many. Multiple serious injuries.
MODERATE	Moderate impact on ability to achieve key objectives. Significant adjustment to resource allocation. Loss of support infrastructure.	2%-5% of asset value. Adverse 2%→5% deviation from budget. Management letter contains significant issues.	Significant short-term environmental harm.	Damage to reputation to a specific audience, may not have significant long-term or community effects.	Major effect to an important service area for a short period, brief impact on multiple areas. Moderate disruption to business processes.	Minor revenue or cost implications. Breach of Code of Conduct. Personal details compromised / revealed – some. Serious injury and/or illness.
MINOR	Minor impact on ability to achieve key objectives. Additional internal management efforts required. Interruption to support infrastructure.	< 2 of asset value. Adverse impact on revenues and costs <2% deviation from budget. Management letter contains minor issues.	Minor transient environmental harm.	Minor damage to reputation to a small audience, complaint from a large group of people.	Brief disruption of important service area. Noticeable effect to non-crucial service area. Minor disruption to business processes.	Minor breaches of Code of Conduct. Personal details compromised / revealed – isolated. First aid or minor lost time injury.
INSIGNIFICANT	Negligible impact on ability to achieve key objectives. Impact can be managed through routine activities. Negligible interruption to support infrastructure.	Insignificant loss. Insignificant adverse impact on annual revenue or costs. Matters discussed with management not reported.	Negligible transient environmental harm.	Minor unsubstantiated publicity or damage to reputation to a small audience, complaint from individual/small group.	Negligible impact on the effectiveness of the organisation's processes. Negligible disruption to business processes.	Little or no impact to Code of Conduct. Personal details compromised / revealed - an individual's. Incident with or without minor injury.

Table 3: Likelihood Ratings

Likelihood	Definition	Frequency of Noted
Almost Certain	Expected to occur in most circumstances or occurs regularly. A clear opportunity already apparent, which can easily be achieved.	More than once per year
Likely	Occurrence is noticeable or is likely to occur. An opportunity that has been explored and may be achievable.	At least once per year
Possible	Occurs occasionally or may occur. Possible opportunity identified.	At least once in 5 years
Unlikely	Occurs infrequently or is not likely to occur. Opportunity that is unlikely to happen.	At least once in 10 years
Rare	Only occurs in exceptional circumstances. Opportunity that is very unlikely to happen.	Less than once in 20 years

Table 4: Risk Matrix

	CONSEQUENCE				
Likelihood	**Insignificant 1**	**Minor 2**	**Moderate 3**	**Major 4**	**Catastrophic 5**
Almost Certain	Medium	High	High	Extreme	Extreme
Likely	Medium	Medium	High	High	Extreme
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Negligible	Low	Low	Medium	Medium

Table 5: Expected Risk Response for corrective action

Risk	Action Required
Extreme/Exceptional	Immediate corrective action
High	Prioritised action required
Medium	Planned action required
Low	Planned action required
Very low	Manage by routine procedures

Maintenance of Risk Registers

Big Rules:

The responsibility for being alert to risks and /or identification of potential risks is everyone's responsibility.

1. The Shire has a designated Risk Champion. Their role is to drive the risk management process and to strive for continuous improvement.

2. Risks which require management attention and active risk monitoring must be documented and assigned a risk owner in the Department's Risk Register.

3. The second level review of Risk Registers is the responsibility of Service Managers.

4. New emerging risks should be communicated to the CEO as part of a regular management meeting. Emerging risks often become strategic risks if nothing is done to reduce the risk to an acceptable level.

5. A standard Risk Register template has been created for the Shire to ensure a consistent approach.

Any changes to the template require consultation with the Risk Champion.

Guidelines when describing risk events or issues:

✓ Each risk item should have a unique reference.

✓ Important details to always include - date identified and the who, what, when of incident are important facts. Date of later updates should also be included.

✓ The impact assessment – likelihood and consequence for risk rating can be based on best known information. Do not get bogged down with the actual rating. The key is to log the event and raise it with the appropriate Manager for further consultation.

✓ Action Owners – sometimes there are multiple people involved; consult with the Risk Champion or Manager as to listing multiple owners or having one overall owner. If multiple, it should be clear as to what each person is responsible for.

✓ The amount of detail and information is dependent on the risk situation and should be reflective of the severity and nature of the risk.

Examples: Legal disputes or issues which impact on the reputation of the Shire should be actively monitored. Restricting access to the specific risk register would be an appropriate control whilst ensuring a transparent process to those that are managing the issue. Updates to the risk register is one way of providing status updates to multiple risk owners / stakeholders.

Risks which have action plans in the future i.e., next financial year, may not need an update for the regular Risk Reports unless there is a change to the agreed action plans. Items of this nature can remain on the risk register with the Status = Open with periodic confirmation of the action plan.

However, any decisions which may impact or likely impact on the action plan not being executed as stated should be flagged as soon as it is known. This will enable alternate solutions to be considered in a timely manner.

Example: Risk Register Template

	Risk Category	Description of Risk (context)	Likelihood	Impact or consequence		Risk Mitigation Plan	Risk Owner	Expected comp
	Finance	Banking arrangements Current banking arrangements with ANZ expose the Shire to the following risks: . increased safety concerns for staff who are responsible for making the deposits into Kalgoorlie branch . Increased exposure to loss due to introduction of Armaguard as the transport agent on behalf of ANZ for the cash pick-ups . increased risks due to cash staying on the premises for much longer (mitigated by procedure that cash is kept in vault until the weekly pick-ups) . lack of clarity over roles and responsibilities between Shire and ANZ if there are service issues with Armorguard	Possible	Minor		Ensure the arrangements for use of Armaguard for the 'cash' pick-ups are documented and agreed in writing with ANZ. The steps for the Shire to take when something goes wrong should be agreed by both parties and communicated to Armaguard. All pick-ups by Armaguard should be checked for deposit into the relevant accounts the following day. Any missing deposits should be escalated to Management immediately.	Bec Horan	un-19

Types of Risk Mitigation:

Avoid: remove cause of risk event from occurring

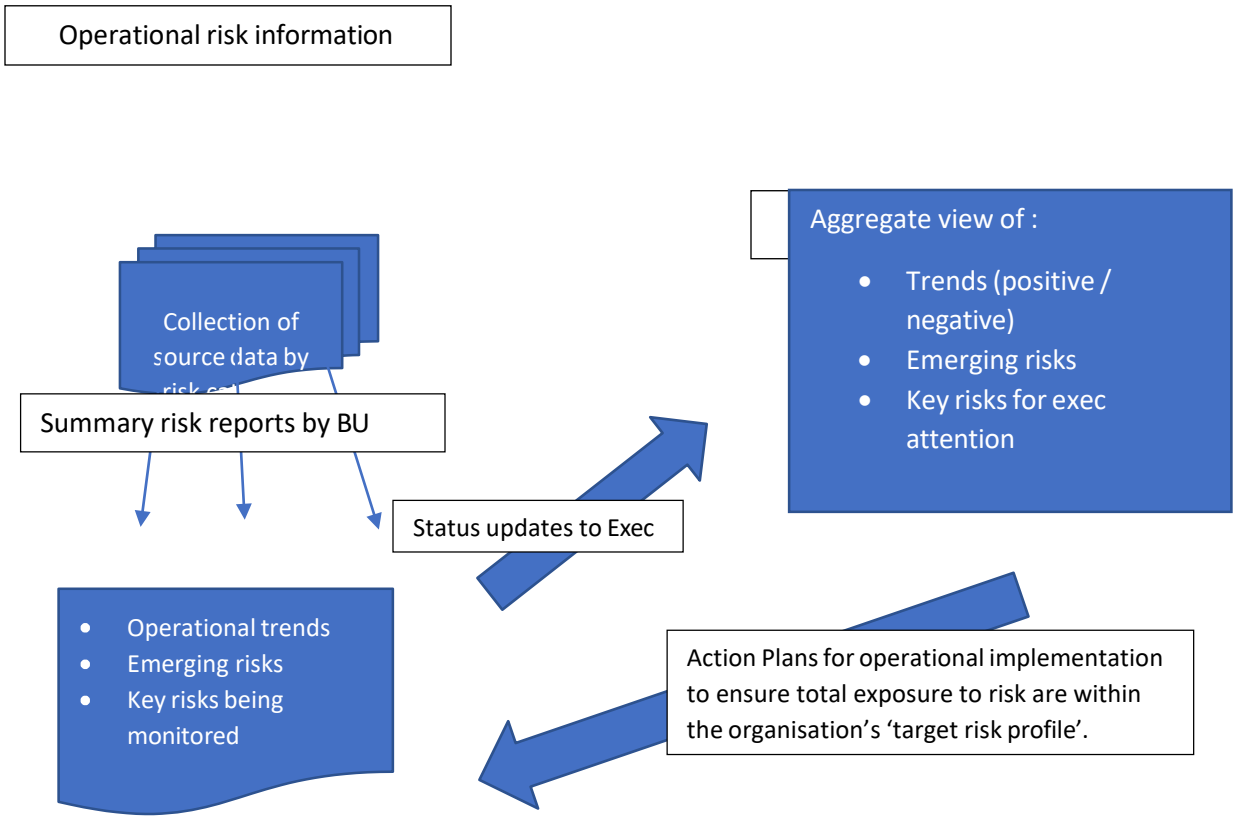
Reduce: mitigate risk event so that it does not occur; or put in place measures to reduce the impact of the risk if it occurs i.e., reduce speed limit

Transfer: transfer risk to a third party i.e., purchase insurance policy

Accept: the risk is within the set risk tolerance; management chooses not to do anything and accepts the risk

Treat risk: risk mitigation strategies are put in place to treat the risk which has occurred i.e., weather event has caused damage to old power poles. They will be replaced with more durable poles plus a maintenance schedule has been put in place to ensure that power poles are regularly inspected.

TABLE: RISK REPORTING



Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: November 2014

Review dates: May 2017, August 2019, October 2020, November 2023

Policy Number 2.07 Fraud and Corruption Prevention

Legislative Reference:

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

The objectives of the Fraud and Corruption Prevention Policy are to:

- articulate that the Shire of Coolgardie is intolerant of fraud and corruption,
- prevent fraud or corruption occurring at the Shire of Coolgardie.

Policy Scope:

This policy applies to all Council Members, employees and Contractors working for the Shire of Coolgardie as fraud and corruption control is the responsibility of everyone in or associated with the Shire.

Policy Statement:

The Shire of Coolgardie recognises that fraud and corruption is illegal and contrary to the Shire's organisational values. In view of this, a proactive stance is taken to ensure incidences of fraudulent or corrupt activities or behaviours do not occur.

Whilst the Shire aims to foster a culture which upholds trust and honesty as part of its core values, it is acknowledged that not everyone throughout the organisation may share those values.

As such, the Shire will ensure that the effective prevention of fraud and corruption is an integral part of its operating activities.

All employees are accountable for, and have a role to play in, fraud and corruption prevention and control.

The Shire encourages employees to disclose actual or suspected fraudulent or corrupt activity.

When identified, any suspected fraudulent or corrupt activity will be promptly investigated, and where appropriate legal remedies available under the law will be pursued.

All alleged incidences will be investigated thoroughly.

Where appropriate, the Shire will protect the anonymity of those responsible for reporting the activity.

The Shire will ensure that systems and procedures are in place to prevent, detect, report, and investigate incidents of fraudulent or corrupt behaviour or activities and will ensure that employees are trained in and aware of their responsibilities in respect to the prevention, detection, reporting and investigation of fraudulent or corrupt behaviour.

A Fraud and Corruption Prevention Management Plan will be developed to assist the Shire to meet the objectives of this policy by ensuring that it has thorough, up-to-date procedures in place to mitigate the risk of fraud or corruption occurring in the organisation.

The success of this policy will be determined by the employees at the Shire being aware of their responsibilities in relation to fraud and corruption prevention and control, the identification, treatment

and recording of fraud or corruption risks, fraud or corruption auditing and detection processes, reporting responsibilities and obligations and investigation procedures.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: June 2017

Review dates: May 2017, August 2019, October 2020, November 2023

Policy Number 2.08 Community Assistance Fund

Legislative Reference: Local Government Act 1995, including sections 2.7, 3.18, 5.42, 5.44 and 6.8; Local Government (Financial Management) Regulations 1996; Local Government (Administration) Regulations 1996.

Relates to:

Policy Objective:

To describe the circumstances and prerequisites for community groups and individuals to apply for donations, grants, or other support from the Shire of Coolgardie, via the Community Assistance Fund (CAF).

The CAF is offered through two separate funding streams:

- Community Project Grants – to assist eligible not-for-profit community groups and organisations to deliver projects, events, activities, equipment purchases and initiatives that provide clear community benefit within the Shire of Coolgardie.
- Outstanding Individual Assistance Grants – to assist eligible individuals who have achieved, or been selected to participate at, a State, National or International level in their field of endeavour, and who will positively represent the Shire of Coolgardie.

The Council aims to assist the efficiency of operations of community groups through the provision of funding for organisational development, asset purchases, marketing, and management.

Where possible, the Shire will work cooperatively on projects and events addressing community, family, or volunteer issues.

Policy Scope:

This Policy guides the CEO (and any sub delegates) in determinations, under delegated authority and within limits and conditions attached to such delegated authority.

Council is responsible for adopting this policy, setting the annual CAF budget allocation and determining the maximum funding limits and grant streams. The Chief Executive Officer is authorised to assess, approve, decline, administer and acquit eligible grant applications within the adopted budget, funding caps, assessment criteria and approved guidelines.

Applications or requests outside the adopted budget, funding caps, eligibility criteria or CEO authority must be referred to Council for decision.

Shire employees play an important role liaising with CAF applicants to ensure submissions meet criteria described in this guide, and to manage the payment of grants.

Policy Statement:

Definition

Not-for profit (NFP) Community Group is defined as an organisation of people who are formed (including a group that is incorporated under the Associations Incorporations Act) to promote a community or sporting activity which has a positive effect on the community of Shire of Coolgardie.

Community Project Grant means financial assistance provided to an eligible community group or organisation for an approved project, event, activity, equipment purchases or initiative that benefits the Shire of Coolgardie community.

Outstanding Individual Assistance Grant means financial assistance of up to $500 provided to an eligible individual to support participation or representation at a recognised State, National or International level, or regional level in special circumstances approved by the CEO.

Funding Round means an advertised period during which Community Project Grant applications are invited, assessed and approved. Outstanding Individual Grants are not subject to funding rounds.

Acquittal means the required report and supporting evidence showing how the grant was spent, what was achieved, and how the Shire contribution was recognised.

Funding Decisions

Council will determine, on an annual basis, as part of its budget deliberations, the amount of funding available in the CAF.

The CAF budget is to be administered through the following streams:

- Community Project Grants – maximum $2,000 per eligible organisation per financial year, Community Project Grants will be offered through two advertised funding rounds each financial year, with a nominal allocation of $15,000 per round. Unallocated funds from Round 1 may be carried forward to Round 2, subject to the adopted annual budget.
- Outstanding Individual Assistance Grants – maximum $500 per eligible individual per financial year. This stream is open year-round and assessed as applications are received, subject to available budget and eligibility.

The annual budget should separately identify, or internally quarantine, the amount available for Community Project Grants and the amount available for Outstanding Individual Assistance Grants.

Criteria

Criteria for the assessment of applications to the Community Assistance Fund includes the promotion and development of activities, events, and services in the Shire of Coolgardie such as:

- Arts, culture & entertainment,
- Disability Services,
- Youth & family services,
- Multicultural & Indigenous projects,
- Seniors Event,
- Management & sponsorship,
- Natural environment & cultural heritage conservation,
- Tourism & promotion,
- Business support and development,

- Emergency services,
- Crisis or financial support & Counselling,
- Health promotion & injury prevention,
- Sport and recreation,
- Crime prevention & community safety,
- Monuments & projects to commemorate events or people,
- Upgrading community facilities.

Community Project Grant applications will be assessed against the following criteria:

- Alignment with the Shire Strategic Community Plan, CAF objectives and community priorities.
- Degree of community benefit, participation, inclusion and access for Shire residents.
- Demonstrated need, value for money and applicant contribution, including cash, volunteer, in-kind or partner support.
- Applicant capacity to deliver the project safely, responsibly and within the approved timeframe.
- Clear project outcomes, budget, risk controls and ability to acquit the grant.

Outstanding Individual Assistance Grant applications will be assessed against the following criteria:

- Level of achievement, selection or recognition in the individual's field of endeavour.
- Connection to the Shire of Coolgardie and positive representation of the district.
- Evidence of support from the relevant association, organisation, school, club or governing body.
- Demonstrated need for financial assistance and eligible costs.
- Capacity to acknowledge the Shire and complete the required report/acquittal.

Eligibility

To be eligible for funding an organisation must:

- Be a NFP organisation and, depending on amount of grant requested, be able to supply audited accounts and annual reports. Where the applicant is not incorporated, it must be auspiced by eligible incorporated organisation.
- Have one or more community assistance criteria as its prime objective.
- Demonstrate a substantial degree of community support and representation.
- Undertake to give due recognition to the Shire of Coolgardie for its contribution to their activities.

- Have a valid lease with the Shire of Coolgardie if funding is related to a building which is on a Reserve vested in the Shire of Coolgardie. (Organisations that operate from buildings on Shire Reserves will only be recommended for CAF funding if they comply with insurance and lease conditions).
- Hold adequate insurance for the activity, including public liability insurance where required by the Shire.
- Have no outstanding grant acquittals, unresolved debts, serious compliance matters or overdue reporting obligations with the Shire.
- Agree to complete a specified evaluation report. Failure to do so may render the applicant ineligible for future funding.

To be eligible for funding an outstanding individual must:

- Achieve or demonstrate recognition in their field of endeavour at a State, National or International level. Recognition at a regional level may be considered in special circumstances.
- Be a resident of the Shire of Coolgardie, or demonstrate a strong and direct connection to the Shire of Coolgardie.
- Demonstrate a substantial degree of community support.
- Provide a letter of support from the Association or Organisation relevant to their field of endeavour.
- Provide the names and contact details of two referees, outside the organisation.
- Undertake to give due recognition to the Shire of Coolgardie for its contribution to their activities.
- Agree to complete a specified evaluation report. Failure to do so may render the person ineligible for future funding.
- Funding application requests for individuals will only be to a maximum of $500.00.
- Not be a Shire employee (full time, part time or casual) or Council Member.

Applications

Applicants must carefully read the Guidelines to ensure the project and event is eligible.

Applications will only be considered if they are submitted on the correct stream-specific application form and completed in full. Community Project Grant applicants must use the Community Project Grant Application Form. Outstanding Individual Assistance applicants must use the Outstanding Individual Assistance Application form.

Applications outside the adopted budget, funding cap, eligibility criteria, assessment process or CEO authority will be referred to Council for decision.

Community Project Grants will be offered through two advertised funding rounds each financial year:

- Round 1 – opens in September and closes in late October, with assessment and approval following the closing date.
- Round 2 – opens in March and closes at the end of April, with assessment and approval following the closing date.

The CEO may vary the exact opening and closing dates to align with Council meeting cycles, public holidays, operational requirements or budget adoption, provided the dates are published on the Shire website.

Outstanding Individual Assistance Grants may be submitted at any time during the financial year and will be assessed as application are received, subject to available budget.

Funding will not be provided retrospectively. Applicants should not commence the project, event, activity or travel before written approval is issued, unless the CEO has provided prior written approval to proceed at the applicant's own risk.

Approval Authority

The Chief Executive Officer is authorised to assess, approve, decline and administer eligible Community Assistance Fund applications in accordance with this Policy, the adopted Guidelines, approved annual budget allocation, published eligibility criteria and approved funding limits.

The CEO may approve Community Project Grants up to $2,000 per eligible applicant per financial year and Outstanding Individual Assistance Grants up to $500 per eligible applicant per financial year.

The CEO may execute funding agreements, approve minor project variations that do not increase the Shire's financial contribution, require repayment of unspent or misused funds, and determine future eligibility where acquittal requirements have not been met.

The CEO may establish an internal assessment process, including officer eligibility checks, assessment panels, conflicts-of-interest declarations and scoring tools to support transparent, consistent and accountable decision-making.

Accountability

- Grants provided under the Community Assistance Fund must only be spent on the approved purpose as approved by the CEO or Council, as applicable.
- All grant monies must be expended within 12 months of receipt, or within the approved project period stated in the funding agreement/conditions, unless otherwise approved in writing by the CEO.
- If the situation arises where the event, project, activity, or attendance does not occur the monies shall be reimbursed to the Shire in full.
- Any unspent funds must be returned to the Shire.

- Any changes to the project that would result in funding being expended other than as detailed in the application may not be undertaken without prior written approval from the Shire.

- An acquittal, accountability report or individual assistance report must be provided on the prescribed form within 60 days of completion of the approved project, event, activity, attendance or travel.

- The Accountability report must include a financial report of budgeted and actual expenditure, and evidence of grant funds being spent as well as recognition of the Shire contribution.

- Organisation or individuals with overdue acquittals may be ineligible for further funding until the acquittal is accepted by the Shire.

- A summary of applications received, approved, declined, funds allocated, acquittals received and outstanding acquittals will be reported to Council at least annually.

What we don't support

- Retrospective funding requests - Funding is not provided in retrospect (i.e., for projects that have already commenced or have been completed).

- Funding requests from State Government or Federal Agencies, political parties, or activities primarily for political purposes.

- Applicants can only receive one grant from each relevant CAF stream in a financial year, unless otherwise approved by Council. An organisation receiving a Community Project Grant does not prevent a separate eligible individual from applying for Outstanding Individual Assistance in their own right.

- The athlete or performer receives payment of any kind for their participation in the event or activity,

- Individuals have nominated themselves to participate in an event or activity.

- Applications from Shire employees, contractors involved in administering the program, or Council Members, except where a clear conflict management process and Council approval applies.

- Applications from applicants with overdue acquittals, outstanding debts to the Shire, unresolved compliance matters or previous misuse of grant funds.

- Activities that are primarily commercial, private, political, discriminatory, unsafe, unlawful, or inconsistent with the Shire's strategic objectives and community standards.

Administration

Responsible Department: Community Services

Responsible Officer: CEO, or nominated Executive Manager / responsible officer

appointed by the CEO

Date First Adopted: February 2016

Review dates: May 2017, December 2018, August 2019, October 2020, November 2023, July 2026

Policy Number 2.09 Loans

Legislative Reference:

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

This policy provides guidelines in respect of the utilisation of loan facilities to fund the acquisition, construction, or renewal of assets. Recognition of this policy will ensure that a consistent methodology is adopted when considering loans as a potential funding source.

Policy Scope:

As part of its strategic planning and Long-Term Financial Planning processes, the Council will consider how significant projects are to be funded.

The use of loan facilities may be an appropriate, or even a preferred option, in respect of specific capital projects. However, to ensure that financial prudence is demonstrated when deliberating the utilisation of loan facilities in preference to other funding options, consideration of the guidelines as detailed in this policy must form part of any associated decision-making process.

Policy Statement

The Council is committed to demonstrating financial responsibility in its utilisation of loan facilities to fund specific capital projects. It is also acknowledged that the funding of identified projects via loan facilities can assist in addressing intergenerational equity issues.

Additionally, any proposal to utilise loan facilities as a funding source should always be considered against several predetermined criteria. This policy provides an overview of the associated criteria to be considered as part of any decision-making process to utilise loan facilities.

Self-Supporting Loans

The policy content does not apply to self-supporting loan facilities as the purpose of such facilities is distinct from the Shire's own funding requirements - see Policy 3.25.

Guidelines

The following guidelines are to be considered as part of any proposal to utilise loan facilities:

- Loans are not to be utilised to fund operating expenditure,
- Loans are not to be utilised to fund capital expenditure of a recurrent nature (e.g., road resurfacing and associated works or plant replacement unless funding becomes available via Federal / State or other additional grants that enables the Shire to bridge gaps in Asset Management Plans that could maximise leveraging opportunities,
- A demonstrable economic benefit must be evident to support the use of loan facilities, as opposed to saving for the asset acquisition, construction, or renewal. Priority for loan funding will be given to projects that will deliver greater community benefit and secondly generate revenue to offset associated loan repayments or can be funded from contributing revenue streams other than General Rates. These revenue streams may include specified area rates, service charges and fees and charges,

- The term of any loan facility is not to exceed the economic life of the asset,
- The repayment method for a loan facility will be via principal and interest repayments. Interest only payments or capitalisation can be considered where a financial benefit can be demonstrated; and the nature of the asset being funded is consistent with this methodology. As an example, a property acquisition / subdivision where the impact on the rate base is lesser during the initial phases and the full debt can be acquitted from the disposal of the land under development,
- In considering the utilisation of loan facilities, the Shire's capacity to repay must be assessed, with regard given to associated debt service coverage ratio which is to result in the Shire having a ratio above 3.0.

Responsible Department: Executive Services

Responsible Officer: Chief Executive Officer

Delegation link (if any):

Date First Adopted: 27 August 2019

Review dates: October 2020, November

Policy Number 2.10 Continuing Professional Development – Council Members

Legislative Reference: Pursuant to s5.128 of the Local Government Act 1995 the local government must prepare and adopt (by absolute majority) a Policy in relation to the continuing professional development of Council Members.

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

This policy describes the Shire of Coolgardie's (the Shire) approach to enable Council Members to meet their statutory obligations in relation to Council member training and gives effect to the requirement to adopt a continuing professional development policy.

Part 5, Division 10 of the Local Government Act 1995 describes provisions related to the universal training of Council Members.

The following guidelines are to be considered as part of any proposal to utilise loan facilities:

- under s5.126 of the Act, each Council member must complete training in accordance with the Regulations,
- under s5.127 of the Act, the CEO must publish a report on the local government's website within 1 month of the end of the financial year detailing the training completed by Council Members,
- under s5.128 of the Act, a local government must prepare and adopt a policy in relation to the continuing professional development of Council Members.

Policy Scope:

This Policy applies only to the Council Members of the Shire.

The CEO must publish an up-to-date version of the Professional Development policy on the local government's official website.

The Shire acknowledges its commitment to the professional development of Council Members to promote ongoing professional development, well informed decision making and enhance the quality of community representation.

In addition, the Shire supports the attendance of Council Members at relevant conferences and similar forums.

1.0 Continuing Professional Development

The Shire is committed to supporting Continuing Professional Development of Council Members to the benefit of Council, the Shire, and the community.

Continuing professional development may include training and attendance at conferences, workshops, and seminars in accordance with this policy.

Training that exceeds the allocated budget amount may be approved by resolution of Council.

Objectives

- To comply with the requirements of s5.128 of the Local Government Act 1995 by making and adopting (by absolute majority) a policy on professional development of Council Members.
- To provide guidance concerning the professional development of Council Members.
- To establish a process whereby the professional development needs of Council Members are identified and met, within budgetary and other limits.

Policy Statement

The Council acknowledges its commitment to the training and development of Council Members to assist the fulfilment of duties and responsibilities of public office and in the interests of effective representation.

Council Members are encouraged to continually improve their knowledge and expertise to enhance the quality of representation and promote well informed decision making.

This can be achieved by participating in programs and training courses specifically designed for professional development relating to their role and responsibilities in local government.

Such professional development programs are those developed by industry-recognised providers and (generally) delivered locally.

Access and participation in the identified professional development courses and programs is made available to all Council Members.

Professional development – needs assessment.

The Shire acknowledges that the development of an effective training and development plan for Council Members must be based on identifying the skills and knowledge required by Council Members to perform their roles and responsibilities effectively.

As well as standard requirements for professional skills sets, the Shire recognises that its Council Members may require specific skills to reflect environmental, social or economic challenges facing the local community and that a training and development program should address.

The Shire utilises a simple self-assessment checklist for Council Members to identify areas for knowledge and skills development.

The checklist can be used by Council Members to help them to prioritise areas to cover in an ongoing training and development program.

Such a checklist will be reviewed on a regular basis to check progress and identify any additional areas for training or development.

The self-assessment tool will be used in conjunction with other activities to collect information regarding the training and development needs of Council Members such as questionnaires, interviews, or workshops.

Once the council has determined and prioritised the skills and knowledge required, each council member will need to assess the level of their abilities and identify areas where they require training and development.

This should be done by both new and experienced Council Members. Experienced Council Members who have previously attended training on a specific topic or issue may still require additional training.

The gap between the skills and knowledge (or competencies) required by the council and those of individual Council Members or groups of Council Members will form the basis of a training and skills development plan that may be then implemented over time, according to priority and budget.

Skills and Knowledge Self-Assessment – matrix for Council Members

The following is a list of some of the key skills and knowledge areas of effective Council Members. This list identifies some possible training and developmental areas for Council Members and will assist council to prioritise the training and development opportunities provided to Council Members.

Each council member to check the relevant boxes if they consider that they possess the characteristic to a satisfactory level:

Important skills:

- Leadership skills,
- Relationship management,
- Communication skills including negotiating, conflict resolution, advocacy, and lobbying,
- Presentation skills,
- Problem solving and analytical skills,
- Teamwork skills,
- Organisational skills.

Knowledge of:

- Federal, State and Local Government relationships,
- How local government councils operate,
- Role of a council member,
- Council member, CEO, and employee relationships,
- Code of Conduct and conflict of interests,
- Key aspects of the Local Government Act 1995,
- Town planning and assessment processes,
- Environmental planning and assessment processes,
- Heritage planning and assessment processes,

- Whole of community representation,
- Social justice principles,
- Meeting Procedures and Regulations,
- Strategic management planning and reporting,
- Financial management requirements in the Local Government Act and Regulations and reporting processes,
- Asset management,
- Knowledge of the demographic profile of local government area and the social, environmental, and economic issues facing the community,
- Indigenous cultural and social issues – consultation techniques for effective engagement.

Prescribed training requirements

The Local Government (Administration) Regulations 1996 (the Regulations) requires Council Members to complete a 'Council Member Essentials' course consisting of five modules. Certain exemptions, specified in the Regulations, apply.

Training must be completed by all Council Members following their election within 12 months of taking office and is valid for five years.

The Regulations require that the course is completed through North Metropolitan TAFE, South Metropolitan TAFE, or WALGA.

In 2022 The Minister for Local Government proposed that non-compliance with the requirement to complete training would result in a Council Member being paid the minimum remuneration for the relevant SAT Band.

Following each ordinary election, Council Members will be provided with information on training options from the approved training providers.

Availability

Unless otherwise resolved by Council, training that a Council member is required to complete under s5.126 of the Act will be paid for separately by the Shire.

Accessing professional development

Requests for course participation may be initiated by a Council Member and should be forwarded to the Executive Assistant to the CEO in a reasonable time prior to enrolment or registration for preliminary assessment and evaluation and consideration by the CEO.

The CEO will consult with the Shire President (and if necessary, the council member) in relation to the request to determine that:

- the application is relevant and appropriate and addresses the council member's advised professional development needs,

- there are enough funds available for all costs likely to be incurred in the council member's proposed professional development,
- the proposed council member is the most appropriate to undertake the specific professional development,
- generally, no more than two Council Members may attend an event outside Western Australia at the same time, unless Council has resolved for additional Council Members to attend,
- approval of attendance at an event does not impede a quorum at any scheduled Council or Committee meetings.

No council member will be permitted to undertake professional development, other than in house training provided to all Council Members, in the last 6 months of their term of office, unless approved by Council.

All applications for professional development opportunities outside WA, must be determined by Council based on a joint report from the Shire President and CEO.

The CEO is authorised to approve requests from Council Members for professional development based on consultation with the Shire President and the applying council member and providing the course or conference is organised by an identified, industry recognised training provider.

In all other such cases Council must determine the application based on a joint report from the Shire President and CEO.

If the Shire President and CEO determine NOT to approve a request for professional development, the affected council member has the right to put the matter before Council for consideration, which determination shall be final.

The Chief Executive Officer shall maintain a Register of Professional Development attended by Council Members which is to be published at the Shire website, in accordance with s5.128 LGA.

<u>Funding and completing training.</u>

To enable attendance by Council Members at events, the following shall be considered when preparing the budget annually:

- An allocation for Council Members to cover costs associated with attendance at events relevant to the role and responsibilities of a council member that may include:
  - Events held in Australia,
  - The annual WALGA Convention, inclusive of, where requested, the council member's partner's attendance at the convention dinner,
  - Accredited training.

An annual budget allocation is provided for this purpose. This is determined as a "global amount" rather than notional, or specific "allocations" per council member.

Any approval for seminar or training programme attendance is always subject to budgetary funds being available.

Unexpended funds at the end of the financial year will not be carried over to the next financial year.

Council Members seeking to undertake training must provide the request to the Executive Assistant to the CEO to enable the training to be purchased in accordance with the Shire's procurement and purchasing rules.

Council Members wishing to complete a training program that spans across multiple financial years or that exceeds their annual funding allocation may apply to have their allocation allotted in advance.

An annual budget allocation is provided for the purpose of Council Member training. The training allocation is for a financial year and expires at the end of the financial year.

As the expenditure of funds from the Shire's budget can only be authorised by Council or through Council approved instrument of delegation, Council Members must obtain the necessary approvals set out in this policy prior to making any financial or other commitments on behalf of the Shire.

Unless authorised by Council, travel, accommodation, and associated costs are to be debited from a Council member's training allocation.

S5.57 of the Act defines a gift as the conferral of a financial benefit made by one person in favour of another person without adequate compensation. Under this definition, the provision of training to

Council Members for free or at a subsidised rate may be considered in a gift in certain circumstances.

Council Members should consult the Manager Executive Services before accepting offers of training or attendance at conferences.

Council Members must not receive personal ancillary benefits associated with travel to participate in training and conferences such as frequent flyer points.

Unless otherwise resolved by the Council:

- Council Members are not permitted to nominate for attendance at a training course or conference paid for by the Shire 6 months prior to their term of office expiring, unless the request is approved by Council,
- Council Members who do not complete training paid by the Shire will be required to repay the Shire for the training and associated costs; and
- Any amendments or cancellations to bookings resulting from a change in Council Members' personal circumstances shall be at the member's own cost. Any change or cancellation resulting from the Shire's operations shall be communicated to Council Members and paid for by the Shire. Training to be delivered to all Council Members may be paid from a separate allocation by Council resolution.
- A council member who has failed to fulfil the obligations of this policy in attending a prior event, namely:
  - Acquittal of cash advance expenditure in accordance with this Policy; or
  - Provision of a report arising from attendance at an interstate event, in accordance with this Policy shall be ineligible to attend any future event unless authorisation is granted by a resolution of Council.

Should a Council Member wish to extend their visit for personal reasons not associated with approved Shire business, any extended stay or additional costs associated with that stay are to be met by the council member.

Expenses

Subject to approval being granted by the CEO, in consultation with the Shire President or Council to attend an event, the following expenses will be met:

- Travel - Where travel is involved, the cost of travel by the shortest most practical route to and from the event venue will be met by the Shire for the respective Council Member
  - All air travel shall be by Economy Class (unless otherwise determined by Chief Executive Officer). As far as is practicable, advantage should be taken of any available discount fares including advance purchase fares.
  - Airline tickets purchased are to be insured to enable the ticket purchase price to be refunded, on occasions whereby a delegate is unable to travel.
- Registration fees which may include, where applicable, event registration, dinners, technical tours, and accompanying workshops identified within the event program.
- Reasonable accommodation expenses for the council member for a room at or near the event venue
  - Where an event to be attended commences prior to midday, the Shire will meet the cost of accommodation on the night preceding the commencement of the event.
  - Where an event commences after midday and flights are available, the council member will be expected to travel on the day the event begins.
  - Where flights are not available to enable the council member to arrive in time for the commencement of the event, the Shire will meet the cost of accommodation on the night preceding the commencement of the event.
  - Except for international events, where an event concludes prior to 1pm and flights departing the location in which the event is held are available to enable the council member's return to Perth by 10pm on that day, the Shire will not meet the cost of accommodation on the night on which the event concludes.
- Meals, transport, and incidental expenses:
  - Funding for meals and incidental expenses will be provided in accordance with the State Public Service Award conditions of service and allowances,
  - Meal expenses shall be interpreted as reasonable expenses incurred for the purchase of breakfast, lunch, and dinner where these are not provided at the event or in travel,
  - Claims for meals at venues other than the event will not be paid by the Shire when alternate meals are included and have been paid for in the registration fee.
- Incidental expenses shall be interpreted as reasonable expenses incurred by the delegate for telephone calls, newspapers, magazines, laundry, public transport and sundry food and beverages.

- Transport expenses to and from the airport and intra-Shire movement will be reimbursed.
- Accompanying Persons - entertainment expenses:
  - Where a council member chooses to invite an accompanying person to attend a conference event, the Shire will fund that person's attendance at the official conference dinner only.
  - The Shire may, where it may be reasonably facilitated, organise the arrangements for travel, accommodation, and registration of an accompanying person to attend a conference event.
  - The relevant council member is responsible for all costs associated with arrangements for the accompanying person, including penalties for cancellation or amendment of bookings if required. Such costs are to be reimbursed to the Shire at the time the arrangements are made.
  - The Shire will not reimburse or fund any other expenses incurred by an accompanying person.

Sharing of knowledge

In accordance with s5.127 of the Act, the Shire will publish a report on the local government's website within one month of the end of the financial year detailing the training completed by Council Members.

To complete the register, Council Members shall, following completion of the training, provide evidence of completion of the training to the Manager Governance and Compliance.

Council Members will be asked to confirm their completion or attendance as applicable prior to the publication of the register. The register will state:

- Council Member name,
- Each training course or module completed,
- The cost of training and any associated travel and accommodation paid for by the Shire,
- The training provider or conference name. For reporting purposes, the costs of training completed as a group will be apportioned to each Council member that was registered to attend. Council Members are encouraged to share learnings and insights from training, including conferences with Council.

Within a reasonable time (which period shall not exceed 60 days) of attendance at an interstate event the council member shall provide a written report or presentation (including copies of conference papers where appropriate) concerning the event for the information of other Council Members and for Shire records.

The CEO is to cause a copy of that report to be distributed to all other Council Members.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: 27 June 2017

Review dates: October 2020, November 2023, November 2025

Policy Number 2.11 Human Resources Communicating with Shire President

Legislative Reference: Corruption, Crime and Misconduct Act 2003, Public Sector Act 1984 (primarily, and others)

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

The objective of this policy is to enable the Manager Executive Services to be able to communicate with the Shire President for Compliance and HR issues relating to the CEO.

Policy Scope:

The Human Resources communicating with the Shire President Policy is applicable to all employees.

The complaint should be directed, in the first instance to the Manager Executive Services who will assess whether it will need to go to the Shire President for further consideration.

Policy Statement:

This policy will allow for the Manager Executive Services to have access to the Shire President as required for HR issues regarding the Chief Executive Officer.

When employees lodge a complaint about the Chief Executive Officer, the first step will be to interview the complainant to obtain full details of the complaint.

The Manager Executive Services will discuss the complaint with the Shire President.

The intent of this policy is to:

- Provide employees with a complaint resolution process if they have concerns about the Chief Executive Officer that is flexible and aims to resolve complaints in the best interest of all parties involved in the areas of equal opportunity,
- Encourage all employees to raise issues that are of concern as soon as possible,
- Provide structured, multiple levels of resolution that aim to resolve complaints, enabling the ability to advance to more formal resolution processes,
- Ensure that complaints made by employees will be dealt with ethically, in a sensitive, impartial, timely and confidential manner which ensures all parties involved in the complaint,
- Ensure that no employee is penalised or disadvantaged because of raising a complaint.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: June 2017

Review dates: May 2017, August 2019, October 2020, November 2023

Policy Number 2.12 Health and Wellbeing

Relates to: Delegation NA Sub Delegation NA

Policy Purpose:

The Shire of Coolgardie is committed to providing a safe, healthy and support environment in which to work and recognises that the health and wellbeing of employees and Council Members is important. The Shire will commit to providing a supportive workplace culture where healthy lifestyle choices are valued and encouraged.

Policy Objective:

Endorse and support the implementation of the health and wellbeing program and show commitment to improving the health and wellbeing of its employees and Council Members and to:

- Promote awareness of key health issues for employees and Council Members.
- Promote and encourage participation in workplace health and wellbeing activities.
- Encourage employees and Council Members to provide input into health and wellbeing activities.

Policy Scope:

This Policy applies to all employees and Council Members.

Contributing Programs and Conditions:

The Shire provides programs including but not limited to: -

- Wellbeing programs e.g., Skin Cancer Checks and flu shots,
- Employee Assistance Program through Lifeworks,
- Free Gym and Aquatic Memberships for all permanent staff,
- Annual team building workshops,
- Access to the Lifeworks online platform.

Roles and Responsibilities:

Employees and Council Members:

- Understand this policy and seek clarification from management where required.
- Consider this policy while completing work-related duties and at any time while representing the Shire of Coolgardie.
- Support fellow workers in their awareness of this policy.
- Support and contribute to the Shire of Coolgardie's aim of providing a safe, healthy, and supportive environment for all employees and Council Members.

Managers and Supervisors:

- Ensure that all employees and Council Members are made aware of this Policy.
- Actively support and contribute to the implementation of this policy.
- Manage the implementation and review of this policy.

Communication

The Shire of Coolgardie will ensure that:

- All employees receive a copy of this policy during the induction process.
- This policy is easily accessible by all employees and Council Members of the organisation.
- Any changes to the policy are relayed to employees and Council Members.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: November 2023

Review dates:

Policy Number 2.13 Council Member Allowances, Expenses and Entitlements

Legislative Reference: Local Government Act 1995 s5.98A, 5.98(1)(b), 5.98(5),5.98A,5.99A, Local Government (Administration) Regulations 1996 Reg. 33A, 33(1)(b), 33(3), 33(5), 34A, 34(1)(b), 34(2)(b), 33(5)

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

To outline the support that will be provided to Council Members through the payment of allowances, reimbursement of expenses incurred, insurance cover and supplies provided in accordance with the Local Government Act 1995 while performing the official duties of office.

Policy Scope:

This policy details the requirements to follow for Council Member Allowances Expenses and Supplies.

Policy Statement:

Allowances

President Allowance

The President shall be entitled to an annual Local Government allowance equal to the maximum amount permitted to be paid to the President as determined by the Salaries and Allowances Tribunal.

Deputy President Allowance

The Deputy President shall be entitled to an annual Local Government allowance equivalent to 25% of the President Allowance as determined by the Salaries and Allowances Tribunal.

Meeting Attendance Allowance

The President and Council Members shall be entitled to an annual meeting attendance allowance equal to the maximum amount permitted to be paid as determined by the Salaries and Allowances Tribunal.

Telecommunications Allowance

Council Members shall be entitled to an annual telecommunications allowance equal to 100% of the maximum amount permitted to be paid as determined by the Salaries and Allowances Tribunal to cover all information and communications technology costs that are a kind of expense for which Council Members may be reimbursed as prescribed by Regulations 31(1)(a) and 32(1) of the Local Government (Administration) Regulations 1996.

Note: Except in the first year, following their election, when Council Members may receive their ICT Allowance in full, in advance, to cover ICT costs needed to be incurred, all ICT allowances for subsequent years, referred to in this Policy will be paid in arrears with Council Members able to elect to receive payment monthly, quarterly, biannually, or annually.

Information and Communication Technologies

The Shire will not provide any ICT equipment, nor maintain or service any equipment purchased by Council Members, using their ICT Allowance, as there are personal expenses.

This relates to facsimile machines, answering machines, laptops, iPads (or similar), mobile phone, printer (and consumables).

Reimbursable Expenses

Local Government Act 1995 s.5.98(2), (3) and (4) and Local Government (Administration) Regulations 1996 Regs 31 and 32

Travelling Expenses

[Local Government Act 1995 s.5.98(2) and (3) and Local Government (Administration) Regulations 1996 Reg.31(4) and 32]
Council Members shall be entitled to reimbursement of travelling expenses incurred while using their own private motor vehicle in the performance of the official duties of their office. Claims must be related to travel to a destination from their normal place of residence or work and return in respect to the following:

- Council Meetings, Civic functions, Citizenship Ceremonies, or briefings called by either Council, the President, or the Chief Executive Officer.
- Committees to which the Council member is appointed a delegate or deputy by Council.
- Meetings, training, and functions scheduled by the Chief Executive Officer or Directors.
- Conferences, community organisations, industry groups and Local Government Associations to which the Council member has been appointed by Council as its delegate or a deputy to the delegate. Functions and presentations attended in the role as a council member or whilst deputising for the President, that are supported by a copy of the relevant invitation or request for attendance.
- Gatherings or events (i.e., funerals, local business, or community events), approved by the Chief Executive Officer for attendance by the President or the President's nominated deputy as a representative of the Shire.
- Any other occasion in the performance of an act under the express authority of Council.
- Site inspections in connection with matters listed on any Council Agenda paper (Members to state the Item Number listed on any Council Agenda paper along with the date and time of the visit on the claim form).
- In response to a request to meet with a ratepayer/elector but excluding the day of Council Elections. (Members to state the time and purpose of the visit and the name and address of the ratepayer/elector on the claim form).

All claims for reimbursement should be lodged with the Chief Executive Officer, on the appropriate claim form by no later than 30 days from the end of the month to which the claim relates. In submitting claims for reimbursement, Council Members shall detail the:

- Date of the claim,
- Particulars of travel,
- Nature of business,
- Distance travelled,
- Vehicle displacement and the total kilometres travelled.

Council Members are required to certify the accuracy of the information they provide with their claim forms and all claims must be accompanied by supporting documentation such as invitations or approvals. The rate of reimbursement being as prescribed from time to time by the Salaries and Allowances Tribunal.

Note: Council Members should note that any diary used by a Council member to record the scheduling or occurrence of activities related to the fulfilment of the office of Council Members are subject to the State Records Act 2000 and the Freedom of Information Act 1992.

Name badges:

- Acrylic informal Council member Name badge.
- Acrylic informal Council member's partner name badge.

The Shire will, within reason, replace on request any name badge which is lost or irreparably damaged.

Insurance

The Shire will insure or provide insurance cover for Council Members for:

- Personal accident whilst engaged in the performance of the official duties of their office, however, the cover does not include medical expenses. Spouses/partners of Council Members are entitled to the same level of cover when attending meetings, conferences, or functions with the express approval of the Chief Executive Officer.
- Professional indemnity for matters arising out of the performance of the official duties of their office provided the performance or exercise of the official duty is in the opinion of Council, not illegal, dishonest, against the interests of the Shire or otherwise in bad faith.
- Public liability for matters arising out of the performance of the official duties of their office but subject to any limitations set out in the policy of insurance.
- Motor vehicle at the time owned or driven by the Council member or driven by another person on behalf of the Council member whilst the Council member is proceeding as a member to and from:
    - Council Meetings, Civic functions, Citizenship Ceremonies, or briefings called by Council, the President, or the Chief Executive Officer.
    - Committees to which the council member is appointed by Council or in the role as a deputy in the event the member is not available to attend.
- Meetings and functions scheduled by the Chief Executive Officer:

- Conferences, community organisations, industry groups and Local Government associations to which the council member has been appointed by Council as its delegate.
- Functions and presentations as a representative of the President.
- Any other occasion while performing the functions of a Council Member or because of an act under the express authority of Council.

Salary Sacrifice

Council Members may salary sacrifice the council member remuneration to any approved Superannuation Scheme nominated by the Council member.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: June 2017

Review dates: August 2017, August 2019, November 2021, November 2023

Policy Number 2.14 Use of social media

Legislative Reference:

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

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

Policy Scope

This Policy applies to:

- Communications initiated or responded to by the Shire of Coolgardie with our community; and
- Council Members when making comment in either their Shire of Coolgardie role or in a personal capacity.

Policy Statement

Official Communications

The purposes of the Shire of Coolgardie'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 Coolgardie 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 of Coolgardie.
- Receiving and responding to community feedback, ideas, comments, compliments, and complaints.

The Shire of Coolgardie'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 of Coolgardie 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 Shire President to promote specific Shire of Coolgardie positions,

- Social media; and
- Community newsletters, letter drops, and other modes of communications undertaken by the Shire of Coolgardie's Administration at the discretion of the CEO.

Speaking on behalf of the Shire of Coolgardie

The Shire President is the official spokesperson for the and may represent the Shire of Coolgardie's 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 Shire 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 Coolgardie, where authorised to do so by the Shire President. *[s.5.41(f) of the Local Government Act 1995]*

The provisions of the *Local Government Act 1995* essentially direct that only the Shire President, or the CEO if authorised, may speak on behalf of the Local Government.

It is respectful and courteous to the office of Shire President to refrain from commenting publicly, particularly on recent decisions or contemporary issues, until such time as the Shire President has had opportunity to speak on behalf of the Shire of Coolgardie.

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

- bring the Shire of Coolgardie into disrepute,
- compromise the person's effectiveness in their role with the Shire of Coolgardie
- imply the Shire of Coolgardie'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 Coolgardie.

Council Member communications must comply with the Code of Conduct.

Responding to Media Enquiries

All enquiries from the Media for an official Shire of Coolgardie 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 Shire President or CEO (where authorised) to make an official response on behalf of the Shire of Coolgardie.

Council Members may make comments to the media in a personal capacity – subject to this Policy.

Website

The Shire of Coolgardie will maintain an official website, as our community's on-line resource to access to the Shire of Coolgardie's official communications.

Social Media

The Shire of Coolgardie 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 of Coolgardie to communicate or respond to matters that are complex or relate to a person's or entity's private affairs.

The Shire of Coolgardie maintains the following Social Media accounts:

- Social networks, including – Facebook,
- Media Sharing networks.

The Shire of Coolgardie may also post and contribute to social media hosted by others, to ensure that the Shire of Coolgardie's strategic objectives are appropriately represented and promoted.

The Shire of Coolgardie actively seeks ideas, questions, and feedback from our community however, we expect participants to behave in a respectful manner. The Shire of Coolgardie will moderate its Social Media accounts to address and where necessary delete content which is deemed as:

- Offensive, abusive, defamatory, objectionable, inaccurate, false, or misleading,
- Promotional, soliciting, or commercial in nature,
- Unlawful or incites others to break the law,
- Information which may compromise individual or community safety or security,
- Repetitive material copied and pasted or duplicated,
- Content that promotes or opposes any person campaigning for election to the Council, appointment to official office, or any ballot,
- Content that violates intellectual property rights or the legal ownership of interests or another party; and
- Any other inappropriate content or comments at the discretion of the Shire of Coolgardie.

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

The Shire of Coolgardie supports the Shire President in using official social media account/s to assist the Shire President in fulfilling their role under section 2.8 of the Local Government Act, to speak on behalf of the Local Government.

The content will be administered and moderated in accordance with this policy.

These official Shire of Coolgardie accounts must not be used by the for personal communications.

Use of social media in Emergency Management and Response

The Shire of Coolgardie will use the following channels to communicate and advise our community regarding Emergency Management:

- Shire of Coolgardie Website
- Shire of Coolgardie Facebook page

Record Keeping and Freedom of Information

Official communications undertaken on behalf of the Shire of Coolgardie's including on the Shire of Coolgardie's Social Media accounts and third-party social media accounts must be created and retained as local government records in accordance with the Shire of Coolgardie'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 made privately in conversation, written, recorded email, or posted in 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 must ensure that their personal or private communications do not breach the requirements of this policy, and the Code of Conduct,

Council Member Statements on Shire Matters

A Council Member may choose to make a personal statement publicly on a matter related to the business of the Shire of Coolgardie.

Any public statement made by a Council Member, whether made in a personal capacity or in their Local Government representative capacity, must:

- Clearly state that the comment or content is a personal view only, which does not necessarily represent the views of Shire of Coolgardie,
- Be made with reasonable care and diligence,
- Be lawful, including avoiding contravention of; copyright, defamation, discrimination, or harassment laws,
- Be factually correct,
- Avoid damage to the reputation of the local government,
- Not reflect adversely on a decision of the Council,
- Not reflect adversely on the character or actions of another Council Member or Employee,
- Maintain a respectful and positive tone and not use offensive or objectionable expressions in reference to any Council 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 or the Codes of Conduct, may constitute a serious breach of the *Local Government Act 1995* and may be referred for investigation.

Responsible Department: Operations

Responsible Officer: Deputy CEO

Delegation link (if any):

Date First Adopted: January 2018

Review dates: August 2019, October 2020, November 2023

Policy Number 2.15 Meetings, Information Sessions, and Decision-Making Processes

Legislative Reference:

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

A key role of a Council member is to participate in the Local Government's decision-making processes at Council and Committee meetings.

A key function of the organisation's CEO is to ensure that advice and information is available to the Council so that informed decisions can be made.

It is not always possible for all information that a Council member may need to be able to participate in formal decision-making processes fully and confidently to be provided during a formal meeting process.

Therefore, the Shire utilises a range of mechanisms to ensure informed decisions can be made including workshops, information sessions, community access sessions and various electors' meetings in addition to its formal Council and committee meetings.

The purpose of this Policy is to set out the guidelines for the provision of information to Council Members and the Council and other matters relating to the various forums utilised.

Policy Scope:

This Policy is applicable to all convened information sessions and formally constituted meetings involving Council Members of the Shire of Coolgardie held while carrying out the business of the local government.

Policy Statement:

Information Provision

All Council Members shall have access to the same information when making decisions.

Council Member's written questions of employees regarding agenda reports shall be circulated to all Council Members for information and the officer's response shall be circulated to all Council Members.

Where a question cannot be sufficiently answered at any information session or meeting and further information is required to be provided by an officer, it shall be circulated to all Council Members.

Council Members, however, may ask for personal information of a private nature to be provided on a "Private and Confidential" basis.

Council and Committee Meetings

Council and Committee Meetings are conducted in accordance with the Local Government Act 1995, the Local Government (Administration) Regulations 1996 and the Shire of Coolgardie Meeting Procedures Local Law.

Formal decisions of the Council are made utilising the Council and Committee meeting process.

Reports to Council or a Committee

- All reports shall include the details of the reporting officer/s and the options that may be available to the Council should it not agree with the officer's recommendation.
- All reports listed for consideration at a meeting are to be provided at the time of agenda distribution, unless they meet the criteria for a late item of urgent business for consideration by the Council or Committee.
- Any employee's report shall not duplicate the subject of a motion of which a council member has given notice, and where this is unavoidable, the Council Member's notice of motion will take precedence in the order of business of the meeting.

Information Sessions and Workshops

- It is usual for workshops and information sessions on a range of matters to be convened by the CEO to provide information to Council Members to enable informed decisions to be made.
- The Council currently has a meeting cycle of formal Council meetings, preceded by various information sessions and workshops in the week before the meeting and on the day of the meeting.
- Agenda information sessions shall be conducted in an open, accountable manner and held in accordance with the Code of Conduct, subject to the confidentiality provisions relating to agenda reports.
- Other information sessions and workshops are convened to offer the Council Members the opportunity to:
  - explore options and discuss ideas,
  - discuss future agenda items and strategic direction,
  - to be briefed on key ongoing projects and have input prior to the allocation of significant resources in taking forward reports to the Council,
  - provide feedback and input in relation to decisions being made, or which may be made, by employees (under delegation/authorisation or similar, or acting through),
  - The CEO will often refer matters to an information session or workshop for discussion and employees may then make decisions having regard for the nature of the discussion. They may be relatively informal and not open to the public unless invited to attend due to the preliminary and exploratory nature of the discussions.
  - discuss grievances and concerns to be resolved where possible.
- Formal decisions of the Council are only made during a formal Council meeting and therefore collective or implied agreement on any issue cannot bind the Local Government during any information session or workshop.
- In addition to disclosure requirements that apply at formal meetings, the Department of

Local Government guidelines promote disclosure of interests at agenda forums, as participation without disclosing an interest is ethically unacceptable. Interests shall therefore be disclosed at agenda briefing sessions (informal and formal), information sessions and workshops etc.

Electors' and Special Electors' Meetings

Matters discussed at electors' meetings provide important input into Council decision- making processes. All annual meetings of electors and special meetings of electors shall be convened in Shire-owned buildings to ensure that the venue is appropriate for the conduct of such a meeting.

The CEO, or his representative, shall attend all meetings of electors and is requested to have executive employees in attendance, such that wherever possible, electors can be provided with the information that they are seeking at the meeting.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: 27th August 2019

Review dates: October 2020, November 2023

Policy Number 2.16 Habitual or vexatious complaints

Legislative Reference:

Relates to: Delegation Sub Delegation NA

Policy Objective:

To describe a framework for identifying and dealing with habitual or vexatious complainants.

Policy Scope:

This Policy may be applied by the Council, or the CEO, where circumstances dictate.

Policy Statement:

Purpose

Habitual or vexatious complaints can be a problem for employees and members.

The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Member time and displace scarce human resources that could otherwise be spent on Council priorities.

Whilst the Council endeavours to respond with patience and sympathy to all needs of all complainants, there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

To identify situations where a complainant, either individually or as part of a group, or a group of complainants, might be "habitual or vexatious" and ways of responding to these situations.

This policy is intended to assist in identifying and managing persons who seek to be disruptive to the Council through pursing an unreasonable course of conduct.

Definitions

"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.

Application

The following definition of habitual or vexatious complainants applies:

- The repeated and/or obsessive pursuit of:
  - unreasonable complaints and/or unrealistic outcomes; and/or
  - reasonable complaints in an unreasonable manner.

If complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in the document below (Schedule A), the CEO, following discussions with the Executive, will seek agreement to treat the complainant as a habitual or vexatious complainant and for an appropriate course of action to be taken.

The Shire will maintain adequate documentary records, indicating that the Shire will create and keep internal records of the criteria considered by the CEO and Executive Management Team under Schedule A of the Policy and a summary of the action to be taken under Schedule B of the Policy. Schedule (B) details the options available for dealing with habitual or vexatious complaints.

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.

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:

- Persist in pursuing a complaint where the Council's complaints process has been fully and properly implemented and exhausted.
- 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).
- 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.
- 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.
- 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 recognised that determining what is a trivial matter can be subjective and careful judgment will be used in applying these criteria.
- Have threatened or used physical violence towards employees at any time. This will cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, thereafter, only be continued through written communication. 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.

- Have, while 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 considering the specific circumstances of each individual case.

- Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint. Employees recognise 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.

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

- 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 recognised practice.

- Make unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint:

  - Clearly does not have any serious purpose or value; or
  - Is designed to cause disruption or annoyance; or
  - Has the effect of harassing the public authority; or
  - Can otherwise fairly be characterised as obsessive or manifestly unreasonable.

- Make repetitive complaints and allegations which ignore the replies which Council employees 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:

- 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.

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

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

See also Policy 1.08

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: 27th August 2019

Review dates: October 2020, November 2023

Policy Number 2.17 Civic, ceremonial and hospitality functions

Legislative Reference: s2.8 (1)(c), 2.9, 5.34, 5.41(e) of the Local Government Act 1995

Relates to: Delegation Sub Delegation NA

Policy Objective:

To conduct various civic functions and receptions, as well as official openings of Council facilities and other specific receptions or functions from time to time as the need arises.

To provide guidelines for the provision of Entertainment and Hospitality relevant to the Shire.

Policy Scope:

Policy Statement:

Civic Functions and Receptions – General

- The Shire President, in conjunction with the Chief Executive Officer, shall have discretion to determine whether a civic reception is to be held.
- The date, time and invitation list shall be determined by the Shire President, in conjunction with the Chief Executive Officer.
- At the discretion of the Shire President and Chief Executive Officer, the Shire President may host functions and receptions with light refreshments for visiting dignitaries, residents who are recipients of awards or prizes from the Shire, exchange students and visitors from other local authorities from Australia and overseas. The invitation list shall be at their discretion.
- The Chief Executive Officer is authorised to approve civic functions, ceremonies, receptions, provision of hospitality and the use of the Administration and Civic Centre, subject to compliance with this Policy, Procedure and Guidelines.
- In the absence of the Shire President, the Deputy Shire President may carry out Civic and Ceremonial duties on behalf of the Shire, in accordance with s5.34 of the Local Government Act 1995.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: June 2017

Review dates: May 2017, August 2019, October 2020, November 2023

Policy Number 2.18 Contract Extensions and Variations

Legislative Reference: Local Government Act 1995 s5.42, 5.43 re delegations to CEO

Local Government Act 1995 s3.57 re Tenders for providing goods or services

Local Government (Functions and General) Regulations 1996:

- r.11(2)(j) Exercising contract extension options
- r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders
- r.20(1), (2), (3) Variation of requirements before entry into contract
- r.21A Varying a contract for the supply of goods or services

Relates to: 1.2.17 Sub Delegation 1.2.17a

Policy Objective:

In relation to Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options, to establish conditions and circumstances in which the CEO, or sub delegates, may exercise delegated authority.

Policy Scope:

The scope of this policy is to apply to all Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options, by applying suitable and appropriate conditions to the exercise of delegated authority.

Policy Statement:

In May 2020 the WA Office of the Auditor General published - https://audit.wa.gov.au/reports-and-publications/reports/local-government-contract-extensions-and-variations/

The Council of the Shire of Coolgardie has considered recommendations, application to the Shire, and adopted conditions to apply in the exercise of delegated authority by the CEO, or other employees, sub delegated by the CEO.

Policy Details:

Council's Policy, and conditions, as reflected in the conditions attached to the Delegation (and sub delegation) are:

- Exercise of authority under F&G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications.
- In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:
    - The total consideration under the resulting contract is $350,000 or less,
    - The expense is included in the adopted Annual Budget; and
    - The tenderer has complied with requirements under F&G r.18(2) and (4).

- Where the CEO determines to exercise authority to decline to accept any tender [F&G r.18(5)], where such a tender must be determined by Council, the CEO must, at least advise the Shire President of the intention to do so, and the reasons for doing so. In addition, the CEO must advise the next appropriate forum of the Council of the intention, or if the decision has been made, of having done so, and why.

- A decision to vary a tendered contract before entry into the contract [F&G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.

- A decision to vary a tendered contract after entry into the contract [F&G r.21A(a)] must include evidence that the variation is necessary and does not change the scope of the contract.

- A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.

- Contract variations under r20 and 21A of Local Government (Functions and General) Regulations 1996 are subject to:

    - prior budget provision having been made, or
    - being to give effect to a Council decision to accept a variation of a contract entered into, or
    - the intentions and purposes of the contract are not substantially altered,
    - an assessment, in writing, of the reasons for the variation, as determined by the CEO, either generally or specifically in relation to a contract
    - consideration is given to the cumulative impact of variations, to ensure that the scope of the original contract is not significantly altered, and that a separate procurement process is not required, and

      where the effect on the total contract is –

    - a reduction or
    - the cumulative value remains below the tender threshold or
    - likely increase in cost to a cumulative total of $40,000 ex GST or 10% whichever is the greater, where the adjusted total contract payment remains within Budget provision: or
    - is a reasonable and unforeseen increase in duration of the contract.

      Contract extensions under r20 and 21A of Local Government (Functions and General) Regulations 1996 are subject to:

    - prior budget provision having been made, or
    - being to give effect to a Council decision to extend a contract entered into, or
    - the intentions and purposes of the contract are not substantially altered, and
    - the original contract including provisions which permit an extension,
    - an assessment, in writing, of the merits of extending the contract, as determined by

the CEO, either generally or specifically in relation to a contract,

- any extension taking effect prior to the expiration of the original contract,
- written evidence that the terms of the contract extension have been mutually agreed by the Shire and the contractor.

Responsible Department: Executive Services
Responsible Officer: CEO
Delegation link (if any): Delegation 1.2.17 Sub Delegation 1.2.17a
Date First Adopted: November 2023
Review dates:

Policy Number 2.19. Council Members - Electronic attendance at meetings

Legislative Reference:

Local Government Act 1995

r.14C-r14E Local Government (Administration) Regulations 1996

s3. Disability Services Act 1993

Relates to: NA

Policy Objective:

This Policy establishes guidelines and expectations for requests for electronic attendance at meetings of Council, and Committee members attending meetings electronically in relation to equipment and location.

The purpose of this policy is to:

- set the parameters which guide electronic attendance at meetings; and
- define the circumstances that Council considers suitable to permit electronic attendance at in-person meetings; and
- support good decision making, efficiency and effectiveness in Council's meeting processes.

Policy Scope:

Applies to all Council and Committee meetings, information sessions workshops, and gatherings of Council Members (noting that the legislative provisions only specifically apply to Council and Committee meetings).

Policy Statement:

Definitions

Information means an information session of Council or an Information Session for an Ordinary Council Meeting.

Meeting means an Ordinary Council Meeting, Special Council Meeting, or Committee Meeting (including the Audit Committee) of the Shire of Coolgardie.

Natural Disaster includes fire, flood, lightning, movement of land and storm.

Relevant period means the period of 12 months ending on the day on which the proposed meeting is to be held.

Regulation means a regulation under the Local Government (Administration) Regulations 1996.

Introduction / background

1. Requests for Electronic Attendance at Meetings

1.1 Requests for electronic attendance at meetings must be made in accordance with Regulation 14C(2): *2.19*

A request for electronic attendance at an in-person meeting is to be made via the 'Request for Electronic Attendance at a Meeting Form':

- Is to be provided to the Shire President,
- Where the Shire President is unavailable to approve a request, the request is to be considered

by Council (the request is to be moved, seconded and approved);
- Where the Shire President rejects a request, the requester may ask Council to re-consider the request; and
- The Shire President may refer their own request to the Deputy Shire President, [S5.34 of the Act]; or alternatively, may refer the request to Council for decision.

1.2 Where a request meets the following criteria, approval will not be unreasonably withheld:

- The electronic means of instantaneous communication, and the location and equipment from which the Member seeks to attend the meeting, are determined as suitable for the Member to effectively engage in deliberations and communications throughout the meeting [Admin.r.14C(5)],
- The Member has made a declaration prior to the meeting, or that part of the meeting, that will be closed, that confidentially can be maintained. In the absence of such a declaration, the Member is prohibited from participation in the meeting, or that part of the meeting, that is closed [Admin.r.14CA(5)]; and
- The approval does not exceed prescribed limitations for the number of meetings attended by that Member by electronic means [Admin.r.14C(3) and r.14C(4)].

1.3 Requests for electronic attendance at briefings and workshops are not legislated, however are covered by this Policy. If a Member intends to attend an unlegislated meeting such as a briefing or workshop, electronically, they do not need to ask for permission but should advise the CEO's office at their earliest convenience to ensure the appropriate videoconferencing equipment is made available and tested prior to the meeting.

1.4 Requests for electronic attendance should be made preferably two business days prior to the meeting, briefing or workshop for which electronic attendance is being requested.

1.5 All requests for electronic attendance should specify the location from which the member wishes to attend the meeting and the equipment the member intends to use to attend the meeting.

1.6 Requests for electronic attendance at Ordinary Council Meetings are to be made by email to the Shire President and copied to the CEO, as early as possible, so that the application may be considered, and arrangements made to accommodate the request, if approval is given.

1.7 Requests for electronic attendance at Committee Meetings are to be made by email to the Shire President and copied to the Committee Chairperson and the CEO, as early as possible, so that the application may be considered, and arrangements made to accommodate the request, if approval is given.

1.8 Approval to attend a meeting electronically will be provided via return email from the Shire President, with a copy to all other Council Members, and relevant employees.

1.9 Should the application for electronic attendance at a meeting meet the requirements for approval as specified in this policy, and approval for electronic attendance is denied by the Shire President, the member may seek approval of the Council.

1.10 Records of requests and decisions about requests must be retained:

- Where the Shire President makes the decision, the record is retained as a Local Government record (e.g. email communication) in accordance with the Shire's Recordkeeping Plan and Records Management Policy; and
- Where Council makes the decision, the decision must be recorded in the minutes
- The CEO shall ensure that necessary administrative and technological support is readily available to facilitate attendance by electronic means at any meeting, on the basis that approvals may be given at any reasonable time prior to commencement of the meeting by the

Shire President or during the meeting itself by Council for a Council meeting.

1.11 Where a request meets the following criteria, approval will not be unreasonably withheld:

- The electronic means of instantaneous communication, and the location and equipment from which the Member seeks to attend the meeting, are determined as suitable for the Member to effectively engage in deliberations and communications throughout the meeting [Admin.r.14C(5)],
- The Member has made a declaration prior to the meeting, or that part of the meeting, that will be closed, that confidentially can be maintained. In the absence of such a declaration, the Member is prohibited from participation in the meeting, or that part of the meeting, that is closed [Admin.r.14CA(5)]; and
- The approval does not exceed prescribed limitations for the number of meetings attended by that Member by electronic means [Admin.r.14C(3) and r.14C(4)].

2. Requirements for Approval

2.1 There is no limit to the number of meetings that can be attended electronically due to a public health emergency, state of emergency or a natural disaster (regulation 14(2)(a)).

2.2 For Ordinary Council Meetings, Special Council Meetings and Committee Meetings, the member's electronic attendance at the proposed meeting under r14(2)(b) of the Regulations must not result in the member attending more than half of the meetings (including the proposed meeting) of the Council or Committee in the relevant period under an authorisation under r14(2)(b) of the Regulations. This cap does not apply to a member who is a person with a disability as defined in s3 of the Disability Services Act 1993.

2.3 There is no cap on electronic attendance for Information Sessions and workshops, however physical presence is encouraged, particularly for meetings that require a high level of collaboration and involvement.

2.4 The CEO's office will record electronic attendance on the Attendance register and will advise the Shire President or Council if the requester is eligible for electronic attendance based on the percentage of meetings the person has attended electronically under Regulation 14C(2)(b).

2.5 In approving the request, the Shire President or Council must have regard to whether the location from which the member wishes to attend the meeting and the equipment the member intends to use to attend the meeting are deemed suitable for the member to be able to effectively engage in deliberations and communications during the meeting, in line with the provisions of this Policy.

2.5.1 Suitable Locations

- Locations within Australia and its Territories are suitable for electronic attendance.
- Due to increased cyber security risks with overseas communications networks, attendance from international locations generally will not be approved.
- The location from which the member attends must be indoors, quiet, and private.
- If other people are present at the location at the time of the meeting, the member must be able to close a door in order or take other measures required to minimise noise and maintain privacy

3. Electronic Means

3.1 The electronic means for all electronic meetings will be set up by the CEO's office, using a software or web-based application approved for use by the Shire.

3.2 CEO's office will include the details of how to connect to all meetings electronically on the Outlook calendar invite for that meeting.

4. Suitable Networks and Equipment

4.1 Members attending meetings electronically must connect through a suitable network and using suitable equipment.

4.2 Suitable networks include private home internet and WIFI, or a mobile hotspot from a trusted personal mobile device.

4.3 Due to increased cyber security risks, public WIFI is generally not considered to be a suitable connection for electronic attendance (this includes connections at cafes, airports, hotels, and restaurants).

4.4 Suitable equipment for attending electronic meetings includes Shire provided devices (e.g. tablet or laptop) or a personal computer or laptop with a video camera. Mobile phones are generally not considered to be suitable for attending meetings electronically.

4.5 It is recommended that remote participants use fully charged headphones with at least 3 hours talk time during the meeting.

5. Maintaining Confidentiality During the Meeting

- Regulation 14CA(5) requires that a 'Member must not attend the meeting or the closed part of the meeting unless, before the meeting, or the part of the meeting, is closed, the Member declares that the Member can maintain confidentiality during the meeting or the closed part of the meeting (as the case requires)'.
- If the Member makes the declaration and subsequently cannot maintain confidentiality, the Member must leave the meeting or the closed part of the meeting (Regulation 14CA(6)).
- A Member's declaration must be recorded in the minutes of the meeting (Regulation 14CA(7)).

5.1 This declaration must be recorded in the minutes of the meeting and should be worded as follows: "I [Member Name], declare that I am able to maintain confidentiality during the closed part of this meeting. If I am no longer able to maintain confidentiality, I will excuse myself from the meeting."

5.2 Should the member make the above declaration and subsequently cannot maintain confidentiality; they must leave the meeting or the closed part of the meeting.

5.3 The declaration is to be made before the meeting goes behind closed doors.

5.4 Relevant clauses above apply to all attendees of meetings where the entire meeting is held by electronic means.

Responsible Department: Governance

Responsible Officer: CEO

Delegation link (if any): 1.16

Date First Adopted: November 2025

Review dates:

3. Council Policies - Community

Policy Number 3.01 Consultation

Legislative Reference:

Relates to: Delegation Sub Delegation NA

Policy Objective:

To:

- promote positive relations between the Council and the community,
- promote effective communication and consultation between the Council and the community,
- enable the community to participate in Council planning and decision making,
- provide the framework for community involvement in Council planning and decision making,
- promote Council decision making, which is open, transparent, responsive, and accountable to the community.

Policy Scope:

The purpose of this Policy is to outline the principles and procedures that the Council will follow to involve the community in planning and decision-making in the local area, and to ensure accountability of the Council to the community through effective communication and consultation strategies.

The Policy will apply in those circumstances where the Act requires the Council to follow the Policy and for other public consultation initiatives where the Council determines that it is appropriate to follow the Policy.

Policy Purpose

The Shire of Coolgardie's Public Consultation Policy is underpinned by the following principles, which the Council believes are central to achieve effective communication and consultation:

- Council decision making should be open, transparent, and accountable,
- The Council will identify potential stakeholders in each specific circumstance,
- The Council will ensure information is easily understood and accessible to identified stakeholders, and include contact details for obtaining further information in all communications,
- The community has a right to be involved in and informed about key decisions affecting their area,
- A range of appropriate opportunities will be provided for people to access information and to be involved, taking account of barriers to access due to language, disability, or cultural issues,

- The Council will define the parameters of the consultation process for each specific topic, and identify what aspects of the decision can be influenced by community involvement,
- The Council will listen and respond to community views in a balanced way, taking account of all submissions made by various stakeholders,
- The Council will review and evaluate its Policy to ensure ongoing improvement in the way it involves the community in its decision-making processes,
- The Council's desire to balance community views and interests with other influences such as budgetary constraints.

Policy Statement:

The Shire of Coolgardie ("the Council") is committed to open, accountable, and responsive decision making, which is informed by effective communication and consultation between the Council and the community.

This Public Consultation Policy ("the Policy") has been prepared pursuant to s50 Local Government Act 1995 and sets out the steps the Council will take both where it is required by the Act to follow this Policy and for the purpose of establishing partnerships and encouraging community involvement in planning and decision making about the services the Council provides and the management of community resources.

The Shire of Coolgardie's Public Consultation Policy addresses the key elements of both communication and consultation.

Communication involves providing meaningful information in a timely and accessible manner. Consultation is a two-way process, providing opportunities to clarify information, raise issues and discuss ideas, options, and views.

Availability of the Public Consultation Policy

The Policy will be available for inspection without charge at the Shire's offices, all service centres, and libraries during business hours.

Roles and Responsibilities

The Policy will apply to Council Members, employees, contractors, and agents or consultants acting on behalf of the Council.

The Shire CEO is responsible for:

- Implementing communication and consultation initiatives in accordance with the Policy,
- Reporting on outcomes of these initiatives to Council and to inform the decision-making process,
- Reporting on the review and evaluation of the Policy.

Procedure

Council will implement this Policy in terms of the requirements under the Local Government Act 1995 and will take account of the views and aspirations expressed by the community and stakeholders, balancing those views and aspirations with other influences such as budgetary constraints, and within the context of Council endorsed strategic directions.

The following steps will be taken by the Council to fulfil the requirements of this Policy:

- The Council will identify a range of options available to it to communicate information to interested persons and invite submissions,
- The Council will publish a notice in a newspaper (circulating in the area) and on the Shire Website describing the matter for which public consultation is required, and inviting interested persons to make submissions to the Council within a period being at least twenty-one (21) days from the date of the notice,
- The Council will consider any submissions received as part of its decision-making process and will also have regard to any relevant legislation,
- Options which the Council may choose to utilise to communicate information and invite submissions, in addition to the above are:
  - Communication Options
    - ✓ Regular newsletters,
    - ✓ Advertisements in local paper and /or newsletters. Advertisements in Advertiser if matter has relevance to broader community,
    - ✓ Media releases/editorial,
    - ✓ Fact Sheets or brochures,
    - ✓ Letters addressed to stakeholders,
    - ✓ Letter box drops in the relevant area,
    - ✓ Web site,
    - ✓ Telephone Access Line,
    - ✓ Displays in public places,
    - ✓ Notice in public places,
  - Conversation Options
    - ✓ Meetings with Council Members and employees
    - ✓ Council Advisory Committees
    - ✓ Focus Groups
    - ✓ Workshops for stakeholders
    - ✓ Surveys through interviews/self-completion

- ✓ Door knock surveys
- ✓ Open Days
- ✓ Staffed Displays
- ✓ Community Forums and Meetings
- ✓ Comment Sheets

Any steps taken by the Council in addition to the minimum requirements set out in the Act and of this Policy are at the absolute discretion of the Council and will depend upon the matter under consideration, the resources available to the Council and the level of interest the matter is likely to generate.

The Council will record and provide feedback about the decisions, where relevant.

Responsible Department: Executive Services
Responsible Officer: CEO
Delegation link (if any):
Date First Adopted: June 2017
Review dates: May 2017, August 2019, October 2020, November 2023

Policy Number 3.02 Recovery of, and Payment of Rates and Charges

Legislative Reference: Local Government Act s6.12, 6.49, 6.64, 6.69, 6.71, 6.74 (and others)

Relates to: Delegation 1.2.26, 1.2.27, 1.2.28, 1.2.29 and 1.2.30.

Sub Delegation: 1.2.26a, 1.2.27a, 1.2.28a, 1.2.29a and 1.2.30a

Policy Objectives

To ensure that:

- there is consistency in the advice given to ratepayers about the payment of rates and the recovery of outstanding rates,
- in accordance with the Local Government Act 1995, charges relating to rates may be paid using instalments options within a prescribed timeframe,
- where payments are made outside the required timeframes, interest rates will apply,
- if a payment option and/or a payment arrangement is made with the Shire then an administration fee will apply.

Policy Scope:

This policy outlines the requirements for rates recovery and in relation to rates charges within the Shire of Coolgardie.

Policy Statements:

This Policy to be read in conjunction with Policy 3.19 Financial Hardship.

Recovery of Rates and Charges

Instalments

- Council will accept that there are ratepayers who cannot meet the 2 or 4 mandatory instalment options as provided under s6.45 of the Local Government Act 1995.
- Council may accept by application an alternative payment schedule (henceforth call the 'Direct Debit Agreement').
- For such an Agreement to be considered an Instalment Arrangement Form is to be completed and returned to Council.
- The proponent is to specify the frequency of payments with the nominated amount sufficient to fulfil the rates and charges levied within a financial year.
- Upon written acceptance of an Agreement by Council, written confirmation will be provided to the applicant. This formalises the agreement and will commit the ratepayer to the payment schedule.
- Verbal agreements shall not be accepted.

- Failure by the application to adhere to the payment schedule will result in the issue of a Final Notice for the total amount outstanding.

Final Notices

Final Notices will be issued during a period generally not exceeding 30 days after the due date of a notice for payment of rates.

Such notice will be issued when:

- No payment has been made,
- Insufficient payment to cover the first instalment has been made; or
- Where there is no current valid instalment option (i.e., persons who have paid their first instalment option late).

Final Notices will indicate that:

- Rates are now in arrears,
- That penalty interest is being charged at the rate set by Council; and
- That legal action may be taken without further notice, which will add extra costs onto the outstanding account.

Final Notices will not be sent to registered pensioners.

Letter of Demand

General and other Property - A Letter of Demand will be issued no later than 30 days after the final notice of current financial year to all owners of property (excluding pensioners) who have failed to make any payment within the financial year, and who have not contacted Council to make any special arrangement for payment or have defaulted on an approved payment option.

Issue of Summonses

Following completion of Letter of Demand:

- Rates remaining unpaid after the expiry date shown on the Letter of Demand will be examined for the purpose of determining whether a summons will be issued.
- Council may employ the services of a Collection Agent or Solicitor(s) to issue General Procedure Claims to those ratepayers who failed to pay by the date indicated upon the Letter of Demand.
- Costs incurred because of the issue of a General Procedure Claim will be applied to the ratepayers' assessment immediately upon receipt by Council of such costs – refer s6.56 of the Act.
- Following the issue of a General Procedure Claim, a reasonable offer to discharge a rate account (inclusive of the costs incurred through the issue of the General Procedure Claim) will not be refused.
- Where a General Procedure Claim has been issued and remains outstanding, action will be taken to pursue that summons by whatever means necessary to secure satisfaction of the debt.

- Legal proceedings will continue until payment of rates and any other outstanding costs are secured. This includes the issue of a Warrant of Execution against goods and land if necessary.
- In cases where the owner of a leased or rented property on which rates are outstanding cannot be located or the owner refuses to settle amounts outstanding, notice will be served on the lessee. The lessee will then under the provisions of s6.60 of the Local Government Act 1995, be required to pay Council any rent due until such time as the amount in arrears has been fully paid.

Sale of Property for nonpayment of Rates

The Chief Executive Officer is delegated authority (at Register of Delegations 1.2.28) to initiate sale of property for non-payment of rates as per subdivision 6 of the Local Government Act 1995, and to take action against land where rates or services charges are unpaid.

Payment of Rates and Charges

The following payments options, timeframes, discounts, charges, and interest rates shall apply to rates, overdue payments, and payment options.

Payment Options

Option 1 - One Payment

One payment in full of rates and other charges plus 35 days following issue of rate entry into the rate incentive prize draw.

Option 2 - Two Payments (50% each)

1st Instalment - 35 Days following issue of rate notice,

2nd Instalment - 63 Days after due date of 1st Instalment

It is mandatory pursuant to s6.45 of the Local Government Act to provide an option for four equal instalments. Where a ratepayer elects to pay by instalments, an interval of at least 2 months must be given between the second and subsequent instalments.

Option 3 - Four Payments (25% each)

1st Instalment – due 35 Days following issue of rate notice,

2nd Instalment - 63 Days after due date of 1st Instalment

3rd Instalment - 63 Days after due date of 2nd Instalment

4th Instalment - 63 Days after due date of 3rd Instalment

Rates due from previous years, i.e., rate arrears, will also attract late payment charges, calculated at the rate set in the annual budget if they remain unpaid.

Instalments and Arrangements Administration Fees and Interest Charges

In accordance with the provisions of s6.45 Local Government Act 1995, the Shire may impose administration fees and interest charges for payment of rates and charges by instalments.

Interest charges and administration fees will be at a rate set in the annual budget.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any): Delegation 1.19, 1.22, 1.24 1.25

Sub Delegation 1.19a, 1.22a, 1.24a, 1.25a

Date First Adopted: May, 27 June 2017

Review dates: August 2019, October 2020, November 2023

Policy Number 3.03 Rates Exemption

Legislative Reference: Local Government Act 1995, s6.26 (2)

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

In accordance with the Local Government Act 1995, s6.26 (2) describes land that is not rateable land and as such is exempt from general rates without being referred to Council for determination.

In the situation where a rateable property is being leased to a Not-for-Profit (NFP) Community Group (including Sporting Associations) that meets Councils' rate exemption criteria, consideration will be given to providing a rate exemption proportional to the area leased by the NFP tenant. By meeting the specified criteria, the entity is deemed eligible for rate exemption.

Policy Scope: This policy sets specific criteria that must be met by those entities that are not covered under s6.26 (2) who are seeking a general rate exemption.

Policy Statement:

The following criteria must be met before consideration is given to the eligibility for a general rate exemption.

Rate Exemption Application Form:

- Organisations need to provide clear and concise information regarding the nature of their activities to illustrate eligibility. Supporting documentation must accompany the application for the application to be assessed non-exempt charges must be paid in full at the time application is made. A refund will be made to the applicant if approved.
- The organisation must be an incorporated body as per the Associations Incorporated Act 1987.
- The organisation must own or have the vesting of the property on which rates are levied. If the rateable property is being leased, the organisation must be responsible for the payment of rates under their leasing agreement.
- Where the organisation operates commercial activities from the property, the organisation must show what portion of the property is being used for the commercial activities. The portion of the property being used for commercial purposes will not attract a Rate Exemption.
- The organisation must not hold a liquor license (issued under the Liquor Licensing Act 1988) for the provision of alcohol for sale to the public for profit.
- The Chief Executive Officer has delegated authority to approve applications that meet all the eligibility criteria.
- Those that hold a liquor license are only exempt to a 50% rates exemption.
- All approved applications will remain in force for a maximum period of two (2) years unless otherwise advised then the applicant must reapply.

- Where an organisation, that has been granted a general rates exemption, changes its method of operation, and that change would result in the organisation being precluded from exemption eligibility, the organisation must immediately inform the Shire of the change. An example would be where an organisation commences commercial activities from the property address.

- Applications shall be determined within 30 days of receipt of the original application and or any additional information requested, whichever is the later.

- A summary of all approved applications shall be presented to Council annually prior to the annual budget deliberations.

- All rates and charges will be levied each financial year whilst the rates exemption is in place. All charges will be included in the annual rates notice. Once the organisation has paid all non-exempt charges (i.e., sewerage, ESL, sanitation), the exempted amount (i.e., rates levied) will credited back onto the property.

Example:

Rates Levies

$1000.00 Sewerage

$200.00 Sanitation

$200.00 ESL

$100.00

Total rates levied $1,500.00

Therefore, in this example the amount of $500.00 (sewer, ESL & bin charges) must be paid before the credit of $1,000.00 (i.e., rates levied) is applied to the property.

The Shire will provide written notification to organisations when general rates exemptions have been granted each year. For any two (2) year approvals, organisations will receive written notification advising their rate exemption is due to expire and will be invited to lodge a new application for the new rating year.

Definition

Not-for profit (NFP) Community Group is defined as an organisation of people who are formed (including a group that is incorporated under the Associations Incorporations Act) to promote a community or sporting activity which has a positive effect on the community of Shire of Coolgardie.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: June 2017

Review dates: May 2017, August 2019, October 2020, November 2023

Policy Number 3.04 Debt Collection

Legislative Reference: Local Government Act s6.12, 6.49, 6.64, 6.69, 6.71, 6.74 (and others).

Relates to: Delegation: 1.19, 1.22,1.25 Sub Delegation 1.19a, 1.22a, 1.25a

Policy Objective:

To provide direction for the ethical and effective management of the Shire's wide range of debtors.

Policy Scope:

This policy sets specific criteria that must be met by those entities that are not covered under s6.26 (2) who are seeking a general rate exemption.

The Policy should also be read in conjunction Policy 3.19 Financial Hardship.

Policy Statement:

Guidelines

The following guidelines provide direction for the ethical and effective management of the Shire's wide range of debtors:

- Management to establish and maintain appropriate credit limits and controls to ensure the risk of financial loss is properly managed,
- Access to credit should be limited to those circumstances where it is deemed an efficient method for collecting revenue or is legally required to be given,
- The provision of credit is not automatic, and credit may be suspended or withdrawn based on compliance of trading terms. Management will use their discretion to deny any delinquent debtor access to Council's services and facilities,
- Fees applicable to the debt collection process (excluding recoupable Legal Fees) are listed in the Shire's Schedule or Fees Charges as adopted by Council annually,
- Action for the writing off bad debts (other than rates or service charges) should only take place where all avenues for recovery have been exhausted or it becomes unviable to keep pursuing the debt,
- Unrecoverable debts (other than rates and service charges) up to the individual value of
- $500 may be written off under Council delegation,
- Bad debts over $500 (other than rates or service charges) are to be brought to Council for write off on an annual basis or more often if required,
- When a debtor is under serious hardship the Chief Executive Officer shall have the power to enter a special payment arrangement and to reduce or mitigate interest charges,

- The Shire should register as an unsecured creditor for debtors who go into administration where there is some likelihood of a settlement (excluding rate debtors but including Tenement holders, as rates debt is secured against a property).

Debt Recovery

Recovery of Rate Arrears

The recovery of outstanding rates will be collected in a fair and timely manner. Rate notices are due for payment 35 days from date of issue in accordance with the Local Government Act 1995. Interest Amounts that remain outstanding past the prescribed due date will have interest applied. Interest is calculated on the number of days from the due date of payment until the day the payment is received by the Shire of Coolgardie. This includes overdue amounts where the debtor has elected to pay by an instalment option or special payment arrangement.

The Rate of interest to be applied will be published in the Shire's Schedule of Fees and Charges for the applicable year.

Accounts unpaid by the due date shown on the Rate Notice Where accounts remain outstanding after the prescribed due date, a Final Notice shall be issued requesting full payment within fourteen (14) days unless the debtor has entered a payment arrangement which has been agreed upon by both parties.

Final Notices are not to be issued to eligible persons registered to receive a pensioner or senior rebate under the Rates and Charges (Rebates and Deferments) Act 1992; as such persons have until 30 June of the current financial year to make payment, without incurring any penalty interest. Final notices will, however, be issued to registered pensioners or seniors where there are unpaid charges which are not subject to a rebate or deferment e.g.: rubbish collection charges.

Accounts unpaid after the expiry date shown on the Final Notice Where amounts remain outstanding after the expiry date shown on the Final Notice, recovery action will commence based upon a risk management approach as determined by the value and type of debt and may include such action as referral to Council's debt collection agency.

Lodging of a Caveat on Mining Tenements on Current Year Rates

Where rates remain outstanding on mining tenements after the issuing of a Letter of Demand and prior to legal action commencing, as a safeguard to protect Council's interest, a caveat pursuant to s122A of the Mining Act 1978 may be lodged to preclude dealings in respect of the mining tenement.

General Procedure Claim

Where a Demand Letter has been issued and remains unpaid and the ratepayer has not elected to enter an agreed special payment arrangement, a General Procedure Claim will be issued.

Property Sale and Seizure and Order

Where a General Procedure Claim has been issued and served and the amount remains outstanding fourteen (14) days after the service of the Claim, legal proceedings will continue until payment of rates is received. This includes Judgement and Enforcement of the Claim. Enforcement of the Claim may include a Property Sale and Seizure Order of goods and or land.

Seizure of Rent for non-payment of Rates

Where the property owner of a leased or rented property on which rates and service charges are outstanding, cannot be located or refuses to settle rates and charges owed, a notice may be served on the lessee or tenant under s6.60 LGA 1995.

This requires the lessee or tenant to pay to the Shire the rent due that they would otherwise pay under the lease/tenancy agreement as it becomes due, until the amount in arrears has been paid.

Options to recover rates due where rates are in arrears for more than 3 years Lodging a Caveat on the Title for Land

If rates and service charges which are due to Council in respect of any rateable land have been unpaid for at least three (3) years a caveat may be registered on the title for the land, under the provisions of s6.64 (3) Local Government Act 1995.

The approval of Council is required before this course of action is undertaken.

Sale of Property

If rates and service charges which are due to Council in respect of any rateable land have been unpaid for at least three years, Council may take possession of the land under the provisions of s6.64 Local Government Act 1995.

The approval of Council is required to be obtained before this course of action is undertaken.

Legal costs and other expenses All legal costs and expenses incurred in recovering outstanding rates and charges will be charged against the property in accordance with the Local Government Act 1995.

Recovery of Sundry and other Debtor Accounts

The recovery of outstanding sundry debtor accounts will be collected in a fair and timely manner.

The Shire of Coolgardie's credit terms are as outlined on the issued tax invoice:

- Where payment is not received within thirty (30) days from the date of the initial invoice, a First and Final notice shall be issued requesting full payment immediately unless the debtor has applied to enter a Special Payment Arrangement, subject to approval.
- Where the customer fails to pay the outstanding balance within sixty (60) days from the date of the initial invoice, and a special payment arrangement has not been entered, a Letter of Demand will be issued. This letter will give the customer a further seven (7) days to pay the outstanding balance in full and may incur a fee as shown in the Shire's Schedule of Fees and Charges, which will be charged to the Debtor,
- Where the customer fails to pay in full by the expiry of the period defined above, credit may be suspended, or services limited, and legal action may be commenced. Any legal or other costs incurred will be charged to the Debtor.

Interest

Where payment is not received within thirty-five (35) days from the date of the initial invoice, interest will be applied on money that remains outstanding.

Interest is calculated on the number of days from the due date of payment until the day the payment is received by the Shire of Coolgardie. Interest (percentage) charged on sundry debtors is the percentage as adopted at the annual budget meeting in accordance with s6.13 (1) of the Local Government Act 1995.

The rate as set under s6.13 (3) of the Local Government Act 1995 is not to exceed the maximum rate of interest as prescribed in r19A Local Government (Financial Management) Regulations 1996.

Sundry Debtors – bad debts

Where a sundry debtor has accounts unpaid for a period exceeding one hundred and twenty days (120 days) and:

- The debtor has moved, and all reasonable attempts to locate the debtor have been unsuccessful; or
- The debtor has provided documentary evidence to the Shire of having filed for Bankruptcy or Insolvency

Employees shall prepare a report for the Chief Executive Officer/Council listing the name of the debtor, the description of the debt, the amount outstanding, the period overdue and a reason for write off.

Bad debts will be recognised when the sundry debt is seen to be no longer commercially collectable.

Recovery of Infringement Debtors

Infringements are issued by authorised employees of the Shire of Coolgardie. There is no provision for part payments or payment arrangements with infringements due to making them un- enforceable with the Fines Enforcement Registry.

Where payment is not received within twenty-eight (28) days from the date of the infringement, a First Warning letter shall be issued requesting full payment within ten (10) days.

Where the customer fails to pay the infringement by the expiry of the period defined above, a Final Demand Notice will be issued, with an applicable fee. The final demand Notice gives the customer a further twenty-eight (28) days to pay the infringement.

Where the customer fails to pay the infringement by the expiry of the period defined above, the infringement is referred to the Fines Enforcement Registry where further charges will be incurred.

Referrals to the Fines Enforcement Registry for action, may result in an individual's license being suspended.

Recovery of debts resulting from construction of fire clearances

Under the Bush Fire Act, the Shire may charge property owners for the construction of a firebreak when they fail to provide one themselves. Any infringement issued is separate and in addition to the charge for firebreak construction. An invoice will be issued for the construction debt and will be subject to Recovery of Sundry Debtor Accounts.

If the account remains unpaid for a period exceeding one hundred and twenty (120) days, or if the property is listed for sale within that period, the debt will be transferred against the debtor's property and collected in accordance with Recovery of Rate Arrears.

Payment Arrangements

Ratepayers or other debtors, except infringement debtors, who are unable to pay a debt amount owing to Council by the due date, may apply in writing to enter an arrangement with Council to make periodical payments by completing a Council issued payment arrangement form.

Arrangements are to be negotiated with the aim of recovering all arrears and the current year's charges within the current financial year. Payment will usually be made by a direct debit arrangement weekly, fortnightly, or monthly.

Where the ratepayer fails to adhere to a payment arrangement and has not contacted Shire employees to amend the current arrangement, recovery action will commence.

If legal action has been suspended due to the ratepayer entering into a payment arrangement and the agreement has not been met by the ratepayer, the legal action will be reactivated at the level when the suspension took place.

Interest is chargeable on debts being repaid under a payment arrangement, also set up charges are payable in accordance with Shire's Schedule of Fees and Charges. A payment arrangement cannot be entered into verbally by any party.

Serious Hardship and/or exceptional Hardship Circumstances

If a rate payer or other debtor is experiencing financial hardship due to rates and charges or other amounts owed to the Shire, they can submit a written application to the Chief Executive Officer to enter a negotiated 'Special Payment Arrangement' detailing the "Serious Hardship" and/or "Exceptional Hardship/Circumstances" to warrant the Shire's consideration and lenience in accordance with Council's Debtors Management Guidelines.

Roles and Responsibilities

The Chief Executive Officer shall be responsible for the application of delegations of authority regarding the policy.

The Senior Finance Officer shall be responsible for the review and monitoring of the operations of the policy.

The Finance and Rates Department teams shall be responsible for the day-to-day operations of the policy.

Definitions Rates Debtors

Rate debtors are classed as either secured or unsecured and will generally be recovered as they are deemed to be a charge on the land. Mining Tenements are unsecured and therefore subject to normal debt recovery processes.

Except where a ratepayer is entitled to defer the payment of their rates, Council will actively pursue the recovery of rate arrears as specified in the Local Government Act 1995, including the power to sell land.

Sundry Debtors

A sundry debtor is one to whom credit has been offered for services provided by the Shire.

Infringement Debtor

An Infringement Debtor is one to whom an infringement notice has been issued.

Firebreak Debtor

A firebreak debtor is one to whom the Shire has on charged the costs incurred for construction of a firebreak on the debtor's property.

Principles

The Shire will exercise its debt recovery powers, as outlined in Part 6 of the Local Government Act 1995, to reduce the overall debt burden on ratepayers.

It will be guided by the principles of:

- Providing the Shire of Coolgardie with an effective method over the collection of outstanding debtors,
- Ensuring that debt collection procedures are carried out in a fair and equitable manner,
- Making the processes used to recover outstanding debt clear, simple to administer and cost effective,
- Transparency by making clear the obligations of its ratepayers and other debtors to the processes used by Council in ensuring that they meet their financial obligations,
- Equity by having regard to providing the same treatment for ratepayers and other debtors with similar circumstances,
- Flexibility by responding where necessary to changes in the local economy,
- Ensuring the Shire of Coolgardie is compliant with all regulatory obligations,
- Promoting effective governance and definition of roles and responsibilities,
- Upholding recognition from the public and industry for the Shire of Coolgardie's collection practices that withstand probity.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any): 1.19, 1.22,1.25 and sub delegation

Date First Adopted: June 2017

Review dates: May 2017, August 2019, October 2020, November 2023

Policy Number 3.05 Australia Day - Citizenship Awards

Legislative Reference:

Relates to: Delegation: N/A

Policy Objective:

The purpose of this policy is to recognise individuals and organisations that have made a significant contribution within the previous calendar year to the Shire of Coolgardie's community, with annual awards presented on Australia Day.

Policy Scope:

Award recipients must meet the following eligibility criteria:

- Recipients must be:
  - residents of the Shire,
  - or have coordinated a community event within the Shire,
  - or be members of a community group whose principal activities are conducted within the Shire,
  - or be a business or organisation that has contributed financially or in-kind to a community project or group within the Shire.
- Awards cannot be granted posthumously,
- Only one person (not a couple or group) may be nominated for individual award categories,
- Former Local Government Council Members are not eligible to receive an Award,
- Former State and Federal politicians are not eligible to receive an Award,
- Sitting members of State, Federal and Local Government are not eligible.

Awards

The Shire will annually recognise individuals and organisations that have made a significant contribution to the Shire's community by awarding six categories of awards every Australia Day.

Awards are presentations are held in Coolgardie and Kambalda and only one award per category for recipients in each town will be presented:

Shire of Coolgardie Australia Day Youth Award

Presented to an individual under 25 years of age who has made an outstanding contribution to the local community.

Shire of Coolgardie Australia Day Award

Presented to an individual over 25 years of age who has made an outstanding contribution to the local community.

Shire of Coolgardie Australia Day Senior Citizen Award

Presented to an individual over (or at) the WA Seniors Age, who has made an outstanding contribution to the local community.

Shire of Coolgardie Australia Day Community Group Award

Presented to a community group in the Shire of Coolgardie that has made an outstanding contribution to the local community.

Shire of Coolgardie Australia Day Community Event Award

Presented to organisers/committee of an event held in the Shire of Coolgardie that has made an outstanding contribution to the local community.

Shire of Coolgardie Australia Day Corporate Citizen Award

Presented to a business or organisation that has made an outstanding contribution (financial or in-kind) to the community in the Shire of Coolgardie.

Implementation

Nominations open from the first Monday in November and close on the second Monday in January.

Advertising of nominations will commence in November and December of each calendar year in the Shire of Coolgardie's Website, Facebook, and noticeboards with any person in the community eligible to submit a nomination form via the Community Recreation Facilities in Coolgardie or Kambalda.

Judging will occur by the Judging Panel at the earliest practical day within the week after nominations have closed. Nominees for the Shire Australia Day Awards will be assessed by a Judging Panel consisting of a minimum of 2 Council Members and 1 staff member per town for Coolgardie and Kambalda according to the following criteria:

- A significant and positive contribution has been made to the local community,
- Possess leadership qualities,
- Active member of the local community,
- Commitment to enhancing their local community.

Upon completion of judging deliberations, employees are to arrange a printed certificate for all nominees and a framed certificate for the wining candidates in each category.

Employees are to extend an invitation for all nominees to attend the Annual Australia Day Award ceremony in the locality of their nomination. (Coolgardie or Kambalda). Invitations are to be extended to;

- The recipient (and family) of the Shire of Coolgardie Australia Day Youth Award,
- The recipient (and partner) of the Shire of Coolgardie Australia Day Award,
- The recipient (and family) of the Shire of Coolgardie Senior Citizen Award,

- The recipient (President/Chairperson and committee) of the Shire of Coolgardie Australia Day Community Group Award,
- The recipient (President/Chairperson and committee) of the Shire of Coolgardie Australia Day Community Event Award,
- The recipient (nominated representative) of the Shire of Coolgardie Australia Day Corporate Citizen Award.

Roles and responsibilities

The Shire's Community Development Area are responsible for implementation of all elements of this policy.

Roles and responsibilities include calling for nominations, promotion through the media, call for expressions of interest for the members of the judging panel, compiling nominations, scheduling judging panel meetings, arranging for printed certificates, trophies, or a gift, organising awards and inviting nominees and nominators to the presentation event.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: June 2017

Review dates: December 2018, August 2019, October 2020, October 2023, November 2023

Policy Number 3.06 Consumption of Alcohol – Shire Property

Legislative Reference: NA

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

To outline the Shire's commitment to encourage the responsible consumption of alcohol on Shire property.

Policy Scope:

Determining the circumstances and conditions in which the consumption and or sale of alcohol is permitted in Shire owned/controlled parks and buildings.

Policy Statement:

Conditions to be observed regarding the consumption of alcohol on Shire of Coolgardie property including parks, reserves, ovals and within Shire facilities.

Members of the public and organisations who wish to consume or sell alcohol on public reserves or within Shire facilities within the Shire are to observe the following conditions:

- An application for the consumption of alcohol must be made to the Shire of Coolgardie at least ten days prior to the event date.
- Alcohol can only be consumed during the following times but is not to exceed six hours in one day:
- Monday – Thursday 11.00am – 10.00pm Friday and Saturday 11.00am – 2.00am Sunday 11.00am – 9.00pm
- An extension or variation to these hours requires the written approval of the Chief Executive Officer after consultation with the Officer in Charge of Police in each town.

All glass beverage containers are prohibited in parks, reserves, and ovals (cans or plastic cups ONLY permitted).

Aquatic facilities alcohol consumption will not be allowed. Patrons will not be admitted into any Aquatic facility under the influence of alcohol.

Consumption of liquor outside the defined area at the location or facility contravenes the Liquor Licensing Act and offenders maybe liable to prosecution.

Responsible Department: Operations

Responsible Officer: Place Managers

Delegation link (if any):

Date First Adopted: October 2013

Review dates: May 2017, August 2019, October 2020, November 2023

Policy Number 3.07 Community Housing – Eligibility

Legislative Reference: NA

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

To ensure fair and equitable management and offer of the Shire of Coolgardie's senior housing stock.

Policy Scope:

This policy applies to all eligible seniors seeking to reside in Shire of Coolgardie owned/managed senior's housing.

Policy Statement:

Introduction / background

An applicant must meet the eligibility criteria applying at the time of lodgment of an application for registration; while he/she remains on the Expression of Interest waiting list; and at the time of offer of accommodation. The waiting list is maintained by the Shire's appointed realtor and can override the application process due to extenuating circumstances (emergencies) when supporting documents are provided.

To be eligible for public housing, applicants must meet the following criteria:

- applicants are required to be Australian citizens or have permanent resident status,
- be able to prove their identity,
- live and receive their income in Western Australia,
- always meet public housing income limits as per the Department of Housing's income eligibility guidelines prior to and during occupancy of the units,
- not own or have an interest in a property, or be in the position to buy a property, unless in the process of selling or disposing of the property; and
- are required to be of Senior Retirement Age as per the Australian Government's Department of Social Services classification.
- The Shire's appointed property manager can override the application process due to extenuating circumstances provided the applicant has provided sufficient documents supporting their application.

Permanent Residency in Australia

Applicants are required to be Australian citizens or have permanent resident status. A household member who was born overseas must provide evidence that he/she has been granted citizenship or permanent residency.

Appropriate documentation includes:

- a certificate of Australian Citizenship; or
- a permanent residence permit stamped in the applicant's passport.

Rent

Increases / Income Reviews

Rent is calculated at 25% of base accessible income at the time of signing the lease and is reviewed / increased yearly based on this formula.

Reviews occur on 1 June and are applied by 1 July.

Cash Assets

Applicants must conform to the most current Department of Housing eligibility criteria relating to cash assets.

Proof of Income

Applicants must supply documentary proof of income for themselves and their partner to confirm eligibility for assistance.

Single applicants jointly seeking accommodation will be assessed as a household.

Property Ownership

Applicants must not own or be part owner in a property:

- Sale of the property must be in the process of being sold at the time of the allocation of a property,
- If property is inherited, property must be disposed of, and the rent reviewed. Any income from the sale of the property will become part of the accessible income,
- Permission may be given for continuing ownership or joint ownership of a property for a period after application, where there are specific difficulties relating to immediate disposal.

Proof of identity

Applicants must be able to provide proof of their identity when lodging their application.

Category A:

- birth certificate or extract,
- passport,
- citizenship papers.

Category B

- marriage certificate or divorce papers,
- birth certificate or extract,
- tax assessment notice.

Category C

- letter from government department,
- electricity, phone, or gas account,
- verification of income from Centrelink or Department of Veteran's Affairs,
- drivers' license,
- car registration papers,
- bank, building society or credit union account showing transactions for at least one year,
- insurance policy or insurance renewal notice.

Appointments

The Shire of Coolgardie maintains an Expression of Interest Waiting List, the longest waiting eligible applicant will be placed first, however, in some cases, eligible priority placements will be given precedence.

The Chief Executive Officer has authority to approve occupancy of the community housing if someone has received doctor's certification that they require housing over people on the waiting list.

Visitors

Visitors are permitted a maximum of one month stay only; the Shire of Coolgardie must be notified of any visitors exceeding this period.

Review

Tenancy income reviews are conducted yearly from the date of occupancy.

Tenants must continue to meet the criteria as outlined in this Policy.

Other

- Pets may only be kept in units with enclosed yards,
- The right to approve / decline an application for pets is at the discretion of the Chief Executive Officer,
- No smoking is permitted inside the units,

- No one under Senior Retirement Age should have permanency in the units unless proven partner position is provided and or, adequate evidence is made available to support the permanent residence of a carer.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: March 2014

Review dates: May 2017, August 2019

Amendment: 26 November 2019, October 2020, November 2023

Policy Number 3.08 Ban/Limits on Smoking

Legislative Reference: Occupational Safety and Health Act 1984; Regulation 3.44AA Occupational Safety and Health Regulations 1996.

An enclosed public place means that as defined in Regulation 8 Tobacco Products Control Regulations 2006 (WA)

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

The Shire of Coolgardie promotes good health and healthy lifestyle choices for all Council Members, employees and others under its guidance or direction and has an obligation to ensure compliance with legislatively imposed requirements associated with smoking restrictions.

The Shire recognises that individuals have the right to make a personal choice to smoke, however, is committed to ensuring that persons within the workplace are not exposed to the hazards of tobacco smoke.

Policy Scope:

This Policy applies to all Shire of Coolgardie:

- Council Members,
- employees,
- volunteers,
- work experience students,
- labour hire workers and
- contracted service providers, including consultants.

The Policy extends to all enclosed workplaces, including plant and vehicles, as well as enclosed public places that are owned, rented, or leased by the Shire, whenever such persons are acting in an official capacity, or under the guidance or direction of the Shire of Coolgardie.

The Policy does not apply to premises under the ownership or control of other local governments, State or Federal Departments or agencies, or private sector bodies, where other arrangements may apply.

Policy Statement:

Smoking is not permitted within any internal or enclosed Shire of Coolgardie work areas in accordance with the Occupational Safety and Health Act 1984 and the Occupational Safety and Health Regulations 1996 including all offices and buildings and Shire vehicles which are regularly occupied by employees.

To assist the Shire to comply with the Regulatory requirements, smoking is prohibited within the following designated areas:

- Enclosed workplaces,

- Enclosed public places,
- Within eight (8) metres of any air intake, window, or entrance to Shire of
- Coolgardie buildings, owned, rented, or otherwise controlled by the Shire,
- Shire vehicles or mobile plant, including when there is a sole occupant,
- In the presence of non-consenting persons at the workplace,
- The use of e-cigarettes or other vaporising devices intended for the delivery of nicotine or other substances is considered as smoking and subject to the prohibition requirements,
- Where smoking is prohibited by display of signage

Products that are prepared and labelled for human therapeutic use, such as nicotine replacement gum, lozenges, patches, and inhalers are exempt from these provisions.

All forms of tobacco advertising, promotion, sponsorship, and sale of tobacco products are prohibited at Shire workplaces.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: March 2020

Review dates: March 2020, October 2020, November 2023

Policy Number 3.09 Haulage Campaigns

Legislative Reference: s132(4) Road Traffic (Administration) Act 2008

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

This Policy outlines the condition for use of Shire roads for haulage campaigns.

Policy Scope:

This policy applies to haulage campaigns within the Shire Coolgardie.

Policy Statement:

The following conditions (but not limited to) are to be used to assess the suitability of Shire roads for haulage campaigns and offer standards of construction that can be applied by the operator for consideration by Council.

Definitions:

This document should be read in conjunction with Shire of Coolgardie Policy 3.12 Heavy Vehicles Conditions for use on Shire Roads.

Austroads and Australian Road Research Board (ARRB) guidelines, will be used as the operator guidance documents for construction standards, in conjunction with the RAV network Category listing for construction specification.

Other documentation listed in the GUIDELINES of this document will be used to assess suitability of existing or design route.

Other relevant standards endorsed by the Institute of Engineers, or a relevant professional reputable body may be considered to the satisfaction of the Shire of Coolgardie.

The Term "Operator" means the owner of the mine

Purpose

The document has been created to inform the operators and haulage campaign users of the conditions of the use of Shire of Coolgardie Road networks.

This document will allow progressive contributions by the operator towards providing safe and appropriate roads and maintain Shire asset without undue impact on the deterioration or preservation of the Shire Road network in its entirety.

Heavy Vehicle Cost Recovery Contribution

Where the Shire proposes to enter into an agreement in accordance with s132(4) Road Traffic (Administration) Act which provides – "A person against whom expenses are or may be recoverable under this section may enter into an agreement with the road authority for payment to it in respect of heavy traffic, and on making the payment as agreed the person is not to be subject to any proceedings under this section."

The Shire will request either:

- $0.09 (09 cents) as a capital contribution per tonne per kilometre travelled on Shire of Coolgardie Road Networks from the operator
- $0.06 (06 cents) as a maintenance Contribution per tonne per kilometre travelled on Shire of Coolgardie Road Networks from the operator

The cost recovery unit shall apply to all vehicle movements over the full term of the carting campaign as listed on the application and be issued and reviewed annually. Alternatively, the operator may wish to enter into an alternate agreement with the Shire, providing satisfaction of Austroad construction guidelines and appropriate consideration by the Council.

This agreement could include the provision of capital and/or maintenance of the road during the period of the haulage campaign.

Contribution will be allocated to the area of use only, unless otherwise agreed by both parties, and spent on the route in an area decided by Council or its designated officer as being appropriate.

Capital contribution to the road will be used where a capital upgrade is required. If the roadway becomes damaged by the operator under any conditions of use, contributions will be used to repair fair damage and deterioration.

Once contributions are exhausted, if the road becomes further damaged the Shire reserves the right to close the road as per the Local Government Act 1995, until the road is repaired by the person or body who caused that damage, or further contribution is made to repair damage not provided under the annual or other agreement.

Application process

Long Term Campaign

Where a cartage campaign exceeds 25,000 tonnes or 100 return trips in any annual period, or more than six return trips in any week or part thereof; the operator needs to apply to the Shire of Coolgardie for use of the Shire of Coolgardie road network. The decision on Long Term Campaigns will be made by the Council subject to an agreement between the Operator and the Shire.

Short Term Campaign

Where a cartage campaign does not exceed 25,000 tonnes or 100 return trips in any annual period, the operator needs to apply to the Shire of Coolgardie for use of the Shire of Coolgardie road network. The CEO has authority to deal with Short Term Campaigns.

The Operator is to provide:

- a digital plan, in a format compatible with Shire of Coolgardie computer systems, of their proposed route.
- total annual tonnage, as reported to the Department of Mines and Petroleum, or figures supplied as audit for taxation figures.
- the number plate numbers of each prime mover in use, and a letter head with date of expiry will be issued to each vehicle that forms part of the agreement.

Requirements

Based on the Shire's road construction cost an average cost (as per point 2 Heavy Vehicle Cost Recovery Contribution) will be applied per tonne per kilometre travelled on Shire of Coolgardie road network for capital construction and/or maintenance:

- The Shire, unless otherwise stipulated in an agreement with the Shire, will not undertake watering of haulage routes, and watering will remain the responsibility of the operator, other than required as part of construction.
- All watering of haulage routes will be undertaken by the operator daily whilst the haulage campaign is in progress.
- Dependent on the complexity of the project, the Shire may request that all survey and design works are to be supplied as part of the project or negotiate the cost of the works as part of an agreement, to be fully recovered from the operator.
- On formation of a suitable agreement resulting from negotiations between the operator and the CEO, the agreement will be presented to Council for consideration. Council reserves the right to agree or disagree with the agreement and vary the agreement accordingly.
- If Council recommend agreement, the principal will be notified, and a copy of the formal recommendation will be supplied. If the operator in any way breaches the agreement, the CEO has the right to terminate the agreement and the approval with no recourse or penalty to the Shire of Coolgardie.
- If as part of agreement negotiations, it is considered that the principal shall progress any maintenance or construction works, the responsible party will ensure adherence to all normal conditions of work on a road reserve, ensuring insurances, certificates of currency, induction to works on a road reserve, and provide and implement a traffic management plan to the area of works. The traffic management plan to be created by an appropriately qualified and accredited person.
- The Shire of Coolgardie has requested network conditions, Condition CA07, be placed on the RAV network. The requirement is for all haulage companies to carry written approval from the local government authority permitting use of the road in accordance with network conditions. The Shire of Coolgardie is responsible for the administration of Condition CA07 on local roads. The Operator's responsibility is to ensure the haulage company carry's written approval from the local government authority permitting use of the road.

Head of power

- s132(4) Road Traffic (Administration) Act which provides – "A person against whom expenses are or may be recoverable under this section may enter into an agreement with the road authority for payment to it in respect of heavy traffic, and on making the payment as agreed the person is not to be subject to any proceedings under this section."
- Local Government Act 1995, Subdivision 5 – Certain provisions about thoroughfares
- National Transport Commission (Road Transport Legislation – Restricted Access Vehicle Regulations) Regulations 2006.

Contribution amount of this Guideline

Contributions will be considered for Capital upgrade of the road in use, and maintenance of the road in use, and applied based on Council cost and state of the road following a detailed driven audit of the road.

These contributions are to be spent on the route at council's discretion, and do not include intersection construction.

Council may also make applications for grant funds.

Guidelines

Guidelines taken into consideration are listed, but not limited to those below:

- AUSTROADS Vehicle Classification System
- MRD SPECIFICATION 501, Pavements
- MRD – RESTRICTED ACCESS VEHICLES, PERMIT NETWORKS, HEAVY VEHICLE ACCESS ROAD MAPS
- MRD, Heavy Vehicle Operations, GUIDELINES FOR ASSESSING THE SUITABILITY OF ROUTES FOR RESTRICTED ACCESS VEHICLES
- APPLICATION KIT AND GUIDELINES FOR ORGANISATIONS SEEKING TO UNDERTAKE WORKS WITHIN ROAD RESERVE: LOW COMPLEXITY WORKS
- Austroads Geometric Design Series Parts 1 – 13
- Suitability of Base thickness to be based on the Austroads Guide to Road Design Part 7: Geotechnical Investigation and design
- Relevant Australian Standards are applicable.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: October 2013

Review dates: October 2013, May 2017, June 2018, August 2018, August 2019, October 2020, November 2023

Policy Number 3.10 Heavy Vehicles Conditions for use on Shire Roads

Legislative Reference: Road Traffic (Administration) Act 2008

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

To ensure safe road use on the RAV network within the Shire of Coolgardie.

Policy Scope:

This policy applies to haulage users on the RAV Network within the Shire of Coolgardie.

Policy Statement:

Introduction / background

The following conditions (but not limited to) are to be recommended to Main Roads WA to be applied to haulage users on the RAV Network within the Shire:

Definitions:

- The term "Haulage Operator" shall mean the Owner of the vehicle travelling on the Shire RAV Network
- The term "RAV" shall mean a Restricted Access Vehicle that requires accreditation though the Western Australian Heavy Vehicle Accreditation Registration process at Main Roads Department Western Australia, Heavy Vehicle Operations.
- The term "MRWA" shall mean Main Roads Department, Western Australia.
- The term "HVO" shall mean Heavy Vehicle Operations, branch of MRD that makes assessment and prosecution of RAV on State and Shire road networks.
- The Term "Operator" means the owner of the mine.
- The term "CA07" shall mean the requirement for all operators to carry written approval from the local government authority permitting use of the road in accordance with network conditions.

General Conditions

- Condition CA07 be placed on the Shire RAV Network. Non-compliance may result in Council, at its discretion, reporting the haulage user to Main Roads Heavy Vehicle Services (HVS)
- The haulage operator shall observe, always, all provisions contained in the Road Traffic Act and regulations, the Local Government Act 1995, and all Local Laws.
- In residential areas approval, be granted for cartage during sunrise to sunset hours 7:00am – 6:00pm, whichever is shorter, Mondays to Fridays. Weekends and public holidays excluded
- In non-residential areas approval, be granted for cartage 7 days a week.

- RAV's are restricted to a maximum speed of 50kph on local roads within townsites and maximum of 80kph on open roads in LG area local always unless a lesser speed limit is posted on the road or recommended to MRWA for reasons of safety.
- No operation on unsealed road segment when visibly wet, without road owner's approval.
- When travelling at night, the RAV must display an amber flashing warning light on the Prime Mover

Weather and Road Conditions

- A Shire RAV Network may be closed where the road surface has deteriorated and is determine by the CEO to be unsafe for heave haulage or any form of transport or that continuing use will cause a safety risk and/or significant damage to occur. Any haulage users found operating on a closed RAV Network may be reported to MRWA and Main Roads Heavy Vehicle Services (HVS) with a request to issue suspension notices.
- To minimise the potential for road damage safety hazards the CEO may give notice that a Shire RAV Network has been closed, where more than 20mm of rain has fallen in any 24 hours or lesser period. Such notice shall remain in effect until a re-commencement notice is issued by the Shire.

Requirements

- Council authorises the CEO to withdraw CA07 approval at any time by notice to MRWA and the Operator in cases of non-compliance by haulage users.
- The Shire RAV Network will be reviewed annually inclusive of the provision of a condition report on the Network.

Responsible Department: Executive Services Responsible

Officer: CEO

Delegation link (if any):

Date First Adopted: October 2013

Review dates: June 2018, August 2018, August 2019, October 2020, November 2023

Policy Number 3.11 Infrastructure Policy – Asset Management

Legislative Reference:

Relates to: Delegation Sub Delegation

Policy Objective:

- To ensure that the Shire's services and infrastructure are provided in a sustainable manner, taking into consideration the whole of life costs and ensure the appropriate levels of services are provided to customers in line with Shire's Community Strategic Plan and Corporate Plan,
- To safeguard Shire assets, including physical assets and employees, by implementing appropriate asset management strategies and allocating appropriate financial resources for those assets,
- To create an environment where all Shire employees take an integral part in overall management of Shire assets by creating a sustaining asset management awareness throughout the organisation,
- To meet legislative requirement for asset management,
- To ensure resources and operational capabilities are identified and responsibility for asset management is allocated,
- To demonstrate transparent and responsible asset management processes that align with demonstrated best practice.

Policy Scope:

This policy applies to all infrastructure assets owned or controlled by the Shire of Coolgardie, regardless of their source of acquisition.

Policy Statement:

Introduction / background

- A consistent asset management strategy shall be developed for implementing systematic and best practice asset management practices in all the Shire's operations.
- All relevant legislative requirements together with political, social, and economic environments shall be taken into account in asset management.
- The asset management process shall be integrated within existing planning and operational processes and supported by a cross functional, multidisciplinary Asset Management Working Group.
- Asset Management plans shall be developed for all major service/asset categories. The plans shall be informed by community consultation and statutory requirements for Local Government financial planning and reporting.
- Reviews of current services and service levels shall be determined in consultation with the community.

- An inspection regime shall be used to ensure agreed service levels are maintained and to identify asset renewal priorities.
- Asset renewals required meeting agreed service levels for the whole of life shall be identified in adopted asset management plans and long-term financial plans and shall form the basis of annual budget estimates, with the service and risk consequences of variations in defined asset renewals and budget resources to be reported annually.
- Service levels shall be defined in adopted asset management plans and shall form the basis of annual budget estimates with the service and risk consequences of variation in defined services level and budget resources to be reported annually.
- Asset renewal plans shall be priorities and implemented progressively based on agreed service levels and the capacity of the current assets to provide that level of service.
- Systematic and cyclic reviews shall be applied to all asset classes to ensure that the assets are managed, valued, and depreciated in accordance with appropriate best practice and applicable Australian Standards.
- Reporting will be broken down into categories of operational, maintenance, renewal, upgrade and new, and funding will be broken down into discretionary and non- discretionary in both recurrent and capital budgets (figure 1)
- Future whole of life costs shall be reported and considered in all decisions relating to new services or assets and upgrading of existing services and assets.
- Training in asset and financial management shall be provided for Council Members and relevant employees.

Recurrent Funding	Asset Management	Capital	Consequential Recurrent Funding
Maintenance & Operations	**Renewal / Compliance**	**New/Upgrade**	**New maintenance and Operational Cost**
Funds to maintain and operate existing asset stocks and risks so that existing services are maintained to approved service standards.	Funds to renew existing asset stock and compliance needs, in order to retain capacity to deliver specified levels of service of existing services and to manage risk. It must also allow for renewal of additional new and upgraded asset stock for approved new or improved services.	Funding for provision of new or upgrades to assets and to support approved new, improved or expanded services. Funds allocated only when all non-discretionary requirements are met.	Funds for the additional maintenance, and operating costs as determined by the lifecycle cost analysis that will be incurred as a result of the proposed new and upgraded assets, to support approved new or expanded existing services.

Related documents

- Shire of Coolgardie Asset Management Plan.
- Local Government Act 1995 (WA), s5.56(1) and (2)
- Local Government (Administration) Regulations 1996
- WA Department of Local Government's Integrated Planning and Reporting Framework and Guidelines (September 2016)
- International Infrastructure Management Manual (IIMM)
- National Asset Management Framework

Key Terms / Definitions

Asset Class - an asset class is a grouping of assets of a similar nature and use.

Asset Management –a framework to identify the costs and benefits associated with providing an agreed level of service that meets the needs of the community, whilst identifying how to optimise the asset through minimising the whole-life cost, including the operation, maintenance and replacement or disposal of each asset in the system.

Asset Management Plan – a plan, typically at asset class level, combining technical and financial management techniques over the lifecycle of the asset to determine the most cost-effective manner by which to provide a specified level of service.

Infrastructure assets – are physical assets owned or under the care, control and management of Council that contribute to the community's needs for access to major economic and social facilities.

These assets include roads, stormwater and drainage, transport, buildings, lighting and electrical, Park Lands and open space (including street trees) and urban elements.

Service Levels - the service quality for a activity, generally both a measurable performance specification, and a minimum condition or performance grade. Whole of Life Cost - is all the costs related to future activities including ongoing maintenance, renewal, replacement, or disposal (including rehabilitation) of the asset.

Responsible Department: Executive Services
Responsible Officer: CEO
Delegation link (if any):
Date First Adopted: June 2017
Review dates: May 2017, August 2019, October 2020, November 2023

Policy Number 3.12 Self Supporting Loans

Legislative Reference:

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

To provide a framework within which community organisations can apply for Self-Supporting loans through the Shire of Coolgardie.

Policy Scope:

This Policy applies to all eligible organisations within the Shire of Coolgardie.

Policy Statement:

- A request to Council to raise a self-supporting loan will be considered only from community or not for profit organisations.
- Each request will be considered on its merits, and the organisation may be asked to provide guarantors or other acceptable security.
- In the event of Council agreeing to make funds available on a self-supporting basis, Council reserves the right to control and/or to carry out any of the following:
    - the preparation of plans and specifications for the proposed work,
    - the calling of tenders for the proposed work,
    - the preparation of the contract documents,
    - the letting of the contract,
    - sole supervision of the project,
    - sole authorisation of expenditure of funds for the project.
- Each request for a Self-Supporting loan is to be considered on its individual merits and any application is to include a minimum of the following information:
    - Request for Self-Supporting Loan in the amount of $ for a term of xx years.
    - Demonstrate capacity to meet loan repayments,
    - Project scope,
    - Total Cost of Project (project Budget) including all funding sources,
    - The Total number of registered Members,
    - Benefits the project will bring to members and the community, and

- Acknowledgement that the applicant is responsible for reimbursement to the Shire of Coolgardie of full costs associated with the loan and that the club will enter a "LOAN REPAYMENT AGREEMENT" with the Shire of Coolgardie.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: 27th August 2019

Review dates: October 2020, November 2023

Policy Number 3.13 Dangerous trees on private property

Legislative Reference: s3.25, 3.26, 5.42 and 5.43 Local Government Act 1995

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

To ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.

Policy Scope:

This Policy applies to all instances of dangerous trees on property within the Shire of Coolgardie.

Policy Statement:

- Notices under s3.25(1)(a), Schedule 3.1.9 of the Local Government Act 1995 (As Amended), regarding trees on private property will only be issued where the tree concerned represents a definite threat of imminent harm to persons or 'catastrophic' damage to property and only after the complainant has taken reasonable steps to resolve the issue privately with the tree owner.
- Requests from residents for the issuing of a Notice regarding dangerous trees on neighbouring private property are to be received in writing.
- The applicant will be required to:
  - Demonstrate what actions they have taken previously to resolve the issue privately with the tree owner; and
  - Commission and submit, at the applicant's cost, a written tree inspection report from a qualified arborist prior to the Shire proceeding with any consideration of the request.
- The request will be declined if it does not meet the requirements above.
- Where the Shire determines that the request meets the requirements above, a notice will be issued to the tree owner to make the tree safe.
- Notices are to be issued in accordance with s3.25 (1)(a) of the Local Government Act 1995 and if not complied with, the notice shall be enforced by the Shire in accordance with s3.26 of the Local Government Act 1995.
- This Policy shall not prevent the Shire or its employees from intervening in emergency situations, as provided for by s3.34 of the Local Government Act.

Responsible Department: Project & Technical Services

Responsible Officer: Director Project & Technical Services

Delegation link (if any):

Date First Adopted: 27th August 2019

Review dates: October 2020, November 2023

Policy Number 3.14 Naming of Shire Streets and assets

Legislative Reference: Surveillance Devices Act 1998, State Records Act 2000

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

The purpose of this Policy is to assist the Shire to appropriately deal with and assess proposals to name a Shire Road or Shire Asset.

Policy Scope:

This Policy applies to the naming of Shire Roads and Shire Assets, inclusive of the entire asset or specific portion/s of it, which require a determination for naming.

Policy Statement Naming Considerations

- Council may consider naming a Shire Asset in honour of persons considered to be pioneers, persons who have made an outstanding humanitarian contribution or who, in the opinion of the Council, are worthy of such an honour. This may also be in acknowledgment of events of historical, environmental, or cultural significance or collective community action.
- Where personal names are used, the person commemorated should preferably be recognised in memoriam.
- To facilitate ease of geographical identification and identification of purpose, where possible a locality name and purpose should be associated with the naming of a Shire Asset, even when it is determined that an honorary name will be applied.
- In general terms, naming should use the form, spelling and style of contemporary Australian English or a recognised Australian Aboriginal language local to the area of the feature.
- Where applicable and always in the first instance, naming guidelines as set out in Policies and Standards for Geographic Naming in Western Australia will be adhered to. The Shire must apply to Landgate for the naming of Shire Roads.
- Renaming will only occur in an extraordinary case or where a name is no longer deemed appropriate.
- The use of Aboriginal names and words for naming features are a way of recognising the different enduring cultural and language groups. Names originating from an Australian Aboriginal language local to the area must be written in a standard recognised format and their use shall be endorsed by the recognised local community. Evidence of this endorsement must be included with the naming proposal.
- A proposal to name a significant Shire asset can be put forward to Council for consideration by:
    - a Council member by way of a notice of motion,
    - an employee via a report to Council,
    - a member of the public via a submission to the CEO; or

- users of a facility via a submission to the CEO

- Any proposal to name a significant Shire Asset will include:
  - details of the proposed Shire Asset to be named,
  - proposed name; and
  - justification for the proposal.

- Through its consideration Council may endorse the name or determine that the proposal requires further community consultation.

Criteria for Assessment for Personal Recognition

- A request to name a Shire Asset after a person shall be assessed against the following criteria:
  - whether the person being honoured has been instrumental in the development of the Shire asset or activities to be undertaken or contributed in a significant way to the Shire asset,
  - the views of the community with respect to honouring the person or event after which the Shire asset is proposed to be named,
  - the length of residency of the person proposed. For the purposes of guidance, residency of ten (10) years or more in a relevant location is likely to qualify a person for further consideration,
  - the contribution made by the person to the local community through areas such as education, representation on Council or another level of government, volunteering, association with local sporting or service club or through business development. A significant contribution could include:
    - ✓ two (2) or more terms of office on the local government Council,
    - ✓ twenty (20) or more years association with a local community, sporting, or service club,
    - ✓ action by an individual to protect, restore, enhance, or maintain an area that produces substantial long-term improvements for the community of area; or
    - ✓ evidence of works undertaken being of a pioneering nature for the benefit of the community.

Policies and Standards for Geographic Naming in Western Australia

- The established guidelines provide, among other things, that:
  - names should not be a duplication (within 50km radius of each other),
  - inappropriate names should not be used including but are not limited to:

- obscene, derogatory, racist or discriminatory names:
  - incongruous names; and
  - company or commercial names.

- preferred sources of names include:
    - Aboriginal names
    - pioneers, early settlers, war casualty lists; and
    - thematic names, including flora, etc.
- In addition, the naming of Shire Roads or Shire Assets:
    - must not risk public and operational safety for emergency responders, or cause confusion for transport, communication, and mail services,
    - should be reasonably easy to read, spell and pronounce; and
    - must avoid a duplication of names which are spelt or pronounced the same or similar within the local government area.
- The Shire maintains an approved list of Shire Road names and any application for a name that does not appear on the approved list, must include supporting documentation / justification prior to the Shire forwarding complying proposals to the Geographical Names Committee (GNC).
- The Shire may, in certain special circumstances, support an application for naming of a Shire Road that departs from the Policies and Standards for Geographic Naming in Western Australia GNC guidelines. A proposal that departs from the GNC guidelines must:
    - demonstrate exceptional circumstances warranting special consideration,
    - be particularly beneficial for the District,
    - have great significance which may be lost without the use of the proposed Shire Road name; and
    - have significant community support for the proposal.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: 27 August 2019

Review dates: October 2020, November 2023

Policy Number 3.15 Road safety audits

Legislative Reference:

Relates to: Delegation NA Sub Delegation NA

Policy Objective:

To set out the requirements for conducting Road Safety Audits in the Shire of Coolgardie.

To improve the safety of the road network and developments in the Shire of Coolgardie. and ensure measures to eliminate or reduce road environment risks for all road users are fully considered with emphasis placed on fatal and serious crash risk.

To promote the development, design, and implementation of a safe road system through the adoption of formal road safety auditing principles and practices.

Policy Scope

This Policy applies to Shire of Coolgardie road infrastructure projects and to qualifying projects that are subject to the Development Application processes.

The Policy applies to all District Distributor, Local distributor, and Local Access Roads within the Shire of Coolgardie.

Definitions/Abbreviations used in Policy.

Audit Team means a team that shall comprise of at least two people, independent of the design team, including members appropriately experienced and trained in road safety engineering or crash investigation with knowledge of current practice in road design or traffic engineering principles who undertake the road safety audit.

Audit Team Leader means the person with appropriate training and experience with overall responsibility for carrying out the audit and certifying the report. An Audit Team Leader practicing in Western Australia must be an IPWEA/Main Roads Accredited Senior Road Safety Auditor.

Audit Team Member means an appropriately experienced and trained person who is appointed to the Audit Team and who reports to the Audit Team Leader. An Audit Team Member practicing in Western Australia must be an IPWEA/Main Roads Accredited Road Safety Auditor.

Corrective Action Report (CAR) means a tabular summary report prepared by the Audit Team to be completed by the Asset Owner, Project Owner, Project Coordinator, or delegated representative to respond to identified findings and recommendations detailed in the audit report.

Crash investigation means an examination of crashes to identify patterns and common trends that may have contributed to crash causation or crash severity. This can include the detailed investigation of a single crash.

IPWEA refers to Institute of Public Works Engineering Australasia.

Main Roads means Main Roads Western Australia.

Permanent change means any permanent change to the road network, excluding like for like maintenance replacement works and temporary works.

Public road means a road either under the control of Main Roads, Local Government, or any other road accessible by the public (excludes private roads).

Road Safety Audit means a formal, systematic, assessment of the potential road safety risks associated with a new road project or road improvement project conducted by an independent qualified audit team. The assessment considers all road users and suggests measures to eliminate or mitigate those risks.

Road safety engineering means the design and implementation of physical changes to the road network intended to reduce the number and severity of crashes involving road users, drawing on the results of crash investigations.

Road Safety Inspection means a formal examination of an existing road or road related area in which a qualified team report on the crash potential and likely safety performance of the location, (formerly known as an 'Existing Road Safety Audit').

Safe System means a road safety approach adopted by National and State Government to generate improvements in road safety. The Safe System approach is underpinned by three guiding principles: people will always make mistakes on our roads but should not be killed or seriously injured consequently; there are known limits to the forces the human body can tolerate without being seriously injured; and the road transport system should be designed and maintained so that people are not exposed to crash forces beyond the limits of their physical tolerance.

Specialist Advisor means a person approved by the client who provides independent specialist advice to the audit team, such as, road maintenance advisors, traffic signal specialists, police advisors and individuals with specialist local knowledge.

Policy Statement

This policy requires that the following commitments be adopted as part of a strategic framework for the implementation of road safety audit principles and practices in the planning and development of infrastructure within the Shire of Coolgardie.

Background

In accordance with the Australian National and the Western Australia State Road Safety Strategies this policy adopts a Safe System approach to the delivery of a road safety audit service by placing emphasis on fatal and serious crash risk.

The road safety audit process is an assessment of road engineering projects and as such the Safe System sphere of influence is limited to two of the four cornerstones of the Safe System approach, namely, Safe Roads and Roadsides, and Safe Speeds.

This is to be achieved by focusing the audit process on considering safe speeds and by providing forgiving roads and roadsides. This is to be delivered through the Road Safety Audit process by accepting that people will always make mistakes and by considering the known limits to crash forces the human body can tolerate with the aim to reduce the risk of fatal and serious injury crashes.

A road safety audit is a formal examination of a future road or traffic project in which an independent qualified team reports on potential crash occurrence and severity which may result from the introduction of the project.

Road safety audits are a proactive process to prevent the occurrence of road crashes. The road safety audit process provides project managers with a powerful mechanism to identify potential crash risk in the delivery of infrastructure projects and aims to reduce the risk of trauma and crashes on the road network.

In the implementation of this policy the road safety audit approach to be taken is: that it is not acceptable that any human should die or be seriously injured on the Western Australia road network, and specific road safety audit findings shall be highlighted in this regard.

Application

Road safety audits and road safety inspections must be conducted in accordance with the Austroads Guide to Road Safety Part 6: Road Safety Audit, and Main Roads Western Australia and Institute Public Works Engineering Australasia (WA division) complimentary checklists and procedures.

The road safety audit process must be completed using the Main Roads / IPWEA-WA road safety audit report template provided on the Road Safety Audit Portal website.

All road safety audits must be repeated if the project design materially changes, if there are many minor changes which together could impact on road user safety, or if the previous road safety audit for the relevant stage is more than 3 years old. Should a project not begin the next stage in its development within 3 years of the completion of the previous audit, the project must be re-audited. This is to ensure that due consideration is given to the project's interface with the existing road network.

Road Safety Audits will be conducted by an external Road Safety Audit Team.

Road Safety Audit Team

- All road safety audit teams must comprise a minimum of two members.
- All audit teams must be led by a suitably qualified and experienced Western Australia IPWEA/Main Roads Accredited Senior Road Safety Auditor and shall be listed on the Road Safety Audit Portal so that the maximum emphasis is placed on road safety engineering and Safe System principles,
- All audit team members must be Western Australia IPWEA/Main Roads Accredited Road Safety Auditors and shall be listed on the Road Safety Audit Portal.
- Specialist advisors, such as, Police advisors or technical experts can assist the audit team by providing independent specialist advice on particular aspects of a project. There is no requirement for a specialist advisor to be an Accredited Road Safety Auditor. Specialist advisors shall be listed as an "Advisor" in the audit report and shall not be listed as a team member.
- The audit team shall include a Local Government officer, (they can be a specialist advisor).

Team Leaders/Members shall excuse themselves from participation in the audit if:

- They have had any involvement in planning, design, construction, or maintenance activities for road infrastructure for the project.

- They perceive any possibility of duress or coercion by their employer or employer's staff in relation to the audit.

Persons not accredited as a Road Safety Auditor or do not have relevant specialist skills may still participate as an observer if invited to do so by the Team Leader.

Existing Roads

Road safety inspections shall be undertaken for existing intersections or road sections where there is a traffic management or road safety concern, at the discretion of the Shire of Coolgardie.

Close out

The Asset Owner, Project Owner, Project Coordinator, or the delegated representative shall complete the Corrective Action Report within one calendar month and arrange for the completed and signed report to be recorded on the [insert organisation] records system and a copy forwarded to the audit team leader.

The Asset Owner, Project Owner, Project Coordinator, or the delegated representative shall be responsible for the proposed actions and comments resulting from the Corrective Action Report.

Responsible Department: Operations
Responsible Officer: Deputy CEO
Delegation link (if any):
Date First Adopted: 27 August 2019
Review dates: October 2020, November 2023

Policy Number 3.16 Related Party Disclosures

Legislative Reference: Local Government Act 1995 – Part 6, Local Government (Financial Management) Regulations 1996

Relates to: Delegation NA, Sub Delegation NA, Authorisation 11.16

Policy Objective:

To define the Shire's approach to Related Parties matters.

Policy Scope:
This policy details the process to follow for Related Party Disclosures.

Policy Statement:

Principles

Objectives

The scope of AASB 124 Related Party Disclosures was extended in March 2015 to include application by not-for-profit entities, including local governments.

The operative date for Local Government is 1 July 2016, with the first disclosures to be made in the Financial Statements for year ended 30 June 2017.

This procedure outlines required mechanisms to meet the disclosure requirements of AASB 124.

The objective of the standard is to ensure that an entity's financial statements contain disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and transactions.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire must make an informed judgement as to who is a related party and what transactions need to be considered, when determining if disclosure is required.

The purpose of this procedure is to stipulate the information to be requested from related parties to enable an informed judgement to be made.

Identification of Related Parties

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

Related parties include a person who has significant influence over the reporting entity, a member of the key management personnel (KMP) of the entity, or a close family member of that person who may be expected to influence that person.

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

a) A council member

b) Key management personnel are defined as persons having authority and responsibility for

planning, directing, and controlling the activities of the entity, directly or indirectly

c) Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner.

d) Entities that are controlled or jointly controlled by a Council member, KMP or their close family members. (Entities include companies, trusts, joint ventures, partnerships, and non-profit associations such as sporting clubs).

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

Identification of Related Part Transactions

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

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

a) Paying rates,

b) Fines,

c) Use of Shire owned facilities such as [Coolgardie Community Centre and Sporting Grounds, Coolgardie Community Resource Centre, Library, Coolgardie Fuel Facility, parks, ovals, and other public open spaces (whether charged a fee or not)],

d) Attending Council functions that are open to the public,

e) Employee compensation whether it is for KMP or close family members of KMP,

f) Application fees paid to the Shire for licenses, approvals or permits,

g) Lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a Real Estate Agent),

h) Lease agreements for commercial properties,

i) Monetary and non-monetary transactions between the Shire and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Shire (trading arrangement),

j) Sale or purchase of any property owned by the Shire, to a person identified above,

k) Sale or purchase of any property owned by a person identified above, to the Shire,

l) Loan Arrangements,

m) Contracts and agreements for construction, consultancy, or services

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

Disclosure Requirements

For the purposes of determining relevant transactions in point 2 above, elected Council Members and key management personnel as identified above, will be required to complete a Related Party Disclosures - Declaration form for submission to financial services.

Ordinary Citizen Transactions (OCTS)

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

a) Paying rates

b) Fines

c) Use of Shire owned facilities such as [Coolgardie and Kambalda Recreation Centres and Sporting Grounds, Resource Centres, Libraries, parks, ovals and other public open spaces (whether charged a fee or not)]

d) Attending council functions that are open to the public

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

All other Transactions

For all other transactions listed in point 2 above, Council Members and KMP will be required to make a declaration in the Related Party Disclosures - Declaration form.

Frequency of Disclosures

Council Members and KMP will be required to complete a Related Party Disclosures - Declaration form each year. Disclosures must be made by all elected Council Members immediately prior to any ordinary or extraordinary election. Disclosures must be made immediately prior to the termination of employment of/by a KMP.

Confidentiality

All information contained in a disclosure return, will be treated in confidence. Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified.

Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality. Individuals may be specifically identified if the disclosure requirements of AASB 124 so demands.

Materiality

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

Associated Documents

ASB124 Related Party Disclosures

ATTACHMENT 1

RELATED PARTY DISCLOSURES - DECLARATION

As per requirements of AASB 124 Related Party Disclosures, and Business Operating Procedure – Related Party Disclosures. For additional information to assist you in making a declaration, please refer to the Appendices to this form.

Disclosure Period (June to July):	
Person making disclosure:	
Position held by person:	

CLOSE MEMBERS OF THE FAMILY (see definitions Appendix 1)	
Name of Family Member	**Relationship to you**
If there has been no change since your last declaration, please complete "No Change"	

ENTITIES THAT I, OR A CLOSE FAMILY MEMBER CONTROLS OR JOINTLY CONTROLS (see definitions Appendix 1)	
Name of Entity	**Name of person who has control/nature of control**
If there has been no change since your last declaration, please complete "No Change"	

Name of person using the facility	**Service/Facility used**	**Nature of transaction**	**Nature of discount or special conditions received.**

Note: Recreation Centre membership provided as part of employment has been provided under the same terms as those memberships provided to the public.

LEASING AGREEMENTS - DOMESTIC RESIDENTIAL **Did you, a close family member or related entity, enter into a lease agreement with the Shire (either as lessee or lessor) for the provision of a domestic rental property (Includes properties owned by the Shire and privately owned properties sub-leased through the Shire from a real estate agent)? Did you receive or provide a discount or special terms that would not otherwise be offered to any other member of the public?**			
Name of Person party to the lease	**Property Address**	**Term of Lease & Weekly rent**	**Detail of any non-arms length conditions**
Name of person party to the lease	**Property Address**	**Term of Lease & Weekly rent**	**Detail of any non-arms length conditions**

TRADING ARRANGEMENTS **Were you or a close family member (as defined above) the owner of any business (or in a position to substantially control the business) that provided goods or services to the Shire? Were those goods or services provided on the same terms and conditions as those available to any other customer? If not, please provide details of the specific terms provided to the Shire.**			
Business name	**Goods or services provided**	**Approximate value for the reporting period**	**Terms & conditions**

OTHER AGREEMENTS (Construction, Consultancy, Service Contracts)
Did you, a close family member or related entity, enter into any other agreements/arrangements with the Shire (whether or not a price was charged)?
This may include (but is not limited to): construction contracts, consultancy services, service contracts (such as cleaning, maintenance, security).
For e.g. a company that a close family member controls, was awarded a contract with the Shire for building a new office facility.

Name of person or business/company	Nature of agreement	Value of agreement	Terms & conditions

PURCHASE OF PROPERTY
Did you, a close family member or related entity, purchase any property or other assets from the Shire? (This may include vehicles or other plant items, land or buildings).
Was the purchase made at arm's length (for e.g. at public auction), and on terms and conditions available to any other member of the public? If not, please provide details of the specific terms provided to you.

Name of person or entity name	Property purchased	Value of the purchase	Terms & conditions

SALE OF PROPERTY **Did you, a close family member or related entity, sell any property or other assets to the Shire? (This may include vehicles or other plant items, land, or buildings).** **Was the sale made at arm's length, and on terms and conditions available to any other member of the public? If not, please provide details of the specific terms provided.**			
Name of person or entity name	**Property Sold**	**Value of the Sale**	**Terms & conditions**

FEES & CHARGES FOR APPLICATIONS **Did you, a close family member or related entity, make an application to Council for a trading, building, planning or development application, license or approval, or any other type of permit or licence?**		
Name of person or entity name	**Application type**	**Application and/or receipt number**

SELF SUPPORTING LOANS **Did you, a close family member or related entity, enter into a loan agreement with the Shire For e.g. a club for which you have control (See Appendix 2 for example)**			
Name of person or entity name	**Loan details**	**Value of the loan**	**Terms & conditions**

OTHER AGREEMENTS **Please list any other agreement or arrangement you believe is a related party transaction and should be declared.**			
Name of person or business/company	**Nature of agreement**	**Value of agreement**	**Terms & conditions**

I declare that all information and details provided in this form are true and correct to the best of my knowledge, and that no known relevant information has been omitted.

I have made this declaration after reading the information supplied by Council which details the meaning of the definitions to which this declaration relates.

Signed:_____ Date:_____/_____/_____

Appendix 1

Close Family Members

Close family members include:

- a child, spouse, or domestic partner,
- children of your spouse or domestic partner,
- dependents of you or your spouse or domestic partner,
- any other close family member,

who may be expected to influence, or be influenced by, your dealings with the council.

The following table may assist you in identifying your close family members:

A close family member	May be a close family member
Your spouse/domestic partner	Your brothers and sisters, if they could be expected to influence or be influenced by you in their dealings with council
Your children	Your aunts, uncles and cousins, if they could be expected to influence or be influenced by you in their dealings with council
Your dependents	Your parents and grandparents, if they could be expected to influence or be influenced by you in their dealings with council
Children of your spouse/domestic partner	Your nieces and nephews, if they could be expected to influence or be influenced by you in their dealings with council
Dependents of your spouse/domestic partner	Any other member of your family if they could be expected to influence or be influenced by you in their dealings with council

There may be relationships that a council has which are not identified in this appendix but still meet the definition of a related party.

Example: Cousin of Council member

A Council member for the Shire has lived in the Shire her whole life. In fact her family has been in the area for generations.

The Council member's cousin, owns and operates the local newsagent through a company ABC Pty Ltd, in which she owns 100% of the shares. The Council member and her cousin have always been close and regularly socialise together.

From these facts it would appear that the Council member's cousin is a close family member of the Council member because she would be expected to influence, or be influenced by, that person in her dealings with Council.

Both the cousin and the company she controls, ABC Pty Ltd would therefore be related parties of Council.

Any transactions that the Council makes with the newsagent would need to be separately identified and may need to be disclosed.

Control in entities

What is an entity that I, or my close family member, control or jointly control?

Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures, and partnerships.

You control an entity if you have

a) power over the entity,

b) exposure, or rights, to variable returns from involvement with the entity; and

c) the ability to use your power over the entity to affect the amount of your returns.

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

In some cases, it will be obvious that you or a family member control or have joint control over an entity. In other cases, it will be less clear.

In some cases, it will be obvious that you or a family member control or have joint control over an entity. In other cases, it will be less clear.

If you are unsure whether you, or a close family member, has control or joint control of an entity then you should contact the Chief Executive Officer for a confidential discussion.

Example: Clubs or other incorporated bodies

(A Shire Council member is the President of a local football club)

A Shire Council member is the President of Coolgardie Football Club Inc, the local football club. This club is overseen by a committee which comprises the President and four other committee members. Each member has a single vote when making decisions at meetings. The committee members are not related and do not have agreements to vote with one another. The club has over 100 members that each have a vote in electing the committee members at the club's annual general meeting.

From these facts the Council member does not control or jointly control the football club so it will not be a related

Other examples

Example 1 (Audit and Risk committee member)

Shire of Coolgardie Audit and Risk Committee comprises two Council Members and a local retired accountant, Fred. Fred has no other connection with the council.

The Audit and Risk Committee attends to the functions as required under the *Audit Regulations*. It does not make any decisions on behalf of the council but simply provides reports, with recommendations, for the Shire President and Council Members to consider.

Based on the facts outlined Fred would not be a KMP of council.

Example 2 (Son of CFO employed by council)

Shire of Coolgardie has recently employed Paul's son (George) in the Council's parks and garden's area. Paul is Council's Deputy Chief Executive Officer but was not involved in hiring George. This process was managed by the Director of Parks and Gardens and included an independent assessment process. Paul did not have any influence in George securing the job.

Paul has been identified as a KMP of council, which makes him a related party.

George will also be a related party of Council because he is a close family member of Paul. The recruitment process that was undertaken for George's position is irrelevant when assessing whether George is a related party.

Example 3 (Cousin of President - related party commonly known but omitted from declaration)

Shelley, the President of Shire of Coolgardie forgets to include her cousin Mavis, and Mavis' company, when she completes her KMP declaration.

It is commonly known in the community that Shelley and Mavis are close, and that Shelley would be expected to influence, or be influenced by, Mavis in her dealings with Council and vice versa.

Mavis and her company are related parties of Council, even though Shelley omitted them from her declaration.

Example 4 (Example of control)

Fred is the President of Shire of Coolgardie and owns 100% of the ordinary shares in Coolgardie's Development Company Pty Ltd (the company). The ordinary shares are the only shares in the company that have voting rights.

Fred controls the company because he has the power to affect the company's decisions and the return that he will get from the company.

Fred will need to include the company on his related party declaration.

Example 5 (Example of joint control)

Fred is the President of Shire of Coolgardie and owns 50% of the ordinary shares in Coolgardie's Development Company Pty Ltd (the company). Fred's brother Stan owns the other 50% of ordinary shares. Fred and Stan are the only Directors of the company and have equal voting rights on the board.

Fred and Stan have joint control of the company because any decisions require the unanimous consent of them both.

Fred will need to include the company on his related party declaration

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: 10 September 2019

Review dates: October 2020, November 2023

Policy Number 3.17 Chief Executive Officer – Taking of Leave

Legislative Reference: s5.36 Local Government Act 1995, s5.39B(6) and s5.39C(6) deal with related matters, Council Policy for temporary appointment or employment of CEO and Council Policy Standards for CEO recruitment, performance, and termination.

Relates to: Delegation 1.2.22 Sub Delegation NA

Policy Objective:

To guide the taking of leave by the Chief Executive Officer and arrangements for the appointment of an Acting Chief Executive Officer in the absence of the Chief Executive Officer due to annual leave, long service leave, extended personal leave or other circumstances.

Policy Scope:

This Policy applies to the Chief Executive Officer, and any person acting in the position.

Policy Statement:

The Chief Executive Officer is eligible to annual leave, long service leave and personal leave (including carers' leave, sick leave, and compassionate leave) as provided in the contract of employment.

The Shire should:

- manage annual and long service leave to reduce its leave liability and ensure leave accruals do not accumulate; and
- ensure regular breaks from work are taken for employee wellbeing.

To facilitate those arrangements and to ensure the continuous operations of the Shire, the following guidelines are provided:

For periods of leave less than five days (i.e., less than one week):

- The Chief Executive Officer will provide notification to the Shire President of planned leave of less than five days, one week in advance, or as soon as practicable if the leave is unplanned for approval by the Shire President, and that such approval is not unreasonably withheld.
- Council Members will be informed who has been appointed as soon as practicable thereafter.
- The appropriate Directors will manage issues relevant to their area of responsibility.
- Where possible, the Chief Executive Officer will monitor communications and be contactable for urgent matters.
- Where necessary, and appropriate an Acting Chief Executive Officer may be appointed by the Chief Executive Officer in accordance with Delegation No 1.2.22

For periods of leave of five consecutive days (i.e., one week) and up to four weeks:

- The Chief Executive Officer will liaise with the Shire President at least two weeks prior for planned leave of five consecutive days and up to four weeks for approval by the Shire President, and that such approval is not unreasonably withheld, and advise Council Members as soon as practicable thereafter.

- An Acting Chief Executive Officer will be appointed by the Chief Executive Officer in accordance with Delegation No 1.2.22
- Council Members will be informed who has been appointed as soon as practicable thereafter.

For periods of leave more than four weeks:

- The Chief Executive Officer will submit a report to Council for planned leave of more than four weeks for approval at least one month prior to the leave commencing.
- An Acting Chief Executive Officer will be appointed by Council.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any): 1.2.22

Date First Adopted: March 2020

Review dates: March 2020, October 2020, November 2023

Policy Number 3.18 Appointment of Acting Chief Executive Officer

Legislative Reference: Local Government Act 1995 s5.39C, which also refers to any prescribed matters but as at the date of adoption of this Policy, there were no such prescribed matters).

Relates to: Delegation 1.2.22 Sub Delegation NA

Policy Objective:

To ensure compliance with Local Government Act 1995 s5.39C by having a policy regarding the employment of an acting Chief Executive Officer.

Policy Scope:

To provide a framework and guidelines for the employment of an acting CEO in a range of situations.

Policy Statement:

Introduction / background

s5.39C of the Local Government Act requires the adoption of a policy regarding the employment of an acting CEO.

The Shire of Coolgardie has a delegation in place to the CEO to appoint the ACEO, with conditions on who may be appointed, and for what duration, without express Council approval.

Short term absences of the CEO can be managed by the latter appointing a suitable qualified acting CEO, without need of reference to Council.

Council is satisfied that the Deputy CEO has the knowledge, experience, qualifications, and skills necessary to effectively perform the duties and responsibilities of the position of Acting Chief Executive Officer.

Where the CEO proposes to appoint another employee, or any other person to be acting CEO then they must have the knowledge, experience, qualifications, and skills necessary to effectively perform the duties and responsibilities of the position of Acting Chief Executive Officer.

In making such appointments it is Council Policy that:

- For periods of absence of up to, and including, 10 working days the CEO may appoint any suitably qualified person to the position of Acting Chief Executive Officer, including any Director, other employee of the Shire, or another person.
- For periods of more than 10 working days and up to, and including 20 working days, the CEO may only appoint either the Deputy CEO, Director Commercial Services, Director Project & Technical Services as Acting CEO and any other proposal must be determined by Council.
- For periods of absence of more than 20 working days, the Chief Executive Officer shall submit a recommendation for the determination by the Council.
- The Chief Executive Officer must inform the Shire President and all Council Members of all proposed Acting Chief Executive Officer arrangements.

- If the Chief Executive Officer's position becomes vacant, all acting arrangements are to be determined by the Council, by absolute majority, in accordance with the Local Government Act and Regulations, including the relevant Standards.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):1.16

Date First Adopted: May 2017

Review dates: June 2019, August 2019, November 2023

Policy Number 3.19 Financial Hardship Policy

Legislative Reference: Legislative Reference: Local Government Act s6.12, 6.49, 6.64, 6.69, 6.71, 6.74 (and others)

Relates to: Delegation 1.19, 1.22,1.25 Sub Delegation 1.19a, 1.22a,1.25a

Policy Objective:

To give effect to our commitment to support the whole community to meet the unprecedented challenges arising from the COVID19 pandemic, the Shire Coolgardie recognises that these challenges will result in financial hardship for our ratepayers.

This Policy is intended to ensure that we offer fair, equitable, consistent, and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time.

Policy Scope:

This policy applies to:

- Outstanding rates and service charges as at the date of adoption of this policy; and
- Rates and service charges levied for the 2020/21 financial year,
- Rates and service charges levied for the 2021/22 financial year, and
- All subsequent financial years, while a State of Emergency (of any kind, thus General State of Emergency, Public Health State of Emergency in place during 2020, 2021).

It is a reasonable community expectation, as we deal with the effects of the pandemic that those with the capacity to pay rates will continue to do so. For this reason, the Policy is not intended to provide rate relief to ratepayers who are not able to evidence financial hardship and the statutory provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996 will apply.

This Policy applies while any State of Emergency has been declared and includes a General State of Emergency and a Public Health State of Emergency.

Policy Statement:

Payment difficulties, hardship, and vulnerability

Payment difficulties, or short-term financial hardship, occur where a change in a person's circumstances result in an inability to pay a rates or service charge debt.

Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependents.

The Shire Coolgardie recognises the likelihood that COVID19 will increase the occurrence of payment difficulties, financial hardship, and vulnerability in our community.

This policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.

Anticipated Financial Hardship due to COVID19

We recognise that many ratepayers are already experiencing financial hardship due to COVID-19. We respect and anticipate the probability that additional financial difficulties will arise when their rates are received.

If a ratepayer's account falls into arrears, eligible ratepayers can apply for hardship consideration in accordance with the terms of this policy.

Where possible and appropriate, we will also provide contact information of the details of relevant support services.

Financial Hardship Criteria

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 including, but not limited to, the following situations:

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

Ratepayers are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering a payment proposal. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

Payment Arrangements

Payment arrangements facilitated in accordance with s6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:

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

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

Interest Charges

A ratepayer that meets the Financial Hardship Criteria and enters 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

We will suspend our 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 us and makes an alternative plan before defaulting on the 3rd due payment, then we will continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any Rates and Service Charge debts that remain outstanding on 1 July in any financial year, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of the following financial year.

Rates and service charge debts that remain outstanding at the end of the 2021/22 financial year, will then be subject to the rates debt recovery procedures prescribed in the Local Government Act 1995.

Review

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

Communication and Confidentiality

We will always maintain confidential communications, and we undertake to communicate with a nominated support person or other third party at your request.

We will advise ratepayers of this policy and its application, when communicating in any format (i.e., verbal or written) with a ratepayer that has an outstanding rates or service charge debt.

We recognise that applicants for hardship consideration are experiencing additional stressors and may have complex needs.

We will provide additional time to respond to communication and will communicate in alternative formats where appropriate.

We will ensure all communication with applicants is clear and respectful.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: June 2020

Review dates: October 2020, November 2021, November 2023

Policy Number 3.20 Rate payment prizes and eligibility

Legislative Reference:

Relates to: Delegation Sub Delegation

Policy Objective:

To encourage ratepayers to pay the full amount of their assessed rates and charges by the due date.

Policy Scope:

Applies to all prizes given by the Shire as part of a rates payment incentive scheme.

Policy Statement:

An annual Rate Incentive Prize/s may be offered by the Council, subject to the following conditions:

- Prizes will be awarded to first, second (and third if applicable) entries drawn at random.
- Only ratepayers with their rate account paid in full by the due date will be eligible.
- One entry per assessment notice (not per ratepayer) is to be entered into the draw.
- Rateable properties which any Council Member, senior employee or manager has an ownership interest in will be ineligible.
- The Shire reserves the right to decide, in its absolute discretion whether the entry requirements have been fulfilled.

The Shire may seek sponsorship from local organisations and others for the provision of rate incentive prizes.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: June 2020

Review dates: October 2020, November 2021, November 2023

Policy Number **3.21 Sea Containers**

Legislative Reference: Shire of Coolgardie Local Planning Scheme No 5, Planning and Development Act

Relates to: Delegation Sub Delegation

Policy Objective:

The objectives of Local Planning Policy: Sea Containers are:

- To provide clear guidelines for the placement and use of sea containers,
- To ensure there are no adverse impacts on the streetscape and overall amenity of the area and neighbouring properties,
- To eliminate the unauthorised use of sea containers,
- To set out minimum standards and requirements.

Policy Scope:

To provide guidance for proposals for sea containers

Definitions

Sea Container: Large metal container originally intended to carry goods on a sea vessel.

Outbuilding: a detached enclosed, non-habitable structure, including garages, storage sheds, studios, games rooms and patios, but not carports, pergolas or structures that are connected to or form part of the main building

R Codes: Residential Design Codes, provide. a basis for planning and approval of residential and ancillary development.

Policy Statement:

- Development approval is required for all sea containers which are to be used as an outbuilding.
- Sea containers will only be granted approval if there is acceptable cladding, external colouring and/or screening of the sea container from neighbouring properties and the public road.
- Where an outbuilding is proposed for storage purposes while building a single house, the Local Government will only grant temporary approval for a period of two years.

- Sea containers should generally comply with the criteria set out in table below:

Zoning	Setback requirements			Maximum number
	Front	Rear	Side	
Residential	6m	1m	1m	One (1)
Commercial	6m	1m	1m	One (1)
Industrial	7.5m	1m	1m	One (1)
Rural	7.5m	5m	5m	One (1)

In Commercial zones sea containers cannot impact on any approved development, such as parking and landscaping requirements.

Sea containers cannot adversely affect the amenity of neighbouring properties, or streetscape from public roads.

Sea containers must not:

- Obstruct vehicle or pedestrian sightlines,
- Be placed on verges or road reserves, or other public places,
- Be used for human habitation; and
- Be located over septic tanks, leach drains or other effluent disposal utilities, or within:
    - 1.8m from drains; and
    - 1.2m from tanks

Sea containers must be located on a flat, compacted area.

The Local Government reserves the right to instruct a landowner to remove a sea container from the land if any, or all, of the approval conditions are not carried out to the satisfaction of the Local Government.

Variations of Provisions:

Variations to the above policy provisions can be considered acceptable where there are no adverse amenity impacts on neighbouring properties or when viewed from a public road.

When assessing variations, the Local Government may refer the application to neighbours for comment.

Variations shall be determined in accordance with the purpose, objectives, and other relevant provisions of this policy.

Application Requirements:

When applying for Development Approval, the following information must be submitted:

A copy of the:

- Site plan,
- Floor plan, and
- Elevations
    - A written statement outlining the intended use of the sea container.
    - Photographs of the sea container
    - A signed development application form
    - Payment of the appropriate fee

A building permit may be required for sea containers.

Responsible Department: Executive Services

Responsible Officer: CEO

Delegation link (if any):

Date First Adopted: August 2020

Review dates: October 2020, November

Policy Number: 3.22 Cat Management

Legislative Reference: Local Government Act 1995, Cat Act 2011, Cat Regulations 2012, Biosecurity and Agriculture Management Act 2007, Animal Welfare Act 2002

Relates to: Delegation

Background

On the introduction of the Cat Act 2011, Council's position was that no cat management facility would be established in the Shire of Coolgardie.

The Cat Act 2011 relates to domesticated cats and the identification, sterilisation, and registration of cats in which powers are given to a local government to administer and enforce.

In 2019 feral cats were declared a pest under the Biosecurity and Agriculture Management Act 2007.

Policy Objective:

The purpose of this policy is to manage cat regulatory functions within the Shire of Coolgardie's resources.

Policy Scope:

Cat management within the Shire of Coolgardie relates only to domesticated cats.

Policy Statement:

For the Shire to manage cat regulatory functions, this must be undertaken within the Shire's allocated resources. As no cat management facility exists, the Shire is unable to hold cats for an extended period of time if impounded.

The functions the Shire provide include scanning for microchips to identify registered cats, administration of registrations and infringements to domestic cat owners failing to comply with legislative requirements.

Policy Details:

Domestic Cats

Domestic cats over six (6) months of age in townsites within the Shire of Coolgardie are to be microchipped, sterilised and registered. Registrations can be completed at recreation facilities in Coolgardie or Kambalda.

Owners failing to comply with legislative requirements may be issued infringements. Repeat offenders will be infringed.

Identification

Community members in possession of cats which are domesticated, stray or feral can contact the Shire and request for an animal to be scanned for microchips to identify ownership. If the animal is identified then the officer will remove the cat and deal with the legal owner.

Impoundment and Destruction

As the Shire does not have cat management facilities, impoundment of cats by Shire officers for extended periods is unable to occur. Cats which are not identifiable, hence classed as feral or seen to be sick or severely injured may be euthanised by Shire officers.

Community members and businesses in possession of unidentified cats are responsible for rehoming or humane destruction.

The Shire does not provide financial assistance for the management and destruction of feral cats other than the hire of cat traps if needed and if cats are trapped it is the responsibility of the hirer to rehome or humanly destroy the animal.

The Shire undertakes the destruction of animals in a humane manner and where possible re-honing will be the preferred first option.

Responsible Department:	Ranger Services
Responsible Officer:	Ranger
Delegation link (if any):	Delegations 1.2.6, 1.3.1, 1.4.4, 4.1, 4.2, 12.5.
Date First Adopted:	July 2024
Review dates:	July 2025