

SHIRE OF KOJONUP

Kojonup



AGENDA

Ordinary Council Meeting

29 November 2022

TO: THE SHIRE PRESIDENT AND COUNCILLORS

NOTICE is hereby given that a meeting of the Council will be held in the Council Chambers, Administration Building, 93 Albany Highway, Kojonup on Tuesday, 29 November 2022 commencing at 3:00pm.

I certify that with respect to all advice, information or recommendation provided to the Council in or with this Agenda:

- i. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- ii. Where any advice is directly given by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

GRANT THOMPSON
CHIEF EXECUTIVE OFFICER
25 November 2022

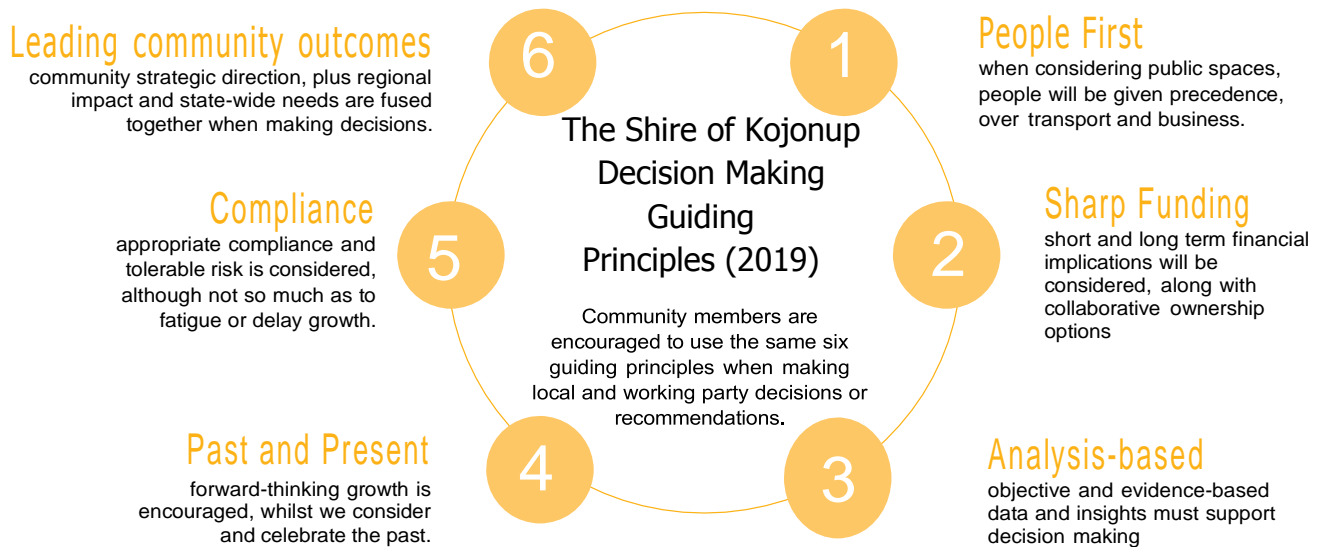
AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 29 NOVEMBER 2022

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The Shire of Kojonup has a set of six guiding principles it uses when making decisions. These principles are checked and enhanced every two years in line with the Strategic Community Plan review schedule.



AGENDA

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President shall declare the meeting open at ____ and draw the meeting's attention to the disclaimer below:

Disclaimer

No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

The Shire of Kojonup expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the meeting.

Where an application for an approval, a license or the like is discussed or determined during the meeting, the Shire warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the Shire.

Acknowledgement of Country

The Shire of Kojonup acknowledges the first nations people of Australia as the Traditional custodians of this land and in particular the Keneang people of the Noongar nation upon whose land we meet.

We pay our respect to their Elders past, present and emerging.

Prayer

Almighty God, we pray for wisdom for our reigning monarch King Charles.

We ask for guidance in our decision making and pray for the welfare of all the people of Kojonup.

Grant us grace to listen and work together as a Council to nurture the bonds of one community.

Amen

2 **ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

2.1 CERTIFICATE OF APPRECIATION FOR 40 YEARS' SERVICE – CRAIG MCVEE

3 **ATTENDANCE**

COUNCILLORS

Cr N Radford

Shire President

Cr P Webb

Deputy Shire President

Cr F Webb

Cr Wieringa

Cr Gale

Cr Singh

Cr R Bilney

Cr A Egerton-Warburton

STAFF

Grant Thompson

Chief Executive Officer

Robert Jehu

Manager Regulatory Services

Judy Stewart

Senior Administration Officer

3.1 APOLOGIES

Nil

3.2 APPROVED LEAVE OF ABSENCE

Nil

4 **DECLARATION OF INTEREST**

5 **PUBLIC QUESTION TIME**

Questions may be submitted using the special email address for Council Meeting Public Question Time being cmpqt@kojonup.wa.gov.au

The Chief Executive Officer will table all correspondence received.

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5.1.1 S BILNEY - KOJONUP HISTORICAL SOCIETY – CORRESPONDENCE

18 October 2022 Ordinary Meeting - Communication Complaint - response

(Attachment 5.1.1)

5.1.2 FLAT ROCKS WIND FARM GROUP

9 November 2022 Special Council Meeting – Wind Farm matters - response

(Attachment 5.1.2)

5.2 PUBLIC QUESTION TIME

6 CONFIRMATION OF MINUTES

- 6.1 ORDINARY COUNCIL MEETING 18 OCTOBER 2022
Unconfirmed Minutes of the Ordinary Council Meeting held on 18 October 2022 are at [Attachment 6.1.1.](#)

OFFICER RECOMMENDATION

That the Minutes of the Council Meeting held on 18 October 2022 be confirmed as a true record.

- 6.2 SPECIAL COUNCIL MEETING 9 NOVEMBER 2022
Unconfirmed Minutes of the Special Council Meeting held on 9 November 2022 are at [Attachment 6.2.1.](#)

OFFICER RECOMMENDATION

That the Minutes of the Special Council Meeting held 9 November 2022 be confirmed as a true record.

7 PRESENTATIONS

- 7.1 PETITIONS
7.2 PRESENTATIONS
7.3 DEPUTATIONS
7.4 DELEGATES' REPORTS

- 7.4.1 CR EGERTON-WARBURTON – GREAT SOUTHERN (GS) ZONE OF WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) MEETING – 28 OCTOBER 2022
Notes of a GS Zone of WALGA Meeting held 28 October 2022 are at [Attachment 7.4.1.](#)

8 METHOD OF DEALING WITH AGENDA BUSINESS

9 REPORTS

9.1 KEY PILLAR 1 – ‘PLACE’ REPORTS

9.1.1 REVIEW OF VOLUNTEER HANDBOOK

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Friday, 4 November 2022
FILE NO	CM.POL.1
ATTACHMENT(S)	9.1.1.1 - Volunteer Handbook – existing (2021) copy showing proposed changes 9.1.1.2 - Volunteer Handbook - clean copy (2022)

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP 1 - Place	1.2 – Be a happy, healthy, connected and inclusive community driven by the provision of high standard sport, recreation and open space facilities and programs.	1.1.3 – Grow the Kodja Place to become an iconic WA attraction.
KP 3 – Performance	3.1 – Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.	3.1.3 – Encourage interaction and input to the Shire of Kojonup, particularly through contemporary working party teams.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to review the Shire of Kojonup’s (Shire) Volunteer Handbook.

BACKGROUND

The Shire’s Volunteer Management Handbook (Handbook) was originally produced in 2016 in line with Council’s adoption of its Volunteer Management Policy (Policy 2.3.8). Significant changes were made in November 2018 to form a less cumbersome and more user friendly Handbook and further reviews have been undertaken on an annual basis. With the exception of volunteer firefighters who are recognised and supported via the Bush Fire Advisory Committee and relevant legislation, the Handbook represents a detailed point of reference for other Shire volunteers, provides guidance to managers overseeing volunteer programmes and recognises volunteers as an integral part of our organisation. The provision of a Handbook for volunteers is also in keeping with Work Health and Safety best practice principles, working to protect the employer and the volunteer.

The Shire has many different activities that volunteers engage in (mainly at the Kodja Place precinct, Springhaven Frail Aged Lodge, the Kojonup Library and as Friends of Myrtle Benn) working alongside staff to deliver and enhance services and initiatives offered by the Shire. Without the support and contribution provided by volunteers, some of these services and initiatives would be difficult to sustain into the future.

COMMENT

Suggested updates are minor and inconsequential in nature (Attachment 9.1.1.1).

CONSULTATION

Chief Executive Officer

Managers

Senior Horticulturist

Senior Library Officer

STATUTORY REQUIREMENTS

Section 5.40 (e) of the *Local Government Act 1995*

5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees —

(e) employees are to be provided with safe and healthy working conditions in accordance with the Work Health and Safety Act 2020;

Division 4, Subdivision 1 - 4. - *Work Health and Safety Act 2020 (replacing OSH Act 1984)* - Definitions –

volunteer means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses);

Section 7. Meaning of worker

(1) A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as —

(h) a volunteer;

POLICY IMPLICATIONS

Policy 2.3.8 – Volunteer Management

FINANCIAL IMPLICATIONS

In addition to the social and community benefits associated with volunteering, the value adding that occurs without incurring wage expenses contributes to the ongoing provision of services and initiatives that otherwise may not happen.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
5 - Employment Practices	Failure to effectively manage and lead human resources (full-time, part-time, casuals, temporary and volunteers).	Induction process	Nil
14 - Safety and Security	Inadequate induction practices. Inadequate policy, frameworks, systems and structure to prevent the injury of visitors, staff, volunteers, contractors and/or tenants.	Contractor/Staff/Volunteer site inductions	Nil
Risk rating – Adequate/Adequate			
IMPLICATIONS			
A Volunteer Handbook ensures that the Shire's volunteers, and their managers, are provided with the necessary information to ensure duties are undertaken in a safe manner and volunteers are informed of their rights and obligations.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the revised Volunteer Handbook 2022, as attached, be adopted.

9.2 KEY PILLAR 2 – ‘CONNECTED’ REPORTS

9.2.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) MEETING MINUTES – 7 NOVEMBER 2022

AUTHOR	Estelle Lottering – Regulatory Services Administration Officer
DATE	Tuesday, 8 November 2022
FILE NO	ES.MET.1
ATTACHMENT(S)	9.2.1.1 – Unconfirmed minutes of the LEMC Meeting held 7 November 2022

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 - Connected	2.3 – Be providing for a safe and secure environment by working with State and Federal authorities.	2.3.1 - Maximize community safety through safe urban design and advocate for enhanced emergency service provisions.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to receive the unconfirmed minutes of the LEMC meeting held 7 November 2022.

BACKGROUND

The LEMC is established under Section 38 of the *Emergency Management Act 2005* and plays an important role in the Council’s decision-making process. Minutes of these meetings are presented to Council to be received.

COMMENT

All matters contained within the minutes are considered in this agenda item.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Section 38 of the *Emergency Management Act 2005*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2 - Business Disruption	Lack of (or inadequate) emergency response/business continuity plans. Lack of training for specific individuals or availability of appropriate emergency response.	Regular LEMC, DEMC Meetings	Nil
Risk Rating - Adequate			
IMPLICATIONS			
Local governments are legislated to establish and maintain a LEMC. The risk of not having a LEMC would include lack of guidance for Staff, Councillors and relevant Community members who need to be able to work together under pressure in times of extreme stress should an emergency situation arise.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the unconfirmed minutes of the Local Emergency Management Committee Meeting held 7 November 2022 be received.

9.2.2 BUSH FIRE ADVISORY COMMITTEE (BFAC) MEETING MINUTES – 8 NOVEMBER 2022

AUTHOR	Estelle Lottering – Regulatory Services Administration Officer
DATE	Friday, 18 November 2022
FILE NO	ES.CIR.2
ATTACHMENT(S)	9.2.2.1 – Unconfirmed minutes of the BFAC Meeting held 8 November 2022

STRATEGIC/CORPORATE IMPLICATIONS		
Community Strategic Plan 2017-20217 “Smart Possibilities – Kojonup 2027+”		Corporate Business Plan 2017 -2021 “Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 - Connected	2.3 – Be providing for a safe and secure environment by working with State and Federal authorities.	2.3.1 - Maximise community safety through safe urban design and advocate for enhanced emergency service provisions.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to receive the unconfirmed minutes of the Bush Fire Advisory Committee (BFAC) meeting held 8 November2022.

BACKGROUND

The Bush Fire Advisory Committee is established under Section 67 of the *Bush Fires Act 1954* and plays an important role in the Council’s decision-making process. Minutes of these meetings are presented to Council to be received.

COMMENT

Nil

CONSULTATION

Members - Bush Fire Advisory Committee

STATUTORY REQUIREMENTS

Section 38, 40 & 67 of the *Bush Fires Act 1954*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2) Business Disruption	Lack of (or inadequate) emergency response/business continuity plans. Lack of training for specific individuals or availability of appropriate emergency response.	Regular LEMC, DEMC Meetings	Nil
Risk Rating - Adequate			
IMPLICATIONS			
Under legislation, the Shire of Kojonup (Shire) may establish and maintain a BFAC. The risk of not having a BFAC is that staff and Councillors do not necessarily possess the relevant knowledge or experience regarding bush fires. The Shire is reliant on the Bush Fire Advisory Committee to be able to provide this knowledge and to support volunteer bushfire efforts, training and resourcing requirements in protecting community safety and assets.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the unconfirmed minutes of the Bush Fire Advisory Committee Meeting held 8 November 2022 be received.

9.3 KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS

9.3.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (OCTOBER 2022)

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Tuesday, 15 November 2022
FILE NO	FM.FNR.2
ATTACHMENT(S)	9.3.1.1 – October 2022 Monthly Financial Statements

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP – 3 Performance	3.4 – Be organised and transparent with our financial management.	3.4.1 - Increase regularity of readable financial reporting to the community. 3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to note the Monthly Financial Statements for the period ending 31 October 2022.

BACKGROUND

In addition to good governance, the presentation to the Council of monthly financial reports is a statutory requirement, with these to be presented at an ordinary meeting of the Council within two (2) months after the end of the period to which the statements relate.

COMMENT

The attached Statement of Financial Activity for the period 1 July 2022 to 31 October 2022 represents four (4) months, or 33% of the year.

The following items are worthy of noting:

- Closing surplus position of \$3.53m;
- Capital expenditure achieved 14.8% of budgeted projects;
- Cash holdings of \$7.36m of which \$4.027 is held in cash backed reserve accounts and \$3.337 is unrestricted cash;
- Rates debtors outstanding equate to 25% of total rates raised for 2022/2023 with the second instalment payment being due on 10 November 2022; and
- Page 11 of the statements detail major variations comparing year to date (amended) budgets to year to date actuals in accordance with Council Policy 2.1.6.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* sets out the basic information which must be included in the monthly reports to Council.

POLICY IMPLICATIONS

Council Policy 2.1.6 defines the content of the financial reports.

FINANCIAL IMPLICATIONS

This item reports on the current financial position of the Shire of Kojonup. The recommendation does not in itself have a financial implication.

RISK MANAGEMENT IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the monthly financial statements for the period ending 31 October 2022, as attached, be noted.

9.3.2 MONTHLY PAYMENTS LISTING – OCTOBER 2022

AUTHOR	Tonya Pearce - Finance Officer
DATE	Friday, 4 November 2022
FILE NO	FM.AUT.1
ATTACHMENT	9.3.2.1 – Monthly Payments Listing 1 October 2022 to 31 October 2022

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - Performance	3.4 – Be organised and transparent with our financial management.	3.4.1 - Increase regularity of readable financial reporting to the community. 3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the month of October 2022.

BACKGROUND

Not applicable

COMMENT

The attached list of payments is submitted for receipt by the Council.

Any comments or queries regarding the list of payments is to be directed to the Chief Executive Officer prior to the meeting.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Regulation 12(1)(a) of the *Local Government (Financial Management) Regulations 1996* provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments. Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer then a

list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

POLICY IMPLICATIONS

Council's Policy 2.1.2 provides authorisations and restrictions relative to purchasing commitments.

FINANCIAL IMPLICATIONS

All payments are made in line with Council Policy.

STRATEGIC/CORPORATE IMPLICATIONS

There are no strategic/corporate implications involved with presentation of the list of payments.

RISK MANAGEMENT IMPLICATIONS

A control measure to ensure transparency of financial systems and controls regarding creditor payments.

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That in accordance with Regulation 13 (1) of the *Local Government (Financial Management) Regulations 1996*, the list of payments as attached made under delegated authority:

FROM – 1 October 2022		TO – 31 October 2022
Municipal Cheques	Nil	
EFTs	30898 - 31060	\$578,172.84
Direct Debits		\$548,145.74
Total		\$1,126,318.58

be received.

9.3.3 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 2 NOVEMBER 2022

AUTHOR	Heather Marland – Senior Finance Officer
DATE	Wednesday, 2 November 2022
FILE NO	GO.CNM.96
ATTACHMENT(S)	9.3.3.1– Unconfirmed minutes of the Audit and Risk Committee Meeting held 2 November 2022

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 3 - Performance	3.4 – Be organised and transparent with our financial management	3.4.2 – Act with sound long term and transparent financial management and deliver residents considered value for money.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to receive the unconfirmed minutes of the Audit and Risk Committee meeting held 2 November 2022.

BACKGROUND

The Audit and Risk Committee is established under Section 71A of the *Local Government Act 1995* ensuring transparency in the Shire of Kojonup’s financial management and decision making process. The Audit and Risk Committee was established with defined terms of reference and a membership consisting of six (6) committee members being four (4) Councillors and two (2) Community Members.

COMMENT

This item is solely the Council receiving the minutes of its Audit and Risk Committee meeting held 2 November 2022.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Sections 7.1A to 7.1C of the *Local Government Act 1995*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3. Failure to Fulfil Compliance Requirement's	3 rd party adverse findings against Shire	Audit and Risk Committee	4 Meetings held per annum
Risk rating: Low			
IMPLICATIONS			
As per s.7.1A of the <i>Local Government Act 1995</i> , a local government is to establish an audit and risk committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Council receive the unconfirmed minutes of the Audit and Risk Committee meeting held 2 November 2022.

9.3.4 INSURANCE POLICIES 2022/2023

AUTHOR	Heather Marland – Senior Finance Officer
DATE	Thursday, 27 October 2022
FILE NO	RM.REG.1
ATTACHMENT(S)	9.3.4.1 - Vehicle and Plant Register 9.3.4.2 - Property Register

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 3 – Performance	3.4 Be organised and transparent with our financial management	3.4.2 Act with sound long-term and transparent financial management and deliver residents considered value for money.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to inform the Council of the insurance levels and associated costs held by the Shire of Kojonup (Shire) for the 2022/2023 financial year.

BACKGROUND

Insurance is one of the Shire’s largest annual expenses and most important risk management tasks and, therefore, it is appropriate that the Council, in addition to staff, be comfortable with the levels of insurance taken out.

COMMENT

The Shire of Kojonup obtains insurance cover through LGIS (Local Government Insurance Services). LGIS is partly owned by WALGA and offers insurance through its Scheme Membership and also through policies taken out with insurers. They are able to obtain policies from main stream insurance at a reduced rate as they broker on behalf of all scheme members.

Below is a list of insurances held by the Shire for the 2022/2023 financial year including the insurance provider, limit of liability and the cost of premium.

There has been an overall cost increase of 12.10% on last year. This is, however, lower than the predicted 15% forecast. The three larger increases are LGIS Property which is a result of increased assets, Workcare (due to a loss ratio of 146.2 over the past three years), and LGIS Bushfire (as a flow on from weather related catastrophes on the east coast of Australia).

Policy	2021/2022 Premium	2022/2023 Premium	Insurer	Liability	Interest Protected
LGIS Bushfire	\$31,500	\$36,775	Scheme	\$500k	Volunteer Bushfire members, medical expenses, loss of salary/wages and death benefits
LGIS Liability	\$37,499	\$40,920	Scheme	\$500m	Public liability - Death or Personal Injury, Loss or Damage to Property
Casual Hirers Liability	\$ 0	\$0	Covered by Scheme	\$10m	Legal liability to third parties for death, illness or personal injury and loss of damage to property at hired facility
Commercial Crime and Cyber Liability	\$3,426	\$4,025	Scheme	\$400k	Direct financial loss sustained by member
LGIS Property	\$112,168	\$122,431	Scheme	\$600m	Physical loss, destruction or damage to property including machinery breakdown and electronic equipment
LGIS Workcare	\$113,850	\$140,662	Scheme	\$500k	Workers Compensation and Injury Management including Journey Accident Cover
Corporate Travel	\$825	\$878	Scheme	\$10m	External Journey beyond 50km
Management Liability	\$34,643	\$37,518	Scheme	\$4.25m	Councillors and Officers Liability and Employment Practices Liability
Marine Cargo	\$660	\$693	QBE	\$400k	All goods &/or interests belonging &/or appertaining whilst in transit by land, air, water and parcel post
Motor Vehicle	\$67,395	\$70,966	Scheme	\$3.2m	All motor vehicles and trailers owned leased or mortgaged under hire purchase or hired in or let out. Includes volunteer bushfire brigade members' vehicles
Personal Accident - Volunteers , Councillors	\$467	\$517	Scheme	\$300k	Elected members and volunteers if injured or die whilst engaged in work for the Shire if said work is authorised by the Shire
Medical Malpractice Liability	\$6,990	\$7,518	Vero Insurance	\$20m	Cover of Medical Practice lawsuits for Springhaven
Less Contribution Assistance	-\$9,078	-\$26,349			Surplus Credit
TOTAL	\$400,345	\$436,554			

CONSULTATION

David Woods – Account Manager LGIS
Chief Executive Officer

STATUTORY REQUIREMENTS

Local Government Act 1995 Section 5.42(1)

Delegation Register – Admin 007 – Entering into Contracts of Insurance

The Chief Executive Officer (CEO) is Delegated Authority to enter into appropriate contracts of insurance. In exercising the delegation, the CEO is to have regard to the provisions of the Annual Budget.

Section 5.49(2) (Workers' compensation arrangement) of the *Local Government Act 1995* states:

(2) *WALGA is to establish and manage, for the benefit of itself and any eligible body that chooses to participate, a group self insurance arrangement against liability to pay compensation under the Workers Compensation Injury Management Act 1981.*

POLICY IMPLICATIONS

2.1.8 – Financial Governance – Management of financial risk prudently, having regard to economic circumstances.

FINANCIAL IMPLICATIONS

Insurance is the most important risk management task undertaken each year. Insurance is our single largest ongoing external cost and, without adequate cover, the Shire is extremely exposed to financial and property loss and open to liability.

RISK MANAGEMENT IMPLICATIONS

Without sufficient insurance cover we run the risk of being unable to maintain our current level of service in the event of a major/catastrophic loss and possibly expose ourselves to litigation costs if not adequately insured.

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

<h3>OFFICER/COMMITTEE RECOMMENDATION</h3>
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<p>That the information regarding the levels of the Shire of Kojonup's insurance for the 2022/2023 financial year be noted.</p>

9.3.5 ORDINARY COUNCIL MEETING DATES FOR 2023

AUTHOR	Judy Stewart – Senior Administration Officer
ATE	Tuesday, 1 November 2022
FILE NO	GO.CNM.6
ATTACHMENT(S)	Nil

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP 3 - Performance	3.2 – Be exceptional in two-way communication within our community, and market our brand outside of our community.	3.2.2 - Engage with our residents and industry members through increased use of social media.

DECLARATION OF INTEREST

Nil

SUMMARY

Council to consider its Ordinary Meeting schedule for the 2023 calendar year.

BACKGROUND

In accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*, local governments are required to give local public notice and publish on their websites the date, time and place of ordinary council meetings and committee meetings which are proposed to be open to members of the public and shall be held within the proceeding 12 month period.

COMMENT

In October 2005 it was resolved that Council’s ordinary meetings would be held on the third Tuesday of each month commencing at 3:00pm except where dates clash with a public holiday or internal staffing management.

Occasionally, timeframes associated with specific matters may alter scheduled ordinary meeting dates. The following represent changes to the scheduled third Tuesday of each month for the holding of Council’s Ordinary Meetings in 2023:

- There is no ordinary meeting of Council held during the month of January.
- The Local Government Advisory Board (LGAB) requires Council to forward an Election Transition Arrangements Formal Review Report to the LGAB by 14 February 2023. As the Election Transition Arrangements process includes community consultation and Council does not hold a meeting in January, it is recommended that the February 2023 Ordinary Meeting be brought forward to 7 February 2023. This coincides with the Councillors’ Briefing Session normally scheduled for the first Tuesday in a month and will allow officers time to forward an adopted Formal Review Report to the LGAB by 14 February 2023.

- The July ordinary meeting of Council includes budget adoption. To ensure the end of financial year processes are completed, the July ordinary meeting of Council has historically been held on the fourth Tuesday of the month rather than the third; it is recommended that this practice continues.
- Local Government ordinary elections are held on the third Saturday in October every biennial, uneven year meaning there will be an ordinary election on 21 October 2023. The third Tuesday of October 2023 is 17 October and it is recommended that this remain as Council's ordinary meeting date for October and a Special Council Meeting be called for a date soon after the 21 October 2023 for the election of the President and Deputy President and appointment of members to Committees.
- The December ordinary meeting date has typically been held on the second Tuesday of December and it is recommended that this practice continues.

Regulation 12 of the *Local Government (Administration) Regulations 1996* requires that Council's scheduled ordinary meetings, which will be open to the public, are published on the local government's official website before the beginning of the year in which the meetings are to be held and that the notice should include the date, time and location of the meetings.

Given the above information, the proposed 2023 ordinary meeting schedule for Council is as follows:

7 February 2023
21 March 2023
18 April 2023
16 May 2023
20 June 2023
25 July 2023
15 August 2023
19 September 2023
17 October 2023
21 November 2023
12 December 2023

CONSULTATION

Chief Executive Officer

STATUTORY REQUIREMENTS

Section 5.25 (1) (g) - *Local Government Act 1995* –

5.25. Regulations about council and committee meetings and committees

(1) *Without limiting the generality of s. 9.59, regulations may make provision in relation to—*

- (g) *the giving of public notice of the date and agenda for council or committee meetings;*

Regulation 12 - *Local Government (Administration) Regulations 1996* –

12. Publication of meeting details [Act s. 5.25(1) (g)]

(1) *In this regulation —*

meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.

- (2) *The CEO must publish on the local government’s official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held—*
- (a) *ordinary council meetings;*
 - (b) *committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.*
- (3) *Any change to the meeting details for a meeting referred to in sub-regulation (2) must be published on the local government’s official website as soon as practicable after the change is made.*
- (4) *If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government’s official website as soon as practicable after the decision is made.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 - Compliance	Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a result of an inadequate compliance framework. This includes new or proposed regulatory and legislative changes, in addition to the failure to maintain updated internal & public domain legal documentation.	Councillor/Staff Induction Process Councillor/Staff training	Nil
6 - Engagement Practices	Failure to maintain effective working relationships with the Community (including local Media), Stakeholders, Key Private Sector Companies, Government Agencies and/or Elected Members.	Policies and Procedures	Nil

Risk rating - Adequate

IMPLICATIONS

Allows compliance with s. 5.25 (1) (g) of the <i>Local Government Act 1995</i> and r. 12 – <i>Local Government (Administration) Regulations 1996</i> - publication of meeting details.
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ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. Ordinary Meetings of Council be scheduled to be held in the Shire of Kojonup (Shire) Council Chambers, 93 Albany Highway, Kojonup the third Tuesday of each month in 2023 commencing at 3:00pm with the following exceptions:
 - No scheduled meeting to be held in January;
 - The February meeting to be brought forward to the first Tuesday being 7 February;
 - The July meeting be held on the fourth Tuesday (25 July) to make allowance for the Annual Budget adoption; and
 - The December meeting be held on the second Tuesday (12 December) given timing to the Christmas break period.
2. The following dates be approved for the 2023 calendar year for Ordinary Meetings of Council:
 - 7 February 2023
 - 21 March 2023
 - 18 April 2023
 - 16 May 2023
 - 20 June 2023
 - 25 July 2023
 - 15 August 2023
 - 19 September 2023
 - 17 October 2023
 - 21 November 2023
 - 12 December 2023
3. That Council's approved Ordinary Meeting schedule for 2023, as above, be published on the Shire website and local public notice given.

9.3.6 COMMITTEES OF COUNCIL – MEETING DATES FOR 2023

AUTHOR	Judy Stewart – Senior Administration Officer
ATE	Tuesday, 1 November 2022
FILE NO	GO.CNM.6
ATTACHMENT(S)	Nil

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP 3 - Performance	3.2 – Be exceptional in two-way communication within our community, and market our brand outside of our community.	3.2.2 - Engage with our residents and industry members through increased use of social media.

DECLARATION OF INTEREST

Nil

SUMMARY

Council to adopt a schedule of meeting place, dates and times for Committees of Council for the 2023 calendar year.

BACKGROUND

In accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*, local governments are required to give local public notice and publish on their websites the date, time and place of meetings of Council committees which are proposed to be open to members of the public and shall be held within the proceeding 12 month period.

COMMENT

Committee meetings required to be open to the public include:

- Audit and Risk Committee (required to meet quarterly)
- Kojonup Natural Resource Management (NRM) Advisory Committee (required to meet at least half yearly)
- Bush Fire Advisory Committee (required to meet biannually).

It is proposed that the Audit and Risk Committee continues to schedule its meetings to be held on the first Tuesday of February, May, August and November for the 2023 calendar year.

It is proposed that the NRM meetings be held on the third Thursday of February and August for the 2023 calendar year.

It is proposed that the Bush Fire Advisory Committee (BFAC) schedule its meetings to be held on the second Wednesday in February (as scheduled at the 14 October 2021 BFAC meeting) and August for the 2023 calendar year.

CONSULTATION

Chief Executive Officer

Manager Regulatory Services

STATUTORY REQUIREMENTS

Section 5.25 (1) (g) - *Local Government Act 1995* –

5.25. Regulations about council and committee meetings and committees

- (1) *Without limiting the generality of s. 9.59, regulations may make provision in relation to—*
 - (g) *the giving of public notice of the date and agenda for council or committee meetings;*

Regulation 12 - *Local Government (Administration) Regulations 1996* –

12. Publication of meeting details [Act s. 5.25(1) (g)]

- (1) *In this regulation —*
 - meeting details**, *for a meeting, means the date and time when, and the place where, the meeting is to be held.*
- (2) *The CEO must publish on the local government’s official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held—*
 - (a) *ordinary council meetings;*
 - (b) *committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.*
- (3) *Any change to the meeting details for a meeting referred to in sub-regulation(2) must be published on the local government’s official website as soon as practicable after the change is made.*
- (4) *If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government’s official website as soon as practicable after the decision is made.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2 – Business Disruption	Failure to adequately prepare and respond to events that cause disruption to the local community and/or normal business activities.	Maintain regular communications with agencies and support services.	Draft Bushfire Risk Management Plan
3 – Compliance	Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a result of an inadequate compliance framework. This includes new or proposed regulatory and legislative changes.	Audit & Risk Committee	Nil
6 – Engagement Practices	Failure to maintain effective working relationships with the Community (including Local Media), Stakeholders, Key Private Sector Companies, Government Agencies and/or Elected Members.	Advisory committees/groups	Nil
7 - Environment	Inadequate prevention, identification, enforcement and management of environmental issues.	Support and work with environmental & land care groups.	Nil
Risk rating – Moderate/Low/Moderate/Low			
IMPLICATIONS			
Scheduled meetings with Advisory Committees of Council lessens risk by meeting legislative requirements and maintaining regular communication that may assist in preventing disconnect with community members and groups who perform vital roles within the Shire of Kojonup.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS
Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. Meetings of advisory committees of Council be scheduled to be held in the Shire of Kojonup Administration Reception Lounge, 93 Albany Highway, Kojonup in 2023 as follows:

- Audit and Risk Committee – first Tuesday of February, May, August and November 2023 commencing at 9.00am;
- Kojonup Natural Resource Management Advisory Committee (NRM) – third Thursday of February and August 2023 commencing at 2.00pm; and
- Bush Fire Advisory Committee – second Wednesday in February and August 2023 – commencing at 7.00pm.

2. The following dates be approved for the 2023 calendar year for advisory committee meetings of Council:

Audit and Risk Committee:

- 7 February
- 2 May
- 1 August
- 7 November

NRM Committee:

- 16 February
- 17 August

Bush Fire Advisory Committee:

- 8 February
- 9 August

3. The approved meeting schedule for advisory committees of Council for 2023, as above, be published on the Shire website, local public notice given and each advisory committee chairperson advised.

9.3.7 ADMINISTRATION OFFICE, LIBRARY AND DEPOT CLOSURE DURING THE 2022/2023 CHRISTMAS AND NEW YEAR PERIOD

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Tuesday, 1 November 2022
FILE NO	CM.PRO.1
ATTACHMENT(S)	Nil

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - Performance	3.2 – Be exceptional in two-way communication within our community, and market our brand outside of our community.	3.2.2 - Engage with our residents and industry members through increased use of social media.

DECLARATION OF INTEREST

The author is a Shire of Kojonup employee and, as such, is affected by the outcome of this report.

SUMMARY

To approve the Administration Office, Library and Depot closure during the 2022/2023 Christmas and New Year period.

BACKGROUND

The temporary closure of the Administration Office, Library and Depot during the Christmas and New Year holiday period has occurred for several years; it is suggested that the same arrangements take place during the 2022/2023 Christmas and New Year period.

COMMENT

In 2022 Christmas Day and Boxing Day fall on Sunday, 25 December and Monday, 26 December with the public holidays to be observed on Monday, 26 December and Tuesday, 27 December. New Year’s Day falls on Sunday, 1 January 2023 with the public holiday to be observed on Monday, 2 January 2023.

It is proposed that the Administration Office, Library and Depot be closed from 12 noon on Friday, 23 December 2022 through until usual hours Tuesday, 2 January 2023 as follows:

Friday, 23 December 2022 – Administration Office, Library and Depot close at 12 noon
 Sunday, 25 December 2022 – Christmas Day
 Monday, 26 December 2022 – Boxing Day observed public holiday
 Tuesday, 27 December 2022 – Christmas Day observed public holiday
 Wednesday, 28 December 2022 – Offices closed - leave required
 Thursday, 29 December 2022 - Offices closed - leave required
 Friday, 30 December 2022 – Offices closed – leave required
 Sunday, 1 January 2023 - New Year’s Day
 Monday, 2 January 2023 – New Year’s Day observed public holiday

Tuesday, 3 January 2023 - Administration Office, Library, and Depot reopen with officers commencing at usual work times.

Staff will be required to utilise leave accruals which can include:

- annual leave
- rostered days off
- Local Government days
- time in lieu; or
- leave without pay (only by prior arrangement with the Chief Executive Officer [CEO]).

Staff planning to work throughout this period can only do so with the approval of the CEO.

CONSULTATION

Senior Management

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications as staff will be required to utilise leave accruals which are accounted for in the 2022/2023 Annual Budget.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
5 – Employment Practices	Insufficient staff numbers to achieve objectives	Health and Wellbeing initiatives	Nil
Risk Rating: High			
IMPLICATIONS			
Continuing the practice of closing operations over the Christmas/New Year period, as occurs in many local governments and has occurred for many years at the Shire of Kojonup, aligns with health and wellbeing initiatives. Skeleton staff remain present/accessible for essential services.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That approval is granted for:

1. The closure of the Administration Office, Library and Depot during the 2022/2023 Christmas and New Year period from 12 noon Friday, 23 December 2022 to reopen at usual opening times on Tuesday, 3 January 2023; and
2. That the above mentioned closure be advertised on the Shire of Kojonup website and via local public notice.

9.3.8 POLICY MANUAL REVIEW

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Thursday, 4 November 2022
FILE NO	CM.POL.2
ATTACHMENT(S)	9.3.8.1 - Policy Manual – existing (2021) copy showing proposed changes 9.3.8.2 – Policy Manual – November 2022 – clean copy

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - 3 Performance	3.1 - Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.	3.1.5 – Implement strategies to improve Councillors’ role as community leaders and asset custodians.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to conduct an annual review of Council’s Policy Manual.

BACKGROUND

Council’s Policy Manual is reviewed, in its entirety, on an annual basis and was last reviewed by Council in November 2021. Amendments to, and formation of, individual policies have been presented to Council for its consideration on an as needs basis in the interim, being incorporated into the Policy Manual at the time of amendment or formation.

COMMENT

The annual review of the Policy Manual has been undertaken by staff and proposed amendments are shown (tracked) in the first of the attachments to this item with a clean copy, inclusive of changes, being the second attachment. A summary of policies with recommended, consequential changes is as follows (other inconsequential changes include amendments relating to improved formatting, consistency throughout the document, and reference to local laws):

Policy 1.5 – Memorial and Lesser Halls Community Usage/Management

- update to website location for hire forms

Policy 2.1.2 – Purchasing and Creditor Control

- Purchasing Thresholds for \$101 to \$5,000 and \$5,001 to \$20,000 – change to authorised officers (Chief Executive Officer [CEO], Senior Management from \$101 to \$20,000 and Manager The Kodja Place, Tourism and Marketing from \$101 to \$5,000 threshold)

- Addition of Point f) – All requisitions must be created by one officer and authorised by a different officer, resulting in a purchase order that has been seen by two different officers prior to dispatch to a creditor. The Authorising Officer must only authorise to the amount prescribed in the Purchasing Thresholds above.

Policy 2.1.3 – Debtor Control

- Policy – Sundry Debtors – point 1
 - Addition of point g. – Planning Plans
 - Addition of point h. – Development Plans
- Last paragraph – removal of *Council delegates authority to the Chief Executive Officer in accordance with Annual Delegation* (there is nil Annual Delegation). The remainder of policy wording is considered sufficient; that is, *'The Manager of Corporate and Financial Services is to ensure that procedures are in place to ensure the timely recovery of outstanding amounts and to limit the risk of debts turning bad'* and *'Debtors who do not pay their accounts within the Shire's terms are not to be offered any further line of credit'*.

Policy 2.2.7 – Staff Housing

- Allocation of specific houses to roles is updated to allow for housing availability at any given time, at the discretion of the CEO.

Policy 4.6 – Gravel and Sand Extraction

- Policy – point 4 – remove the word 'Synergy' (record system is currently ALTUS)

Other amendments include:

- references to Occupational Safety and Health being replaced with references to Work Health and Safety in accordance with the change from the *Occupational Safety and Health Act 1984* to the *Work Health and Safety Act 2020*.
- references to Manager Corporate and *Community Services* being replaced with references to Manager Corporate and *Financial Services*, in line with the position's change of title, as advertised for the present vacancy.

CONSULTATION

Chief Executive Officer and Senior Management Team

Administration Staff via Administration Staff Meetings – review of a different policy on a regular basis to ensure relevance of content

STATUTORY REQUIREMENTS

While policies have no legal status, it is considered best practice for local governments to have a set of policies that provide guidance to staff, effectively negating the need for staff to constantly refer to Council. Council may adopt, amend or waive policies under Section 2.7 (2) of the *Local Government Act 1995*.

POLICY IMPLICATIONS

This item recommends amendments to several existing Council policies, as outlined under *Comment*.

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
8 - Errors, Omissions and Delays	Changes to legislation	Policies and Procedures	Nil
Risk rating - Adequate			
IMPLICATIONS			
Robust systems and controls, including guidance documents such as Council's Policy Manual, reduce inconsistencies and risks associated with Shire operations. A lack of effective policies and processes can contribute to impulsive decision making (causes of compliance risk).			
Timely updating of policies in accordance with legislation amendments assists in reducing the likelihood of non-compliance with legal requirements.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the attached Shire of Kojonup Policy Manual, dated November 2022 and including amendments as presented, be adopted.

9.3.9 PURCHASE OF LAND – 122 (LOT 30), ALBANY HIGHWAY, KOJONUP

AUTHOR	Heather Marland - Senior Finance Officer
DATE	Friday, 4 November 2022
FILE NO	A23820
ATTACHMENT(S)	9.3.9.1 – Email requesting waiver and purchase of land and Valuation Report

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
3.4.2	3.4 - Be organised and transparent with our financial management	3.4.2 - Act with sound long-term and transparent financial management and deliver residents considered value for money.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to inform the Council of the request made by the land owner of 122 (Lot 30) Albany Highway, Kojonup – A23820 to waive all outstanding rates and purchase the property for a sum of \$10,000.

BACKGROUND

The landowner owned what they believed was one block with one title, but there are two titles - one consisting of a building and one a side access/driveway. The building was sold in 2013 but only the building changed hands leaving the owners with an access/driveway that, given its size, cannot be built on. There is also an easement over the property which prevents building as it is for access only.

COMMENT

In a conversation that the author had with the current landowner, the access/driveway was offered to the owner of the adjacent building whether they wanted to transfer the title of the access/driveway and was informed that they would be required to pay the outstanding rates. The adjacent building owner declined the offer.

The landowner has provided an Unimproved Valuation Report from Landgate dated 04/12/2019 stating that the land valuation as at 01/07/2019 was \$10,000. The valuation provided by the GRV schedule for rating purposes with the effective date of 01/07/2022 is \$500.

The access/driveway is next to a privately owned car park (Commercial Hotel) that many people use as either parking or access off the highway. If, in the future, this carpark was restricted to patrons only of the hotel this could cause issues accessing land owned by the Shire of Kojonup at the rear of the shops opposite the Police Station.

The landowner believes, given the size of the block and the easement, that the block is unlikely to sell, of which the author agrees.

Council has the option to go through the process of selling the land under the three year rule; however, that would only be adding costs to a low value block.

The author of this item recommends that the Council make an offer to the owners to purchase the block for the amount of the outstanding rates, with both sides paying their own legal costs to facilitate the sale.

CONSULTATION

Chief Executive Officer

STATUTORY REQUIREMENTS

Local Government Act 1995 Section 6.43, 6.44 and 6.49:

*6.43 Rates and service charges are a charge on land
Subject to the Rates and Charges (Rebates and Deferments)
Act 1992, rates and service charges imposed under this Act,
together with the costs of proceedings, if any, for the recovery
of the rates or service charges, are a charge on the land rated or
in relation to which the service charge is imposed.*

*6.44. Liability for rates or service charges
(1) The owner for the time being of land on which a rate or service
charge has been imposed is liable to pay the rate or service
charge to the local government.
(2) If there are 2 or more owners of the land they are jointly and
severally liable to pay the rate or service charge, as the case
requires.*

*6.49. Agreement as to payment of rates and service charges
A local government may accept payment of a rate or service
charge due and payable by a person in accordance with an
agreement made with the person.*

POLICY IMPLICATIONS

2.1.8 – Financial Governance – Management of financial risk prudently, having regard to economic circumstances.

FINANCIAL IMPLICATIONS

At the time of writing this agenda there is an amount of \$8,804.73 owing on A23820. Minimum rates are applicable to this block so there would also be a loss of income equivalent to the minimum rate annually.

RISK MANAGEMENT IMPLICATIONS

If the offer is not accepted and rates continue to go unpaid, there is the risk that in the future the cost to sell the property under the three (3) year rule may be greater than the value of the land.

ASSET MANAGEMENT IMPLICATIONS

If the offer is accepted, then 122 (Lot 30) Albany Highway, Kojonup will be added to the asset register and will be maintained by the Shire.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council offers to purchase 122 (Lot 30) Albany Highway, Kojonup at the substitution cost of the property's outstanding rates (\$8,804.73), in exchange for the title of the property into the Shire's ownership, and both parties to be responsible for their own costs to facilitate the sale.

9.3.10 REQUEST TO WRITE-OFF INTEREST ON RATES

AUTHOR	Heather Marland - Senior Finance Officer
DATE	Monday, 7 November 2022
FILE NO	A8938
ATTACHMENT(S)	9.3.10.1 - Letter from owner of A8938

STRATEGIC/CORPORATE IMPLICATIONS		
Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”		Corporate Business Plan 2017 – 2021 “Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP – 3	3.4 Be organised and transparent with our financial management.	3.4.2 Act with sound long-term and transparent financial management and deliver residents considered value for money

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is for Council to consider the write-off of interest accrued on A8938 - 107 Albany Highway, Kojonup.

BACKGROUND

The property in question is a commercial property in the centre of town. These are a set of older buildings that the owner has had trouble keeping tenanted. The owner has been in an ongoing family court dispute, which has resulted in difficulty paying the rates for the past five years. The owner has made contact during this time advising that the court action is still ongoing.

COMMENT

The Council has a COVID-19 Financial Hardship Policy 2.1.12 but, as this has been an ongoing issue for the previous five years and not due to recent unemployment, sickness or recovery of sickness, low or loss of income or unanticipated circumstances such as caring for and supporting extended family, this matter is not eligible for consideration under this policy.

At the time of writing this item, the outstanding amount is \$12,238.97 of which \$1,831.93 is interest accrued on rates and \$78.61 is interest accrued on the Emergency Services Levy. A payment of \$500 was made on 20 October 2022. The Council has the authority to write-off interest on rates only.

The owner has indicated in his letter that he can withdraw \$10,000 from his superannuation to help reduce the debt, even though it will not pay the debt entirely with the interest written off it will make the remaining amount manageable.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Section 6.44 of the Local Government Act 1995

Liability for Rates or Service Charge

- (1) The owner for the time being of land on which a rate or service charge has been imposed is liable to pay the rate or service charge to the local government.
- (2) If there are 2 or more owners of the land they are jointly and severally liable to pay the rate or service charge.

Section 6.51 of the Local Government Act 1995

Accrual of Interest on Overdue Rates and Service Charge

- (1) A local government may at the time of imposing a rate or service charge resolve* to impose interest (at the rate set in its annual budget) on —
 - (a) a rate or service charge (or any instalment of a rate or service charge); and
 - (b) any costs of proceedings to recover any such charge,that remains unpaid after becoming due and payable.

* Absolute majority required.

- (2) The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.

- (3) Accrued interest is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.

- (4) If a person is entitled under the Rates and Charges (Rebates and Deferments) Act 1992 or under this Act (if the local government in a particular case so resolves) to a rebate or deferment in respect of a rate or service charge —

- (a) no interest is to accrue in respect of that rate or service charge payable by that person; and
 - (b) no additional charge is to be imposed under section 6.45(3) on that person.

- (5) Regulations may provide for the method of calculation of interest.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There is currently an outstanding interest amount of \$1,831.93.

RISK MANAGEMENT IMPLICATIONS

If action is taken to write-off the rates then this will be setting a precedent for other rate payers with outstanding rates. This could have an unknown financial impact for the Shire of Kojonup in the coming years.

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council denies the request to write-off the outstanding interest amount of \$1,831.93 owed against A8938 -107 Albany Highway, Kojonup.

9.3.11 162 BLACKWOOD ROAD, KOJONUP – UPCOMING LEASE OPPORTUNITY

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	21 November 2022
FILE NO	CP.LEA.1
ATTACHMENT(S)	9.3.11.1 – Map showing 162 Blackwood Road, Kojonup

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - Performance	3.1 - Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group. 3.4 – Be organised and transparent with our financial management.	3.1.1 – Build partnerships with WA recreation, business and tourism. 3.1.7 – Determine responsibilities for all assets and review and update lease conditions where other entities have partial or full responsibility for assets on Council managed land.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is for Council to consider calling for expressions of interest for the lease of land being 162 Blackwood Road, Kojonup, to commence once the current lease has expired.

BACKGROUND

Lot 162 Blackwood Road, Kojonup, represents approximately 34 hectares of agricultural land situated between Kojonup’s industrial estate and the Showgrounds/Sporting Precinct on Blackwood Road.

Previously, this land has been leased to the Kojonup Football and Cricket Clubs for farming purposes to provide funding for the Clubs’ ongoing operations and is currently leased to the Kojonup Football Club with the lease expiring on 28 February 2023.

COMMENT

It is proposed that Council advertises for expressions of interest to lease 162 Blackwood Road, Kojonup, using the following grading criteria:

- Community Value Creation 50%
- Price 40%
- Proposed Property Improvements 10%

Council, if resolving to offer this land for lease following the current lease’s expiry on 28 February 2023, may wish to advertise with the following conditions (as prescribed previously):

1. Term of lease to be for a period of three (3) years;
2. The lessee accepts the property on an 'as is' basis;
3. The lessee is to maintain perimeter fences at the current standards;
4. The Shire will not be liable for any issues arising from fencing and/or containment of stock;
5. The lessee is responsible for managing and minimising any fire hazard and complying with any relevant conditions of the annual fire break order; and
6. Any stocking rates will be agreed by both parties on an 'as needs' basis to respond to any animal welfare, fire hazard reduction, and land quality preservation issues that may arise.

It has previously been identified, as part of Council's water harvesting and re-use planning, that there is a need for a dam to store water that can be pumped to either the Showground dam or turkey nest dam. Accordingly, it has previously been suggested that such a dam could be located within the 162 Blackwood Road land, utilising the existing pipework along Blackwood Road. To accommodate this potential proposal, any leases of this land could include a clause that acknowledges that an area may be allocated, during the term of the lease, for such a storage dam.

CONSULTATION

Chief Executive Officer

STATUTORY REQUIREMENTS

Local Government Act 1995 s. 3.58:

s. 3.58 Disposing of property

- (1) *In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) *Except as stated in this section, a local government can only dispose of property to —*
 - (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

Local Government (Functions and General) Regulations 1996 r.14 and r. 18:

r. 14 Publicly inviting tenders, requirements for

- (2a) *If a local government —*
 - (a) *is required to invite a tender; or*
 - (b) *not being required to invite a tender, decides to invite a tender,*
the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

r. 18. Rejecting and accepting tenders

- (5) *The local government may decline to accept any tender.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The current lease payment for this parcel of land is \$4,182 per annum.

RISK MANAGEMENT IMPLICATIONS

Due diligence in the use/maintenance of the land by another party (e.g.; a lessee) provides for fire hazard risk reduction.

ASSET MANAGEMENT IMPLICATIONS

Leasing of 162 Blackwood Road, Kojonup, ensures the use, maintenance and fire hazard reduction of this land asset whilst also providing revenue to the Shire and the community.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. calls for public expressions of interest for the lease of lot 162 Blackwood Road, Kojonup with the following conditions applying:
 - a) Term of lease to be for a period of three (3) years;
 - b) The lessee accepts the property on an 'as is' basis;
 - c) The lessee is to maintain perimeter fences at the current standards;
 - d) The Shire of Kojonup will not be liable for any issues arising from fencing and/or containment of stock;
 - e) The lessee is responsible for managing and minimising any fire hazard and complying with any relevant conditions of the annual fire break order; and
 - f) Any stocking rates will be agreed by both parties on an 'as needs' basis to respond to any animal welfare, fire hazard reduction, and land quality preservation issues that may arise.

and

2. applies the following grading criteria to each expression of interest for this lease:
 - Community Value Creation 50%
 - Price 40%
 - Proposed Property Improvements 10%

9.3.12 GREAT SOUTHERN NORTHERN YOUTH NETWORK BUSINESS CASE – REQUEST FOR SUPPORT

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Thursday, 24 November 2022
FILE NO	FM.FNR.2
ATTACHMENT(S)	9.3.12.1 – Albany Youth Services Association - Brochure

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP 1 - Kojonup celebrates its diversity for residents and visitors.	1.3 Have systems in place to attract youth to the region, even in a transient manner.	<p>1.3.6 Develop and adopt a Youth Engagement Plan</p> <p>1.3.4 Explore opportunities with local schools and youth organisations to create a Youth Advisory Council to engage and advise the Shire and Councillors on youth issues (S1.2.1)</p> <p>1.3.1 Collect data on the needs of youth, as they live, educate, work, visit and return to Kojonup.</p>

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is for Council to consider donating \$2,500 toward a business case to seek funding for a Great Southern Youth Counsellor.

BACKGROUND

Ian Clarke, Chief Executive Officer, Albany Youth Services Association (AYSA) and Pippa Hepburn from the Great Southern Development Commission have approached the Shire of Kojonup to seek support for funding a business case to justify establishing regional Youth Workers in the region.

In consultation with the Western Australia Police Force, AYSA is proposing a Great Southern Youth Network encompassing eight northern shires of the Great Southern Region and offering 5 day a week Youth Service across the respective Shires with place based Youth Workers in key locations.

COMMENT

The regional communities located throughout the Great Southern have limited opportunities for at risk youth, often due to isolation and access to support services. The addition of Youth Workers to the communities of Denmark and Broomehill-Tambellup has demonstrated the significant value of having people embedded in the community working with young people

and their families to support young people during challenging times, offering guidance and support to young people to access specialist services.

This also provides a genuine opportunity to offer diversionary activities for young people becoming involved in the justice system, family violence and those suffering mental health issues, as a first point of contact and support.

It is proposed this would be a partnership approach between the Albany Youth Support Association and the Great Southern Northern shires. Importantly, the primary contribution from the shires is proposed as in kind contribution, offering potential office space or a venue the Youth Worker would be able to work from with young people, individually or as groups.

In addition, the shires have been requested to contribute a smaller amount of seed funding to help fund an application to significant funding bodies to finance a minimum 3 (three) year program to establish a well-structured, measured program, offering the best opportunity to disadvantaged and at risk young people in the region.

Crucially, this would provide strong evidence for future long term funding and offer a basis for the increased success and wellbeing of young people in these communities.

The Great Southern Development Commission has committed to supporting the program with the allocation of seed funding to assist in the development of a business case to the funding bodies.

The model involves the recruitment of four Youth Workers, consisting of one team leader and three youth workers. Katanning has been identified as a key location for the placement of the team leader and one youth worker, with an additional youth worker at Kojonup and Broomehill-Tambellup or Gnowangerup.

The team would be working a 5 (five) day a week roster, which allows the youth workers to move across communities, building relationships with young people, families, elders and key government agencies including Police, Health and Department of Communities. The combination of these key services as part of a broader framework will provide the greatest opportunity for young people and families to succeed in the community, reduce the incidence of crime and family trauma, ultimately delivering services many outlying communities have limited access to.

The Youth Workers actively engage with the young people and their families, developing case management for those Young People in need, whilst also developing relevant placed based programs which support the broader youth cohort.

The cost of the business case submission is \$18,000 in total.

The Great Southern Development Commission (GSDC) has committed \$7,500 to the Business Case and AYSA will be providing \$5,000 of in-kind project support including a Cost Benefit Analysis, the provision of Chartered Accountant and Accountant services, and project management and oversight.

The Business Case is to be completed within 90 days of commencing the project and during that time will also commence discussions with potential funding bodies.

The Shire of Kojonup has been requested to consider a commitment of \$2,500 to complete the funding.

The following contributions have already been made:

Katanning	\$3,000
Gnowangerup	\$2,000
Cranbrook	\$2,000
GSDC	\$7,500

The Shire of Broomehill-Tambellup also has an ongoing funding arrangement and partnership with Albany Youth Support Association (AYSA), through which they are providing support for this project to complete the required funding.

The total funding will be used to generate a Business Case. The Business Case will then be used to apply for major funding (\$1.5 million) from all relevant State and Federal agencies.

To make a strong case for this major funding, it will be essential that Shire of Kojonup has demonstrated its support for the Network. AYSA CEO, Ian Clarke, is leading the key advocacy activities required to apply for funding.

The author recommends that Kojonup participate in this program in line with our strategic community plan.

CONSULTATION

Pippa Hepburn - GSDC
Ian Clarke – CEO, AYSA

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The budget for donations can be used to offset some of the cost of the \$2,500. In the budget review further monies can be found from other projects such as savings from the vehicle tracking budget which will be lower in total cost.

RISK MANAGEMENT IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council approves a donation of \$2,500 seed funding for the Albany Youth Services Association Business Case to seek external funding to source Youth Workers to operate in the Great Southern region.

9.3.13 RESERVE ACCOUNT FINANCIAL REVIEW – 2021/2022

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Thursday, 24 November 2022
FILE NO	FM.FNR.2
ATTACHMENT(S)	Nil

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 3 - Performance	3.4 – Be organised and transparent with our financial management.	3.4.1 – Increase regularity of readable financial reporting to the community. 3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

DECLARATION OF INTEREST

Nil

SUMMARY

This report is for Council to consider deferring Point 2 below (part of a Reserve Account Financial Review due for presentation at this meeting) as requested at Council’s 20 September 2022 Ordinary Meeting (see resolution below), to Council’s 13 December 2022 Ordinary Meeting:

- “1) That the CEO present to the October 2022 Ordinary Council meeting a detailed review of the transfers both in and out of the Reserve accounts for the previous financial year.*
- 2) That the CEO present to the November 2022 Ordinary Council meeting a report on how the reserve accounts operation could be enhanced in respect to the following, but not to the exclusion of other issues that appear during the process:*
- *Council motions regarding contributions.*
 - *Timing of cash movements.*
 - *Monthly reporting of account balances.*
 - *Detail provided in budgeting of reserve account transfers.*
 - *The concept of saving for plant and equipment purchases versus borrowing the capital required at the time of purchase.”*

BACKGROUND

Since Council’s 20 September 2022 Ordinary Meeting, the author has presented a detailed review of the transfers both in and out of the Reserve Accounts for the previous financial year with Council resolving as follows at its 18 October 2022 Ordinary Meeting:

“That Council receives the Officer’s report and notes the debits and credits in reserve accounts for the 2021/2022 financial year and the timing of expenditure as the reason for the increase in closing balance as of 30 June 2022.”

COMMENT

The author believes that Point 2 of the above resolution requires workshopping with Councillors prior to an item being presented to Council and envisages the workshop to take place at Council's 29 November 2022 Briefing Session. The author, therefore, requests Council defer this matter to its 13 December 2022 Ordinary Meeting.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Nil

OFFICER RECOMMENDATION

That Council defers the presentation of the following information to its 13 December 2022 Ordinary Meeting:

A report on how the reserve accounts operation could be enhanced in respect to the following, but not to the exclusion of other issues that appear during the process:

- Council motions regarding contributions.
- Timing of cash movements.
- Monthly reporting of account balances.
- Detail provided in budgeting of reserve account transfers.
- The concept of saving for plant and equipment purchases versus borrowing the capital required at the time of purchase.

9.3.14 SPRINGHAVEN AGED CARE FACILITY – EXPRESSION OF INTEREST

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Wednesday, 23 November 2022
FILE NO	CP.LEA.1
ATTACHMENT(S)	<p>9.3.14.1 – Expression of Interest document</p> <p>UNDER SEPARATE COVER</p> <p>Unconfirmed minutes of the Springhaven Working Group Meeting held 11 August 2022</p>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2027”
Key Pillar	Community Outcomes	Corporate Actions
KP – Connected - Kojonup advances through connections, partnerships and alliances.	2.2 Have enhanced our aged-care and health provisions by progressing our connections with regional and state-wide groups	2.2.17 empowering Council to investigate the possibility of leasing or selling Springhaven.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of the report is to consider the recommendation from the Springhaven Working Group and Audit and Risk Committee regarding the future of Springhaven Aged Care Facility (Facility) and consider calling an Expression of Interest (EOI) for proponents to lease and manage the aged care services at Springhaven.

BACKGROUND

Council has been discussing and considering different options to manage the sustainability of Springhaven aged Care services.

On 11 August 2022 the Springhaven Working Group (SWG) considered the risks and issues that were materialising at the Facility and moved the following for consideration by Council.

Springhaven Working Group recommendation:

“That a recommendation is presented to Council that the Chief Executive Officer, along with the Springhaven Working Group members and Manager Springhaven, actively explore and investigate the options for the future model of operation for the management of Springhaven Lodge.”

At Council's 16 August 2022 Ordinary Meeting, Council resolved as follows:

"1. That Council receives the minutes from the 11 August 2022 meeting of the Springhaven Working Group, as presented; and

2. That the Chief Executive Officer, along with the Springhaven Working Group members and Manager Springhaven, actively explore and investigate the options for the future model of operation for the management of Springhaven Lodge."

Councillors discussed the different options and invited the Chief Executive Officer and President of the Shire of Donnybrook and the General Manager of Geegeelup Aged Care, Bridgetown, to present to Councillors on the different models of operating and the pathways they took to managing sustainability and outsourcing management of the Shire's Aged Care facilities.

On 2 November 2022 the Audit and Risk Committee recommended to Council the following;

"That the Audit and Risk Committee recommend to the Council, given the issues at Springhaven and the associated risk, that it progresses with the strategy to advertise an expression of interest to lease the management of the facility as a matter of urgency."

Council also should note that in the Strategic Community Plan there is a strategic initiative 2.2 *"Have enhanced our aged-care and health provisions by progressing our connections with regional and state-wide groups"* which leads to 2.2.17 empowering Council to investigate the possibility of leasing or selling Springhaven.

COMMENT

Springhaven has recently been affected by the staffing shortages related to Carers and Registered Nurses roles currently being felt across Australia and globally. What this has demonstrated is that the Shire does not have the depth of experience or resources to support the Aged Care sector as it changes its regulatory standards as well as changes to the economic environment.

The author advises that the current situation is one of 'victim of circumstance'. Increased costs across all areas, mandatory pay increases for aged care staff, increased costs related to new regulatory framework and new AN-ACC (Australian National Aged Care Classification) funding model, and impacts of COVID-19 mandatory vaccination leaving a shortage of skilled labour, have all combined to create a crisis situation. Access to any staff, let alone aged care staff, is at an all-time low.

This presents a high risk for the Shire and one option is to test the market to outsource the management of the facility whilst the Shire maintains ownership of the assets.

Taking into consideration the significance of the new Federal Aged Care Standards coming into operation, it has become clear that unless there is a material increase in Federal funding, Springhaven, under its current arrangements, may be placed under financial pressure. This will place additional stress on the facility and the Shire, as it is expected the resource staffing numbers will need to increase in line with the new standards.

Critical staff losses would create a catastrophic risk environment and a solution for this needs to be a priority of Council.

While the environment is challenging for all aged care operators, as demonstrated through the COVID-19 pandemic response and recovery process, the Shire has given priority to the health and wellbeing of residents, families and staff.

At this point it is important to note that Springhaven, in particular, has struggled with the support required as the Shire does not have the required expertise in aged care to support the current issues and management of Springhaven.

COVID-19 and the resource supply issues have brought this sharply into focus. This is not a criticism but a practical observation of the lack of depth in the Shire to support the Aged Care operations moving forward.

There are currently four simultaneous, parallel strategies in play which Shire Officers have been working towards:

- Continue extensive targeted recruitment process;
- Facilitate information sharing and discussions with other like sized Aged Care facilities to determine how they manage;
- Begin works on an expression of interest and a service level agreement/lease for facility;
- Formulate contingency plans if the Facility is no longer able to provide adequate level of care against the standards.

It is confirmed by the Council that the intended goal is to keep Springhaven open and available for current and future residents.

Three scenarios have been considered if no alternative to the current staffing crisis can be found:

1. Reduce residents to match the required staffing numbers to the capacity the Facility has to observe regulatory staffing obligations. This has already been executed and the number of residents has reduced through natural attrition.
2. Lease the Facility – investigate a sustainable model. This report addresses the EOI process to commence the process.
3. Relocate and or close the Facility in an orderly and structured manner. This is a solution of last resort and would only be considered in the event Springhaven cannot comply with its regulatory obligations.

A reduction in available beds is only an option short term and is not a sustainable solution as it has an impact on the revenue for the Facility. With this in mind, no new residents will be accepted until the Manager of the Facility and the CEO deem the resources can provide the adequate care required under the standards.

The Shire remains committed to its ageing in place strategy which seeks to enable a variety of residential and care pathways for the community, inclusive of the Independent Living Units in Loton Close and others. Therefore, point 3 above is not an option at this stage and should only be considered as a last resort.

In the short term Shire Officers have implemented the first strategy and reduced the intake of residents to match the resourcing levels currently in place. As resourcing improves we will increase the number of residents in a controlled manner.

While this Shire has managed the aged care facility at a high quality level, it is now apparent why other local governments across the Nation have exited the management responsibilities of such facilities in favour of specialist service providers.

It must be made clear this is not a financial decision for Council, although previous budgets demonstrate the high level of subsidy the Community is undertaking. These Strategies are employed to help reduce the compliance burden and associated risk with maintaining a facility of this size under a dramatically different future regulatory framework.

The parallel strategy of seeking interested proponents is essential to the sustainability of Springhaven Lodge. While the expression of interest process may take some time, the Council and community can be assured that the continued quality of care for residents will not change and the Shire will continue recruitment strategies to find the right qualified Team Members.

The author recommends that the Shire seek Expressions of Interest and tests the market for operators that have the depth and experience to sustain aged care facilities in the Kojonup region.

The author confirms that discussions with residents, families and the community will need to be carefully managed moving forward, with discretion and empathy. The CEO and Manager Springhaven will create a clear and detailed communication strategy.

CONSULTATION

Briefing Sessions September 2022
Risk and Audit Committee
Springhaven Working Group
Manager Springhaven
Senior Administration Officer

STATUTORY REQUIREMENTS

s. 3.58 of the *Local Government Act 1995*:

3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
1 - Asset Sustainability	Inadequate financial management and planning (capital renewal plan)	Asset replacement schedule	Nil
2 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)	Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a result of an inadequate compliance framework.	Industry Standards maintained	Nil
10 – Errors Omissions, Delays	Errors, omissions or delays in operational activities as a result of unintentional errors or failure to follow due process including incomplete, inadequate or inaccuracies in advisory activities to	Policies and Procedures Segregation of duties (Financial control)	

	customers or internal staff		
Risk Rating – High			
IMPLICATIONS			
There are potentially a number of catastrophic risks associated with this situation. The potential for devolvment of practices and standards is very likely and this report addresses these risks.			

ASSET MANAGEMENT IMPLICATIONS

Whole of Life considerations for Springhaven Aged Care.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. advertises for Expressions of Interest in accordance with s. 3.58 of the *Local Government Act 1995*, seeking to outsource operation and management of the Springhaven Residential Aged Care Facility, including the option of leasing of the facilities (disposal of asset), without selling the underlying capital (building and land) asset/s; and
3. approves the document “Expression of Interest – Shire of Kojonup ‘Springhaven’ Aged Care Services”, as attached.

9.4 KEY PILLAR 4 – ‘PROSPERITY’ REPORTS

9.5 KEY PILLAR 5 – ‘DIGITAL’ REPORTS

10 APPLICATIONS FOR LEAVE OF ABSENCE

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

13.1 20 SEPTEMBER 2022 ORDINARY MEETING – RETRACTION OF ITEM 13.1 – RESIGNATION OF CR ROGER BILNEY FROM COUNCIL

CHIEF EXECUTIVE OFFICER RECOMMENDATION

That Council retract *13.1 Resignation of Cr Roger Bilney from Council* within Council's 20 September 2022 Ordinary Meeting minutes due to the resignation later being deemed not valid (in accordance with legal advice) and Cr Roger Bilney wishing to withdraw the resignation.

14 MEETING CLOSED TO THE PUBLIC

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.1.1 10 ELVERD STREET, KOJONUP – LEASE - WANSLEA

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Thursday, 24 November 2022
FILE NO	CP.LEA.1
ATTACHMENT(S)	UNDER SEPARATE COVER 14.1.1.1 - Acumentis - Valuation report - 10 Elverd Street, Kojonup 14.1.1.2 - Kojonup Child Care Centre Inc (KCCC) - 10 year agreement July 2021 to June 2031 14.1.1.3 - KCCC – MOU 14.1.1.4 - Successful Respondent EOI - WANSLEA 14.1.1.5 - Wanslea ABN Current Details 14.1.1.6 - Wanslea Early Learning and Development Limited - Charity Status 14.1.1.7 - Asset Transfer Agreement – WL - KCCC 14.1.1.8 - Constitution - Wanslea Early Learning and Development 14.1.1.9 - Shire of Plantagenet/Wanslea lease 14.1.1.10 - Shire of Katanning/Wanslea lease

14.1.2 RESIDENTIAL ASSET PURCHASE – 14 PENSIONER ROAD, KOJONUP

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Wednesday, 23 November 2022
FILE NO	
ATTACHMENT(S)	UNDER SEPARATE COVER 14.1.2.1 – Proforma – 14 Pensioner Road, Kojonup

STATUTORY REQUIREMENTS

Section 5.23(2) of the Local Government Act 1995 permits the Council to close a meeting, or part of a meeting, to members of the public if the meeting deals with any of the following:

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person; and
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*.

Subsection (3) requires a decision to close a meeting, or part of a meeting and the reason for the decision to be recorded in the minutes.

PROCEDURAL MOTION

That the meeting proceed behind closed doors in accordance with Section 5.23(2) (e) of the *Local Government Act 1995* at _____ pm.

PROCEDURAL MOTION

That the meeting be reopened to the public at _____ pm.

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

15 CLOSURE

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at _____ pm.

16 ATTACHMENTS (SEPARATE)

Item 5.1	5.1.1	18 October 2022 Ordinary Meeting - Communication Complaint – response
	5.1.2	9 November 2022 Special Council Meeting – Wind Farm matters - response
Item 6.1	6.1.1	Unconfirmed minutes of the Ordinary Council Meeting held on 18 October 2022
Item 6.2	6.2.1	Unconfirmed minutes of the Special Council Meeting held on 9 November 2022
Item 7.4	7.4.1	Cr Egerton-Warburton - Notes of a GS Zone of WALGA Meeting held 28 October 2022
Item 9.1.1	9.1.1.1	Volunteer Handbook – existing (2021) copy showing proposed changes
	9.1.1.2	Draft Volunteer Handbook – clean copy (2022)
Item 9.2.1	9.2.1.1	Unconfirmed minutes of the LEMC Meeting held 7 November 2022
Item 9.2.2	9.2.2.1	Unconfirmed minutes of the BFAC Meeting held 8 November 2022
Item 9.3.1	9.3.1.1	October 2022 Monthly Financial Statements
Item 9.3.2	9.3.2.1	Monthly Payments Listing 1 to 31 October 2022
Item 9.3.3	9.3.3.1	Unconfirmed minutes of the Audit and Risk Committee Meeting held 2 November 2022
Item 9.3.4	9.3.4.1	Vehicle and Plant Register
	9.3.4.2	Property Register
Item 9.3.8	9.3.8.1	Policy Manual – existing (2021) copy showing proposed changes
	9.3.8.2	Policy Manual – November 2022 - clean copy
Item 9.3.9	9.3.9.1	Email requesting waiver and purchase of land and Valuation Report
Item 9.3.10	9.3.10.1	Letter from owner of A8938
Item 9.3.11	9.3.11.1	Map showing 162 Blackwood Road, Kojonup
Item 9.3.12	9.3.12.1	AYSA Brochure

.../

Item 9.3.14

9.3.14.1

Expression of Interest document

UNDER SEPARATE COVER – CONFIDENTIAL

Unconfirmed minutes of the Springhaven Working
Group Meeting held 11 August 2022



Our Ref: CS.SRP.1 – OUT22/31E89F57

Susanne Bilney

Dear Susanne

Thank you for your statements made at the Ordinary Meeting of Council held 18 October 2022.

Firstly, the Council does value the work the Kojonup Historical Society (KHS) undertakes and looks forward to working with yourself and the committee to develop mutually beneficial outcomes regarding the historical aspect of Kojonup for the community. This respect is demonstrated by the Shire of Kojonup (Shire) appointing a delegate to the KHS, Cr Alan Egerton-Warburton, reporting and advocating back to the Council.

As you are aware, the Kojonup Tourist Railway Inc. is a separate body to the Shire and, therefore, the Shire cannot respond to your queries related to their operations. You may wish to write to the Kojonup Tourist Railway Inc. to express your ideas and issues with them.

The Shire appreciates your willingness to work with it to maintain our relationship moving forward. The Shire is working steadfastly in partnership with you on the issues the KHS has raised in separate meetings and correspondence.

Whilst your ideas to utilise existing infrastructure has merit, the constraint is those assets are already allocated and are being utilised by the Kojonup Tourist Railway Inc. The Shire, at this stage, does not have access or permission to change the use of those assets, as the Kojonup Tourist Railway Inc. owns and operates the facility and rail track independently to the Shire.

The Men's Shed plan always incorporated a separate building to integrate with the train operations and the Shire has sought grant funding to pay for that construction. The Shire has discussed this in detail and believes, based on a reasonable cost, that relocating the Men's Shed and creating a space for other clubs and associations to operate in is beneficial to the Community as a whole. The Men's Shed and other associations support this development.

.../2

Shire of Kojonup

93-95 Albany Highway, Kojonup WA 6395

Postal address: PO Box 163, Kojonup WA 6395

Telephone: (08) 9831 2400 | Facsimile: (08) 9831 1566 | Email: council@kojonup.wa.gov.au

The operation of the railway group is complex and falls under the auspices of the Office of the National Rail Safety Regulator. It is the Shire's understanding, from discussion with the Kojonup Tourist Railway Inc., that it is their intention to seek re-accreditation to operate and maintain the track at some point in the future. Again, it must be noted that this is a separate undertaking that does not involve the Shire directly.

The Council is always reviewing its 'state of play' regarding building assets and managing the services and finances of the Shire. It is incumbent on the Shire to continue to implement these projects for the development and wellbeing of the community.

The Shire respects all the views and opinions of the community and it is a balancing task to manage all the wants of the community. What must be underscored is that all projects the Shire invests community funds in, create a Community Return on Capital; that is, creating Community value on an ongoing basis. Community value is not always measured in dollars and cents and must be measured through the community's satisfaction with the services the Shire offers.

Thank you for taking an interest in the Shire and we look forward to working with the KHS on many projects in the new Community Strategic Plan.

Regards



Grant Thompson
Chief Executive Officer

25 November 2022

Question 1.

With respect to the noise mitigation and management plan:

How does the Shire envisage ensuring compliance with the plan when the acoustic monitoring locations are outside of the DA boundary and will require third party approvals?

Dwelling owners would be encouraged to allow monitoring to occur from their sites, and it would be in their interests to allow this.

A prosecution would be hard to mount for the Shire or Department Water Environment Regulator (DWER) to prove that the condition was being breached, if the dwelling owner was not allowing monitoring.

Monitoring of other locations and modelling or interpolation of what the sound levels would be at dwellings would be the next best strategy available, however a fair balance between proponent and neighbour interests would suggest that if neighbours are aggrieved by noise then they should permit monitoring to occur at their own sites.

Question 2.

With respect to the Turbine Layout Plan, and the applicant's obligations under condition 4b that states:

4. The wind turbines are to be micro-sited in accordance with the following restrictions –

(b) The wind turbines shall be located in accordance with the 'Flat Rocks Wind Farm Landscape and Visual Assessment'. This report requires, in order to satisfy visual amenity considerations, either relocation of specified wind turbines or in the alternative, the implementation of vegetation screening.

How does the Shire envisage ensuring compliance with the *Landscape and Visual Assessment* when screening of the hubs and blades from neighbouring viewing points would require planting outside of the DA envelope and therefore require third party approvals?

The Development Approval sets out conditions for the proponent to comply with. The Shire will monitor the conditions of the Development Approval. The Landscaping Plan accommodates the process for monitoring.

If complaints are made then the Shire would investigate any alleged breaches of the conditions. However, a fair balance between proponent and neighbour interests would suggest that if neighbours are aggrieved by the landscape and visual assessment they should contact and work with the proponent in the first instance to manage the alternative implementation of vegetation screening.

Question 3.

Under the Noise Impact Mitigation Plan submitted by the applicant, the applicant advises that it will discuss with neighbours where plans to build housing within the turbine noise buffer zones exist the possibility of located dwellings in alternate locations. A number of the neighbours have already advised the applicants of their intention to build on the properties adjacent to the windfarm project area, in fact some have plans underway. The applicant has not reached out to those who have indicated their current or future intention to build on their land. How can the Noise Impact Mitigation Plan be relied upon when to date the applicant is not discussing with the landowners their current plans?

Even in the event the applicant does reach out and make contact with those neighbours that are planning to build dwellings on their properties, it would appear that this approach will be inadequate when some properties are wholly within the noise buffer zone?

An item of business for 9 November 2022 is whether to approve the Noise Impact Mitigation Management Plan.

The Noise Impact Mitigation Management Plan is required to address, among other things, a process by which the applicant will make arrangements with adjoining landowners regarding the construction of noise sensitive premises on land.

The Noise Impact Mitigation Management Plan has such a process, which is not held out as a panacea and doesn't guarantee a happy outcome for both parties into the future.

The proponent is not legally obliged to enter into that process until the Noise Impact Mitigation Management Plan is approved and a genuine proposal for new noise premises arises.

Question 4.

A few months ago an adjoining landowner to the windfarm project met with the Shire CEO and the discussion centered around the understanding that the proposed turbines would take precedence over future new dwellings. This was also the view held in 2016, as detailed in the council minutes of the Special 1st December 2016 meeting.

The landowner then drew the CEO's attention to the Broomehill Tambellup JDAP Conditions advice notes which state that the developer takes the commercial risk of the subsequent development.

It would appear the CEO and the Kojonup councillors have been proceeding under this long held misunderstanding and only now with the new advice note attached to the proposed amended conditions has the Shire clarified this by adding it's own advice note warning of the potential of future dwellings and that the applicant / developer takes the commercial risk.

In light of this, has the Shire Councillors, the CEO or any of the executive had any indications (verbal or written) of any potential claims or otherwise made against it by the applicant/developer who may have relied on the Shires misunderstanding?

Where quote:

"Mrs Bignell further queried what is the process in the future when someone may wish to build a house or structure in close proximity to one of the turbines.

The Presiding Member responded that the structure already there, in this case would take precedence in the planning approval process."

Further, has the Shire considered and or taken legal advice on its potential liability to the applicant / developer in the event they have been relying on this position?

The context for the current Development Approval provides conditions for existing dwellings. The risk for future dwellings is with the proponent of the Wind Farm to comply with all other existing legislation and regulations. The prospect of dwellings being constructed at closer locations to the turbines is inherent in the zoning of the land and the operator has taken on that risk.

Question 5.

Is the Shire pushing ahead in haste (ie without notice, consulting with neighbouring landowners or advertising etc contrary to legislative requirements) to approve the "major" amendments to the development conditions and the management plans to placate the applicant /developer?

The Shire rejects any suggestion of haste and placating. The amendments to the conditions were considered to be wording changes to merely reflect the actual original intent of the conditions.

The Development Layout Plan and Noise Impact Mitigation Management Plan are technical documents intended to fine-tune aspects of the wind farm pursuant to conditions of the Development Approval where the Development Approval has determined the acceptability of the fundamentals.

Council is justified in pressing ahead with some expedition in these circumstances, and it is also true that the Development Layout Plan and Noise Impact Mitigation Management Plan have been with the Shire for technical assessment for some months so the proponent has been somewhat delayed.

Question 6.

Is the Council therefore conflicted in that it may be putting the interest of the applicant/developer ahead of neighbouring landowners to the development due to a concern that the applicant/developer may have been relying on incorrect information.

See answer to previous question.

Question 7.

Has the Council considered or taken legal advice of what it's liability is for approving a management plan that doesn't meet current WA Guidelines in particular the March 2020 Position Statement that provides turbines should be located a minimum of 1500 metres from dwellings.

The Development Approval is already in place for turbines that would be closer than 1,500m. It would be an error of law for Council to now refuse a Development Layout Plan or a Noise Impact Mitigation Management Plan on the ground that turbines should be located a minimum of 1,500 m. That would involve a re-opening of the merits of an existing Development Approval. It is not agreed that the WA Guidelines or Position Statement create a fixed and firm minimum of 1,500m.

Question 8.

Substantive changes have been made to the development proposal along the way.

In October 2021 the Shire amended the development conditions and granted an extension, at that time the March 2020 Position Statement Renewable Energy facilities was current and in existence and point 5.3.4 advised that setbacks from turbines to noise sensitive land uses was 1500 metres.

Has the Council considered it's liability for not applying the relevant setback of 1500 metres to noise sensitive land uses and in so doing does the Council concede that it has failed adjoining landowners?

See answer to previous question.

Question 9.

Has the Council considered or taken legal advice of the potential liability of approving management plans that they know won't meet noise regulations at future dwellings that may be built on adjoining neighbours blocks which can have up to two dwellings built as close as 20 metres from the boundary and there being no other sites within the block outside of 1 km? (There are neighbouring blocks of land that are wholly within one kilometre from proposed turbines and up to two houses may be built on each of them)

The Shire of Kojonup generally does not give information as to what legal advice it may or may not have obtained.

However, the prospect of dwellings being constructed at closer locations to the turbines is inherent in the zoning of the land and the operator has taken the risk.

Question 10.

Can the Council approve a management plan that relies on poor noise modelling, that is only tested from the lowest wind conditions to just above average? And doesn't include any margin for above average or worst case scenarios.?

The Shire takes the question as a comment. The methodology has been adequately reviewed.

Question 11.

If the amendments to the development conditions are “major” amendments as the Shires lawyers and the applicants lawyers now contend, which would supposedly allow a simple majority resolution, why hasn't there been notice given to neighbouring landowners, with the neighbouring landowners being given the opportunity to make submissions and advertising of the proposed amendments in accordance with the relevant legislation.

The Shire doesn't say that the amendments to conditions are 'major' amendments: the Shire says that the application to amend was a distinct form of statutory application that didn't involve a change to an earlier decision of Council of a kind requiring an absolute majority.

Question 12.

In December 2016, the Council resolved to approve the new turbines Vestas V 126 3.45 MW and issued a revised a development approval including the “harmonised conditions”. These conditions were a major departure from the original initial approval ie for the first time a reference to a setback from turbines to dwellings / sensitive premises was made as opposed to the original setbacks of 80 metres from internal boundaries of the development area (ie the correct receptor point was given but the separation distance of 3000 to 5000 metres was ignored ie the applicant had the right “intent” as regards the relevant receptor point but the applicant or the shire conveniently chose to ignore the prescribed separation distance detailed under the “EPA Guidance for the Assessment of Environmental Factors (in accordance with the Environmental Protection Act 1986) Separation Distances between Industrial and Sensitive Land Uses”, No. 3, June 2005, which provided for separation distances of between 3000 to 5000 metres from the facility to the internal development boundary.

Given this contained major so called harmonised amendments i.e. including but not limited to changing from setbacks of 80 metres from boundaries can you please confirm whether the statutory requirements of giving notice to neighbours, giving neighbours the opportunity to make submissions and advertising of the amendments all properly occurred so that neighbouring landowners were made aware?

This Question seems to apply to a December 2016 decision or earlier. Interested parties can take their own legal advice; however, the Shire is not intending to research a point of historical procedure so far back.

Question 13.

It important to point out that in the background section to the agenda in last week's meeting, (Page 10) which states that:

“the applicant notes that when the approval was first issued in 2011, the language used in the WA Planning Bulletin 67 was applied in condition 21 and 29, as ‘short hand’ for the requirements contained within Planning Bulletin 67 which requires assessment under SA Guidelines”

is entirely erroneous in that Condition 21 relates to the preparation, implementation of a Traffic Management Plan and there is no Condition 29.

Importantly, to the extent that intent is even relevant, the intent of the applicant in the original approval in December 2011, was evidenced within Condition 28 of that approval that states:

“The turbine structures to be setback a minimum distance equal to total height (i.e. tower + rotor) of the wind turbine 20 metres to any adjoining property boundary or road reserve”

This clearly shows the intent was to have setbacks from property boundaries not dwellings.

In light of the above, how have changes from the setback positions from property boundaries to dwellings been made to reflect original intent when this was obviously not the case?

Just because 2011 conditions made setbacks of 20 or 80 metres from property boundaries, does not mean that 2016 and post-2016 setbacks which referred to 1 kilometre rather than 20 metres or 80 metres, should be by reference to property boundaries. The different order of magnitude of setback tends on the contrary to support the view that the relevant separation is to dwellings not farm boundaries.

SHIRE OF KOJONUP

Kojonup



MINUTES

Ordinary Council Meeting

18 October 2022

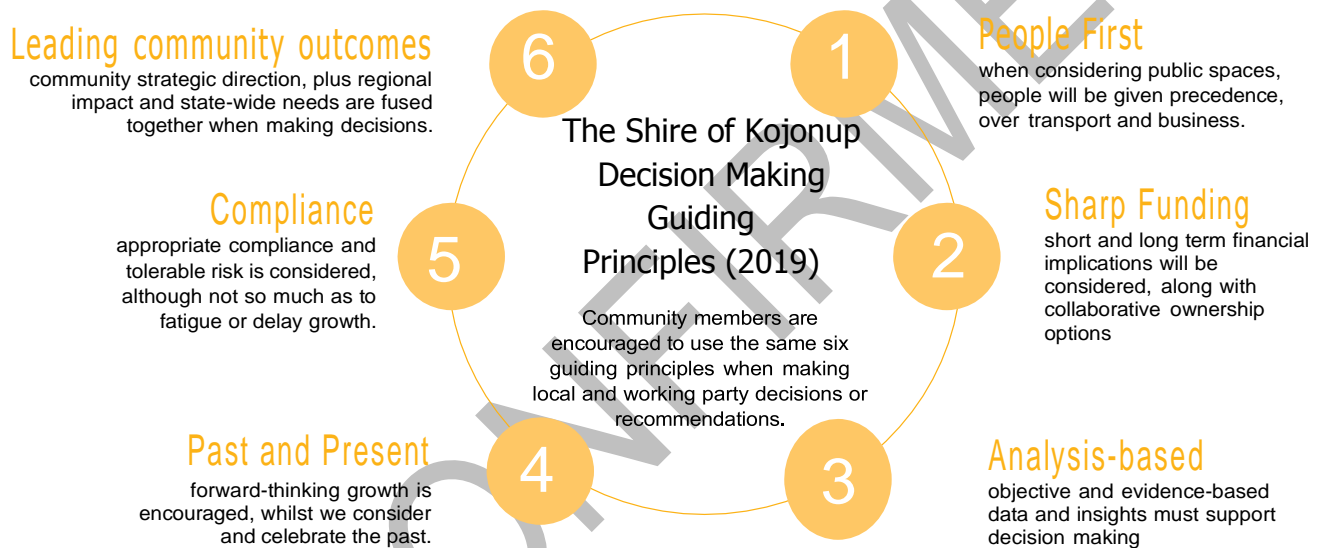
MINUTES OF THE COUNCIL MEETING HELD ON 18 OCTOBER 2022

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The Shire of Kojonup has a set of six guiding principles it uses when making decisions. These principles are checked and enhanced every two years in line with the Strategic Community Plan review schedule.



MINUTES

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President declared the meeting open at 3.00pm and drew the meeting's attention to the disclaimer below:

Disclaimer

No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

The Shire of Kojonup expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the meeting.

Where an application for an approval, a license or the like is discussed or determined during the meeting, the Shire warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the Shire.

Acknowledgement of Country

The Shire of Kojonup acknowledges the first nations people of Australia as the Traditional custodians of this land and in particular the Keneang people of the Noongar nation upon whose land we meet.

We pay our respect to their Elders past, present and emerging.

Prayer – Cr Radford

Almighty God, we pray for wisdom for our reigning monarch King Charles.

We ask for guidance in our decision making and pray for the welfare of all the people of Kojonup.

Grant us grace to listen and work together as a Council to nurture the bonds of one community.

Amen

2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3 ATTENDANCE

COUNCILLORS

Cr N Radford

Cr P Webb

Cr F Webb

Cr Wieringa

Cr Singh

Cr R Bilney

Cr A Egerton-Warburton

Shire President

Deputy Shire President

STAFF

Grant Thompson

Robert Jehu

Estelle Lottering

Chief Executive Officer

Manager Regulatory Services

Regulatory Services Administration Officer

MEMBERS OF THE PUBLIC

Robert Sexton

Kevin Broom

Susanne Bilney

George Church Community Medical Centre Inc.

George Church Community Medical Centre Inc.

Kojonup Historical Society

3.1 APOLOGIES

Judy Stewart

Senior Administration Officer

3.2 APPROVED LEAVE OF ABSENCE

Cr Gale

4 DECLARATION OF INTEREST

Nil

5 PUBLIC QUESTION TIME

Questions may be submitted using the special email address for Council Meeting Public Question Time being cmpqt@kojonup.wa.gov.au

The Chief Executive Officer will table all correspondence received.

5.1 *RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE*

5.1.1 *THE GCCMC INC – GENERAL PRACTITIONER HOUSING*
(Ordinary Meeting 20 September 2022)

Robert Sexton presented a statement to Council which was noted. The Chief Executive Officer advised that an item would be presented to Council's 18 October 2022 Ordinary Meeting – the item is presented in this agenda as Item 9.2.2.

5.2 *PUBLIC QUESTION TIME*

Please refer to between Sections 12 and 13 of these minutes.

6 **CONFIRMATION OF MINUTES**

6.1 *COUNCIL MEETING 20 SEPTEMBER 2022*

Minutes of the Council Meeting held on 20 September 2022 are at **Attachment 6.1.1.**

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved 109/22 Cr Wieringa

Seconded Cr F Webb

That the Minutes of the Council Meeting held on 20 September 2022 be confirmed as a true record.

CARRIED 7/0

7 **PRESENTATIONS**

7.1 *PETITIONS*

Nil

7.2 *PRESENTATIONS*

Nil

7.3 *DEPUTATIONS*

Nil

7.4 *DELEGATES' REPORTS*

Nil

8 **METHOD OF DEALING WITH AGENDA BUSINESS**

Public Question Time was undertaken between Sections 12 and 13.

9 **REPORTS**

9.1 **KEY PILLAR 1 – ‘PLACE’ REPORTS**

Nil

UNCONFIRMED

9.2 KEY PILLAR 2 – ‘CONNECTED’ REPORTS

9.2.1 SOUTH WEST NATIVE TITLE SETTLEMENT – PROPOSED TRANSFER OF LAND

AUTHOR	Steve Thompson - Consultant Planner, Edge Planning & Property
DATE	Friday, 7 October 2022
FILE NO	CP.MTC.7
ATTACHMENT(S)	<p>9.2.1.1 - Correspondence from the Department of Planning, Lands and Heritage</p> <p>9.2.1.2 - Location map</p> <p>9.2.1.3 - Unallocated Crown Land and local government boundary</p>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP2 - Connected	2.2 - Be providing for a safe and secure environment by working with State and Federal authorities.	Foster a strong relationship with Kojonup’s Aboriginal community to further recognise and grow the recognition of Aboriginal culture and leadership in the Shire.

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the proposed transfer of Unallocated Crown Land (UCL) to the Noongar Land Estate as part of the South West Native Title Settlement.

BACKGROUND

The Department of Planning, Lands and Heritage (DPLH) seeks comments by 31 October 2022 regarding the proposed transfer of UCL on Woodenbillup Road, Scotts Brook under the South West Native Title Settlement. Background details on the Settlement and the UCL, provided by the DPLH, are set out in Attachment 9.2.1.1.

The UCL is located approximately 50km south-west of Kojonup (Attachment 9.2.1.2). The property is 343.176 hectares in area. The vast majority of the UCL is within the Shire of Boyup Brook with only a very small area in the Shire of Kojonup (Attachment 9.2.1.3).

The UCL is vegetated and zoned ‘Rural’ in the *Shire of Kojonup Town Planning Scheme No. 3*. The surrounding and nearby lots are zoned ‘Rural’ and are used for farming purposes including cereal cropping and livestock production.

COMMENT

No objections are raised with the proposed transfer of the UCL (PIN 514652) to the Noongar Land Estate. The below table responds to the DPLH request:

No.	DPLH request	Shire (referee) comments
1	Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?	Yes
2	Does the Shire have any interest in the land?	No
3	Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.	No
4	Is the land parcel subject to any mandatory connection to services?	No
5	Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?	No
6	Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?	No
7	Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?	Nil
8	Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).	Conserving environmental assets. The site forms part of a sizeable area of native vegetation in the locality. In-turn, the native vegetation forms part of a larger environmental corridor linking parts of the Great Southern region with the South West region. There are also associated high bushfire risks if development was proposed.
9	Please provide any additional comments on the proposed transfer of this land as part of the Settlement.	Nil

CONSULTATION

The DPLH is undertaking consultation with the Shire and other stakeholders. The Shire has not undertaken separate consultation.

STATUTORY REQUIREMENTS

Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 – Compliance	Impulsive decision making Ineffective monitoring of changes to legislation	Professional accreditation/certification maintained	Nil
6 – Engagement	Inadequate documentation or procedures	Public notices/local papers/website communication	Nil
7 – Environment	Inadequate local laws/planning schemes	Environmental management compliance	Nil
8 – Errors, Omissions and Delays	Complex legislation Incorrect information	Development Approval performance report	Nil
Risk rating: Adequate			
IMPLICATIONS			
Notwithstanding the possible change of tenure and transfer of ownership, all current Scheme and policy provisions will continue to apply to the property. A change in tenure and ownership does not infer any additional development rights or exemptions from having to obtain land use and development approvals.			

ASSET MANAGEMENT IMPLICATIONS

Nil

**SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS)
IMPLICATIONS**

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

110/22 Moved Cr Egerton-Warburton Seconded Cr Bilney

That Council endorses the comments provided in this report and agrees to the transfer of Unallocated Crown Land (PIN 514652) on Woodenbillup Road, Scotts Brook (as attached) to the Noongar Land Estate (Noongar Boodja Trust) under the South West Native Title Settlement.

CARRIED 6/1

9.2.2 ALLOCATING GENERAL PRACTITIONER HOUSING – 39 VANZUILECOM STREET, KOJONUP

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Friday, 7 October 2022
FILE NO	CP.ACD.7/8
ATTACHMENT(S)	<p>9.2.2.1 – Government Regional Officer Housing (GROH) - Functional Brief 4 Bedroom Specifications</p> <p>9.2.2.2 – The George Church Community Medical Centre Inc. (GCCMC) – Housing for Doctor proposition</p> <p>9.2.2.3 – GCCMC Inc. Statement – Housing</p>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 – Connected	2.2 Have enhanced our aged-care and health provisions by progressing our connections with regional and state-wide groups.	<p>2.2.1 Work with regional, state and national health providers to develop innovative health services.</p> <p>2.2.2 Enhance alliances with state and local health providers to grow a sustainable and modern health system.</p> <p>2.2.3 Establish formal networks between all health service providers within Kojonup.</p>
KP3 - 3 Performance	3.3 – Use a Building Assessment Framework and control our investment in building maintenance.	3.3.4 – Undertake an asset management planning process to review and rationalise buildings to maximise their use and value to the community.

DECLARATION OF INTEREST

Nil

SUMMARY

Council to consider allocating, on a long term basis, 39 Vanzuilecom Street, Kojonup, to be fully utilised as a General Practitioner’s (GP) house.

The asset would be allocated the sole purpose of a GP’s housing and leased on a long term basis with the objective of recruiting and retaining a General Practitioner to Kojonup.

The basis of the lease would be conditional on a third party investing funds to renovate the house to an agreed standard based on the GROH standards.

BACKGROUND

Council, at a meeting held 28 July 2020 resolved as follows:

92/20

“That Council receives the Chief Executive Officers report and advise the George Church Community Medical Centre Inc., that:

1. The request for a cash contribution of \$250,000 or any amount for Housing is not supported as the Shire of Kojonup’s intent and that of the late Mr George Church has always been the construction of a new Medical Centre;

2. Council does have vacant land available as per the attached plan which it would consider transferring one lot to the George Church Community Medical Centre Inc. for \$1, however the issue is what type of dwelling, unit or lifestyle property will be negotiated with prospective tenants, noting that this is a matter specifically for the George Church Community Medical Centre Inc., to progress ‘Commercial in Confidence’ via the Expression of Interest process the Committee is undertaking not the Shire of Kojonup; and

3. If the lots referred in point 2. above are unsuitable, Council is willing to explore with the George Church Community Medical Centre Inc., other lots on Shire of Kojonup owned land that may become available as part of future residential subdivision.

Reason for change: The Council would like to keep options open with the GCCMC Inc., regarding lots that may become available as Council progresses residential subdivisions on land it owns in the future.”

Previous requests from the community and community groups to specifically allocate housing to a General Practitioner have been received and considered by the Council. However, to date no formal decision has been made by the Council to allocate housing to a General Practitioner.

In accordance with s. 3.58 of the *Local Government Act 1995* (see *statutory requirements*), a sworn rental valuation for 39 Vanzuilecom Street, Kojonup is required and approval is sought as a part of this recommendation.

COMMENT

At the Council briefing session on 1 March 2022 the GCCMC presented and requested the Council to provide a housing option for the attraction and retention of a General Practitioner to Kojonup.

This conversation has been ongoing in the community for some time and requires resolution.

The value proposition is clear - to attract a General Practitioner, a good standard of housing is required.

There are a number of factors required to grow the population in Kojonup that should be taken into consideration in this decision. The community return on capital will exceed expectations if a GP is secured in Kojonup on a long term basis.

People will not have to travel out of town to seek medical services and, therefore, don't look to move away, and further attraction of people to town is a lot easier when you have critical infrastructure supporting the move.

One of the key services people seek when considering moving to a rural and regional town is medical services.

Kojonup has the essential infrastructure to support medical services - medical centre, hospital, and aged care facilities, but operating and maintaining infrastructure requires the attraction of skilled and qualified people.

There are four key platforms in attracting a General Practitioner to Kojonup:

1. having access to a high standard house is a top priority;
2. having a good place to operate from;
3. having good peer support (holidays, community involvement); and
4. satisfactory remuneration.

Three of the key platforms for attracting the right General Practitioner to Kojonup have been resolved by the GCCMC. The GCCMC has in place the location (Korrinup House Medical Centre), the remuneration package, and support from the community to create certainty and belonging in the town.

The last platform, housing, is outstanding and it is clear from the discussions and requests that unless the Shire considers intervening and supporting this platform, securing housing will be a difficult proposition for the community.

A long term lease, rather than outright sale, of the asset at 39 Vanzuilecom Street, Kojonup is better suited to meeting the objectives of the Council's housing needs, managing the risk of third party management, and retaining Shire ownership of the asset over the long term for continuity.

A long term lease will be based on the successful third party proponent investing to renovate the asset to a standard for a four bedroom home based on GROH specifications at least as much as can be accomplished within a renovation and not a new build.

Obviously, a renovation versus a new build is constrained by structural walls and engineering specifications. An example of a GROH specification document is attached, at attachment 9.2.2.1 - *GROH Functional Brief 4 Bedroom Specifications*, for a new build. This would be used as a guide only.

The Shire will be required to meet s. 3.58 (Disposing of property) of the *Local Government Act 1995* if it resolves to lease 39 Vanzuilecom Street, Kojonup. This involves the Council advertising its intent to lease long term to the GCCMC and allocating the housing to attract a General Practitioner.

A fourteen (14) day period of public consultation is required after which time any feedback will come back to Council for further consideration.

The GCCMC is a Kojonup community based organisation, established and operated by volunteers from within the Kojonup community.

It is expected the asset can be made available for lease by April 2023.

CONSULTATION

Councillor Briefing Sessions
The GCCMC

STATUTORY REQUIREMENTS

Section 3.58. *Disposing of property Local Government Act 1995*

- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

POLICY IMPLICATIONS

Staff Housing Policy 2.2.7 - Remove the aspect of 39 Vanzuilecom Street from staff housing and insert to GP status.

FINANCIAL IMPLICATIONS

Capital investment offsets the reduction in rent from staff housing. Staff housing is subsidised.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
1 - Asset Sustainability	Buildings not being used to potential	Asset Replacement Schedule	NA
Risk Rating: Adequate			
IMPLICATIONS			
Risk of asset not being fully utilised - this is minimised with a long term lease and investment from a third party to enhance the asset.			
This will have a positive effect on the budget.			

ASSET MANAGEMENT IMPLICATIONS

The asset will not be available for other functions such as staff housing; however, this value is minimal compared to the community advantage of having a GP in the Shire and the renovation of the asset at nil cost to Council.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Bilney

Seconded Cr P Webb

That Council:

1. Seeks a sworn rental valuation for 39 Vanzuilecom Street, Kojonup.
2. Advertises, under Section 3.58 of the *Local Government Act 1995* - Disposing of property:
 - a) its intent to lease 39 Vanzuilecom Street, Kojonup, to The George Church Community Medical Centre Inc. (GCCMC) on a 10 year lease with an extension of a further 10 (ten) years, on the provision that the GCCMC renovates the house to an agreed suitable standard using the GROH (Government Regional Officers Housing) functional specifications as its renovation guide; and
 - b) that the lease amount will be negotiated on the basis that renovation costs, up to \$200,000, are wholly provided by the GCCMC, as well as a minimal rent amount covering the Shire of Kojonup's (Shire) costs associated with water and other utility costs.
3. Delegates authority to the Chief Executive Officer and Shire President to negotiate the lease and renovation specifications with the GCCMC if no public submissions are received.
4. Reallocates 39 Vanzuilecom Street, Kojonup, from staff housing to housing for the attraction and retention of a General Practitioner to the Shire and updates Council Policy 2.2.7 accordingly.

AMENDMENT TO THE MOTION

Moved Cr Singh

That 2. a) is amended to read:

its intent to lease 39 Vanzuilecom Street, Kojonup, to The George Church Community Medical Centre Inc. (GCCMC) in perpetuity on the basis the GCCMC continues to operate the GCCMC, and on the provision that the GCCMC renovates the house to an agreed suitable standard using the GROH (Government Regional Officers Housing) functional specifications as its renovation guide;

THE AMENDMENT LAPSED FOR WANT OF A SECONDER

THE ORIGINAL MOTION WAS PUT

111/22 Moved Cr Bilney

Seconded P Webb

That Council:

1. Seeks a sworn rental valuation for 39 Vanzuilecom Street, Kojonup.
2. Advertises, under Section 3.58 of the *Local Government Act 1995* - Disposing of property:
 - a) its intent to lease 39 Vanzuilecom Street, Kojonup, to The George Church Community Medical Centre Inc. (GCCMC) on a 10 year lease with an extension of a further 10 (ten) years, on the provision that the GCCMC renovates the house to an agreed suitable standard using the GROH (Government Regional Officers Housing) functional specifications as its renovation guide; and
 - b) that the lease amount will be negotiated on the basis that renovation costs, up to \$200,000, are wholly provided by the GCCMC, as well as a minimal rent amount covering the Shire of Kojonup's (Shire) costs associated with water and other utility costs.
3. Delegates authority to the Chief Executive Officer and Shire President to negotiate the lease and renovation specifications with the GCCMC if no public submissions are received.
4. Reallocates 39 Vanzuilecom Street, Kojonup, from staff housing to housing for the attraction and retention of a General Practitioner to the Shire and updates Council Policy 2.2.7 accordingly.

CARRIED 7/0

UNCONFIRMED

9.3 KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS

9.3.1 *FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (SEPTEMBER 2022)*

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Friday, 7 October 2022
FILE NO	FM.FNR.2
ATTACHMENT(S)	9.3.1.1 – September 2022 Monthly Financial Statements

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP – 3 Performance	3.4 – Be organised and transparent with our financial management.	3.4.1 - Increase regularity of readable financial reporting to the community. 3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to note the Monthly Financial Statements for the period ending 30 September 2022.

BACKGROUND

In addition to good governance, the presentation to the Council of monthly financial reports is a statutory requirement, with these to be presented at an ordinary meeting of the Council within two (2) months after the end of the period to which the statements relate.

COMMENT

The attached Statement of Financial Activity for the period 1 July 2022 to 30 September 2022 represents three (3) months, or 25% of the year.

The following items are worthy of noting:

- Closing surplus position of \$3.38m;
- Capital expenditure achieved 12.7% of budgeted projects;

- Cash holdings of \$7.183m of which \$4.025 is held in cash backed reserve accounts and \$3.158 is unrestricted cash;
- Rates debtors outstanding equate to 27% of total rates raised for 2022/2023 with the second instalment payment being due on 10 November 2022; and
- Page 11 of the statements detail major variations comparing year to date (amended) budgets to year to date actuals in accordance with Council Policy 2.1.6.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* sets out the basic information which must be included in the monthly reports to Council.

POLICY IMPLICATIONS

Council Policy 2.1.6 defines the content of the financial reports.

FINANCIAL IMPLICATIONS

This item reports on the current financial position of the Shire. The recommendation does not in itself have a financial implication.

RISK MANAGEMENT IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

112/22 Moved Cr Egerton-Warburton Seconded Cr Singh
That the monthly financial statements for the period ending 30 September 2022, as attached, be noted.

CARRIED 7/0

9.3.2 MONTHLY PAYMENTS LISTING – SEPTEMBER 2022

AUTHOR	Vivicka Kahn - Finance and Payroll Officer
DATE	Monday, 10 October 2022
FILE NO	FM.AUT.1
ATTACHMENT	9.3.2.1 – Monthly Payments Listing 1 to 30 September 2022

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - Performance	3.4 – Be organised and transparent with our financial management.	3.4.1 - Increase regularity of readable financial reporting to the community. 3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the month of September 2022.

BACKGROUND

Not applicable

COMMENT

The attached list of payments is submitted for receipt by the Council.

Any comments or queries regarding the list of payments are to be directed to the Chief Executive Officer prior to the meeting.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Regulation 12(1)(a) of the *Local Government (Financial Management) Regulations 1996* provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments. Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

POLICY IMPLICATIONS

Council's Policy 2.1.2 provides authorisations and restrictions relative to purchasing commitments.

FINANCIAL IMPLICATIONS

All payments made in line with Council Policy.

STRATEGIC/CORPORATE IMPLICATIONS

There are no strategic/corporate implications involved with presentation of the list of payments.

RISK MANAGEMENT IMPLICATIONS

A control measure to ensure transparency of financial systems and controls regarding creditor payments.

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

113/22 Moved Cr Bilney

Seconded F Webb

That, in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, the list of payments as attached made under delegated authority:

FROM – 1 September 2022		TO – 30 September 2022
Municipal Cheques	14346 - 14346	\$ 16,529.46
EFTs	30739 - 30897	\$ 986,738.36
Direct Debits		\$ 511,677.50
Total		\$ 1,514,945.32

be received.

CARRIED 7/0

UNCONFIRMED

9.3.3 DELEGATION REGISTER – ANNUAL REVIEW

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Thursday, 6 October 2022
FILE NO	PE.AUT.2
ATTACHMENT(S)	9.3.3.1 Delegation Register – October 2022 – Draft (nil changes)

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - 3 Performance (part thereof)	3.4 - Be organised and transparent with our financial management. (part thereof)	3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money. 3.4.3 - Commit to future state-wide measurement systems testing local government performance.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to conduct an annual review of Council’s Delegation Register (Register).

BACKGROUND

Section 5.46 (2) of the *Local Government Act 1995* requires that delegations be reviewed at least once every financial year. Council’s Delegation Register was last reviewed by the Council in September 2021.

Council has resolved to adopt and delegate the functions referred to within the attached Delegations Register to the Chief Executive Officer (CEO). Under the *Local Government Act 1995*, the Council is only able to delegate to the CEO and the CEO may then on-delegate to other Officers. When a decision is made under delegation, it is as if that decision has been made by the Council.

Any changes made by Council between its annual reviews of the Register are amended in the Register immediately following the Council meeting wherein the change was resolved.

COMMENT

A review of the Delegation Register has been undertaken in accordance with the *Local Government Act 1995* to ensure that it contains the requirements for the Shire of Kojonup to function efficiently and to ensure good governance.

All managers and other relevant staff were given the opportunity to participate in the Register review. Nil changes have been suggested.

CONSULTATION

Chief Executive Officer

Manager Works and Services

Manager Springhaven

Manager Regulatory Services

Senior Finance Officer

Administration/Domestic Coordinator, Springhaven

Regulatory Services Administration Officer

STATUTORY REQUIREMENTS

The *Local Government Act 1995*, sections 5.42 to 5.46 and Regulation 19 of the *Local Government (Administration) Regulations 1996* relate to delegations.

Specifically, section 5.42 of the *Local Government Act 1995* allows for the delegation of some powers and duties from the Council to the CEO. Section 5.42 states:

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43. *Absolute majority required.*

A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

This report or its recommendation does not in itself have a financial implication.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 - Compliance	Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a result of an inadequate compliance framework.	Ineffective policies & processes; Ineffective monitoring of changes to legislation.	Nil
Risk rating: Adequate			
IMPLICATIONS			
This report ensures legislative compliance and continues a framework of delegations to ensure that the Council and staff are aware of and are undertaking their respective roles and responsibilities.			

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS)
IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

114/22 Moved Cr Wieringa

Seconded Cr F Webb

That the Delegation Register dated October 2022, as attached and with nil amendments, be adopted in accordance with section 5.42 of the *Local Government Act 1995*.

CARRIED BY ABSOLUTE MAJORITY 7/0

9.3.4 LOCAL GOVERNMENT REFORM – ELECTION TRANSITION ARRANGEMENTS

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Friday, 14 October 2022
FILE NO	GO.ELE.12
ATTACHMENT(S)	9.3.4.1 - Correspondence – Hon John Carey MLA - Minister for Housing, Lands, Homelessness, and Local Government (Minister) 9.3.4.2 – Election Transition Arrangements - Plan 9.3.4.3 – Representation Review Public Notice 9.3.4.4 – Representative Review Information Sheet

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP – 3	3.1 – Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.	3.1.4 – Implement strategies to improve Councillors role as community leaders and asset custodians.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is for Council to consider whether to follow a Voluntary Pathway or a Reform Election Pathway to reduce its number of Council members, as required by proposed local government reforms.

BACKGROUND

On 3 July 2022 the Department of Local Government, Sport and Cultural Industries (DLGSC) announced a final package of proposed local government reforms following a review of public submissions.

New requirements will provide for:

- The introduction of optional preferential voting;
- Directly elected Mayors and Presidents for band 1 and 2 local governments;
- Councillor numbers based on population; and
- The removal of wards for band 3 and 4 local governments.

It is anticipated that the Bill to amend the *Local Government Act (1995)* (Act) will be introduced into Parliament in early 2023.

COMMENT

The DLGSC has identified that the Shire of Kojonup (Shire) will need to reduce its number of Council members under the proposed reforms; the allowable number of Councillors for local governments with a population of under 5,000 will be 5, 6 or 7.

As a band 3 local government, the Shire is not affected by reforms to the method of election of Mayors and Presidents and is not affected by the requirements to remove wards, the latter (removal of wards) being an action effected in 2003 when Council membership also reduced from ten to eight members.

In addition to the requirement to reduce Council membership to between 5 and 7, the Shire will also be required to provide optional preferential voting.

As per the Minister's correspondence, Council must choose between the Voluntary Pathway or the Reform Election Pathway to reduce its membership:

Voluntary Pathway

The Shire may formulate a plan to implement these changes on a voluntary basis. This pathway will require the Shire to make the steps outlined below, and could involve staging any larger changes in the numbers of councillors over two ordinary elections. This pathway provides the Shire with the greatest possible lead time to plan for next year's ordinary elections.

If the Shire's council wish to undertake this process, the Shire should, by 28 October 2022:

- Advise the DLGSC of the Shire's intention to undertake a voluntary process. This advice should include a high-level plan outlining the potential changes to be implemented for the ordinary elections to be held in 2023 (and in 2025, if applicable); and*
- Initiate a Ward and Representation Review to determine the specific changes to the structure of the council for the 2023 and 2025 ordinary elections, to be completed by 14 February 2023.*

The Ward and Representation Review would need to be initiated ahead of the 28 October 2022 date, and finalised by 14 February 2023, to ensure that timeframes set out in the Act can be practically met. While the Ward and Representation Review can consider the size of the Shire's council, and any wards, any changes should not diverge from the proposed reforms.

Reform Election Pathway

Alternatively, it is intended that the Amendment Act will provide for all changes to be implemented through reform elections in 2023. This pathway would provide that all of the Shire's council offices can be declared vacant, any existing wards can be abolished, and the number of council offices would be set based on the reform proposals.

Elections would then be held to fill all council offices, with a split between two and four year terms as might be necessary to re-establish an ordinary election cycle.

It is also intended that the Amendment Act will contain provisions for the Reform Election Pathway to apply if the Shire:

- Does not advise of an intention to follow the Voluntary Pathway, or*
- Decides to follow the Voluntary Pathway, but does not suitably complete a Ward and Representation Review by the dates outlined in this letter.*

Although a Ward Review is not applicable for the Shire, a Representation Review will need to be completed via community consultation.

There would normally be four vacancies at each Ordinary Election for the Shire of Kojonup; however, this must now reduce by between one and three vacancies as a result of the Election Transition Requirements, either in readiness for the October 2023 and/or October 2025 Ordinary Elections.

The Voluntary Pathway is recommended given that the Reform Election Pathway could result in a totally inexperienced Council being elected. The Voluntary Pathway also allows members to fulfil the timeframe they were elected to serve within.

If a local government does not advise of its intention to follow the Voluntary Pathway or does not suitably complete a Ward and Representation Review by the date required, the Reform Election Pathway will apply.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Local Government Act (1995)

Proposed Amendment Act

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Expense will be incurred as part of the required public consultation. This expense will be dealt with as part of Chart of Account 1612 Misc Expenses – Members of Council.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 – Compliance	Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a result of an inadequate compliance framework. This includes new or proposed regulatory and legislative changes.	Staff training	Nil
Risk rating – Adequate			
IMPLICATIONS			
Choice of the pathway to be taken, and advice to the DLGSC of the chosen pathway by 28 October 2022, ensures Council is meeting DLGSC requirements and mitigates non-compliance risk.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

115/22 Moved Cr Wieringa

Seconded Cr Egerton-Warburton

That Council advises the Department of Local Government, Sports and Cultural Industries that:

1. its preferred pathway for Election Transition Arrangements is the Voluntary Pathway; and
2. it will undertake a Representation Review and prepare, consider and adopt a Review Report for submission to the Local Government Advisory Board by 14 February 2023.

CARRIED BY ABSOLUTE MAJORITY 7/0

UNCONFIRMED

9.3.5 KOJONUP HISTORICAL SOCIETY (KHS) – FORESHADOWED TRANSFERRAL OF ASSET OWNERSHIP

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Wednesday, 5 October 2022
FILE NO	CS.SRP.1
ATTACHMENT(S)	9.3.5.1 – Kojonup Historical Society – Briefing Session Presentation Notes 20 September 2022 9.3.5.2 – Kojonup Historical Society – By-Law

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - Performance	3.1 – Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.	3.4.1 – Implement strategies to improve Councillors role as community leaders and asset custodians.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider foreshadowed transferral of asset ownership from the Kojonup Historical Society (KHS) to the Shire of Kojonup (Shire) in the event that the KHS becomes unable to continue to operate.

BACKGROUND

On 20 September 2022 Susanne Bilney and Andy Chandler, KHS representatives, addressed councillors at a Briefing Session and advised Councillors that the KHS finds itself unable to fill office holder positions going forward.

S Bilney advised that the KHS’s original constitution, prior to the *Associations Incorporation Act 2015 (Act)* coming into effect, specified that its collection would be handed over to the Shire upon any winding up of the KHS.

The current constitution, in line with the new model rules contained within the *Associations Incorporation Act 2015*, is silent on who specifically the KHS’s assets would be transferred to in the event of the KHS winding up. KHS has, therefore, passed a by-law at a recent meeting proposing that the constitution be updated to specify the Shire of Kojonup as the recipient of its collection in the event that the KHS winds up. This by-law

requires the approval of the Minister for Consumer Protection before it can come into effect.

COMMENT

The KHS has requested that Council formally agrees to the takeover of the KHS assets in the event that the KHS winds up. This report does not discuss any takeover detail; the Officer Recommendation only serves to give assurance to the KHS that it has Council's support of the transferral of its assets to the Shire should the KHS windup in the future.

CONSULTATION

Briefing Session 20 September 2022
Chief Executive Officer

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

2.3.4 Asset Management
2.3.8 Volunteer Management

FINANCIAL IMPLICATIONS

It is anticipated that any takeover of the KHS collections would require a degree of human resource management expense; however, it is also anticipated that volunteers would be encouraged to continue providing support for the management of the collections.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2 – Engagement	Inadequate involvement with or support of community groups	Support local community Volunteer groups	
Risk rating – Adequate			
IMPLICATIONS			
Agreeing to take ownership of Kojonup Historical Society collections in the future, should the Kojonup Historical Society wind up, ensures that Kojonup's historical collections will remain available for viewing by the general public and demonstrates a commitment to maintaining the history of Kojonup.			

ASSET MANAGEMENT IMPLICATIONS

Council is the owner of the buildings used by the Kojonup Historical Society that house the historic collections currently managed by this incorporated body; these buildings are historically significant to Kojonup and fall under the Shire's Asset Management Plan.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

116/22 Moved Cr F Webb

Seconded Cr Singh

That Council agrees to the transferral of asset ownership of the Kojonup Historical Society Inc. (KHS) to the Shire of Kojonup in the event the KHS winds up.

CARRIED 7/0

9.3.6 RESERVE ACCOUNT FINANCIAL REVIEW – 2021/2022

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Thursday, 13 October 2022
FILE NO	FM.FNR.2
ATTACHMENT(S)	9.3.6.1 - Council Policy 2.1.8 – Financial Governance

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP 3 - Performance	3.4 – Be organised and transparent with our financial management.	3.4.1 - Increase regularity of readable financial reporting to the community. 3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to detail the transfers both in and out of the Reserve accounts for the previous financial year.

BACKGROUND

At its September 2022 Ordinary Meeting the Council resolved as follows:

108/22

1) That the CEO present to the October 2022 Ordinary Council meeting a detailed review of the transfers both in and out of the Reserve accounts for the previous financial year.

2) That the CEO present to the November 2022 Ordinary Council meeting a report on how the reserve accounts operation could be enhanced in respect to the following, but not to the exclusion of other issues that appear during the process:

- Council motions regarding contributions.
- Timing of cash movements.
- Monthly reporting of account balances.
- Detail provided in budgeting of reserve account transfers.
- The concept of saving for plant and equipment purchases versus borrowing the capital required at the time of purchase.

Council Policy 2.1.8 – ‘Financial Governance’ has a section relating to reserve accounts, which states as follows:

‘In addition to grant funding, the Shire’s reserve accounts are one of the primary funding sources for major projects and will be prioritised in the annual budget.

Cash reserves are to be established and maintained to accumulate funds for the following purposes:

- 1. To smooth funding allocations over future years;*
- 2. To offset liabilities in respect of previously earned employee entitlements to the extent they require an outflow of funds not allocated in the annual budget;*
- 3. To meet statutory obligations;*
- 4. To fund renewal of existing physical/built assets;*
- 5. To fund future strategic initiatives and the provision of new services and facilities to future residents;*
- 6. To buffer against unpredictable events;*
- 7. To hold unspent grants and contributions; and*
- 8. Other purposes as determined by the Council from time to time.*

When preparing the annual budget each year, consideration will be given to establishing reserve accounts for major projects as contained within the Community Strategic Plan.

The Manager of Corporate and Community Services will conduct an annual review for the Council addressing the appropriateness of each reserve account purpose, suitability of current balances, and deficiencies for the funding of future projects as identified in adopted forward plans.

Specifically, the following goals are set for individual reserve account balances:

- *Employee Leave – As a minimum, the level of this reserve should meet both:*
 - *The EBA sick leave liability (clause 29); and*
 - *The current portion of the long service leave liability for staff with seven (7) years or more service.*

This funding goal is to be implemented over several financial years up to 2021/2022 to manage the financial impact.

- *Day Care Building Maintenance – 100% of annual rent paid by the tenant is deposited into this account;*
- *Springhaven Building Upgrade & Renewal - This reserve receives 100% of interest earned from the ‘Springhaven Lodge’ (bonds paid by residents) reserve account;*
- *Low Income Housing - All operating profit/(loss) is to be transferred to/(from) this reserve in accordance with the joint venture agreement with the Department of Housing;*

- *Independent Living Units - Operating profits from Loton Close & Soldier Road units are transferred to this reserve;*
- *Landfill Waste Management - 10% of total rubbish & recycle bin charges are to be allocated to this reserve annually;*
- *Energy Efficiency - 50% of any savings resulting from expenditure of this reserve account is to be transferred back into the reserve;*
- *Saleyards - The profit or loss from annual operations of the Saleyards to be transferred to this account.'*

This agenda item only addresses the first component of motion 108/22: that the Chief Executive Officer present to the October 2022 Ordinary Council Meeting a detailed review of the transfers both in and out of the reserve accounts for the previous financial year.

COMMENT

Section 6.11 of the *Local Government Act 1995* states that when a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose. The Council policy detailed above outlines eight (8) such reasons why a local government may establish a reserve account.

The existing reserve accounts established now enable both building renewal to be funded and major projects prioritised, to ensure that reserve accounts exist for each building and project.

This specific analysis only reviewed the budgeted financial year 2021/2022 and the specific decisions around the flow of the funds moving in and out of the reserve accounts allocated to certain expenditure types based on the budget decision of 2021.

This report is not an analysis of the appropriateness of current reserve accounts and does not give consideration to any new areas of major future expenditure whereby a reserve account currently does not exist; that is being reviewed separately and will be undertaken over the next period with a separate report to Council.

Figures used have been rounded to nearest dollar for ease of readability.

The total actual opening balance of the reserves as at 1 July 2021 was \$3,539,179.

The total budgeted closing balance of the reserves as at 30 June 2022 was \$3,280,091.

The total actual closing balance of the reserves as at 30 June 2022 was \$4,019,916.

This created a budget to actual discrepancy of positive \$739,825 of cash in reserve.

This review found that accounting practices in the Shire mean that all approved budgeted cash inflows to reserve accounts are transacted in the financial year; however, cash outflows don't occur until the expenditure has taken place. In the event that expenditure does not occur in the actual financial year, those funds are not removed from the reserves and, therefore, the reserves actually appreciate with the funds that are transferred in.

The main issue highlighted is that timing of transferring funds into the reserves and expenditure and funds outflow from the reserves can be wholly misaligned. The issue that materialises is that cashflow transferred into reserves is locked up in reserve funds that could otherwise be utilised elsewhere.

An example that explains this is the Plant Replacement Reserve. The opening balance in the table below was \$489,415 and the budgeted end of year balance was estimated to be \$311,364, with \$583,024 being transferred into and (\$761,075) being transferred out to be used for capital expenditure.

	2021/22 Budget Opening Balance	2021/22 Budget Transfer to	2021/22 Budget Transfer (from)	2021/22 Budget Closing Balance
Plant Replacement	\$ 489,415	\$ 583,024	\$ (761,075)	\$ 311,364

Table 1.0 Plant Replacement Reserve Budget 2021/22

The actuals demonstrate an evolving story. Due to supply chain issues the actual expenditure for purchase orders, mainly related to vehicle purchases, were not executed in the budgeted year. The funds were, however, committed via purchase order. This resulted in \$271,084 being transferred into reserves prior to actual expenditure lifting the closing balance to \$582,448. The committed expenditure will roll over to the next budget year as per normal accounting standards.

	2021/22 Actual Opening Balance	2021/22 Actual Transfer to	2021/22 Actual Transfer (from)	2021/22 Actual Closing Balance	Difference	Reason
Plant Replacement	\$ 489,415	\$ 583,594	\$ (490,534)	\$ 582,448	271,084	Outstanding Purchase Orders for vehicles ordered but not received in 2021/2022

Table 2.0 Reason for variance in budget for Plant Replacement reserve fund

The issue is a timing problem and an alignment of actual expenditure versus actual transfers into the reserve funds.

Table 3.0 Detailed transactions of cash inflows and outflows of reserve funds – Financial Year 2021/22

1004B0 - RESERVE FUNDS CASH AT BANK MUN (21/22)							
Date	Mth	Description	Debit	Credit	Balance	Year	
					\$ 3,539,179		
31/07/2021	01	Reserve Interest Received July 2021	\$ 291		\$ 3,539,470	21/22	
31/08/2021	02	Reserve Split August 2021	\$ 310		\$ 3,539,780	21/22	
30/09/2021	03	Reserve Interest Split September 2021	\$ 291		\$ 3,540,071	21/22	
29/10/2021	04	Reserve Interest Split October 2021	\$ 281		\$ 3,540,352	21/22	
01/11/2021	05	Reserve Transfers as per 2021/2022 Budget	\$ 10,000		\$ 3,550,352	21/22	Employee Leave
01/11/2021	05	Reserve Transfers as per 2021/2022 Budget	\$ 10,000		\$ 3,560,352	21/22	Playground and Parks
01/11/2021	05	Reserve Transfers as per 2021/2022 Budget	\$ 15,000		\$ 3,575,352	21/22	The Spring
01/11/2021	05	Reserve Transfers as per 2021/2022 Budget	\$ 5,000		\$ 3,580,352	21/22	Trails Network Construction
01/11/2021	05	Reserve Transfers as per 2021/2022 Budget	\$ 20,000		\$ 3,600,352	21/22	Swimming Pool
01/11/2021	05	Reserve Transfers as per 2021/2022 Budget	\$ 10,000		\$ 3,610,352	21/22	Kodja Place Building Upgrade
01/11/2021	05	Reserve Transfers as per 2021/2022 Budget	\$ 10,000		\$ 3,620,352	21/22	Kodja Place Master Plan
01/11/2021	05	Reserve Transfers as per 2021/2022 Budget	\$ 20,000		\$ 3,640,352	21/22	Spencer St Youth
01/11/2021	05	Reserve Transfers as per 2021/2022 Budget	\$ 10,000		\$ 3,650,352	21/22	Springhaven Equipment
01/11/2021	05	Reserve Transfers as per 2021/2022 Budget	\$ 30,000		\$ 3,680,352	21/22	Townscape

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01/11/2021	05	Reserve Transfers as per 2021/2022 Budget	\$ 25,664		\$ 3,706,016	21/22	Landfill Waste Management
01/11/2021	05	Reserve Transfers as per 2021/2022 Budget	\$ 60,000		\$ 3,766,016	21/22	Natural Resource Management
01/11/2021	05	Reserve Transfers as per 2021/2022 Budget	\$ 2,700		\$ 3,768,716	21/22	Day Care Building Mtc
01/11/2021	05	Reserve Transfers as per 2021/2022 Budget	\$ 30,000		\$ 3,798,716	21/22	Memorial & Lesser Hall Upgrade
01/11/2021	05	Reserve Transfers as per 2021/2022 Budget	\$ 20,000		\$ 3,818,716	21/22	Sporting Facility
15/11/2021	05	Transfer payout of Springhaven resident's bond		-\$ 300,000	\$ 3,518,716	21/22	
30/11/2021	05	Reserve Interest Split November 2021	\$ 319		\$ 3,519,036	21/22	
31/12/2021	06	Reserve Interest December 2021	\$ 299		\$ 3,519,334	21/22	
31/01/2022	07	Reserve Interest Split January 2022	\$ 299		\$ 3,519,633	21/22	
01/02/2022	08	Transfer payment of Springhaven resident's bond from Reserve to Muni so that it can be refunded.		-\$ 147,145	\$ 3,372,488	21/22	
28/02/2022	08	Reserve Interest Split February 2022	\$ 259		\$ 3,372,747	21/22	
31/03/2022	09	Reserve Interest Split March 2022	\$ 286		\$ 3,373,034	21/22	
30/04/2022	10	April 2022 Reserve Interest Split	\$ 277		\$ 3,373,310	21/22	
04/05/2022	11	Transfer from Reserve as per 21/22 budget		-\$ 20,264	\$ 3,353,046	21/22	Bushfire Communication
04/05/2022	11	Transfer from Reserve as per 21/22 budget		-\$ 4,134	\$ 3,348,913	21/22	Energy Efficiency

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04/05/2022	11	Transfer from Reserve as per 21/22 budget		-\$ 35,000	\$ 3,313,913	21/22	Memorial & Lesser Hall Upgrade
04/05/2022	11	Transfer from Reserve as per 21/22 budget		-\$ 35,450	\$ 3,278,463	21/22	Sporting Facility
04/05/2022	11	Transfer from Reserve as per 21/22 budget		-\$ 2,000	\$ 3,276,463	21/22	Kodja Place Upgrade
31/05/2022	11	Reserve Interest Split 31 May 2022	\$ 344		\$ 3,276,806	21/22	
31/05/2022	11	Springhaven resident –bonds from Reserve Account.		-\$ 165,000	\$ 3,111,806	21/22	
31/05/2022	11	Transfer Springhaven bonds from Reserve accounts – Springhaven resident.		-\$ 170,000	\$ 2,941,806	21/22	
31/05/2022	11	Transfer Springhaven bonds to Reserve accounts Springhaven resident.	\$ 300,000		\$ 3,241,806	21/22	
31/05/2022	11	Transfer Springhaven bonds to Reserve accounts.	\$ 160,000		\$ 3,401,806	21/22	
31/05/2022	11	Transfer Springhaven bonds to Reserve accounts – Springhaven resident.	\$ 350,000		\$ 3,751,806	21/22	
31/05/2022	11	Transfer Springhaven bonds to Reserve accounts – Springhaven resident.	\$ 120,000		\$ 3,871,806	21/22	
30/06/2022	12	Reserve Interest Split June 2022	\$ 711		\$ 3,872,517	21/22	
30/06/2022	12	Transfer from Reserve as per 21/22 Budget		-\$ 490,534	\$ 3,381,983	21/22	Plant Replacement
30/06/2022	12	Transfer from Reserve as per 21/22 Budget		-\$ 1,000	\$ 3,380,983	21/22	Landfill Waste Management

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30/06/2022	12	Transfer from Reserve as per 21/22 Budget		-\$ 5,200	\$ 3,375,783	21/22	Independent Living Units
30/06/2022	12	Transfer from Reserve as per 21/22 Budget		-\$ 74,313	\$ 3,301,470	21/22	Natural Resource Management
30/06/2022	12	Transfer from Reserve as per 21/22 Budget		-\$ 5,580	\$ 3,295,890	21/22	Townscape
30/06/2022	12	Transfer to Muni as per 21/22 Budget	\$ 583,024		\$ 3,878,914	21/22	Plant Replacement
30/06/2022	12	Transfer to Reserve as per 21/22 budget	\$ 16,000		\$ 3,894,914	21/22	Low Income Housing
30/06/2022	12	Transfer to Reserve as per 21/22 budget	\$ 125,000		\$ 4,019,914	21/22	Independent Living Units
30/06/2022		Closing Balance			\$ 4,019,914		

Table 3.0 Cash Backed Reserves – Reasons for variances in budget versus actual movements of cash inflows and outflows.

	2021/22 Budget Opening Balance	2021/22 Budget Transfer to	2021/22 Budget Closing (from)	2021/22 Budget Closing Balance	2021/22 Actual Opening Balance	2021/22 Actual Transfer to	2021/22 Actual Closing (from)	2021/22 Actual Closing Balance	Difference	Reason
Plant Replacement	489,415	583,024	(761,075)	311,364	489,415	583,594	(490,534)	582,448	271,084	Outstanding Purchase Orders for vehicles ordered but not received in 2021/2022
Economic Development	88,409	221	(30,000)	58,630	88,409	98		88,507	29,877	C054 - Promotional Signage at Airport was not undertaken
Employee Leave	225,393	10,563	0	235,956	225,393	10,257		235,650	(306)	
Springhaven Lodge (Bonds)	2,047,145	0	0	2,047,145	2,047,145	930,000	(782,145)	2,195,000	147,855	Increase in bonded residents
Low Income Housing	67,409	16,869	(10,000)	74,278	67,409	16,075		83,483	9,205	C313 Purchase order for pergolas still outstanding
Sporting Facility	78,163	20,195	(80,000)	18,358	78,163	20,014	(35,450)	62,737	44,379	C409 - New fence was not constructed
Springhaven Building Upgrade & Renewal	18	5,118	(5,000)	136	18	2,147		2,165	2,029	
Bushfire Communications	109,493	274	(109,767)	0	109,493	117	(20,264)	89,346	89,346	C138 -Bushfire tower was not built
Landfill Waste Management	55,304	25,801	(30,521)	50,585	55,304	25,742	(1,000)	80,047	29,462	C407 - Refuse site development was not undertaken
Energy Efficiency	4,131	10	(4,141)	0	4,131	3	(4,134)	0	(0)	
Land Acquisition and Development	37,248	93	(30,000)	7,341	37,248	41		37,289	29,948	C310 full budget of \$616,832 amount spent \$431,157 so reserves were not drawn on
Community Grant Scheme	9,735	24	0	9,759	9,735	10		9,745	(14)	
Independent Living Units	38,325	127,896	(12,000)	154,221	38,325	125,043	(5,200)	158,168	3,947	C145 - only \$5,200 of the budgeted \$12,000 was spent
Spencer St Youth Precinct	11,245	20,028	0	31,273	11,245	20,016		31,270	(3)	
Natural Resource Management	111,578	60,279	(101,700)	70,157	111,578	60,165	(74,313)	97,430	27,273	Budgeted to Spend \$209,241 spent \$178,449 difference was deducted from transfer to.
Day Care Building Maintenance	12,052	2,730	0	14,782	12,052	2,713		14,766	(16)	
Swimming Pool	20,432	20,051	0	40,483	20,432	20,037		40,469	(14)	
Springhaven Equipment	6,488	10,016	0	16,504	6,488	10,015		16,503	(1)	
Saleyards	39,511	(38,301)	0	1,210	39,511	44		39,555	38,345	Transfer didn't happen as it was in transfers to not from column
RSL Hall Building Renewal	10,289	26	0	10,315	10,289	11		10,301	(14)	
Benn Parade Multi-Facility	14,289	36	0	14,325	14,289	12		14,301	(24)	
Townscape	25,332	30,063	(20,000)	35,395	25,332	30,049	(5,580)	49,801	14,406	C355 had a budget of \$40,000 only \$25,580 was spent so only \$5580 was used from reserve
Playgrounds & Parks	10,009	10,025	0	20,034	10,009	10,017		20,027	(7)	
Memorial & Lesser Hall Upgrade & Renewal	12,118	30,030	(35,000)	7,148	12,118	30,028	(35,000)	7,146	(2)	
The Kodja Place Building Upgrade & Renewal	9,611	10,024	(5,000)	14,635	9,611	10,016	(2,000)	17,628	2,993	C177 budget of \$6,000 only \$2500 was utilised
Shire Office/Library Building Upgrade & Renewal	1,007	3	0	1,010	1,007	0		1,007	(3)	
Sporting Complex Building Upgrade & Renewal	1,007	3	0	1,010	1,007	72		1,080	70	

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Netball Court Resurfacing	1,007	3	0	1,010	1,007	0	1,007	(3)	
The Spring	1,007	15,003	0	16,010	1,007	15,010	16,018	8	
Trails Network Construction	1,007	5,003	0	6,010	1,007	5,002	6,009	(1)	
Works Depot Building Upgrade & Renewal	1,006	3	0	1,009	1,006	0	1,006	(3)	
The Kodja Place Master Plan Implementation	0	10,000	0	10,000	0	10,007	10,007	7	
	3,539,183	975,111	(1,234,203)	3,280,091	3,539,183	1,936,355	(1,455,620)	4,019,916	739,825

UNCONFIRMED

Total Reserve Account Balances - Financial year 21/22:

The tables 2.0 and 3.0 above highlight the following evolving issue related to the Shire's reserve accounts funding in the financial year 2021/22:

The balance increase above the budget of \$761,075 was a result of expenditure not occurring during the financial year, those reserve funds not being transferred out of the corresponding reserve account, and the decision to transfer all inbound funds throughout the year regardless of corresponding expenditure.

Further recommendations to improve the reserves management will be a part of the reserve funds review in the second component of the motion being presented to the Council at a future Ordinary Meeting.

CONSULTATION

Briefing Sessions

Ordinary Meeting September 2022

STATUTORY REQUIREMENTS

Section 6.11 of the *Local Government Act 1995* legislates reserve accounts and states:

- (1) *Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*
- (2) *Subject to subsection (3), before a local government —*
 - (a) *changes* the purpose of a reserve account; or*
 - (b) *uses* the money in a reserve account for another purpose, it must give one month's local public notice of the proposed change of purpose or proposed use.*

** Absolute majority required.*
- (3) *A local government is not required to give local public notice under subsection (2) —*
 - (a) *where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or*
 - (b) *in such other circumstances as are prescribed.*
- (4) *A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.*

POLICY IMPLICATIONS

This report has been completed in accordance with Council Policy 2.1.8 – 'Financial Governance'.

FINANCIAL IMPLICATIONS

The movement of monies into and out of the reserve accounts has a cashflow impact (whether negative or positive dependent on situation).

Cash reserves are established in accordance with the *Local Government Act 1995* and maintained to accumulate funds for the following purposes:

- To smooth funding allocations over future years.
- To offset liabilities in respect of previously earned employee entitlements to the extent they require an outflow of funds not allocated in the annual budget.
- To meet statutory obligations.
- To fund renewal of existing physical/built assets.

- To fund future strategic initiatives and the provision of new services and facilities to future residents.
- To buffer against unpredictable events.
- To hold unspent grants and contributions.
- Other purposes as determined by the Council from time to time.

RISK MANAGEMENT IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

Reserve accounts are one of the major funding sources for major projects and a very important financial tool in managing the finances of the Shire day-to-day. Therefore, this review to ensure they remain focussed and appropriate is essential. As such, this item is central to good asset management and the ability to fund identified major upgrades and renewal and replacement of assets as identified in the asset management plan.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

117/22 Moved Cr Bilney

Seconded Cr Singh

That Council receives the Officer's report and notes the debits and credits in reserve accounts for the 2021/2022 financial year and the timing of expenditure as the reason for the increase in closing balance as of 30 June 2022.

CARRIED 7/0

9.4 KEY PILLAR 4 – ‘PROSPERITY’ REPORTS

9.4.1 RESERVE 14215 (LOT 109 KOJONUP) – MANAGEMENT ORDER

AUTHOR	Robert Jehu – Manager Regulatory Services
DATE	Friday, 7 October 2022
FILE NO	CP.MTC.7
ATTACHMENT(S)	9.4.1.1 – Reserve 14215 – Land Enquiry Services 9.4.1.2 – Reserve 14215 – Vesting and Map 9.4.1.3 – Reserve 14215 – Christine Norris - request to lease 9.4.1.4 – Reserve 14215 – Recommendation from NRM Officer

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP4 – Prosperity	Planning for the use of land in such a way that promotes and enhances social and economic wellbeing while balancing environmental preservation.	Nil

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is for the Council to consider the continuing use of Reserve 14215 (Reserve) containing Lot 209 Kojonup.

BACKGROUND

Sir Charles Henry Gairdner vested the Reserve 14215 to be held by the Kojonup Road Board in trust for the following objects and purposes for Camping.

A letter has been received by the adjoining land owner requesting a lease of the reserve for the purpose of grazing at a nominal fee or free of charge. The family previously had a lease of the reserve in the early 2000’s but this lease was not renewed. There is no boundary fence between the reserve and the adjoining farm and it appears that stock have continued grazing on the reserve since the lease was not renewed.

COMMENT

If the Shire require that the Reserve be allowed to be used for grazing purposes then the Shire will need to apply for the Minister to amend the management order to allow for the use for grazing. A boundary fence will need to be constructed between the reserve and the adjoining land. Council would be required to consider changes to the formal acknowledgement of its Management of Reserve 14215 containing Lot 209 Kojonup. The *Land Act* (1933 – 1960) classified the land use for Camping (since replaced with a management order).

Council's Natural Resource Management/Landcare Officer has advised that it would not be beneficial to the Shire to rehabilitate this Reserve back to its native state (see Attachment 9.4.1.4).

CONSULTATION

Judy Stewart – Senior Administration Officer

Adele Scarfone – NRM/Landcare officer

STATUTORY REQUIREMENTS

Local Government Act 1995:

3.54. Reserves under control of local government

- (1) If land reserved under the Land Administration Act 1997 is vested in or placed under the control and management of a local government, the local government may do anything for the purpose of controlling and managing that land that it could do under section 5 of the Parks and Reserves Act 1895 if it were a Board appointed under that Act to manage and control the land and for that purpose a reference in that section to a by-law is to be read as a reference to a local law.*
- (2) Subsection (1) is subject to any express provision to the contrary made by an order under the Land Administration Act 1997 in respect of the land.*

[Section 3.54 amended: No. 49 of 2004 s. 74(4).]

Land Administration Act 1997:

12. Powers and duties of Minister restricted in relation to managed reserves and mall reserves

The Minister must not exercise a power (other than a power conferred by section 50(1) or (2)) or perform a duty under section 10(1) in respect of the care, control or management of Crown land in a managed reserve or mall reserve without the consent of the relevant management body.

46. Care, control and management of reserves

- (1) The Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies.*
- (2) The Minister may, with the consent of the management body of a reserve and of the holders of any interests within the reserve, by order vary any condition to which the care, control and management of the reserve is subject.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The cost of construction of a boundary fence between the reserve and the adjoining farm land.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
10 – Management of Facilities, Venues and Events	Lack of Lease/ Contract/ Agreement/MOU /Licence documentation	Lease agreement for Shire facilities	Addition of lease arrangements to the lease register
Risk rating - Adequate			
IMPLICATIONS			
Correcting the formal record of management of Reserve 14215 properly reflects the Shire's responsibilities regarding this land and effectively mitigates the risk associated with grazing on land managed by other parties.			

ASSET MANAGEMENT IMPLICATIONS

Leasing of this land has historically included maintenance of the land including fire risk reduction.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

118/22 Moved Cr F Webb
That Council

Seconded Cr Singh

1. Declines the request to lease out Reserve 14215 (Reserve) for grazing;
2. Keeps the Reserve 14215 management order as is for camping so the Reserve can be considered in the future for recreational use in line with the development of the Corporate Business Plan that the Council is currently working on; and
3. Considers funding the fencing of the Reserve in the 2023/24 budget.

CARRIED 7/0

- 9.5 KEY PILLAR 5 – ‘DIGITAL’ REPORTS
Nil

- 10 APPLICATIONS FOR LEAVE OF ABSENCE
Nil

- 11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
Nil

- 12 QUESTIONS FROM MEMBERS WITHOUT NOTICE
Nil

S BILNEY – CORRESPONDENCE - COMMUNICATION COMPLAINT
S Bilney presented a statement to Council – see Attachment 5.2.1.

- 13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING
Nil

- 14 MEETING CLOSED TO THE PUBLIC

- 14.1 *MATTERS FOR WHICH THE MEETING MAY BE CLOSED*
Nil

- 14.2 *PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC*
Nil

- 15 CLOSURE

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 3.38pm.

16 ATTACHMENTS (SEPARATE)

Item 5.2	5.2.1	S Bilney – Communication Complaint
Item 6.1	6.1.1	Minutes of the Council Meeting held on 20 September 2022
Item 9.2.1	9.2.1.1	Correspondence from the Department of Planning, Lands and Heritage
	9.2.1.2	Location map
	9.2.1.3	Unallocated Crown Land and local government Boundary
Item 9.2.2	9.2.2.1	Government Regional Officer Housing (GROH) – Functional Brief 4 Bedroom Specifications
	9.2.2.2	The George Church Community Medical Centre Inc. (GCCMC) – Housing for Doctor Proposition
	9.2.2.3	GCCMC Inc. Statement – Housing
Item 9.3.1	9.3.1.1	September 2022 Monthly Financial Statements
Item 9.3.2	9.3.2.1	Monthly Payments Listing 1 to 30 September 2022
Item 9.3.3	9.3.3.1	Delegation Register – October 2022 – Draft (nil changes)
Item 9.3.4	9.3.4.1	Correspondence – Hon John Carey MLA - Minister for Housing, Lands, Homelessness, and Local Government (Minister)
	9.3.4.2	Election Transition Arrangements - Plan
	9.3.4.3	Representation Review Public Notice
	9.3.4.4	Representative Review Information Sheet
Item 9.3.5	9.3.5.1	Kojonup Historical Society – Briefing Session Presentation Notes 20 September 2022
	9.3.5.2	Kojonup Historical Society – By-Law
Item 9.3.6	9.3.6.1	Council Policy 2.1.8 – Financial Governance
Item 9.4.1	9.4.1.1	Reserve 14215 – Land Enquiry Services
	9.4.1.2	Reserve 14215 – Vesting and Map
	9.4.1.3	Reserve 14215 – Christine Norris - request to lease
	9.4.1.4	Reserve 14215 – Recommendation from NRM Officer

Confirmed on 29 November 2022 as a true record –

Presiding Member

Date

SHIRE OF KOJONUP

Kojonup



MINUTES

Special Council Meeting

9 November 2022

MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 9 NOVEMBER 2022

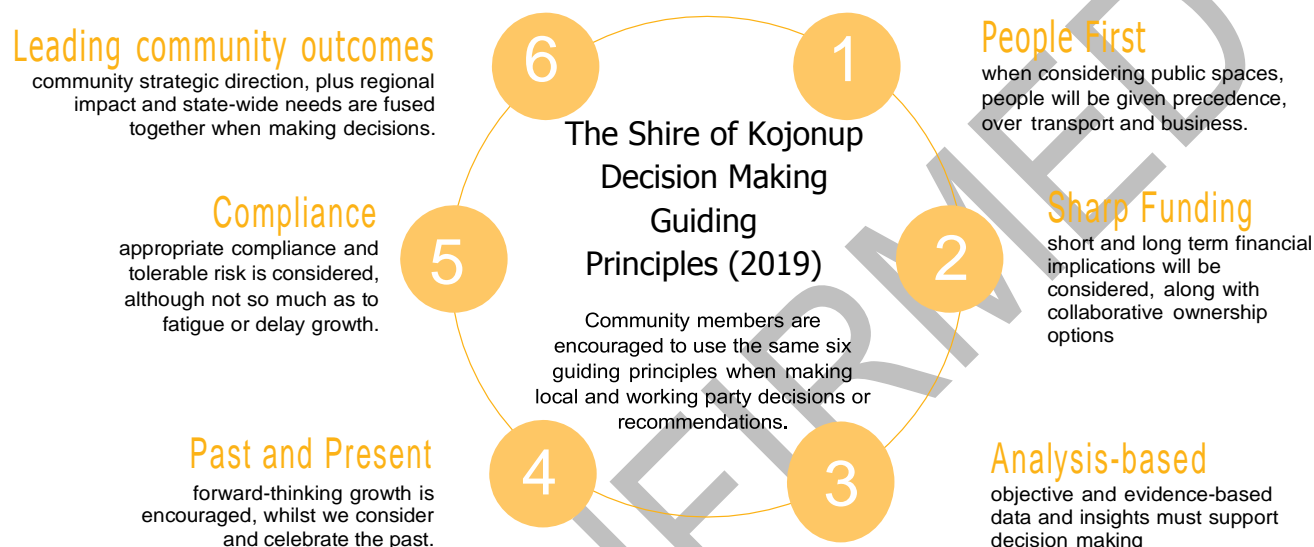
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UNCONFIRMED

The Shire of Kojonup has a set of six guiding principles it uses when making decisions. These principles are checked and enhanced every two years in line with the Strategic Community Plan review schedule.



MINUTES

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President declared the meeting open at 4.01pm and drew the meeting's attention to the disclaimer below:

Disclaimer

No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

The Shire of Kojonup expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the meeting.

Where an application for an approval, a license or the like is discussed or determined during the meeting, the Shire warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the Shire.

Acknowledgement of Country

The Shire of Kojonup acknowledges the first nations people of Australia as the Traditional custodians of this land and in particular the Keneang people of the Noongar nation upon whose land we meet.

We pay our respect to their Elders past, present and emerging.

Prayer – Cr Gale

Almighty God, we pray for wisdom for our reigning monarch King Charles.

We ask for guidance in our decision making and pray for the welfare of all the people of Kojonup.

Grant us grace to listen and work together as a Council to nurture the bonds of one community.

Amen

2 **ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

Nil

3 **ATTENDANCE**

COUNCILLORS

Cr N Radford

Shire President

Cr P Webb

Deputy Shire President

Cr F Webb

Cr Wieringa

Cr Gale

Cr Singh

Cr R Bilney

Cr A Egerton-Warburton

STAFF

Grant Thompson

Chief Executive Officer

Robert Jehu

Manager Regulatory Services

Judy Stewart

Senior Administration Officer

Emily Sleight

Sport and Recreation Officer

3.1 **APOLOGIES**

Nil

3.2 **APPROVED LEAVE OF ABSENCE**

Nil

MEMBERS OF THE PUBLIC

Ian Palmer

John Price

Dr Sarah Rankin

J Milli

Darryl Byatt

Simon Klopper

Michael Hilder

Helen Bignell

Helen Todd

Carolyn Tonkin

Olivia Thorn

Bec Barton

Belinda Moharich

Rohan Thorn

Laura Thorn

James Hope

Brad Bilney

Adrian Bilney

Jayne Thorn

4 **DECLARATION OF INTEREST**

Cr Bilney – Item 9.4.2 – declared a Financial Conflict of Interest.

Cr Egerton-Warburton – Item 9.4.2 – declared an Impartiality Interest.

5 **PUBLIC QUESTION TIME**

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Not applicable

5.2 PUBLIC QUESTION TIME

The Chief Executive Officer read aloud the questions received from Narelle Goodall, Alan Goodall, Carolyn Tonkin, Ian Tonkin, Elizabeth Atkins, Adrian Bilney, and Luke Atkins.

The questions were taken on notice.

6 **CONFIRMATION OF MINUTES**

6.1 SPECIAL COUNCIL MEETING 1 NOVEMBER 2022

Unconfirmed Minutes of a Special Council Meeting held on 1 November 2022 are at [Attachment 6.1.1.](#)

OFFICER RECOMMENDATION/COUNCIL DECISION

121/22 Moved Cr P Webb

Seconded Cr C Wieringa

That the Minutes of a Special Council Meeting held on 1 November 2022 be confirmed as a true record.

CARRIED 7/0

7 **PRESENTATIONS**

7.1 PETITIONS

Nil

7.2 PRESENTATIONS

Nil

7.3 DEPUTATIONS

7.3.1 BELINDA MOHARICH – ON BEHALF OF MOONIE HILLS ENERGY PTY LTD AND ENEL GREEN POWER AUSTRALIA PTY LTD

Please see [Attachment 7.3.1.1.](#)

Laura Thorn and Olivia Thorn left the meeting at 4.25pm.

The Manager Regulatory Services left the meeting at 4.26pm and re-entered the meeting at 4.27pm.

Laura Thorn re-entered the meeting at 4.28pm.

Question from Cr Singh to Belinda Moharich – stating everything the same as in 2011 – height of turbines is different?

Response from Belinda Moharich to Cr Singh – the acoustic methodology (2011 and 2017) is the same and correct as confirmed by Department of Water and Environmental Regulation at those times.

Question from Cr Singh to Belinda Moharich – Why does the Wind Farm not move turbines to make farmers happy?

Response from Belinda Moharich to Cr Singh – There is no capacity to move the turbines from the planned red dots (locations) – obligated legally to place the turbines at the red dots as per the DA.

Cr Singh to Belinda Moharich – 1 kilometre maximum - where can they build houses?

Belinda Moharich to Cr Singh – adjoining landowners are not limited to where they can build. Using science based information based on acoustic methodology, confident 1 kilometre is suitable.

Cr Singh to Belinda Moharich – 35-45db is allowed so why last time did it say 5 kilometres from a farm not 1 kilometre?

Belinda Moharich to Cr Singh - 5 kilometres was a starting point and was then reduced, using modelling and science, to achieve acceptable levels.

Cr Singh to Belinda Moharich – and if noise level is more, then Moonies Hill required to fix in 60 days, then what, how long, then Court?

Belinda Moharich to Cr Singh – If any noise issues, it is important that a complaint is made including record of time and meteorological conditions to check all factors. Testing would then be done based on that information and location; client will comply with Noise Impact Mitigation Management Plan.

Cr Singh – 1) in 2011, why not object to it all? 2) not a single farmer last few months wanting a meeting with the Shire Council, why questions a few hours before, no one spoke at this or last public question time against? Meeting announced 5 days ago, but only reply 1pm.

Cr Bilney – Things take time to prepare, notice late Friday. Have abided by conflict of interest so have not engaged but others have forwarded requests to meet. CEO had advised that he cannot discuss due to legal issues.

Cr Egerton-Warburton – Not here in 2011 but understand that farmers were protesting loudly and clearly. Public meeting badly misformed by CEO at the time, advised couldn't place dwellings near where turbines were erected. Whole scheme dropped for a few years then permission given a year ago. Ten years ago approved with significant changes in requirements since then.

Belinda Moharich - involved in 2011. There were objections but conditions – extensive reports to JDAP (Joint Development Assessment Panel) such as flora, fauna, environmental acoustics, traffic, landscape, farming, construction locations, and fire risk fully considered. Further information refreshed where necessary. 77 turbines originally, down to around half. JDAP now the process, Shire of Kojonup last to approve in-house. Further information and changes are reflected in the Development Application amendments as and when requirements are altered.

7.4 DELEGATES' REPORTS
Nil

8 **METHOD OF DEALING WITH AGENDA BUSINESS**
There were nil changes to the order of business.

9 **REPORTS**

9.1 **KEY PILLAR 1 – 'PLACE' REPORTS**
Nil

9.2 **KEY PILLAR 2 – 'CONNECTED' REPORTS**
Nil

9.3 **KEY PILLAR 3 – 'PERFORMANCE' REPORTS**
Nil

Cr Bilney stated his financial conflict of interest, declared earlier in the meeting, and left the meeting at 4.40pm.

The Manager Regulatory Services, the Sport and Recreation Officer and Members of the Public left the meeting at 4.40pm.

PROCEDURAL MOTION

122/22 Moved Cr F Webb

Seconded Cr P Webb

That the meeting proceed behind closed doors to receive legal advice in accordance with Section 5.23 (2) (c) of the *Local Government Act 1995* at 4.40pm.

CARRIED 7/0

PROCEDURAL MOTION

123/22 Moved Cr F Webb

Seconded Cr P Webb

That the meeting be reopened to the public at 4.52pm.

CARRIED 7/0

The Manager Regulatory Services re-entered the meeting at 4.52pm.

Simon Klopper, Jayne Thorn, John Price, Belinda Moharich, Sarah Rankin, Julian Mills, Hamish Thorn, James Hope, Ian Palmer, Helen Todd, Carolyn Tonkin, Laura Thorn, and Darryl Byatt re-entered the meeting at 4.52pm.

9.4 KEY PILLAR 5 – ‘PROSPERITY’ REPORTS

9.4.1 MOONIES HILL ENERGY PTY LTD – MOTION 120/22 GOVERNANCE CLARIFICATION

AUTHOR	Grant Thompson – Chief Executive Officer	
DATE	Friday, 4 November 2022	
FILE NO	BD.BDA.8	
ATTACHMENT(S)	9.4.1.1	221101 - Letter to Shire of Kojonup UNDER SEPARATE COVER Confidential Legal Advice

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 3 - Performance	Coordination of Council processes and provision of governance support.	

DECLARATION OF INTEREST

Nil

SUMMARY

This Officer’s report is for Council to note the legal position of the motion 120/22 moved at the Special Council Meeting held 1 November 2022. There is no action required from Council on this position as it stands.

BACKGROUND

At a Special Council Meeting held 1 November 2022 the vote on motion 120/22, to approve amendments of certain conditions of the said development application, was 4/3:

120/22 Moved Cr P Webb

Seconded Cr F Webb

That Council:

- 1) *In accordance with Regulation 77 of the Planning and Development (Local Planning Schemes) Regulations 2015 approve the amendment of the development approval issued to Moonies Hill Energy Pty Ltd for the Flat Rocks Wind Farm and issue a revised development approval through the following changes to conditions 4, 21 and 29 and adding advice notes.*

In particular, to reword as follows:

Condition 4

The wind turbines are to be micro-sited in accordance with the following restrictions –

- a) *All wind turbines shall be located a minimum distance of 1 kilometre from any dwelling existing at the time of the issue of this planning approval unless approval in writing is first granted from the owner of that dwelling to a closer location;*

- b) *The wind turbines shall be located in accordance with the 'Flat Rocks Wind Farm Landscape and Visual Assessment'. This report requires, in order to satisfy visual amenity considerations, either relocation of specified wind turbines or in the alternative, the implementation of vegetation screening.*

Condition 21

Prior to commencing any works, the Applicant is to lodge a Noise Impact Mitigation Management Plan for approval by the local government. The Noise Impact Mitigation Management Plan is to outline the process by which the Applicant will –

- a) *Undertake post-commissioning testing to ensure compliance with condition 29, including testing at existing dwellings, based upon the testing procedures and analysis contained in the South Australian EPA Wind Farms Environmental Noise Guidelines (2021);*
- b) *Make arrangements with adjoining landowners regarding the construction of dwellings on land;*
- c) *Modify micro-siting to ensure compliance with condition 29;*
- d) *Modify the operation of the wind turbines to ensure compliance with condition 29;*
- e) *Manage complaints regarding noise impact during the operational phase of the development.*

Condition 29

- a) *The Applicant shall ensure at all times that the operation of the wind farm complies with the following noise levels within a 30 metre curtilage of a dwelling:*
- a) *Will not exceed 35dB(A) (LA90, 10 minutes); or*
 - b) *Will not exceed the background noise (LA90, 10 Minutes) by more than 5dB(A), whichever is the greater.*
- b) *Assessment of noise impact is to be performed in accordance with SA EPA Wind Farms Environmental Noise Guidelines (2021).*

Adding advice

Insert new advice notes as follows:

- A) *The term 'dwelling' in this approval has the same meaning as the Residential Design Codes Volume 1.*
- B) *The applicant is advised that:*
- i) *There is potential for vacant lots adjacent to the proposed wind farm to be further developed with dwellings.*
 - ii) *Legislation in Western Australia requires that the wind farm comply with the Environmental Protection (Noise) Regulations 1997. The controls on noise contained in this approval do not override those contained in the Regulations, nor vice versa, but the wind farm must comply with whichever control is more stringent at any given location at any given time under then-prevailing meteorological etc conditions.*
 - iii) *The applicant takes the commercial risk that future wind farm operations may need to be altered or modified to continue to comply with noise limitations.*
 - iv) *It is recommended that the applicant prepare and submit acoustic compliance reports by a suitably qualified and independent acoustic engineer to*

demonstrate compliance with Condition 29 at key stages of development. This would provide compliance assurances to both the local government and surrounding landowners.

- 2) *Advise the Shire of Broomehill-Tambellup of the decision to approve the amendments to the Moonies Hill Energy Pty Ltd wind farm development.*

LOST 4/3
(LACK OF ABSOLUTE MAJORITY)

Councillors are referred to a letter received (Attachment 9.4.1.1) 2 November 2022, from Moharich & More, lawyers (Moharich) dated 1 November 2022. Moharich are the lawyers for the proponent of the above matter.

Moharich's letter asserts that an absolute majority was not required and that a simple majority only was required.

COMMENT

The author sought legal clarification from McLeods Lawyers regarding Moharich's correspondence. The legal advice is attached Under Separate Cover (Confidential).

This report outlines the following for the Council to note:

The vote on the motion to approve amendments of certain conditions of development approval was 4/3, at the Special Council Meeting on Tuesday, 1 November 2022.

Council was in receipt of an officer report which advised that an absolute majority was required in order for the motion to pass.

A 4/3 vote does not, in the case of the Shire of Kojonup, constitute an absolute majority.

The motion was accordingly declared Lost.

The proper legal position, as subsequently advised, is that an absolute majority was not required. Although there have, in the past, been successive resolutions made by absolute majority relating to the approval of the wind farm and the conditions on which the wind farm is approved, the motion to Council on Tuesday, 1 November 2022 should not be regarded as an amendment to an existing resolution of Council.

Rather, there was a substantive new application; that application being to amend the existing conditions of development approval. That is a procedure provided by clause 77 of Schedule 2 to the Planning and Development (Local Planning Schemes) Regulations 2015. No special majority is required in the case of a clause 77 application to amend the conditions of an existing development approval:

- a. the legal effect of achieving a majority 4/3 vote on the motion, is that the motion is properly to be regarded as having been carried;

- b. the fact that a legally-incorrect declaration was made at the 1 November 2022 meeting that the motion was not carried, is not a matter to be corrected through the process of the confirmation of the minutes. Rather, it is to be corrected by means of this present report to Council;
- c. no resolution for endorsement or acceptance of this position is required from Council, because the 4/3 vote on 1 November 2022 was what it was, and its proper legal consequence was what it was.
- d. It should properly be interpreted as a resolution that was carried.

CONSULTATION

McLeods Lawyers

STATUTORY REQUIREMENTS

Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 – Compliance	Impulsive decision making Ineffective monitoring of changes to legislation	Professional accreditation/certification maintained	Nil
6 – Engagement	Inadequate documentation or procedures	Public notices/local papers/website communication	Nil
8 – Errors, Omissions and Delays	Complex legislation Incorrect information	Development Approval performance report	Nil
<i>Risk rating: Adequate</i>			
IMPLICATIONS			
Governance issues are complex and fall under several layers of legislation and there is always a risk of misinterpretation and error. Further due diligence is required on more complex items.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Nil

OFFICER STATEMENT

That Council note this report that the legal effect of achieving a majority 4/3 vote on motion 120/22 at the Special Council Meeting held 1 November 2022 is that the motion is properly to be regarded as having been carried and that officers will be issuing formal documentation to the applicant confirming the approval of the amendment of the conditions.

NOTED

UNCONFIRMED

9.4.2 ENEL GREEN POWER AUSTRALIA PTY LTD – ASSESSMENT OF DEVELOPMENT LAYOUT PLAN AND MANAGEMENT PLANS RELATING TO CONDITIONS 4, 17 & 21, AND EASEMENT FOR ACCESS TO PORTIONS OF CERTAIN ROAD RESERVES

AUTHOR	Grant Thompson – Chief Executive Officer Steve Thompson - Consultant Planner, Edge Planning & Property	
DATE	Saturday, 5 November 2022	
FILE NO	BD.BDA.8	
ATTACHMENT(S)	9.4.2.1	Amended conditions of development approval (letter dated 5 October 2021)
	9.4.2.2	Development Layout Plan including micro-siting plans
	9.4.2.3	Noise Impact Mitigation Management Plan
	9.4.2.4	Draft Agreement for the installation of underground cabling

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 4 - Prosperity	4.1 – Be providing business assistance for growth in small local industry	4.1.1 – Amend Town Planning Scheme to encourage economic development and private investment

DECLARATION OF INTEREST

Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the *Local Government Act 1995*).

SUMMARY

The applicant has submitted a Development Layout Plan and Management Plans to the Shire of Kojonup (Shire) seeking approval.

BACKGROUND

The Council has considered matters relating to the wind farm on various occasions including that Council, on 13 September 2022, approved various management plans.

The Shire, on 5 October 2021, issued amended conditions of development approval (see Attachment 9.4.2.1).

On 1 November 2022, Council deliberated on a request by the proponent for amended wording for Conditions 4, 21 and 29. A separate report to go to the same Council meeting as this present item, is understood to clarify that the Council vote taken on that request on 1 November 2022, had the effect that Council approved the requested amendments to those conditions. This report is prepared on that understanding. The final outstanding plans and management plans to be determined by Council are the Development Layout Plan (DLP) and the Noise Impact Mitigation Management Plan (NIMMP). The plans associated with Conditions 4, 17 and 21 are reproduced in Attachments 9.4.2.2 and 9.4.2.3. The development approvals propose 42 wind turbines (7 in the Shire of Kojonup and 35 in the Shire of Broomehill-Tambellup) plus supporting infrastructure and buildings.

The proponents have separately requested approval from the Shire of Broomehill-Tambellup to the plans and management plans to reflect the development approval issued by the Great Southern Joint Development Assessment Panel.

COMMENT

This item has been prepared on the basis that Council, on 1 November 2022, approved the proponent's request to amend the wording of Conditions 4, 21 and 29 to address some ambiguity. The item now considers plans, information and management plans associated with Conditions 4, 17 and 21.

Conditions 4, 17, 21 and 29

The above Conditions of development approval now read as follows:

Condition 4

The wind turbines are to be micro-sited in accordance with the following restrictions –

- c) All wind turbines shall be located a minimum distance of 1 kilometre from any dwelling existing at the time of the issue of this planning approval unless approval in writing is first granted from the owner of that dwelling to a closer location;
- d) The wind turbines shall be located in accordance with the 'Flat Rocks Wind Farm Landscape and Visual Assessment'. This report requires, in order to satisfy visual amenity considerations, either relocation of specified wind turbines or in the alternative, the implementation of vegetation screening.

Condition 17

Prior to commencing any works, the Applicant is to lodge a Development Layout Plan for approval by the local government. The Development Layout Plan must include the following detail –

- (a) The location of access/egress points and service roads;
- (b) The location of any cabling between wind turbines;
- (c) The location of any fencing;
- (d) Permanent buildings;
- (e) Permanent car parking areas;
- (f) Locations of the wind turbines, having regard to the restrictions in conditions 3 and 4 above;
- (g) The location of any landscaping if required by condition 4(b).

Condition 21

Prior to commencing any works, the Applicant is to lodge a Noise Impact Mitigation Management Plan for approval by the local government. The Noise Impact Mitigation Management Plan is to outline the process by which the Applicant will –

- a) Undertake post-commissioning testing to ensure compliance with Condition 29, including testing at existing dwellings, based upon the testing procedures and analysis contained in the South Australian EPA Wind Farms Environmental Noise Guidelines (2021);
- b) Make arrangements with adjoining landowners regarding the construction of dwellings on land;
- c) Modify micro-siting to ensure compliance with Condition 29;
- d) Modify the operation of the wind turbines to ensure compliance with Condition 29;

- e) Manage complaints regarding noise impact during the operational phase of the development.

Condition 29

- (a) The Applicant shall ensure at all times that the operation of the wind farm complies with the following noise levels within a 30 metre curtilage of a dwelling:

- a) Will not exceed 35dB(A) (LA90, 10 minutes); or
- b) Will not exceed the background noise (LA90, 10 Minutes) by more than 5dB(A), whichever is the greater.

- (b) Assessment of noise impact is to be performed in accordance with SA EPA Wind Farms Environmental Noise Guidelines (2021).

Development Layout Plan and Noise Mitigation Management Plan

The Development Layout Plan is required by Condition 17. Condition 17 interacts with Condition 4 in that Condition 17 requires the DLP to reflect the requirements of Condition 4. Condition 17 also requires DLP to satisfy certain other requirements that are not set out in Condition 4.

The NIMMP is required by Condition 21. Condition 21 interacts with Condition 29 in that Condition 21 requires an outline of a process by which several things under Condition 29 will be addressed. Condition 21 also requires the NIMMP to address things that are not specifically mentioned in Condition 29 – e.g. management of complaints.

Development Layout Plan - Condition 17

The applicant submitted a DLP as per the development approval Condition 17.

The Shire corresponded with the proponent, requesting modifications to its original DLP. In particular, precise locations of each turbine have been required and, accordingly, there is now a plan for each individual turbine on the Shire of Kojonup side contained within the DLP. Various plans which now collectively comprise the DLP, have been reproduced as Attachment 9.4.2.2, and that is the set of documents that Council is being asked to approve.

The inclusion of the detailed location plan, separation from residences/sensitive premises and associated checklist and verification assists to show Council and other interested parties as to how the Applicant has considered and addressed matters. The Applicant outlines that:

- Wind turbines are located a minimum distance of 1 kilometre (km) from any off-site (non-stakeholder) dwelling which currently exists; and
- The wind turbines are located in accordance with the 'Flat Rocks Wind Farm Landscape and Visual Assessment'.

The previously prepared site-specific acoustic studies, which have been produced at all relevant stages, should provide the Council with comfort that the noise maximums referred to in Condition 29 should be achievable at off-site (or non-stakeholders) dwellings. This is considered to satisfy the WAPC (Western Australian Planning Commission) Position Statement. There is a requirement that the wind farm comply with the *Environmental Protection (Noise) Regulations 1997* at all times. That requirement exists by virtue of those Regulations of their own force, separate from the development approval.

Lawyers Steedman Stagg, through a series of letters to the Shire or to the Shire's lawyers, have been asserting on behalf of a number of landowners in proximity to the wind farm, that Condition 4(a) had the effect that each wind turbine must be separated at least 1km from each farm lot boundary. Shire Administration did not consider this to be the proper interpretation of Condition 4(a) as it previously stood. By virtue of Council's 1 November 2022 decision, any ambiguity about the meaning of Condition 4(a) was removed by replacing the words '*1 kilometre from any residential dwelling/sensitive premises existing at the time of the issue of this planning approval*' with the words '*1 kilometre from any dwelling existing at the time of the issue of this planning approval*'. This is considered to have been the underlying intent of:

- (a) the proponent's proposal;
- (b) the JDAP decision which first adopted this wording for the Broomehill/Tambellup side; and
- (c) Kojonup Council when it first adopted standardised conditions on both sides of the municipal boundary.

This was explained in the item to Council on 1 November 2022. The Council's vote on 1 November 2022 is considered to have removed any ambiguity in favour of making it clear that the relevant separation is to dwellings not farm boundaries. The DLP should not be refused on the ground that it does not achieve a 1 km separation to farm boundaries.

Steedman Stagg, in correspondence of 1 November 2022, make reference to the prospect that farm lot owners might choose to construct dwellings in closer proximity to the boundary between their lots and a wind farm lot, and that the proponent might then be unable to meet the noise levels set out in the Noise Regulations. The approval of a DLP is; however, only concerned with dwellings existing as at the date of issue of the wind farm development approval. The matter of how the wind farm complies with the Noise Regulations with regard to potential future receiver points is outside the scope of the DLP.

Steedman Stagg draw attention to the fact that an environmental consultant has, on behalf of several of Steedman Stagg's clients, made a referral of the Flat Rocks Wind Farm proposal to the Western Australian Environmental Protection Authority (WA EPA), seeking environmental assessment of the proposal by the EPA. It is acknowledged that if the WA EPA was to choose to assess a proposal under the *Environmental Protection Act 1986 (EP Act)*, then decision-makers in relation to the proposal must hold off from making decisions pending that environmental assessment. The Shire is not in receipt of advice that the EPA has chosen to assess the proposal under the *EP Act*. It is also somewhat unclear what exact decisional process has been referred to the EPA. Development approvals for the Kojonup and Broomehill-Tambellup sides of the municipal boundary have already been granted. Administration is not aware of any impediments to Council approving the DLP and the NIMMP, due to the *EP Act*.

A further issue taken by Steedman Stagg in relation to the DLP, is a claim which is understood to be that certain underground electricity reticulation to be constructed as part of the wind farm, is 'located outside of the previously approved project area'. They draw attention, in particular, to the electricity reticulation adjacent to Warrenup Road, between the proposed sites of turbines T04 and T18. Steedman Stagg's reference to 'the project area' is understood to be a reference to the freehold lots on which actual turbines are intended to be located. The contention is understood to be that any installations not within those freehold lots, would be outside of the scope of what was approved by the development approval.

Condition 13(a) of the development approval grants development approval to, among other things, cabling and electricity reticulation: Condition 13(b) and (c). It is then further provided that electricity reticulation shall not be placed on or over land outside of the lots the subject of the approval without the written consent of those land owners: Condition 15(c). Then there is the requirement for a Development Layout Plan which requires details including ‘the location of any cabling between wind turbines’: Condition 17.

The effect of the development approval is considered to be that the development approval plans contained enough detail to satisfy the Shire that the proposal was fundamentally acceptable with regard to relevant planning considerations, but some aspects of infrastructure and the exact location of infrastructure would remain to be settled by way of the DLP. The reference to ‘*electricity reticulation shall not be placed on or over land outside of the lots the subject of the approval without the written consent of those land owners*’ must be taken to mean that the scope of the development approval is not literally limited to the freehold lots on which turbines are located, but is capable of including electricity reticulation outside of those lots, subject to agreement of owners.

In the case of a road reserve, the ‘owner’ is the Crown, but the Shire has care, control and management of the road reserve and, accordingly, has the power to decide what installations may go into the road reserve (See *Land Administration Act 1997*, section 55). The Shire is the agent of the Crown where consent of the ‘owner’ of the road is required: see State Administrative Tribunal decision *Adbooth Pty Ltd and City of Perth* [2006] WASAT 343.

In so far as electricity reticulation may require some clearing of native vegetation within road reserves, there is a separate process required with another agency (Department of Water and Environmental Regulation) to determine the acceptability of that clearing. Impact on native vegetation is capable of being a relevant planning consideration. Therefore, in the context of considering the DLP, Council may be justified in applying its own assessment to the acceptability or otherwise of any impact on native vegetation. However, it is also open to Council to take impacts on native vegetation into account to the extent only of noting the separate need for a clearing permit to be determined by DWER. Given DWER’s greater and more specialised expertise on the matter of clearing permits, it is recommended that Council doesn’t form its own independent view on this issue but allows the acceptability of any clearing to be determined by DWER. That doesn’t mean that Council is ignoring a potential environmental impact, but rather Council is satisfied that a sufficient separate process exists to safeguard vegetation clearing concerns. This comment also applies to the extent that any aspect of the wind farm requires clearing on freehold lots as well. If Council intended to apply its own substantive assessment on the acceptability of clearing, then it is suggested that a deferral of this would be required.

Assuming that Council is willing for DWER only to decide on the acceptability of the vegetation clearing, it would nevertheless be appropriate to include within Council’s resolutions, separate from the resolution for Council approval of the DLP, a resolution that the CEO and the Shire President have authority (acting jointly) to sign off on Shire approval, in the Shire’s capacity as road authority, to the specific installations in the road reserve that are approved by the DLP. To explain further: the DLP is part of the planning process – it is required by Condition 17 – and its role is to locate various things to a higher level of precision than the development approval’s approved plan. (This also includes some things that weren’t depicted at all on the development approval’s approved plan but were contemplated by the development approval when read in totality with the development application, e.g. some cabling, and the concrete batching plant). Approval of the DLP involves the Council exercising powers as part of the planning process. In the case of the detailed engineering of cabling

in the road reserve, e.g. the depth of the cables, thickness of cables, whether there are any service ducts etc. – those are engineering matters which the Shire can reasonably require of the proponent so that the Shire has accurate records of what are located in the Shire's own asset. That is not part of approving the DLP, but can be asked for separately in the Shire's capacity as road manager.

The best way of achieving this is via an Agreement for Installation of underground cabling. The Shire's lawyers and the proponent have been working since 2017 on a draft Agreement in the expectation of a DLP being approved in due course. Work on this went dormant for several months when attention focussed on the DLP, the NIMMP and more recently the amendment of Conditions 4, 21 and 29. However, the draft Agreement, which is Attachment 9.4.2.4, is the appropriate mechanism to achieve the matters referred to in the preceding paragraph in the Shire's capacity as road manager. The Agreement also provides for the granting of easements over portions of the road reserves. The CEO should first be satisfied that the easement locations depicted in any plans associated with the Agreement match with the locations for installations in the DLP. The CEO should also be satisfied with the drawings of cabling to be attached to the Agreement.

In summary, approval of the DLP and also authorisation for the sign-off of the Agreement for Installation, is recommended.

There may separately be a need to obtain other approvals for certain aspects of the development works from other agencies including from Western Power and/or Department of Water and Environmental Regulation.

NIMMP - Condition 21

The NIMMP sets out the process by which the applicant will:

- Undertake post-commissioning testing to ensure compliance with Condition 29, including testing at existing dwellings, based upon the testing procedures and analysis contained in the South Australian EPA Wind Farms Environmental Noise Guidelines (2021) to be called the 'SA Guidelines'. The SA Guidelines have broad-based regulatory acceptance across Australia for measuring wind farm noise;
- Make arrangements with adjoining landowners regarding the construction of dwellings on land;
- Modify micro-siting to ensure compliance with Condition 29;
- Modify the operation of the wind turbines to ensure compliance with Condition 29; and
- Manage complaints regarding noise impact during the operational phase of the development.

The applicant initially lodged a NIMMP with the Shire on 18 August 2022. After due consideration and investigation, the Shire issued correspondence to the proponent requesting a number of changes to the NIMMP. The proponent submitted a revised NIMMP on 28 October 2022, taking account of the Shire's feedback. The proponent has not taken on board all of the Shire's requested amendments, and this has been subject to further Shire assessment. A summary of the Shire's amendment requests, the proponent's responses, and further assessment, is set out as follows:

1. Shire's amendment request: The noise emission from the wind turbines is to be represented by the LAeq,adj noise parameter for assessment against the South Australian EPA's Wind farms environmental noise guidelines, dated November 2021 [SAEPAWF].

Revised Shire position: Not needed. Assessment of LA90 noise emission accepted. This subject matter was addressed in the item that went to the Council meeting on 1 November 2022.

2. Shire's amendment request: For acknowledgement in the NIMMP that the wind farm must also comply with the WA Environmental Protection (Noise) Regulations 1997 (Noise Regulations).

Revised Shire position: On further review of this issue by the Shire administration, it is acknowledged that the NIMMP is produced pursuant to, and for the purposes of, the DA conditions, not pursuant to the Noise Regulations.

The need to comply with the WA Noise Regulations applies by force of law separate from the DA conditions. The wind farm must comply with the Noise Regulations as well as with Condition 29. Neither of these sets of controls (Noise Regulations and Condition 29) overrides the other – both must be complied with. Under certain conditions at certain times of the day or night, one or other of these controls might be the more stringent, whilst under other conditions or at other times, the other control might be more stringent.

3. Shire's amendment request: The noise emission from the wind turbines is to be represented by the LA10,adj noise parameter for assessment against the WAEPR

Revised Shire position: The NIMMP is produced pursuant to, and for the purposes of, the DA conditions, not pursuant to the Noise Regulations.

Aspects of noise measurement methodology which are specific to the Noise Regulations need not be set out in the NIMMP. The applicable noise measurement methodology for the purposes of Conditions 21, 29 and the NIMMP, is the SA 'Wind farms environmental noise guidelines'.

That doesn't mean that the LA10,adj noise parameter for assessment against the Noise Regulations can be disregarded.

Rather, it must be complied with as well, but the NIMMP is not directed at that – compliance with the Noise Regulations must still be achieved, but the need to comply with the Noise Regulations applies by force of law separate from the DA conditions and the NIMMP.

4. Shire's amendment request: Discussion should be added acknowledging the process applicable for the intended Stage 2 of the wind farm, and noting that further development approval would be required for Stage 2.

This has been included in the revised NIMMP.

5. Shire's amendment request: For discussion of the process by which background noise level at the site have been or are to be determined.

Revised Shire position: The proponent is saying in its revised NIMMP that they will rely on the 35dB. They won't rely on the ability to alternatively go up to 5dB above background noise.

The proponent says that if ever they wish to rely on going to 5dB above background, they will get new background levels assessed, and will submit this to the Shire, incorporated into a revised NIMMP.

The above is considered satisfactory, but it is recommended that any resolution for approval of the NIMMP be expressed as follows:

1. The CEO has authority to confirm the Shire's approval of the Noise Impact Mitigation Management Plan, provided the proponent causes the version Rp 001 R01 20220108 dated 28.10.22, to be amended in the second-last sub-paragraph of 3.0 so as to state:

‘In the event that background noise monitoring is carried out in the future, the results of this monitoring would be used for determining wind speed dependant noise limits in accordance with Condition 29, subject to their inclusion in an updated version of this NIMMP requiring approval by the Shire's Chief Executive Officer.’

2. Council notes that it is Council's understanding that any future noise monitoring for the purpose of establishing background noise should be undertaken without the turbines in operation.
-
6. Shire amendment request: Detail should be provided of measures to achieve noise-curtailed modes of operation in certain circumstances.

Revised Shire position: It is noted that the requirement of Condition 21 is to ‘outline the process by which the Applicant will’ (among other things):

- (c) modify micro-siting to ensure compliance with Condition 29;
- (d) modify the operation of the wind turbines to ensure compliance with Condition 29.

On further review, the section of the NIMMP which the Shire was saying should provide more detail of measures to achieve noise-curtailed modes of operation, was the section dealing with (c) above rather than the section dealing with (d). The section dealing with (d) above is considered under point (d) below, and has been assessed as having been revised satisfactorily. It is acknowledged in addition that ‘the process’ which Condition 21 requires focuses on a management or administrative process, rather than details of a potential turbine operation noise curtailment techniques. It must be emphasised that Condition 29 stands as a condition in its own right; the operator must not exceed certain noise levels. How they achieve that is largely a matter for the operator. Condition 21 is partly in aid of Condition 29, and tries to promote a proactive approach to the requirements of Condition 29 but, in the end, it is considered that specific turbine operation noise curtailment techniques are not mandatory within the NIMMP, and it might be undesirable to require listing of such techniques as if they were an exclusive list. Ultimately, this aspect of the NIMMP is considered satisfactory.

7. Shire amendment request: The complaints handling procedures need to be updated.

Whilst the Shire administration initially sought a hotline which corresponded with Western Australian business hours, rather than eastern states, on review, this may be somewhat excess to requirements. Noise complaints are not in the same nature, as say, fire or chemical spills which require immediate reporting and response. Ultimately, this aspect of the NIMMP is considered satisfactory.

8. Shire amendment request: Various amendments were sought to the section of the NIMMP which dealt with the scenario in the event that post-commissioning noise monitoring or a noise investigation report indicated noise exceedances.

The NIMMP has been revised to state that a noise remediation plan shall identify the aspects of the operation of the turbines that will be modified to achieve compliance with Condition 29 of the development approvals.

The original report was insufficiently clear about the need to ensure that immediate steps are taken to ensure compliance pending formulation of a long-term solution. The NIMMP now states:

‘If a non-compliance is detected, an interim operating pattern is to be implemented immediately to prevent continued non-compliance, pending the formulation and implementation of a long-term solution. Details of measures being immediately implemented are to be advised to the Shires.

Revised Shire position: amendments address Shire’s requirements.

Alternate options and their implications

The Council has a number of options available to it, which are discussed below:

1 *Not approve the management plans*

The Council can choose to not approve the management plans and advise the proponent giving reasons. If this option were chosen, the Applicant would need to produce revisions of the management plan(s) which are not approved which better accord with the requirement of the technical subject matter that the plans and management plan relates to, and Council’s decision to not approve would need to be based on a lack of satisfaction that those technical requirements have been met.

2 *Approve the management plans*

The Council can choose to approve the management plans, in part or whole and/or with or without modifications. Approval of the management plans, the subject of this report, would be a step forward towards the wind farm proceeding.

3 *Defer the proposal*

The Council can choose to defer the matter and seek additional information from the proponent or undertake consultation, if deemed necessary, before proceeding to make a decision.

There is not a right of merits review of Council’s decision to approve or not to approve the Management Plan where it is lodged pursuant to a condition of development approval. However, the rationale for this is that the merits of the acceptability of the development have fundamentally been determined by the grant of the development approval, and what remains by way of DLP and Management Plans is an assessment of detail within the confines of specific narrow technical fields. Therefore, a DLP or a Management Plan should not be refused approval if it appropriately addresses the technical subject matter that it is supposed to address.

CONSULTATION

McLeods Lawyers

The Shire has previously consulted on the Development Application.

STATUTORY REQUIREMENTS

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015, and Environmental Protection (Noise) Regulations 1997.

POLICY IMPLICATIONS

The proposal satisfies the WA Planning Commission Position Statement: Renewable Energy Facilities (March 2020) which replaced the former Planning Bulletin 67 Guidelines for Wind Farm Development (2004).

FINANCIAL IMPLICATIONS

The applicant has paid the Development Application fee.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 – Compliance	Impulsive decision making Ineffective monitoring of changes to legislation	Professional accreditation/certification maintained	Nil
6 – Engagement	Inadequate documentation or procedures	Public notices/local papers/website communication	Nil
7 – Environment	Inadequate local laws/planning schemes	Environmental management compliance	Nil
8 – Errors, Omissions and Delays	Complex legislation Incorrect information	Development Approval performance report	Nil
<i>Risk rating: Adequate</i>			
IMPLICATIONS			
Applicants need to ensure that Development Applications accord with the intent of the Shire of Kojonup Town Planning Scheme. Council, in assessing applications, needs to adopt a similar approach that reflects present and future requirements without compromising amenity or establishing precedents.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Although the Moonies Hill wind turbine project is located in two Shires, this request for approving the management plans only relates to turbines located in the Shire of Kojonup. The Shire of Broomehill-Tambellup will separately consider the management plans.

VOTING REQUIREMENTS

Simple Majority

ALTERNATIVE MOTION

124/22 Moved Egerton-Warburton

Seconded Cr Gale

1) That the Council DEFER the matter until the Minister for Environment and Climate Action, the Honourable Reece Whitby, MP, has been requested to, and decided whether to, exercise his power under the Environmental Protection Act to direct the Environmental Protection Agency to assess this project having regard to the matters listed in Points 60.1 to 60.9 in Steedman Stagg Lawyers' letter to McCleods Lawyers dated Tuesday 1st November, 2022 at 11.57am.

2) That further or alternatively, the Council request the adjudication of the Minister for Local Government, the Honourable John Carey, to assess the liability of the Shire of Kojonup if this project proceeds as laid out on the Development Approval.

LOST 2/5

UNCONFIRMED

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr P Webb

Seconded Cr C Wieringa

That:

- 1) Council approves the Development Layout Plan (Condition 17) for the Flat Rocks Wind Farm as reproduced in Attachment 9.4.2.2.
- 2) The Chief Executive Officer (CEO) and Shire President are granted authority to execute, to apply the Shire of Kojonup's (Shire) common seal to the Agreement for Installation (Attachment 9.4.2.4) to enable the proponent to have access to portions of road reserves for infrastructure approved by the Development Layout Plan, and to enable the Shire (in the Shire's capacity as manager of the road reserve) to approve and have a record of the engineering details of the infrastructure approved of or contemplated by the DLP in the affected road reserves. This authority is subject to the CEO being satisfied that the intended easement locations provided for in the Agreement match with the DLP locations, and being satisfied with the technical details of the drawings for the cabling.
- 3) The CEO is granted authority to confirm the Shire's approval of the Noise Impact Mitigation Management Plan, provided the proponent first causes the version Rp 001 R01 20220108 dated 28.10.22 (Attachment 9.4.2.3), to be amended in the second-last sub-paragraph of 3.0 so as to state:

'In the event that background noise monitoring is carried out in the future, the results of this monitoring would be used for determining wind speed dependent noise limits in accordance with Condition 29, subject to their inclusion in an updated version of this NIMMP requiring approval by the Shire's Chief Executive Officer.'
- 4) Council notes that it is Council's understanding that any future noise monitoring for the purpose of establishing background noise should be undertaken without the turbines in operation.
- 5) Council further notes that approval of the Development Layout Plan and management plans does not override the need to obtain any relevant approvals that may be separately required from other agencies.
- 6) The CEO advises the Shire of Broomehill-Tambellup of this decision.

AMENDMENT TO THE MOTION

125/22 Moved Cr Singh

Seconded Cr Egerton-Warburton

That the following be added to the motion: Enel Green Power Australia Pty Ltd and Moonies Hill Pty Ltd will respond to all complaints as per the Noise Impact Mitigation Management Plan and will respond within ten (10) days.

LOST 3/4

THE ORIGINAL MOTION WAS PUT

126/22 Moved Cr P Webb

Seconded Cr C Wieringa

That:

- 1) Council approves the Development Layout Plan (Condition 17) for the Flat Rocks Wind Farm as reproduced in Attachment 9.4.2.2.
- 2) The Chief Executive Officer (CEO) and Shire President are granted authority to execute, to apply the Shire of Kojonup's (Shire) common seal to the Agreement for Installation (Attachment 9.4.2.4) to enable the proponent to have access to portions of road reserves for infrastructure approved by the Development Layout Plan, and to enable the Shire (in the Shire's capacity as manager of the road reserve) to approve and have a record of the engineering details of the infrastructure approved of or contemplated by the DLP in the affected road reserves. This authority is subject to the CEO being satisfied that the intended easement locations provided for in the Agreement match with the DLP locations, and being satisfied with the technical details of the drawings for the cabling.
- 3) The CEO is granted authority to confirm the Shire's approval of the Noise Impact Mitigation Management Plan, provided the proponent first causes the version Rp 001 R01 20220108 dated 28.10.22 (Attachment 9.4.2.3), to be amended in the second-last sub-paragraph of 3.0 so as to state:

'In the event that background noise monitoring is carried out in the future, the results of this monitoring would be used for determining wind speed dependent noise limits in accordance with Condition 29, subject to their inclusion in an updated version of this NIMMP requiring approval by the Shire's Chief Executive Officer.'
- 4) Council notes that it is Council's understanding that any future noise monitoring for the purpose of establishing background noise should be undertaken without the turbines in operation.
- 5) Council further notes that approval of the Development Layout Plan and management plans does not override the need to obtain any relevant approvals that may be separately required from other agencies.
- 6) The CEO advises the Shire of Broomehill-Tambellup of this decision.

CARRIED 5/2

9.5 KEY PILLAR 5 – ‘DIGITAL’ REPORTS

Nil

10 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil

14 MEETING CLOSED TO THE PUBLIC

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

Nil

15 CLOSURE

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 5.50pm.

16 ATTACHMENTS (SEPARATE)

- | | | |
|-------|---------|---|
| 6.1 | 6.1.1 | Unconfirmed Minutes of a Special Council Meeting held 1 November 2022 |
| 7.3 | 7.3.1 | Deputation – Belinda Moharich on behalf of Moonies Hill Energy Pty Ltd and Enel Green Power Australia Pty Ltd |
| 9.4.1 | 9.4.1.1 | 221101 - Letter to Shire of Kojonup |
| | | UNDER SEPARATE COVER
Confidential Legal Advice |
| 9.4.2 | 9.4.2.1 | Amended conditions of development approval (letter dated 5 October 2021) |
| | 9.4.2.2 | 221013 - KO DA amendment - FRWF |
| | 9.4.2.3 | MHE Correspondence 25102022 DA amendment request |
| | 9.4.2.4 | 221026 - Letter to Shire of Kojonup with attachment |

WALGA Zone Meeting, Woodanilling, 28th October, 2022

12.00 noon

Western power attendance at next meeting in 2023. Topics to be considered: Cost of connections, 32 amp tripping limit, raised to 62amp as in built up areas; M2W powerline, underground.

Address from Simon Lyas concerning Regional Development Authority GS.

Great Southern Roads Committee, Len Handasyde.

Passed a motion to contribute \$4,000 to finance a report into all aspects of road infrastructure including roads fit for purpose, impact of concessional (over) loading in the LG road network, and any other matters of consequence to road maintenance. Report to be finalised by the end of 2023-24 year, at which point the Group will cease operations.

Housing

Development WA will help with land development. May be relevant with Katanning Rd site and others.

Discussion re water infrastructure and power. Kojonup townsite water needs comprehensive improvement.

Federal Government will help with GROH and Council Staff housing.

CEO Mt Barker will liaise with the CEO Kojonup re the above.

Telecommunications

Some **Federal money is available** this year and it was proposed that 11 sites, one from each Council, be proposed as needing urgent attention for better reception.

The Chairman asked that Shire officers write to the Secretary GS WALGA with details of an area that we nominate (Muradup Townsite, for instance).

Much discussion re Connectivity. Kevin proposed adding a system similar to StarLink as a possible alternative to traditional mobile for remote areas, if we could get a package deal that was affordable, with other Shires.

More assistance is needed from the Federal Government, above the 50% now offered, as it is often not enough to pass the viability test of the Telecoms in rural areas. There is a need to emphasise the Work health, safety and emergency communications in agricultural areas over and above the commercial returns to make the case for reliable coverage. Much of the Federal money allocated to subsidise phone towers is not used because of the above constriction.

DAMA

Project is going well and surveys of requirements have been successful. Surveys are still open and Simon Lyas encouraged participants to keep collecting EOI.

It was moved that EY Global Immigration be contracted to develop the GSZ DAMA Business Case, and that was passed.

State Council Meeting

Proposed for Katanning in September 2023. 35 rooms will be needed over the weekend, maybe some spillover for Kojonup.

South Coast Highway

Infrastructure Australia is proposing a \$550 million upgrade and build of the South Coast Highway. Jerramungup Shire asked for a motion of WALGA advocacy for this project. The project will also extend into the Esperance Zone.

WALGA State Conference

There was much criticism of the Conference and questions asked as to whether it is fit for purpose. The cost is considerable and did not represent value in the eyes of many commentators. One suggestion was that a conference of like-minded rural Councils be held instead. Another was the timing of the event, as it was usually held in September, and will be next year.

Disaster Recovery and DFES

Discussion regarding the very long period of getting insurance claims met through DFES after recent disasters. Some Councils are in dire straits carrying \$million claims on their books.

Motion from the meeting asking for claims to be expedited. Many claims are held up on minor issues. Also a comment about the inability to upgrade repairs to a higher standard so that they are better able to withstand future catastrophic events.



VOLUNTEER HANDBOOK

November 202₂₁



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Introduction

Thank you for giving, or considering giving, your time to the Shire of Kojonup (Shire).

A volunteer is an individual who undertakes work of their own free will, without financial payment and for the mutual benefit of the Shire of Kojonup, the volunteer and the community. Volunteers extend, enhance and support the work of paid staff but do not displace paid staff. Individuals participate directly in programs organised by the Shire of Kojonup in a designated volunteer role, both short and long term. Volunteering supports skill development, socialisation, fun and can also address human, environmental and social needs.

As a volunteer, you are a very important part of our organisation and an integral part of what makes living in country towns so amazing.

Benefits of Volunteering

You will be invited to our 'Thank a Volunteer' Day and our annual Christmas Party, and be informally and formally recognised for your contribution, as described later in this Handbook. Where Council requires a Working with Children Check, 1st Aid Certificate, National Police Clearance, Medical report, etc., Council will pay or reimburse a volunteer the expense incurred. The Shire recognises the value and importance of volunteering and sees increased levels of volunteering as one of the key components of a cohesive and harmonious community.

The Shire engages many volunteers through a number of different programs, mainly:

- [The Kodja Place Cultural Centre](#)
- ~~The Kodja Place Precinct;~~
- Springhaven Frail Aged Lodge; and
- Kojonup Library.

As with employees, our volunteers will:

- Undergo a selection process;
- Be provided with a written position outline clearly showing the duties to be performed;
- Undergo a formal induction process;
- Have access to training and development; and
- Be able to participate in an annual feedback process.

Each volunteer, or prospective volunteer, is given a copy of this Volunteer Handbook (Handbook) – if you choose to volunteer with the Shire of Kojonup, please use this resource to help ensure a safe working environment for all volunteers and staff.

A number of Shire of Kojonup policies and procedures apply to volunteers as well as staff, contractors and other workers. A copy of the Shire's Policy Manual and Risk Management

and Business Continuity and Disaster Recovery Plan are available on the Shire of Kojonup website; a hardcopy of these documents is also available on request.

Opportunities for Volunteering and Activities

The Kodja Place Cultural Precinct

The Kodja Place Cultural Precinct ~~was created by the local community and was funded by the Shire, Kojonup Aboriginal Corporation and the community. This award winning centre is unique within Australia and incorporates the result of the inspiration and drive of the local community to build a facility incorporating a~~ Visitor Information Centre, Aboriginal Cultural Heritage Centre, Historical Interpretive Museum and the Australian Rose Maze.

The most powerful ~~and unique~~ aspect of the Centre is the ~~original branding of~~ “One Story Many Voices” ~~approach~~ which ~~tells the stories jointly of the local Kaneang, Noongar community alongside Settler stories. The~~ conveys the Rose Maze ~~offer~~s the extensive cultural interpretations of three women and their stories (KaneangNoongar, English and Italian) ~~and their stories~~ of survival and life experiences in the twentieth century. Complementing these stories are the Kodja Gallery and ~~the~~ Storyplace displays in which many local Noongar and non-indigenous people’s experiences and perspectives are also combined in imaginative and richly layered interpretations.

Kojonup celebrates the wildflower season by holding events which coincide with the Bloom Festival ~~The Wildflower Festival is held~~ each spring. Visitors flock to Kojonup for the Festival and the wonderful bushwalks in the many reserves displaying a rich diversity of orchid species. Bird lovers can keep their eyes peeled for some of the 80 species of native birds found in the district.

Volunteer Roles

- Working in the Cultural Centre retail shop
- Working in conjunction with the manager and staff at events
- Visitor meet and greet and providing Visitor Centre Information
- Marketing
- ~~Provision of Visitor Centre information~~
- ~~Administration – assisting with mail outs and events~~
- Leading and teaching new activities
- ~~Assistance with provision of meals to buses~~
- ~~Wildflower~~ Festivals and Events
- Tours
- Assistance with pruning of roses in Rose Maze and maintaining the courtyard

- Assistance with updating museum items and multimedia upgrades
- Maintenance of MoSAIC database

Springhaven Lodge

Springhaven Lodge was established in 1982, is managed by the Shire of Kojonup and provides aged care accommodation to 22 residents in a friendly and supportive environment.

Volunteer Roles

- Fundraising
- Gardening
- Minor maintenance
- Transport and outings
- Music
- Arts and crafts
- Hobbies
- In-house activities
- Reading and writing
- Chatting to residents

Kojonup Library

The Library provides many services including free internet access for school work and research, project and assignment information, computer access, photocopying, laminating, research assistance, links to online services of the WA State Library, language learning centre, books, talking books, e-streaming, DVDs, jigsaw puzzles, and e-magazines for borrowing. Library staff are also heavily involved in early childhood programs e.g.; A Smart Start (early childhood literacy), Play Café (3yo kindergarten) and Better Beginnings.

Volunteer Roles

- Meet and greet
- Assist with reading stories to young children
- Assist with filing of books etc.
- Play in the Park
- Craft Activities

Shire of Kojonup – other areas**Volunteer Roles**

As they present, for example:

- Community Sport and Recreation Programs
- Youth Programs
- Natural Resource Management/Landcare Projects
- Townscape Projects
- Sport Coaching

Volunteer Charter**Shire of Kojonup Volunteer Charter****Volunteers can expect the Shire of Kojonup to:**

- ✓ involve volunteers in meaningful and worthwhile tasks
- ✓ recognise the different roles of volunteers and paid staff
- ✓ provide and maintain a safe and healthy work environment
- ✓ assess volunteer skills to match tasks with expectations, interests and time commitments
- ✓ respect and acknowledge the contribution of volunteers
- ✓ provide an agreed level of supervision, support, resources, instruction and training
- ✓ maintain effective dialogue and build trusting relationships with volunteers
- ✓ provide adequate formal and informal channels of communication for positive and constructive feedback, consultation and the exchange of relevant information
- ✓ provide personal accident and public liability insurance

The Shire of Kojonup requires volunteers to:

- ✓ abide by the Shire's Code of Conduct which strictly applies to all employees, contractors, members and volunteers
- ✓ work as part of the Shire of Kojonup team and demonstrate professional behaviour towards Shire staff, other volunteers and the community
- ✓ respect and maintain confidentiality and privacy
- ✓ comply with the Shire's Work Health and Safety requirements and to wear any personal protective equipment (PPE) provided
- ✓ have a clear understanding of the duties of the role and follow specific instructions, requirements, policies and guidelines and take reasonable care of themselves and others
- ✓ undertake appropriate orientation and training relevant and necessary to the volunteer role
- ✓ recognise and not exceed individual physical and skill limits
- ✓ provide feedback and constructive comment aimed at improving the Shire of Kojonup's volunteer activities

Applications and Recruitment

Volunteer recruitment is planned and follows standardised procedures to ensure a fair, inclusive and transparent approach in line with relevant legislation. All volunteers complete Registration and Agreement forms before commencement. The Shire of Kojonup complies with non-discriminatory principles and promotes diversity in its recruitment process.

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The Shire of Kojonup will select volunteers based on merit and suitability for the role. The following may be required (at the Shire's cost):

- Volunteers may be required to submit a satisfactory National Police Clearance (where relevant to a volunteer program). A *satisfactory* police check for volunteering with the Shire of Kojonup will not include any convictions which may place staff, volunteers, clients or the Shire of Kojonup at any risk (*unsatisfactory* police checks may include, but are not restricted to, violence, fraud, sexual abuse and theft);
- Applicants may organise to obtain their own National Police Clearance or the Shire can assist with the provision of an application form (and will reimburse volunteers for the cost of the National Police Clearance if obtained for Shire of Kojonup volunteering purposes);
- The Shire of Kojonup will not undertake any screening process that could be deemed unnecessary for the role or potentially discriminating.

Volunteer Supervision

A Manager or designated staff member is assigned to each volunteer, taking into consideration the skills required for the task, health and safety matters and the volunteer program. On occasion, it may be appropriate for a volunteer to act as a leader to supervise other volunteer/s. Any such additional responsibility will be reflected in position outlines. The relevant Manager, or designated staff member, will ensure a volunteer supervisor is adequately briefed and supported to undertake supervision responsibilities.

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The Shire of Kojonup will offer to reimburse reasonable out-of-pocket expenses incurred by volunteers (receipt required); any such expenses, wherever possible, must be pre-approved by the relevant Manager.

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The Shire of Kojonup is committed to a work environment where volunteers are included, informed, consulted, and have the opportunity to provide feedback. Where issues arise, volunteers will be informed and consulted as appropriate regarding potential solutions.

All volunteers are expected to sign a confidentiality agreement and it is an expectation of management that volunteers do not discuss confidential issues related to Shire facilities, staff or residents (Springhaven and tenanted housing) or customers outside the organisation. This includes posting or commenting on all social media outlets.

The Shire of Kojonup will ensure an environment that provides for regular, clear and open communication which is professional, respectful and mutually beneficial.

Hazardous Materials and Personal Protective Equipment

Along with appropriate information, instruction, training and supervision needed to ensure health and safety while participating in volunteer activities, volunteers will be provided with appropriate equipment to undertake their role safely.

As our facilities are smoke free, smoking by staff/volunteers is only permitted in designated smoking areas.

Insurance

The Shire is committed to providing an attractive and beneficial volunteering experience for all of its volunteers. In meeting this commitment the Shire considers it important to ensure that should volunteers injure themselves or cause a loss or damage to a third party, they are provided with the protection of insurance in order to minimise any personal financial impact.

The Shire commits to having in place a Personal Accident Policy and Public Liability Policy which will provide cover for volunteers of the Shire. This policy will be subject to conditions and limitations which may vary from time to time. Volunteers are not covered by WorkCover WA

and are, therefore, not entitled to workers compensation in respect of any injury suffered whilst working as a volunteer.

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Feedback opportunities provide volunteers and supervising staff with an opportunity to discuss the following:

- Updating of personal records e.g.; medical, contact details and emergency contacts
- Volunteer satisfaction with the role, service delivery and workplace
- Review of the volunteer position outline for currency and relevance
- Addressing of issues or raising of concerns
- Identification of professional development requirements/training goals and achievements
- Suggested improvements or new initiatives

Feedback will be sought on an annual basis at a mutually convenient time but can be provided at any time. Volunteers will be given an Annual Feedback form and a copy of their position outline prior to the meeting to assist in considering/identifying any position changes/updates, any training or support required, and any other matters that either party may wish to raise.

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If you cease volunteering, your Manager or supervising staff member may undertake an exit meeting or interview with you to gain feedback regarding your experiences and satisfaction while volunteering with the Shire of Kojonup. An exit interview document is used to capture feedback and may be beneficial for continuous improvement purposes.

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The Shire of Kojonup will both informally and formally recognise, acknowledge and affirm the value of volunteers who are involved in the delivery of Shire of Kojonup programs. This recognition may take the form of, but is not limited to, the following:

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- Personal thank you's
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- Provision of references upon request

- Acknowledgement during National Volunteer Week and International Volunteer Day

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Access to, generation and storage of accurate records and documents is vital to the efficient operation of the Shire of Kojonup.

All volunteers will be adequately briefed in documentation and record-keeping requirements and processes, relevant to their role.

Examples of records and documents may include:

- Volunteer records
- Project or work-related documents and materials
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- Reporting back on participation in training, conferences and events
- Volunteer attendance records
- Monthly statistics and reports
- Statement of attendance

At any time volunteers may seek clarification or advice regarding documentation and recording processes. Volunteers may request access to their own record from the relevant Manager. All information is to be kept confidential; information should only be provided to relevant staff for the purpose for which it is intended.

Gratuities

As with staff, volunteers are not permitted to accept gifts from the residents of Springhaven Lodge – residents can be referred to the Manager if they wish to express their appreciation.

For other volunteering work areas, please refer to Council's Code of Conduct for guidance as to the acceptance of gifts (in accordance with s. 5.74 of the *Local Government Act 1995*).

Continuous Improvement

The Shire of Kojonup is building a corporate culture of quality and customer care that is responsive to business and community expectations, encourages a supportive and participative work environment for its volunteers and employees, and promotes improvement of its work practices.

Volunteers will be encouraged to provide feedback about their role and input into relevant operational and strategic processes via supervising staff. Volunteers may elect to maintain anonymity with regard to feedback and suggestions for improvement. For Continuous

Improvement purposes, feedback and information is sought from the Shire of Kojonup's relevant stakeholders including ratepayers, volunteers, employees, and supervising staff.

Changes made to relevant aspects of the Volunteer Handbook will be communicated to all volunteers and other stakeholders.



Volunteer Registration Form

Personal Details			
Title (Circle one)	Mr/Mrs /Ms	First Name	Surname
Home address			
Postal address	Post Code		
Phone	Mobile		
Email	Preferred contact method		
Date of Birth	Date of application		
Do you speak other languages?	Are you a permanent resident of Australia?		YES NO (Circle one)
Emergency Contact Details Primary Contact			
Name			
Relationship			
Address			
Phone number			
Emergency Contact Details Second Contact			
Name			
Relationship			
Address			
Phone number			

Medical Information

Do you have an existing medical disability/condition/injury? (including allergic reactions) Please detail:

Do you take any medication that may affect your volunteer work? Please provide details:

--

Volunteer Position

Please provide details of the program or specific volunteer role(s) that you are interested in (in order of preference, if more than one):

Program Area	Location	Volunteer Role

Skills and Qualifications

Knowledge and experience

--

Current Driver's Licence YES NO If yes, please list number

--

Availability to Volunteer

No. hours/week			Start Date				
Preferred Days (Please circle)	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Preferred Time/s							

Employment and/or Volunteering History		
Have you worked/volunteered for the Shire of Kojonup before (Circle one)? YES NO		
If yes, in what capacity and when? _____		
Have you, or do you currently, volunteer for other organisations (Circle One)? YES NO		
If yes, please specify:		
Referees		
Please provide the contact details of two people who are not family members and who are willing to act as referees for your chosen voluntary role. One referee is mandatory and a second is optional.		
Referee 1 Name	Relationship	How long have you known this referee?
Phone	Mobile	Email
Referee 2 Name	Relationship	How long have you known this referee?
Phone	Mobile	Email
How did you become aware of the Volunteering opportunities at the Shire?		
Friend	Newspaper	Other

Thank you for registering to become a volunteer with the Shire of Kojonup.

You will be advised if a suitable volunteer placement is available.

Please forward your completed registration form to:

Shire of Kojonup, PO Box 163, Kojonup, WA, 6395 or via email at:

council@kojonup.wa.gov.au

Volunteer Agreement

I, _____

- Agree I have been shown and will abide by the Volunteer Charter, which includes my rights and responsibilities as a volunteer with the Shire of Kojonup.
- Agree to abide by the Shire of Kojonup Code of Conduct and to represent the organisation in a positive way.
- Agree to not discuss or disclose confidential information that I may come across in my volunteering role.
- Will not take illegal drugs or consume alcohol, or be under the influence of same, whilst engaged in volunteer activities.
- Give permission for the Shire of Kojonup to maintain on file, my personal information relevant to my voluntary duties, which may be accessed by relevant staff members of the organisation in the case of an emergency. I understand this information will not be given to any other person or agency unless I give my specific permission.
- Understand photographs may be taken by and of people participating in activities with the Shire of Kojonup. I understand it is my responsibility to remove myself if I do not wish to appear in photographs.
- Agree to follow grievance procedures as set out by the Shire of Kojonup.
- Agree to support a non-discriminatory and harassment-free work environment.
- Agree to treat clients, staff and volunteers with respect, courtesy and consideration.
- Agree to participate in essential orientation and ongoing training arranged by the Shire of Kojonup as required.
- Verify I have received all documents in the Volunteer Induction and Orientation Kit.
- Agree to work as part of a team.
- Agree to sign the Attendance Register at each volunteering session.
- Agree to inform the Volunteer Supervisor/Relevant Manager if I am unable to attend a rostered session.
- Agree to inform the Relevant Manager if I am unable to continue as a volunteer.
- Agree to a 3 month review of the volunteer role, where required, leading to a mutual evaluation of the suitability of the role for me.
- Agree to maintain a current driver's licence and third party or comprehensive insurance if I am required to use my own vehicle for volunteering purposes.
- Hereby authorise/do not authorise (strike whichever does not apply) the Shire of Kojonup and its licensees and associates permission to use my image/s and/or the reproduction of any or all images in any form or composite representation by the Shire of Kojonup and its licensees and associates without compensation to me. I agree that all images shall remain the property of the Shire of Kojonup in all forms.

Name and Signature of Volunteer_____
Date_____
Name and Signature of Staff Member_____
Date

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Introduction

Thank you for giving, or considering giving, your time to the Shire of Kojonup (Shire).

A volunteer is an individual who undertakes work of their own free will, without financial payment and for the mutual benefit of the Shire of Kojonup, the volunteer and the community. Volunteers extend, enhance and support the work of paid staff but do not displace paid staff. Individuals participate directly in programs organised by the Shire of Kojonup in a designated volunteer role, both short and long term. Volunteering supports skill development, socialisation, fun and can also address human, environmental and social needs.

As a volunteer, you are a very important part of our organisation and an integral part of what makes living in country towns so amazing.

Benefits of Volunteering

You will be invited to our 'Thank a Volunteer' Day and our annual Christmas Party, and be informally and formally recognised for your contribution, as described later in this Handbook. Where Council requires a Working with Children Check, 1st Aid Certificate, National Police Clearance, Medical report, etc., Council will pay or reimburse a volunteer the expense incurred. The Shire recognises the value and importance of volunteering and sees increased levels of volunteering as one of the key components of a cohesive and harmonious community.

The Shire engages many volunteers through a number of different programs, mainly:

- The Kodja Place Cultural Centre
- Springhaven Frail Aged Lodge; and
- Kojonup Library.

As with employees, our volunteers will:

- Undergo a selection process;
- Be provided with a written position outline clearly showing the duties to be performed;
- Undergo a formal induction process;
- Have access to training and development; and
- Be able to participate in an annual feedback process.

Each volunteer, or prospective volunteer, is given a copy of this Volunteer Handbook (Handbook) – if you choose to volunteer with the Shire of Kojonup, please use this resource to help ensure a safe working environment for all volunteers and staff.

A number of Shire of Kojonup policies and procedures apply to volunteers as well as staff, contractors and other workers. A copy of the Shire's Policy Manual and Risk Management and Business Continuity and Disaster Recovery Plan are available on the Shire of Kojonup website; a hardcopy of these documents is also available on request.

Opportunities for Volunteering and Activities

The Kodja Place Cultural Precinct

The Kodja Place Cultural Precinct was created by the local community and was funded by the Shire, Kojonup Aboriginal Corporation and the community. This award winning centre is unique within Australia and incorporates the Visitor Information Centre, Aboriginal Cultural Heritage Centre, Historical Interpretive Museum and the Australian Rose Maze.

The most powerful aspect of the Centre is the “One Story Many Voices” approach which tells the stories jointly of the local Kaneang Noongar community alongside Settler stories. The Rose Maze offers the cultural interpretations of three women and their stories (Kaneang, English and Italian) of survival and life experiences in the twentieth century. Complementing these stories are the Kodja Gallery and Storyplace displays in which many local Noongar and non-indigenous people’s experiences and perspectives are also combined in imaginative and richly layered interpretations.

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Volunteer Roles

- Working in the Cultural Centre retail shop
- Working in conjunction with the manager and staff at events
- Visitor meet and greet and providing Visitor Centre Information
- Marketing
- Leading and teaching new activities
- Festivals and Events
- Tours
- Assistance with pruning of roses in Rose Maze and maintaining the courtyard
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Springhaven Lodge was established in 1982, is managed by the Shire of Kojonup and provides aged care accommodation to 22 residents in a friendly and supportive environment.

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Shire of Kojonup – other areas**Volunteer Roles**

As they present, for example:

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Volunteers will be encouraged to provide feedback about their role and input into relevant operational and strategic processes via supervising staff. Volunteers may elect to maintain anonymity with regard to feedback and suggestions for improvement. For Continuous

Improvement purposes, feedback and information is sought from the Shire of Kojonup's relevant stakeholders including ratepayers, volunteers, employees, and supervising staff.

Changes made to relevant aspects of the Volunteer Handbook will be communicated to all volunteers and other stakeholders.



Volunteer Registration Form

Personal Details			
Title (Circle one)	Mr/Mrs /Ms	First Name	Surname
Home address			
Postal address	Post Code		
Phone	Mobile		
Email	Preferred contact method		
Date of Birth	Date of application		
Do you speak other languages?	Are you a permanent resident of Australia?		YES NO (Circle one)
Emergency Contact Details Primary Contact			
Name			
Relationship			
Address			
Phone number			
Emergency Contact Details Second Contact			
Name			
Relationship			
Address			
Phone number			

Medical Information

Do you have an existing medical disability/condition/injury? (including allergic reactions) Please detail:

Do you take any medication that may affect your volunteer work? Please provide details:

--

Volunteer Position

Please provide details of the program or specific volunteer role(s) that you are interested in (in order of preference, if more than one):

Program Area	Location	Volunteer Role

Skills and Qualifications

Knowledge and experience

--

Current Driver's Licence YES NO If yes, please list number

--

Availability to Volunteer

No. hours/week			Start Date				
Preferred Days (Please circle)	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Preferred Time/s							

Employment and/or Volunteering History		
Have you worked/volunteered for the Shire of Kojonup before (Circle one)? YES NO		
If yes, in what capacity and when? _____		
Have you, or do you currently, volunteer for other organisations (Circle One)? YES NO		
If yes, please specify:		
Referees		
Please provide the contact details of two people who are not family members and who are willing to act as referees for your chosen voluntary role. One referee is mandatory and a second is optional.		
Referee 1 Name	Relationship	How long have you known this referee?
Phone	Mobile	Email
Referee 2 Name	Relationship	How long have you known this referee?
Phone	Mobile	Email
How did you become aware of the Volunteering opportunities at the Shire?		
Friend	Newspaper	Other

Thank you for registering to become a volunteer with the Shire of Kojonup.

You will be advised if a suitable volunteer placement is available.

Please forward your completed registration form to:

Shire of Kojonup, PO Box 163, Kojonup, WA, 6395 or via email at:

council@kojonup.wa.gov.au

Volunteer Agreement

I, _____

- Agree I have been shown and will abide by the Volunteer Charter, which includes my rights and responsibilities as a volunteer with the Shire of Kojonup.
- Agree to abide by the Shire of Kojonup Code of Conduct and to represent the organisation in a positive way.
- Agree to not discuss or disclose confidential information that I may come across in my volunteering role.
- Will not take illegal drugs or consume alcohol, or be under the influence of same, whilst engaged in volunteer activities.
- Give permission for the Shire of Kojonup to maintain on file, my personal information relevant to my voluntary duties, which may be accessed by relevant staff members of the organisation in the case of an emergency. I understand this information will not be given to any other person or agency unless I give my specific permission.
- Understand photographs may be taken by and of people participating in activities with the Shire of Kojonup. I understand it is my responsibility to remove myself if I do not wish to appear in photographs.
- Agree to follow grievance procedures as set out by the Shire of Kojonup.
- Agree to support a non-discriminatory and harassment-free work environment.
- Agree to treat clients, staff and volunteers with respect, courtesy and consideration.
- Agree to participate in essential orientation and ongoing training arranged by the Shire of Kojonup as required.
- Verify I have received all documents in the Volunteer Induction and Orientation Kit.
- Agree to work as part of a team.
- Agree to sign the Attendance Register at each volunteering session.
- Agree to inform the Volunteer Supervisor/Relevant Manager if I am unable to attend a rostered session.
- Agree to inform the Relevant Manager if I am unable to continue as a volunteer.
- Agree to a 3 month review of the volunteer role, where required, leading to a mutual evaluation of the suitability of the role for me.
- Agree to maintain a current driver's licence and third party or comprehensive insurance if I am required to use my own vehicle for volunteering purposes.
- Hereby authorise/do not authorise (strike whichever does not apply) the Shire of Kojonup and its licensees and associates permission to use my image/s and/or the reproduction of any or all images in any form or composite representation by the Shire of Kojonup and its licensees and associates without compensation to me. I agree that all images shall remain the property of the Shire of Kojonup in all forms.

Name and Signature of Volunteer_____
Date_____
Name and Signature of Staff Member_____
Date

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SHIRE OF KOJONUP

Kojonup



LOCAL EMERGENCY MANAGEMENT COMMITTEE

MINUTES
RECEPTION ROOM

9.30am Monday, 7 November 2022

Local Emergency Management Committee - *Emergency Management Act 2005*

Roles, Functions and Purpose:

“s39. Functions of local emergency management committees:

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

- (a) To advise and assist the local government in ensuring that local emergency management arrangements are established for its district;*
- (b) To liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and*
- (c) To carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.”*

The SEMC Procedures, that detail more information on LEMC’s in accordance with the Act, gives the following direction towards roles and meeting purpose:

In addition to the normal roles assigned to office bearers of a committee, the following roles are specific to the needs of a LEMC. The Chair will ensure the appointment of an Executive Officer and ensure that the Council is kept fully informed of Emergency Management discussion and significant outcomes from LEMC meetings. The Deputy Chair should deputise for the Chair as required and chair any subcommittees or working groups.

The Executive Officer should:

- coordinate the development and submission of committee documents in accordance with legislative and policy requirements including an Annual Report, Annual Business Plan and maintenance of Local Emergency Management Arrangements (LEMA);*
- provide advice to the Chair and LEMC as required;*
- facilitate communication between the LEMC and Executive Officer of the relevant District Emergency Management Committee (DEMC).*

Agenda items to be considered, in line with the annual reporting requirements, should include:

- Confirmation of LEMA contact details and key stakeholders;*
- Committee membership and resources;*
- Status of LEMA including local recovery plans;*
- Exercises that include the local government(s) and /or test the LEMA;*
- Subcommittees or working groups;*
- Projects undertaken; and*
- Key achievements.*

Additional considerations should include:

- Local training needs or opportunities;*
- funding opportunities, (for example, the Natural Disaster Resilience Program (NDRP) and All West Australian Reducing Emergencies (AWARE);*
- Incident Support Group activations/or incidents;*
- Emergency risk management processes – including any treatment strategies;*
- Post-incident reports and post-exercise reports; and*
- finalising the annual report and arranging for it to be forwarded to the relevant DEMC for annual report compilation.*

Local Emergency Co-ordinator:

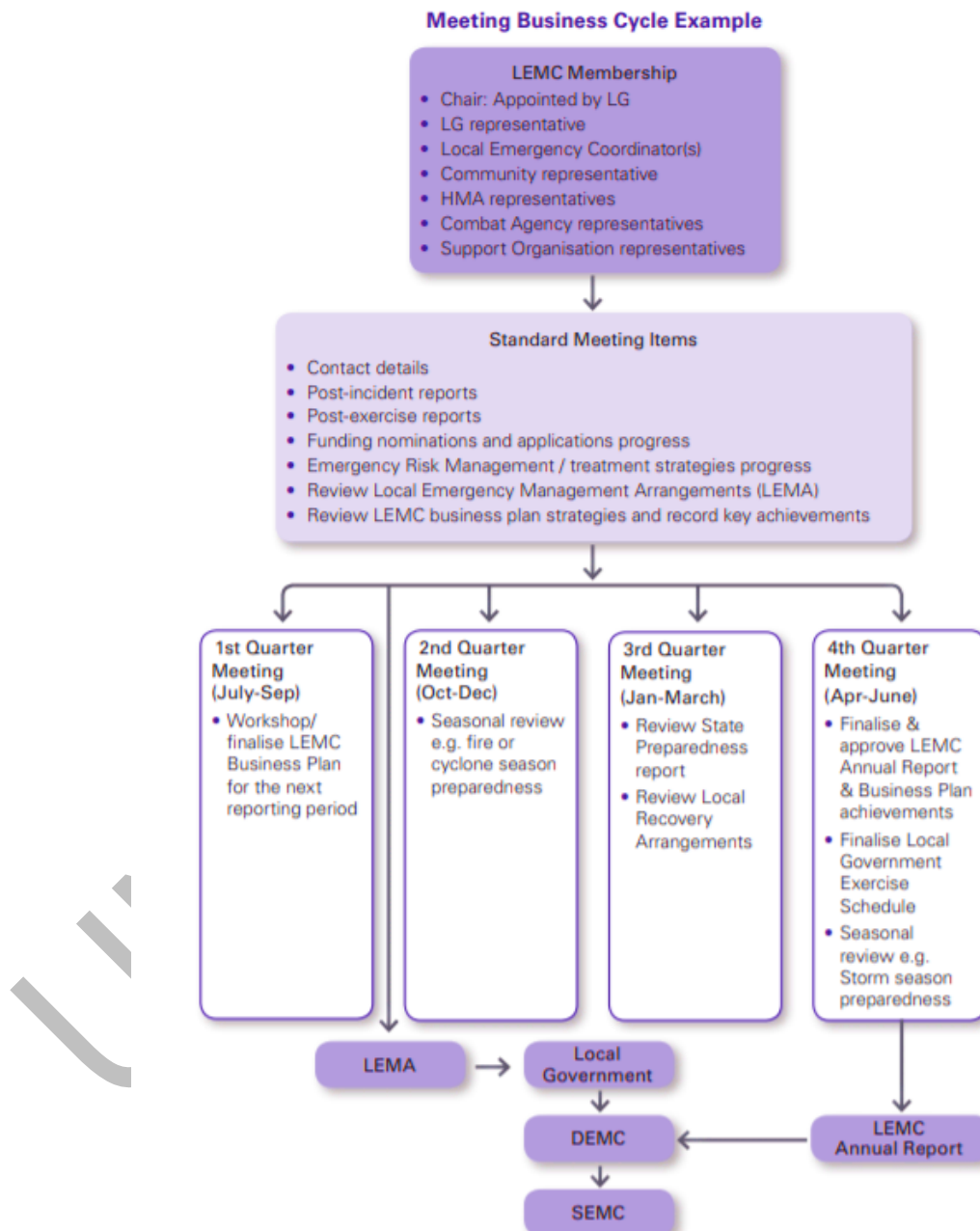
“s37. Local emergency coordinators

(1) The State Emergency Coordinator is to appoint a local emergency coordinator for each local government district.

(2) Before appointing a local emergency coordinator for a local government district the State Emergency Coordinator is to consult the relevant local government.

(3) In making an appointment the State Emergency Coordinator is to have regard to any submissions of the local government....”

The Shire of Kojonup Local Coordinator is WA Police Service, OIC Kojonup



MINUTES

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Chairman, Robert Jehu declared the meeting open at 9:33am.

2. ATTENDANCE & APOLOGIES

Shire of Kojonup

- | | |
|-------------------|---|
| • Ned Radford | Shire President (Council) |
| • Grant Thompson | Chief Executive Officer |
| • Robert Jehu | Manager Regulatory Services (MRS)(Chairman) |
| • Kevin Bransby | Community Emergency Services Manager |
| (CESM) | |
| • Emelee Peet | Bushfire Risk Planning Coordinator |
| • Ciara O'Regan | Manager Springhaven (MS) |
| • Este Lottering | Administrator Regulatory Services (RS) |
| • Stephanie Swain | Ranger |

WA Police Service, Kojonup

- | | |
|----------------|----------------|
| • Matt Johnson | Kojonup Police |
|----------------|----------------|

Volunteer Bush Fire Brigade Service, Kojonup

- | | |
|-----------------|--|
| • Digby Stretch | President Kojonup Bushfire Association |
| • Tim Johnston | Community Member |
| • Tony Fisher | Chief Zulu |

Department of Communities

- | | |
|-------------------|-------------------------------------|
| • Michele Duxbury | District Emergency Services Officer |
|-------------------|-------------------------------------|

Kojonup VFRS

- | | |
|--------------|--|
| • Matt Crabb | VFRS Captain Kojonup Bushfire Brigades |
|--------------|--|

Kojonup Health Service

- | | |
|-------------|---------------------------|
| • Ken Jones | Albany Facilities Manager |
|-------------|---------------------------|

Department of Fire and Emergency Services

- | | |
|--------------|---------------------------------------|
| • Adam Smith | District Emergency Management Advisor |
|--------------|---------------------------------------|

St John Ambulance, Kojonup

- | | |
|-----------------|---------------------|
| • Roger Ladyman | Kojonup SJA |
| • Sonia Brooker | Community Paramedic |

Apologies

Kojonup District High School

- | | |
|----------------|-----------|
| • Sharon Poett | Principal |
|----------------|-----------|

St John Ambulance, Kojonup

- | | |
|---------------|-------------------------|
| • Luke Fowles | SJA Community Paramedic |
|---------------|-------------------------|

St Bernards Primary School

- | | |
|-----------------|-----------|
| • Sharon Marino | Principal |
|-----------------|-----------|

Water Corporation

- Marian Sain

Department of Primary Industries and Regional Development

- John Paul Collins Research Scientist / Responsible Officer on Site

3. CONFIRMATION OF PREVIOUS MINUTES

OFFICER RECOMMENDATION

Moved by Ciara O'Regan, seconded by Stephanie Swain
That the minutes of the Local Emergency Management Committee meeting held 8 August 2022 be confirmed as a true and accurate record.

17/0 CARRIED

4. BUSINESS ARISING FROM PREVIOUS MEETING

Grant Thompson requested an update on the current Foot and Mouth Disease situation. Digby Stretch confirmed that it is an ongoing concern and that Australia is still prepared for any outbreak.

5. GENERAL BUSINESS

5.1.1 WA's State of Emergency has come to an end

Western Australia's State of Emergency and the Public Health State of Emergency will come to an end 12:01am Friday, 4 November 2022, marking a major milestone in the State's successful management of the COVID-19 pandemic.

Public health advice like mask-wearing, testing and isolating if feeling unwell, and avoiding high-risk settings until symptoms have cleared are highly recommended and can be adopted as a requirement through businesses' own policies and work health and safety arrangements.

With COVID-19 still in the community, Western Australian's are still encouraged to test and isolate if feeling unwell with COVID-like symptoms, stay up to date with vaccinations, continue to wash or sanitise your hands and wear a mask as required.

The WA free RAT program provides a quick and effective form of testing for COVID-19, with free RATs available at drive-through collection points, vaccination clinics, offices of Members of Parliament, and regional testing clinics.

As part of the transition away from the State of Emergency, a 'Temporary COVID-19 Declaration' can be made by the State Emergency Coordinator should the virus escalate and require additional public health and social measures to be implemented to protect the community.

Under the framework, the Temporary COVID Declaration can be used to implement measures such as mask wearing on public transport and in other settings, isolation requirements for individuals, enhanced cruise-ship protocols and prohibitions to remote Aboriginal communities.

5.2 HMA/AGENCY REPORT

5.2.1 Shire of Kojonup – Executive Officer - Grant Thompson

- Not a lot to report, Covid is winding down, starting to postpone more and more Covid meetings.
- Springhaven's preparedness for Covid was exemplary and planning was valuable when Covid hit, Ciara and her team did a fantastic job.
- Like to introduce Emelee Peet, our new Bushfire Risk Planning Coordinator. She will be shared between the Shires of Kojonup, Katanning and Broomehill-Tambellup.
- Regarding the Communication tower, the previous project manager has resigned and moved overseas. He did give us a few numbers of replacements. We'll be going through them to appoint the correct person.
- Windfarm process is not finalised yet. The Shire cannot get involved or comment on any Windfarm matters at this stage.

5.2.2 Shire of Kojonup – Manager of Regulatory Services - Robert Jehu

- Attachment – Factsheet for Health Representation on LEMC – Heatwave Hazard
- LEMC will be in charge when a response needs to be put out there, and in the case of a severe heatwave the state plan will be implemented. Assessment needs to take place in the moment and further steps will then be planned.

5.2.3 Springhaven Aged Care

- Springhaven is doing ok, there were two outbreaks of Covid this year, and we've still got half a container of PPE. No more Covid / Flu vaccinations is needed which was the reason for such a high staff loss. Now that it is not needed, it makes sense to take the mandate away to get staff again.
- The facilities can implement their own procedures and act on their own discretion.
- Staffing still a big concern, there will only be one nurse from 2023.
- Would like to thank Emelee for her visit with Haylee on their fire emergency plan. Haylee is very excited to work with Emelee.

5.2.4 CESM

- Would like to welcome Emelee Peet, looking forward to be working with her in the next couple of months.
- The last few weeks consisted of training – bushfire training.

5.2.5 WAPOL

- The Kojonup police station is still two Subs down, there will be a new Sgt coming in the next two weeks. (From Scarborough). His son is a Sgt in Katanning, so we hope he will be staying longer. There is also no applications for the second role.

5.2.6 St John Ambulance

- Busy period is coming up, still short of numbers for volunteers over the Christmas period. There is only about 5 volunteers that is really active.
- Our offices is open on Tuesdays and Thursdays – office lady settling in very nicely.
- Car park is nearly done, will just need the signs to go up.

5.2.7 Kojonup VFRS

- We've been busy, standing on 10 members, we've lost 3 in the year. There is about 6 fully trained guys, so in an emergency we've got about 4-6 guys that can be on the truck in minutes.
- Juniors will be trained next year, they can join from the age of 17
- Did a nice refresher course at the showgrounds, filled a shed with smoke and did some learning.
- Done a few school visits, some kids will be visiting the station.

5.2.8 Volunteer Bush Fire Brigade

Tony Fisher :

- Potentially a bad season coming with the masses of fuel load out there.
- Keeping in touch with the employees of the windfarm, they are happy to work with us and if we need anything else.
- Permits are finished, now only protective burning allowed.
- Due to the light season, a lot of material what will not burn needs to be slashed, cut or sprayed.
- Kojonup truck – Tim resigned, and Temby will take over
- Murdaup truck – Blewitt guys will take over (Bob is out of action and retired)

Digby Stretch:

- Had our radio briefing meeting
- The new fire danger rating system is still an issue for the permit system.
- Permits will be invalidated when the fire danger rating is too high. FCO's will have the discretion to override permits that is cancelled to go ahead. We're very reluctant to do this but will discuss with the Shire what they are comfortable with.
- Still concerns if what we do here in the Shire of Kojonup will impact Cranbrook and Mount Barker which is part of the Stirling West.

Grant Thompson mentions that the BFB should talk to Enel to see what plans they've got in place for a fire on their premises.

Stephanie Swain did her fire break order inspections for the townsite of Kojonup. 66 Lots were not compliant from which 13 is in Muradup. Letters has been send out to them all with a new cut off date.

5.2.9 Kojonup Health Service

- Staffing is a continual problem
- Contacted a lot of agencies, the nurses don't' hang around long enough.
- Got some funding for tanks and fire equipment for the hospital, hopefully it will be implemented this year.
- All the emergency procedures are updated, still working on a Code yellow fire plan for the next year.

- With our asset protection, we're quite comfortable with the surrounds of the hospital.

5.2.10 DFES/DEMC

DFES

- The last 2 months staff have been focusing on the Departments pre-season preparedness measures and have conducted a number of regional bushfire exercises and professional development training.
- The substantive Superintendent (Wayne Green) has returned from long service leave
- The region is fortunate to have a full complement of staff to the bushfire season.

Emergency Management

- The District Emergency Management Committee (DEMC) had its last meeting for the year on the 28 October
- One of the key items for discussion was DEMC membership, this includes local government representation which will be further discussed at the December Local Emergency Management Forum
- The DEMC endorsed the post exercise report from the combined Great Southern and Goldfields-Esperance DEMC exercise – copies will be sent to LEMCs shortly.
- The DEMC has a new Chair – Superintendent (Police) Paul Coombes

5.2.11 Department of Communities

- Welcome Michelle Duxbury to the community.
- Covid mandate report has been deactivated.
- Doing a lot of training currently to prepare for a high threat season. If anyone is looking for training, please do let us know.
- Busy updating the current Welfare plans.

5.2.12 DPIRD

Attachment - DPIRD LEMC -DEMC Report 2022.10.3

5.2.13 Kojonup District High School

- Apology

5.2.14 St Bernards Primary School

- Apology

6. **OTHER ITEMS**

- Tim Johnson announced his retirement from the LEMC. He begs the Shire to protect Kojonup. He enjoyed his involvement over the past few years.
- Robert Jehu thanks Tim Johnson for his valuable contribution.
- The position Tim Johnson filled should be advertised to the community with an EOI.
- Motion moved by Digby Stretch and Second by Stephanie Swain. All in favour

OFFICER RECOMMENDATION

Moved by Digby Stretch, seconded by Stephanie Swain

The Community member position filled by Tim Johnson be advertised to the Community to seek EOI for the position to be filled.

17/0 CARRIED

7. **DETAILS OF NEXT MEETING**

Monday, 6th of February 2023 @09:30am

8. **CLOSURE**

There being no further business to discuss, the Chairman thanked the members for their attendance and declared the meeting closed at 10:24am.

SHIRE OF KOJONUP

Kojonup



Kojonup Bush Fire Advisory Committee

Minutes

8 November 2022

BUSHFIRE ADVISORY COMMITTEE TERMS OF REFERENCE

Established under *Section 67 of the Bush Fires Act 1954*.

Terms of Reference

The Bush Fire Advisory Committee is established for the purpose of:

- a) Advising the Shire regarding all matters relating to the preventing, controlling and extinguishing of bush fires;
- b) The planning of the layout of firebreaks in the district;
- c) Prosecutions for breaches of this Act;
- d) The formation of bush fire brigades and the grouping thereof under group brigade officers (in accordance with any local laws);
- e) Recommendations on Fire Control Officer positions;
- f) Feedback on the Council's Fire Break Notice;
- g) Specific requirements from each brigade with regard to:
 - Protective Personal Equipment;
 - Equipment and vehicles resources required; and
 - Training Requirements;
- h) The ensuring of cooperation and coordination of Bush Fire Brigades in their efforts and activities; and
- i) Any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.

Other:

- a) The Bush Fire Advisory Committee shall include an elected member of the Council;
- b) The committee shall elect one of their members to be chairman;
- c) The quorum required for the transaction of business at meetings of the committee is set at 50%

Membership

Voting Members (9 in total)

- Councillors x2 (Currently Cr Radford and Cr Webb);
- The President of the Kojonup Bushfire Association;
- The Chief Bush Fire Control Officer;
- The Deputy Chief Bush Fire Control Officer;
- Senior Fire Control Officer (Zulu)
- Senior Fire control Officer (Zulu)
- Secretary of the Kojonup Bushfire Association
- Captain of the Volunteer Fire and Rescue Service

Observers

- The Chief Executive Officer (CEO)
- Shire Delegates x3
- Muradup Town Fire Control Officer (FCO)

MINUTES FOR THE KOJONUP BUSH FIRE ADVISORY COMMITTEE MEETING
HELD 8 NOVEMBER 2022

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M I N U T E S

1. **DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS**

The Presiding Member declared the meeting open at 07:01pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points.

2. **ATTENDANCE & APOLOGIES**

MEMBERS

Ned Radford	Shire President (Presiding Member)
Paul Webb	Councillor
Digby Stretch	President Kojonup Bush Fire Association
Ross Fryer – Smith	Senior Bush Fire Control Officer
Tony Fisher	Chief Bush Fire Control Officer
Matthew Crabb	Kojonup Volunteer Fire and Rescue Service
Roger House	Deputy Bush Fire Control Officer

OBSERVERS

Robert Jehu	Manager Regulatory Services
Kevin Bransby	Community Emergency Services Manager
Estelle Lottering	Regulatory Services Administrator (Minute taker)
Stephanie Swain	Ranger
Emelee Peet	Bushfire Risk Management Coordinator

APOLOGIES

Nick Trethowan	Senior Bush Fire Control Officer
Bob Francis	Kojonup Bushfire Brigade Member
Denise Berryman	Secretary of the Kojonup Bush Fire Association
Ross Fryer – Smith	Senior Bush Fire Control Officer
Derek Jones	DFES District Officer Great Southern

3. **SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil

4. **PUBLIC QUESTION TIME**

Nil

5. **APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

6. **CONFIRMATION OF MINUTES**

Minutes of the Bushfire Advisory Committee Meeting held on 9th of August 2022 were previously circulated under separate cover.

COMMITTEE DECISION

That the minutes of the Bushfire Advisory Committee Meeting held 9 August 2022 be confirmed as a true record.

Moved by Digby Stretch and second by Paul Webb

CARRIED 7/0

7. **ANNOUNCEMENTS** by the Presiding Member without discussion

Nil

8. **PETITIONS, DEPUTATIONS & PRESENTATIONS**

Nil

9. **DECLARATIONS OF INTEREST**

Nil

10. STATUS REPORTS

10.1 2021/2022 Fire Season Update

As of 30 June 2022, there have been the following fires reported within the Shire:

Fires for Fire Brigades 2021 - 2022													
Brigade	July	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total
Boilup	0	0	0	0	0	0	0	0	0	0	0	0	0
Boscabel	0	0	0	0	0	0	0	2	1	0	0	0	3
Changerup	0	0	0	0	0	1	0	0	0	2	1	0	4
Cherry Tree Pool	0	0	0	0	0	0	0	0	0	1	0	0	1
Jingalup	0	0	0	0	0	1	2	2	1	3	0	1	10
Kojonup	0	0	0	0	0	0	1	0	1	0	1	0	3
Lumeah	0	0	0	0	0	0	0	0	0	0	0	0	0
Mobrup	0	0	0	0	0	0	0	0	0	0	1	0	1
Muradup	0	0	0	0	0	0	2	0	1	2	0	0	5
Orchid Valley	0	0	0	0	0	0	0	0	0	2	0	0	2
Qualeup	0	0	0	0	0	0	0	0	0	1	0	0	1
Ryans Brook	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	2	5	4	4	11	3	1	30

This compares with the following data for the previous four years.

Fires for 2019-2020 by Brigades													
Brigade	July	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total
Boilup													0
Boscabel					3	1							4
Changerup						1							1
Cherry Tree Pool						1							1
Jingalup								1		2			3
Kojonup										2			2
Lumeah						1	1	1	3				6
Mobrup								1		1			2
Muradup				1		1		1					3
Orchid Valley										1			1
Qualeup									1				1
Ryans Brook						1							1
Total	0	0	0	1	3	6	1	4	4	6	0	0	25

Fires for 2018 - 2019 by Brigades													
Brigade	July	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total
Boilup													0
Boscabel													0
Changerup					1	1			2				4
Cherry Tree Pool						1	1		1				3
Jingalup						1	4		3		1		9
Kojonup						1	2		1	1	3	1	9
Lumeah						3	1		1	1	2		8
Mobrup							1				1		2
Muradup									2				2
Orchid Valley									1				1
Qualeup						1					2	1	4
Ryans Brook							1						1
Total	0	0	0	0	0	1	8	10	0	11	2	9	43

Fires for 2017 - 2018 by brigade													
Brigade	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total
Boilup									1				1
Boscabel													0
Changerup											1		1
Cherry Tree Pool										1			1
Jingalup						1				1	1		3
Kojonup					6	1				4	2		13
Lumeah					1				2	1	3		7
Mobrup											1		1
Muradup						1							1
Orchid Valley						1							1
Qualeup											1		1
Ryans Brook						1							1
Total	0	0	0	0	0	8	4	0	0	3	7	9	31

Fires for 2016 - 2017 by brigades													
Brigade	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total
Boilup											1		1
Boscabel													0
Changerup						1							1
Cherry Tree Pool					1	1							2
Jingalup								1			2		3
Kojonup							1						1
Lumeah													0
Mobrup													0
Muradup										2	1		3
Orchid Valley									1				1
Qualeup													0
Ryans Brook								1			1		2
Total	0	0	0	0	0	1	2	1	2	1	2	5	14

11 GENERAL ITEMS

11.1 Kevin Bransby

- Regarding the BFB standing procedures, send out earlier to all, and will be send out again in word format for Zulu's to amend. Should be carefull not to be over descriptive.
- Went through the Bush Fire Talking Points document.
- Went through Derek Jones report (attached)

COMMITTEE DECISION

To receive the Dual FCO request for Neil Morrell from the Shire of Arthur and send to council for endorsement.

Moved by Digby Stretch and second by Ross Fryer-Smith

CARRIED 7/0

11.2 Digby Stretch & Tony Fisher

Need to discuss succession planning – this will be Roger House last year

Tim Johnson also resigned from the bush fire brigade

Emergency booklets only for brigades not the rest of Shire. Este to correct, amend and send back.

Discussion on the New Fire Danger Rating. Still not comfortable using this.

Aurora.landgate.wa.gov.au introdocued by Kevin Bransby

Still not comfortable with the new weather rating system.

Only Tony will be able to override permits, not the other zulu's

Tony will write and sign at the bottom of the permit books

New stickers will be created to put on permits, on there it will state no fire will be lit if the wind is exceeding 20km/hour.

COMMITTEE DECISION

To rewrite the additional stickers/labels for the permit books and to add that no fires will be lit if the wind speed exceeds 20km/hour

Moved by Digby Stretch and second by Roger House

CARRIED 7/0

Motion on the review of the draft

The shire to review documentation on the risk assessment overriding the new high fire danger rating validating high fire dating for the purposes of validating burning permits.

COMMITTEE DECISION

The Shire to review documentation on the Risk Assessment Overriding the new high fire danger rating system, validating high fire dating for the purposes of validating burning permits.

Moved by Digby Stretch and second by Tony Fisher

CARRIED 7/0

Enel Windfarm came out to meet with BFAC, offered their assistance, and would also be on alert with enough fire fighting vehicles.

Will be starting with Radio Skeds, first only the Monday, the following week the Monday and Friday and from then onwards every day.

11.3 Robert Jehu

Waterbombing only 4 people attended. We've received a request to put a shipping container at the airport to keep the water bomber pump in. Risk to high for our equipment to get stolen. Rather to apply through the Western Power grant for an trailer to put the pump on.

COMMITTEE DECISION

The Shire to apply for the Western Power Grant for a trailer to put the Water bomber pump on.

Moved by Digby Stretch and second by Paul Webb

CARRIED 7/0

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 LATE ITEMS

This section of the meeting is for discussing late items which did not make it into the Agenda and of which a decision is required by the BFAC as to the course of action to be taken for Council consideration.

13.1 Stephanie Swain hands out documents (attached) on behalf of Ross Fryer Smith. Give a brief break down on the current status of the Shire of Kojonup's firebreak inspections.

13.2 Matt Crabb requested better fire season signs to be put up around town.

14 NEXT MEETING

Will be on the 7th of February 2023 at 7:00pm.

15 CLOSURE

There being no further business to discuss the Presiding Member thanked the members for their attendance and declared the meeting closed at 8:39pm.

UNCONFIRMED



SHIRE OF KOJONUP

Policy Manual

NOVEMBER 202~~2~~⁴



FOREWORD

This publication is a “living” document which has been designed to serve as a tool for the Council, Staff and any other person who wishes to use it in their dealings with the Shire. It is only one of several reference sites to guide you in conducting your daily business with the Shire of Kojonup.

Users should be mindful of the fact that in simple terms:

- Policy provides what can be done;
- Procedures provide how to do it; and
- Delegation provides who can do it.

It is important to note that the Council’s adopted policies have been made to facilitate:

- Consistency and equity in decision making;
- Promptness in responding to customer needs; and
- Operational efficiency.

Several other related policies and procedures have also been developed relating to specific operational areas; however, have been recorded separately due to their size and for ease of use. These documents are available on request and should be read in conjunction with this manual. They include:

- Springhaven Lodge Policy Manual;
- Employee Manual;
- Asset Management Plan;
- Information Communication Technology Plan (Draft);
- Risk Management Plan;
- Business Continuity and Disaster Recovery Plan;
- Volunteer Management Plan;
- Elected Member Manual; and
- Work Health and Safety—~~Occupational Health & Safety~~ Procedure Manual.

All policies are reviewed on an annual basis; however, this does not prevent or preclude a policy from an independent review if circumstances (e.g., a change in legislation etc.) warrant a review to be undertaken.

The *Freedom of Information Act 1992* embodies the following basic principles:

1. That members of the public have a legally enforceable right of access to government information;
2. That government departments and agencies are required to publish information concerning the documents they hold;
3. That people may ask for inaccurate, incomplete, out of date or misleading information to their personal records to be amended;
4. That people may appeal against a decision by a government body not to give access to the information or not to amend a personal record; and
5. *The Freedom of Information Act 1992* provides the opportunity for public access to certain Council documents and the Council fully supports these principles and makes a wide range of information available to the public.

Grant Thompson
Chief Executive Officer (CEO)

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1 COMMUNITY DEVELOPMENT & TOURISM

1.1 KOJONUP COMMUNITY BUS

Adopted or Reviewed by Council:	15/11/16	Council Minute Reference:	151/16
Reviewer:	Manager of Corporate and Financial Community Services		
Local Law:			
Procedure:	13 Procedure & Bus Hire Form		
Delegation:			

OBJECTIVE

To provide access to specialist transport facilities to the residents of Kojonup for educational, recreational and social outings to improve their quality of life.

POLICY

It is the policy of the Shire of Kojonup to provide a wheelchair adapted bus for the primary use of residents of Springhaven Lodge for recreational outings and also for the use of local groups, organisations and private individuals.

Procedures define the eligibility for, and conditions of use, when hiring the bus.

1.2 ** DELETED** COMMUNITY FUNDING PROGRAM (CAPITAL & OPERATING)

Policy 1.2 was deleted 15 November 2016

1.3 COMMUNITY ORGANISATION WAIVING OF DEVELOPMENT FEES

Adopted or Reviewed by Council:	14/11/17	Council Minute Reference:	183/15
Date/s Amended:	20/11/18		143/18
Reviewer:	Manager of Corporate and Financial Community Services		
Local Law:			
Procedure:			
Delegation:	Admin 18 – Donations to Local Groups or Individuals		

OBJECTIVE

To encourage, develop and promote community organisations.

POLICY

Fees and charges associated with the development of facilities for community or sporting groups may be waived where the community will benefit from or have use of the facility, programme etc., at the discretion of the CEO.

Donations to be journaled from the Donation Account to the relevant income account so that the value of donations can be recorded.

1.4 ** MOVED TO POLICY 2.2.14 **

1.5 MEMORIAL AND LESSER HALLS COMMUNITY USAGE/MANAGEMENT

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Manager Corporate and Financial Community Services		
Local Law:	Local Government Property Local Law 2020		
Procedure:			
Delegation:			

OBJECTIVE

To provide a framework for the equitable, efficient and effective management of the usage and hire of the Shire of Kojonup Memorial/Lesser Halls.

The Policy outlines the use, occupancy arrangements and management of the hire of the Memorial/Lesser Halls.

PRINCIPLES

Priority for use of the Memorial/Lesser Halls will be given to residents from the Shire of Kojonup, locally based groups and not for profit organisations.

The Memorial/Lesser Halls are not to be used for the purpose of holding any activities that may be deemed discriminatory or racially intolerant.

The Memorial/Lesser Halls will be used primarily for activities that provide community development outcomes and benefits for residents of the Shire.

The Shire recognises the need to provide community facilities that are equipped for a range of different uses and cater to the needs of a range of different users.

The Shire will ensure fair and equitable access for all user groups to the Memorial/Lesser Halls.

POLICY

1. All hirers of the Memorial/Lesser Halls will be required to enter into an agreement with the Shire to comply with the terms and conditions of hire and payment of fees and charges. This Agreement can be downloaded from the website at: <https://www.kojonup.wa.gov.au/community/facilities/memorial-hall-lesser-hall.aspx>~~www.kojonup.wa.gov.au/wp-content/uploads/FORM/-Application-to-Hire-Memorial-Lesser-Hall.pdf~~ or obtained from the Shire office.
2. Use of the Memorial/Lesser Halls for conducting commercial or business activities unless run by and for a not for profit organisation, will require the approval of the Shire or its delegate and must demonstrate community benefit.
3. The Memorial/Lesser Halls will support a range of activities, events and functions conducted by community organisations and residents; be used for both public and private events and functions; and primarily support activities and functions conducted by residents of the Shire of Kojonup or locally based organisations.
4. The closing time for any functions will be agreed/set by the Shire, having regard to the duration of the event, size, potential for noise/disturbance, sale of alcohol and direction from any other regulatory or enforcement body.

5. Fees and charges will be applied to hire the Memorial/Lesser Halls in accordance with the Shire's fees and charges schedule. Application of a discount for not for profit community organisations is currently discounted by 50% of the full fee. Fees and charges are reviewed and set each year. These charges are based on the use of the Kojonup Memorial and Lesser Halls or part thereof. Please refer to Fees and Charges on our website at: www.kojonup.wa.gov.au/volunteers/fees-charges/ or obtain from Shire Office.
6. Bond payments will be collected from all hirers and will be refunded to the hirer only if all of the conditions of hire have been met.
7. If catering for a large function, the hirer will be expected to pay for additional waste management.
8. Priority of use of the Memorial/Lesser Halls may be given for the purpose of delivering Shire managed community programs and services.
9. The CEO or nominee will be delegated with the authority to make decisions dealing with special requests and those users which are not covered in the Policy.
10. Response for requests for hire of the Memorial/Lesser Halls will be in accordance with the Shire's Customer Service Charter.
11. Complaints from hirers in relation to the use of the facility or the service received should be directed via email to council@kojonup.wa.gov.au or by mail to the CEO, Shire of Kojonup, PO Box 163, Kojonup, WA, 6395.

1.6 HALL EQUIPMENT – RSL HALL

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Manager of Corporate and Financial Community Services		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To maintain an inventory of hall equipment available for external hire.

POLICY

Equipment from the RSL Hall is available for general hire (external to the facility) and not necessarily restricted to Shire of Kojonup residents. Equipment from any other Council operated facility is not to be hired externally to the venue.

A schedule of hall equipment (not including fixtures) but primarily being tables, chairs and crockery, be maintained with a view to the equipment being available for hire, with the fees (including bonds if considered necessary) to be set by Council. Refer to the adopted list of fees and charges.

Equipment from the RSL Hall is not available for hire if the venue has also been hired during the corresponding time period (regardless of when the bookings are made).

2 CORPORATE SERVICES

2.1 FINANCE

2.1.1 ** MOVED TO POLICY 3.23 **

2.1.2 PURCHASING & CREDITOR CONTROL

Adopted or Reviewed by	17/05/16	Council Minute	60/16
Council:	20/11/18	Reference:	143/18
Date/s Amended:	19/11/19		156/19
	17/05/20		60/20
	17/11/20		156/20
	28/09/21		110/21

Reviewer: Manager of Corporate and ~~Financial~~Community Services

Local Law:

Procedure:

Delegation: ADMIN 015 - Inviting Tenders or Quotations for the Supply of Goods & Services
ADMIN 016 - Acquisition & Disposal of Property

PURPOSE

To clearly articulate the parameters for purchasing on behalf of the Shire of Kojonup.

OBJECTIVES

1. To provide compliance with the *Local Government Act 1995*, the Local Government (Functions and General) Regulations 1996 and the Local Government (Financial Management) Regulations 1996;
2. To deliver a best practice approach and procedures to internal purchasing; and
3. To ensure consistency for all purchasing activities throughout the Shire's operational areas.

PRINCIPLES

1. Ethics and Integrity

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

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

- a. Full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- b. All purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with Shire of Kojonup policies and its Code of Conduct;
- c. Purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- d. All processes, evaluations and decisions shall be transparent, free from bias and fully

- documented in accordance with applicable policies and audit requirements;
- e. Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
 - f. Any information provided to the Shire of Kojonup by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

2. Purchasing Thresholds

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

Amount of Purchase	Policy	Authorised Officers
\$0 to \$100	No formal process Small incidental purchases made from local suppliers with a running monthly account to the value of \$100 do not require quotations or purchase orders e.g. Milk from the Supermarket. All care and responsibility must still be taken as is expected when spending public money.	Shire of Kojonup Employees
\$101 - \$5,000	Direct purchase from suppliers requiring only one verbal quotation. Where the value of procurement of goods or services does not exceed \$5,000 purchase on the basis of at least one verbal quotation, is permitted. However, it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained. This purchasing method is suitable where the purchase is relatively small and low risk. A purchase order is required for all purchases.	CEO, Senior Managers & delegated Purchasing Officers
\$5,001 - \$20,000	Obtain at least two verbal or written quotations. Where possible, at least two verbal or written quotations (or a combination of both) are required. A "Record of Quotes" form must still be completed where no written quote is available, i.e.; for verbal quotations or when obtaining multiple quotes is not practical (e.g.; when due to limited suppliers, it must be noted by completing a Record of Quotes form). The general principles for obtaining verbal quotations are: <ol style="list-style-type: none"> 1. Ensure that the requirement/specification is clearly understood by the employee seeking the verbal quotations; 2. Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote; 3. Read back the details to the Supplier contact person to confirm their accuracy; and 4. Written notes detailing each verbal quotation must be recorded. 	CEO, Senior Managers & delegated Purchasing Officers

	Record keeping requirements must be maintained in accordance with record keeping policies. A purchase order is required for all purchases.	
\$20,001 - \$50,000	<p>Where possible, obtain at least three written quotations</p> <p>The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies. It is required to obtain at least three written quotes; should three quotes not be possible, a "Record of Quotes" form is to be completed and attached to the purchase order.</p> <p>NOTE: The general principles relating to written quotations are:</p> <ul style="list-style-type: none"> • An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion; • The request for written quotation should include as a minimum: <ol style="list-style-type: none"> 1. Written Specification; 2. Selection Criteria to be applied; 3. Price Schedule; 4. Conditions of responding; 5. Validity period of offer; 6. Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond; 7. Offer to all prospective suppliers at the same time any new information that is likely to change the requirements; 8. Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented; and 9. Respondents should be advised in writing as soon as possible after the final determination is made and approved. <p>A purchase order is required for all purchases.</p>	CEO
\$50,001 - less than \$250,000	<p>Obtain at least three written quotations containing price and specification of goods and services.</p> <p>For the procurement of goods or services where the value exceeds \$50,000 but is less than \$250,000, it is required that procurements be requested in writing and at least three written quotations obtained that contain price and a sufficient amount of information relating to the specification of goods and services being purchased. Record keeping requirements must be maintained in accordance with record keeping policies. For this procurement range, the selection should not be based on price alone, and the CEO shall consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements,</p>	CEO

	organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote. A purchase order is required for all purchases.	
Above \$250,000	TENDER Conduct a public tender process (See also clause 3 – Regulatory Compliance).	Full Council

Other purchasing threshold points to note:

- a. The requirement for quotations and purchase orders contained above do not apply to the following purchase types:
 - i. Fuels and Oils
 - ii. Great Southern Treasures
 - iii. Postage and Freight
 - iv. Annual Subscription and Membership Renewals
 - v. Telephone and Utilities
 - vi. Audits
- b. Where the Shire has already conducted a similar quotation process within the previous two years or is currently using a regular supplier, an existing supplier may be used with the approval of the CEO. This only applies to purchases below the tender threshold and where it would be financially and/or operationally beneficial to do so.
- c. Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$250,000 threshold (excluding GST). If a decision is made to seek public tenders for contracts of less than \$250,000, the tender process outlined in the *Local Government Act 1995* must be followed in full (r13).
- d. When assessing quotes please refer to section 3. d. Regional Price Preference.
- e. The authorised officer that is signatory on the purchase order must also be the signatory on the corresponding invoice.
- e.f. All requisitions must be created by one officer and authorised by a different officer, resulting in a purchase order that has been seen by two different officers prior to dispatch to a creditor. The Authorising Officer must only authorise to the amount prescribed in the Purchasing Thresholds above.
- f.g. Springhaven Lodge purchasing may deviate from this policy to meet other legislative requirements (such as contractors requiring a Police Clearance – Aged Care Acts).

3. Regulatory Compliance

a. Tender Exemption

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

- i. An emergency situation as defined by the *Local Government Act 1995*, providing that the goods and services are required to address needs arising from, or impacts or consequences of, the hazard to which the emergency relates;
- ii. The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- iii. The purchase is under auction which has been authorised in advance by the Council;
- iv. The contract is for petrol, oil, or other liquid or gas used for internal combustion engines; and

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

b. Sole Source of Supply (Monopoly Suppliers)

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

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

c. Anti-Avoidance

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

d. Regional Price Preference

Preference may be given to a regional supplier by assessing the quote from that regional supplier as if the quote were reduced by:

- i. 5% for goods or services for a supplier from within the Shire of Kojonup; and
- ii. 2.5% for goods or services for a supplier from a Shire within the Great Southern Region of Western Australia (as defined by the Great Southern Zone of the Western Australian Local Government Association)

if price then demonstrates best value outcome for the Shire.

4. Records Management

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

- a. Tender documentation;
- b. Internal documentation;
- c. Evaluation documentation;
- d. Enquiry and response documentation; and
- e. Notification and award documentation.

For a direct purchasing process this shall be via the attachments tab in the SynergySoft requisition module and includes:

- a. Quotation documentation;
- b. Internal documentation; and
- c. Order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the *State Records Act 2000*, and the Shire of Kojonup's internal Records Management Policy.

5. Payment of Creditors

The Chief Executive Officer is delegated authority to make payments from the Municipal Fund or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:

- a. The payee's name;
- b. The amount of the payment;
- c. The date of the payment; and
- d. Sufficient information to identify the transaction.

The list referred to above is to be presented to the Council at each ordinary meeting of the Council and is to be recorded in the minutes of the meeting at which it is presented.

2.1.3 DEBTOR CONTROL

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Manager of Corporate and Financial Community Services		
Local Law:			
Procedure:			
Delegation:	FIN 003		

OBJECTIVE

To ensure Council receives payment for goods and services provided within its credit terms, bad debts are minimised and debtor control is cost effective.

POLICY

Sundry Debtors

- The following accounts are to be paid for prior to the service being provided:
 - Photocopying;
 - Sale of Goods, Materials or Publications;
 - Hall Hire and ancillary charges;
 - Building Applications;
 - Septic Tank Application Fees; ~~and~~
 - ~~f.~~ Freedom of Information Act 1992 Application Fees;
 - ~~g.~~ Planning Plans; and
 - ~~f.h.~~ Development Plans.
- The terms of credit given by the Shire of Kojonup via the *Local Government Act 1995* is 30 days. The Manager of Corporate and ~~Financial~~Community Services is to ensure that procedures are in place to limit the risk of debts turning bad.
- Where Private Works are to be undertaken an estimated value is to be provided to the person/group/firm requesting the private works. The Shire of Kojonup requires an agreement to be signed for any private works prior to the work being undertaken.

Rates Debtors

Options for payment and associated matters:

- By one (1) Instalment within 14 days of date of issue of Rate Notice (early payment discount to apply);
- By one (1) Instalment within 35 days of date of issue of Rate Notice;
- By way of two (2) instalments; and
- By way of four (4) instalments.

Rate Debtors that remain outstanding after the due date for payment will incur late payment interest as per the *Local Government Act 1995*. Interest is to be calculated using the prescribed maximum as per regulation 70 of the Local Government (Financial Management) Regulations 1996.

Where the option to pay by two (2) or four (4) instalments is taken, instalment interest and administration fees as per the *Local Government Act 1995* are to apply. Interest is to be calculated using the prescribed maximum as per regulation 68 of the Local Government (Financial Management) Regulations 1996.

The Manager of Corporate and Financial~~Community~~ Services is to ensure that procedures are in place to ensure the timely recovery of outstanding amounts and to limit the risk of debts turning bad.

~~1. Council delegates authority to the Chief Executive Officer in accordance with Annual Delegation;~~
Debtors who do not pay their accounts within the Shire's terms are not to be offered any further line of credit.

2.1.4 SELF SUPPORTING LOANS

Adopted or Reviewed by Council:	14/11/17	Council Minute Reference:	183/15
Date/s Amended:	20/11/18		143/18
Reviewer:	Manager of Corporate and Financial Community Services		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To provide financial assistance, by way of self-supporting loans to local non-profit clubs or organisations, for capital improvement works to land, facilities or buildings owned or vested in the Shire of Kojonup.

POLICY

Self-supporting loans may be considered by the Council on behalf of incorporated local clubs or organisations who occupy land or buildings owned by or vested in the Shire of Kojonup and who undertake to meet the capital, interest and loan guarantee payments.

Council's requirements for self-supporting loan applications will be made on a case-by-case basis and may include some or all of the following:

1. Applicant organisations must be an incorporated body and occupy land or buildings owned by or vested in the Shire of Kojonup;
2. A formal application shall be submitted, which shall include as a minimum:
 - a. Details of the amount requested, the term, purpose and any security offered;
 - b. Sufficient financial information to determine the capacity to repay the borrowing operational cash flows;
 - c. Evidence of a minuted request from the controlling Board/Committee;
 - d. Evidence of researching other funding sources e.g.; Lotterywest;
 - e. The club or organisation is to demonstrate how it will fund the replacement or refurbishment of those improvements whilst still servicing the loan; and
 - f. For requests over \$200,000, a formal business plan evidencing appropriate financial planning.
3. The funds are to be used for capital improvements to the land, facilities or buildings they occupy including matching contributions to grants;
4. Approval will only be considered where the club or organisation can adequately demonstrate, by the provision of forward financial plans covering the life of the loan, a capacity to meet the loan repayments;
5. The term of the loan should be less than or equal to the life of the capital works or improvements being undertaken;
6. All applications for self-supporting loans shall be considered by the Council for approval or rejection;
7. Where approval is granted, loan funding is to be sourced in accordance with s. 6.20 of the Local Government Act 1995 – "Power to Borrow";
8. An "Acknowledgement of Debt Agreement" or alternative written agreement is to be entered into before any release of funding to the club or organisation is made.

2.1.5 INVESTMENTS

Adopted or Amended by Council:	20/02/18	Council Minute Reference:	9/18
Date/s Amended:	20/11/18		143/18
	19/11/19		156/19
Reviewer:	Manager of Corporate and Financial Community Services		
Local Law:			
Procedure:			
Delegation:	FIN 002 - Investment of Surplus Funds		

OBJECTIVE

To invest the local government's surplus funds, with consideration of risk and at the most favourable rate of interest available to it at the time for that investment type, while ensuring that its liquidity requirement are being met. While exercising the power to invest, consideration is to be given in preservation of capital, liquidity, and the return of investment.

Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio.

The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.

The investment is expected to achieve a predetermined market average rate of return that takes into account the Council's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles.

POLICY

1. Investment of surplus Municipal, Reserve, Trust and Loan Funds shall be the responsibility of the Manager of Corporate and ~~Financial~~Community Services;
2. The total amount of investments is to be recorded separately in the general ledger for Municipal, Reserve, Trust and Loan Funds;
3. A summary of the nature, location, amount and interest rate applicable to each investment will be reported to Council as part of the monthly Statement of Financial Activity;
4. Only 'Authorised Institutions', as defined by the Local Government (Financial Management) Regulations 1996, that have a fully operational Branch presence with local employment in the Kojonup town site, may be used; and
5. All fixed investments must be for a term of 12 months or less.
6. To ensure that the Shire has sufficient funds to refund any accommodation bond balance or entry contribution balance for Springhaven Lodge as and when they fall due an amount of no less \$1,000,000.00 will be held at call. These funds will be held in either the Shire of Kojonup Reserve account or Term Deposits held at the NAB.

All investments are to comply with the following:

1. Local Government Act 1995 – s. 6.14;
2. The Trustees Act 1962 – Part III Investments;
3. Local Government (Financial Management) Regulations 1996 – Regulation 19, Regulation 19C, Regulation 28, and Regulation 49; and
4. Australian Accounting Standards.

Prudent Person Standard

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

Ethics and Conflicts of Interest

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

Approved Investments

Without approvals from Council, investments are limited to:

1. State/Commonwealth Government Bonds;
2. Interest bearing deposits;
3. Bank accepted/endorsed bank bills;
4. Commercial paper;
5. Bank negotiable Certificate of Deposits; and
6. Managed Funds with a minimum long term Standard & Poor (S&P) rating of "A" and short term rating of "A2".

Prohibited Investments

This Investments Policy prohibits any investment carried out for speculative purposes including:

1. Derivative based instruments;
2. Principal only investments or securities that provide potentially negative cash flow;
3. Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind;
4. Investment in foreign currency/bonds; or
5. Cryptocurrency e.g.; Bitcoin.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment. A file is to be maintained detailing all investments and associated transactions. Investments to be reconciled to source documentation on a monthly basis.

2.1.6 MONTHLY FINANCIAL STATEMENTS

Adopted or Reviewed by Council:	15/11/16 19/11/19 17/11/20	Council Minute Reference:	151/16 156/19 156/20
Reviewer:	Manager of Corporate and Financial Community Services		
Local Law:			
Procedure:			
Delegation:	FIN 001		

OBJECTIVE

To define the information contained within:

1. The monthly and quarterly financial statements; and
2. The material variance level for financial reporting in accordance with Local Government (Financial Management) Regulations 1996 r.34.

POLICY

Format of Monthly Financial Statements

The monthly financial statements to be prepared in accordance with Local Government (Financial Management) Regulation 34 shall be prepared in the following manner:

1. Quarterly (months ending September, December, March and June) – A detailed financial description of the Shire's operations;
2. Monthly (remaining 8 months) – A short and succinct overview, or snap shot, of the financial position at month's end; and
3. Variances will only be reported where it has a negative impact on the Shire's finances. For example; over expenditure and under revenue will be reported; under expenditure or excess revenue will not.

As such, the Monthly Financial Statements will contain the following information as a minimum:

QUARTERLY	MONTHLY
• Executive Summary	• Executive Summary
• Municipal Fund Summary (Rate Setting Statement)	• Municipal Fund Summary (Rate Setting Statement)
• Income Statement by Nature & Type	• Income Statement by Nature & Type
• Variance Report	• Variance Report
• Progress of the Capital Program	
• Reserve Accounts	
• Rates and Sundry Receivables	
• Information on Borrowings	
• Details of Major Business Units	
• Description of Programs	
• Detailed Statement of Operating Income	
• Plant Replacement Details	
• Capital Grants and Restricted Cash	
• Summary of Budget Amendments	

Defining Material Variances

For the purposes of identifying “material variances” under Local Government (Financial Management) Regulation 34, the following formula shall be used:

$$\frac{\text{Year-to-Date Actual}}{\text{Year-to-Date Budget}} - 100\%$$

Material variances will be reported when exceeding 10%, or a minimum of \$10,000, of the items contained within the Rate Setting Statement. Examples of how this formula will be implemented, providing that this remains as a guide only with staff free to additionally identify or comment on greater variances and where other factors warrant, are as follows:

	Annual Budget	YTD Budget	YTD Actual	Variance %	Comments
Operating Revenue					
General Purpose Funding	-\$5,759,496	-\$4,198,600	-\$4,226,968	1%	No Report - More revenue is advantageous
Governance	-\$48,028	-\$16,000	-\$15,721	-2%	No Report - less than 10%
Law, Order, Public Safety	-\$58,250	-\$19,404	-\$25,000	29%	No Report - More revenue is advantageous
Health	-\$44,162	-\$14,712	-\$9,240	-37%	Variance Explanation Required
Education and Welfare	-\$2,850	-\$944	\$0	-100%	No Report - less than \$5,000
Operating Expenditure					
General Purpose Funding	\$132,097	\$80,722	\$78,042	-3%	No Report - under expenditure is advantageous
Governance	\$587,197	\$233,784	\$240,464	3%	No Report - less than 10%
Law, Order, Public Safety	\$294,005	\$97,964	\$110,006	12%	Variance Explanation Required
Loans					
Repayment of Debentures	\$47,306	\$15,769	\$0	-100%	No Report - under expenditure is advantageous
Proceeds from New Debentures	-\$950,000	-\$316,667	\$0	-100%	Variance Explanation Required

2.1.7 ** DELETED ** MAJOR GRANT APPLICATIONS

Policy 2.1.7 was deleted 19 November 2019

Covered in Capital Evaluation Framework

2.1.8 FINANCIAL GOVERNANCE

Adopted or Reviewed by Council:	13/12/16	Council Minute Reference:	165/16
Amended:	21/05/19		49/19
	19/11/19		156/19
	14/12/21		154/21
Reviewer:	Manager of Corporate and Financial Community Services		
Local Law:			
Procedure:			
Delegation:			

BACKGROUND

This financial governance policy should be read in conjunction with other financial management policies which contain the Shire's overarching financial objectives.

OBJECTIVE

The objective is to establish financial management and governance principles to be applied to general financial decision making.

POLICY

General Principles

The Shire will make decisions in relation to financial management and financial governance that encompass the following principles:

1. Management of financial risk prudently, having regard to economic circumstances;
2. Examples of financial risks to be managed prudently include the level of debt, commercial activities, community business activities, financial assets and liabilities;
3. Implement spending and rating policies to promote stability and predictability;
4. Fund physical assets with regard to intergenerational equity;
5. Manage and maintain physical assets to achieve the maximum useful life from the initial investment; and
6. Ensure full, accurate and timely disclosure of financial information, unless commercial in confidence.
7. To ensure that the Shire has sufficient funds to refund any accommodation bond balance or entry contribution balance for Springhaven Lodge as and when they fall due an amount of no less \$1,000,000.00 will be held at call. These funds will be held in either the Shire of Kojonup Reserve account or Term Deposits held at the NAB.

Major Projects

Each major building project or budget item coming before the Council for consideration shall be assessed against the following factors:

1. Demonstrated community need;
2. Estimated annual cost to the Shire of operating;
3. Estimated annual cost to the Shire of maintenance;
4. Agreed lease or tenure conditions by third party;

5. Savings required to fund asset replacement at the end of its useful life;
6. Economic or community development advantages to the area;
7. Identified funding sources, both for construction and operating, secured and potential;
8. Council's Capital Evaluation Framework; and
9. Council's Risk Management Framework.

Operating Results

The Council will structure its budget to achieve an outcome where operating revenue (less capital contributions) is at least sufficient to meet operating expenses. The extent of any operating surplus will be dependent on the resources necessary to manage the renewal of assets (including infrastructure assets and business activity assets) and considering intergenerational equity issues.

Cash Reserves

In addition to grant funding, the Shire's reserve accounts are one of the primary funding sources for major projects and will be prioritised in the annual budget.

Cash reserves are to be established and maintained to accumulate funds for the following purposes:

1. To smooth funding allocations over future years;
2. To offset liabilities in respect of previously earned employee entitlements to the extent they require an outflow of funds not allocated in the annual budget;
3. To meet statutory obligations;
4. To fund renewal of existing physical/built assets;
5. To fund future strategic initiatives and the provision of new services and facilities to future residents;
6. To buffer against unpredictable events;
7. To hold unspent grants and contributions; and
8. Other purposes as determined by the Council from time to time.

When preparing the annual budget each year, consideration will be given to establishing reserve accounts for major projects as contained within the Community Strategic Plan.

The Manager of Corporate and ~~Financial~~Community Services will conduct an annual review for the Council addressing the appropriateness of each reserve account purpose, suitability of current balances, and deficiencies for the funding of future projects as identified in adopted forward plans.

Specifically, the following goals are set for individual reserve account balances:

- Employee Leave – As a minimum, the level of this reserve should meet both:
 - The EBA sick leave liability (clause 29); and
 - The current portion of the long service leave liability for staff with seven (7) years or more service.

This funding goal is to be implemented over several financial years up to 2021/2022 to manage the financial impact.

- Day Care Building Maintenance – 100% of annual rent paid by the tenant is deposited into this account;
- Springhaven Building Upgrade & Renewal - This reserve receives 100% of interest earned from the 'Springhaven Lodge' (bonds paid by residents) reserve account;
- Low Income Housing - All operating profit/(loss) is to be transferred to/(from) this reserve in accordance with the joint venture agreement with the Department of Housing;

- Independent Living Units - Operating profits from Loton Close & Soldier Road units are transferred to this reserve;
- Landfill Waste Management - 10% of total rubbish & recycle bin charges are to be allocated to this reserve annually;
- Saleyards - The profit or loss from annual operations of the Saleyards to be transferred to this account;
- Netball Court Resurfacing Reserve – A \$3,500 annual contribution will be made to this reserve to make provision for the resurfacing of the acrylic surface at the end of its useful life.

Borrowing

Borrowing will be undertaken in accordance with the Shire's Borrowing Management Policy.

Regulatory Role

Where the Shire operates in a competitive environment while providing a regulatory or statutory role in that environment, it will maintain a management structure designed to minimise the potential for conflict between these two roles and through transparency to maintain confidence in its regulatory independence.

2.1.9 BORROWING MANAGEMENT

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Manager of Corporate and Financial Community Services		
Local Law:			
Procedure:			
Delegation:			

BACKGROUND

This Borrowing Management Policy should be read in conjunction with other Financial Management Policies which contain the Shire of Kojonup's overarching financial objectives.

A local government may borrow to perform the functions and exercise the powers conferred on it under the *Local Government Act 1995*.

OBJECTIVE

The objective is to define the conditions under which the Council will consider the use of borrowings to fund its activities.

PRINCIPLES

The Shire of Kojonup will exercise its power to borrow in a financially responsible and prudent way so as to promote equity amongst current and future ratepayers.

STATEMENT OF POLICY

Overview

The following is a general description of the Shire's policy objectives with respect to borrowing management:

1. Prudently manage the Council's borrowing to ensure sustainable funding;
2. Minimise borrowing costs;
3. Manage short-term cash flows in an efficient and prudent manner;
4. Maintain market confidence in the local government's creditworthiness and financial stability;
5. Plan future cash flow needs to assist with borrowing decisions; and
6. Maintain sufficient liquidity to meet planned and un-planned cash flow needs.

Matching revenue sources to service debt

To achieve prudent use of the Shire's borrowing powers, it is our objective that debt repayments are:

1. Matched by investments or assets that produce or have the potential to produce income that can service the debt; or
2. Matched by binding agreements entered into with external parties to service the debts (e.g.; self-supporting loans for community groups); or
3. Supported by identified specific revenue sources (e.g.; Specified Area Rates); or
4. Supported by specific general revenue sources (such as rates or fees and charges) or identified reductions in future operating expenditure sufficient to match the repayment schedule.

Purpose of Borrowing

In general, the Shire will not borrow to fund operating expenditure. Loan funds are viewed as a valid form of funding source, under certain circumstances:

1. Loans can be used when funding an asset that has a useful life exceeding the term of loan;

2. Loans will not be used for plant and equipment, or assets that can easily be removed;
3. Capital expenditure that provides a new intergenerational service or renews an existing service;
4. Short-term peak working capital requirements (overdraft or short-term fixed amounts);
5. Investment in Major Land Transactions (Post Business Plan adoption);
6. Investment in Major Trading Undertakings (Post Business Plan adoption)
7. Investment in Community Business Activities;
8. Transitional/bridging funding for projects or acquisitions; and
9. Loans help spread the cost of providing long term assets (such as land and buildings) to future users of the facility.

Borrowing in exception to this policy will only occur in either an emergency or when considered necessary and financially prudent on a case-by-case basis. In such cases, the Council would consider:

1. Special circumstances;
2. Nature of the borrowing;
3. Its repayment terms; and
4. The source of funding.

Before committing to a loan, a report outlining future loan commitments (both existing and planned), financial ratios and the Shire's borrowing capacity will be prepared and presented to the Council.

Term of Debt

The maximum debt repayment period will be determined by taking into account:

1. The expected useful lives of assets financed by the debt;
2. Considerations relating to intergenerational equity; and
3. Preference for loan terms not exceeding fifteen (15) years, nor more than half of the total project cost.

Debt repayments levels (both interest and principal) will be determined by:

1. The need to maintain prudent and sustainable debt levels;
2. Comparison with the borrowing levels of WA local governments with similar economic profiles;
3. Prevailing interest rates and possible future movements;
4. The need to re-negotiate borrowings at future periods;
5. The cash flow forecasts of any supporting asset used as a source of funds to service the debt; and
6. The transitional or bridging nature of the borrowing.

The Council will consider its forecast borrowing requirements as part of its:

1. Community Strategic Plan;
2. Corporate Business Plan;
3. Long Term Financial Plan;
4. Asset Management Plan; and
5. Adoption of the annual budget.

Borrowing Parameters

To help ensure that the Shire achieves the objectives of its Borrowing Management Policy, the following outstanding borrowing parameters will prevail:

Measurement ratio:

Total principal outstanding / less self-supporting loan principal
General Funds (S 6.21 Act)

Restriction on Borrowings

To be prudent with its borrowing powers, the Shire will restrict its 'own purpose' borrowings to a measurement ratio of 0.80.

A measurement ratio exceeding 0.80 may be specifically approved by a resolution of the Council providing the amount above the threshold relates to a community business or commercial activity (as defined) that generates positive cash flows sufficient to offset the debt repayments without a negative impact upon general revenue.

Interest Rate Risk

To promote interest rate predictability and a linkage with nominated revenue sources, the Shire's preferred borrowing instrument is a fixed interest rate debenture. Within any total loan portfolio the maximum amount of loans with a variable floating interest rate is not to exceed 15%.

Institution Selection

In selecting the lender the Shire will undertake a transparent process which tests the current credit market and displays good governance principals.

Self-Supporting Loans

Refer to Council policy 2.1.4 – Self-Supporting Loans.

2.1.10 CORPORATE CREDIT CARDS

Adopted or Reviewed by	17/11/15	Council Minute	183/15
Council:	20/11/18	Reference:	143/18
Date/s Amended:	19/11/19		156/19
Reviewer:	Manager of Corporate and <u>Financial</u> Community Services		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To establish the use of Corporate credit cards and outline the responsibilities of card holders.

POLICY STATEMENT

Corporate credit cards can deliver significant benefits through improved administrative practices and more effective cash management. They can, however, also expose a local government to significant risks if not properly controlled; these risks can be minimised by implementing policies to control their use. Credit cards can be a more efficient purchasing method than that of formal methods in some circumstances and can reduce administration costs, and the need to carry cash.

It is important to have a communication strategy that informs new employees and reminds existing employees of the policies that govern the use of credit cards.

LEGISLATION

The use of credit cards is not specifically mentioned in the *Local Government Act 1995*; however, the following sections of this *Act* impact the use and control of corporate credit cards:

1. s. 2.72(2) (a) and (b) requires the Council to oversee the allocation of the local government's finances and resources and to determine the policies of the local government.
2. s. 6.5(a) requires the CEO to ensure proper accounts and records of the transactions and affairs of the local government are kept in accordance with regulations.

Local Government (Financial Management) Regulations 1996 r. 11(1) (a) requires local governments to develop procedures for the authorisation and payment of accounts to ensure that there is effective security for, and properly authorised use of cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained.

The *Local Government Act 1995* does not allow for the issue of Corporate Credit Cards to elected members. There are no provisions within this *Act* which allow an elected member to incur a debt, as would be the case with a credit card.

GENERAL

Corporate Credit Cards shall only be issued to the Chief Executive Officer and Executive Managers.

Each officer shall sign an agreement which sets out the cardholder's responsibilities and legal obligations when using the credit card:

1. A register of all current cardholders shall be kept which includes card number, expiry date of the credit card, credit limit and details of goods and services the cardholder has authority to purchase;

2. In the event of their employment ceasing, the cardholder is to immediately return the credit card for destruction, in accordance with employee termination procedures;
3. If a card is lost or misplaced, the cardholder shall notify the Chief Executive Officer immediately to enable the loss to be reported and to arrange a replacement card;
4. Credit cards should never be transferred to other users; and
5. There will be no reward schemes (such as frequent flyer points) attached to the cards.

PURCHASING

1. Corporate credit cards are only to be used for purchasing goods and services on behalf of the local government which have been authorised in the current annual budget;
2. Cardholders should ensure that suppliers record an adequate description of goods or services on the tax invoice to ensure appropriate levels of accountability. Appropriate documentation should be obtained to ensure that the purchase can be verified to the satisfaction of the CEO. Wherever possible, a tax invoice must be obtained;
3. Cardholders must adhere to Council Policy 2.1.2 - Purchasing and Creditors Control;
4. Personal expenditure is strictly prohibited and disciplinary action may be taken;
5. Cash withdrawals are not available on the cards;
6. Each credit card provided shall have a maximum limit of \$3,000 except for the Chief Executive Officer whose maximum limit shall be \$10,000;
7. Where a cardholder undertakes purchases by way of facsimile, telephone or over the internet, a tax invoice or receipt is required in all circumstances and must contain details of the purchase; and
8. All invoices/receipts, complete with general ledger/job number allocations, must be provided to the Senior Finance Officer as soon as practicable after the credit card purchase is made.

PAYMENTS

1. On receipt of the monthly statement, the Senior Finance Officer will attach all invoices/receipts to the statement and assign GL/Job number allocations;
2. The monthly credit card statement will be distributed to the respective cardholder to certify transactions; and
3. The monthly balance for each credit card will be recouped by direct debit from the Municipal Fund on the statement due date.

AUSTRALIAN BUSINESS NUMBER (ABN)

Cardholders should remember that if a supplier does not have an ABN and Pay As You Go tax has not been withheld on the credit card statement, the local government is still liable to pay the corporate credit card provider the full amount and also the ATO prevailing ABN Withholding Tax Rate (46.5% as at 1 July 2014) of the purchase price.

GUIDELINES FOR USE OF CORPORATE CREDIT CARDS

It is not proposed to list or describe every situation where the corporate credit card can or should be used but rather to provide general guidelines to be followed – senior officers should be scrupulous in the usage of corporate credit cards and always have appropriate documentation which can verify and justify the expenditure to the CEO.

Expenditure utilising the corporate credit card should, where possible, be kept to a minimum. The preferred method for purchasing goods or services is by using an official Shire purchase order in accordance with Council Policy 2.1.2. On occasion it is recognised that some goods cannot be

purchased by order or, because of circumstances (i.e.; away from the office), it is more convenient to use the credit card.

Purchase of food, drink or other forms of entertainment should be restricted to officially sanctioned events such as:

1. Whilst travelling on Shire business – training, conferences etc.;
2. Providing sustenance for councillors or staff;
3. Meals following Council meetings; and
4. Meals for emergency personnel during an emergency.

2.1.11 RELATED PARTY TRANSACTION DISCLOSURES

Adopted or Reviewed by Council:	15/08/2017	Council Minute Reference:	90/17
Reviewer:	Manager of Corporate and Financial Community Services		
Local Law:			
Procedure:	Related Party Disclosures – Declaration Form		
Delegation:			

OBJECTIVE

This policy relates to the requirements of Related Party Disclosures to be made in the Shire's Annual Financial Reports in compliance with Australian Accounting Standards Board (AASB) 124.

To provide guidance to elected members and identified Key Management Personnel (KMP) to assist in them making an informed judgement as to who is considered to be a related party and what transactions need to be considered when determining if disclosure is required.

POLICY STATEMENT

The purpose of this policy is to stipulate the information to be requested from related parties to enable an informed judgement to be made and that:

1. The Council recognises the requirement to comply with AASB 124 and thus disclose Related Party Disclosures in each Annual Financial Report commencing from 1 July 2016; and
2. This policy outlines required mechanisms to meet the disclosure requirements of AASB 124.

1.0 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 includes a person who has significant influence over the reporting entity, a member of KMP of the entity, or a close family member of that person who may be expected to influence that person.

Key Management Personnel (KMP) are defined as persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly.

For the purposes of determining the application of the standard, the Shire has identified the following persons as meeting the definition of *Related Party*:

1. An elected Council member;
2. Key management personnel being a person employed under s. 5.36 of the *Local Government Act 1995* in the capacity of Chief Executive Officer or Manager;
3. 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, dependants of that person or person's spouse or domestic partner; and
4. 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.

2.0 IDENTIFICATION OF RELATED PARTY TRANSACTIONS

A related party transaction is a transfer of resources, services or obligations between the Shire (reporting entity) and the related party, regardless of whether a price is charged.

For the purposes of determining whether a related party transaction has occurred, the following transactions or provision of services have been identified as meeting this criteria:

1. Paying rates;
2. Fines;
3. Use of Shire owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not);
4. Attending Council functions that are open to the public;
5. Employee compensation whether it is for KMP or close family members of KMP;
6. Application fees paid to the Shire for licences, approvals or permits;
7. Lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a Real Estate Agent);
8. Lease agreements for commercial properties;
9. 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);
10. Sale or purchase of any property owned by the Shire, to a person identified above;
11. Sale or purchase of any property owned by a person identified above, to the Shire;
12. Loan Arrangements; and
13. 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 general public and have been provided in the course of delivering public service objectives. These transactions are those that an ordinary citizen would undertake with the Shire and are referred to as an Ordinary Citizen Transaction (OCT). Where the Shire can determine that an OCT was provided at arms-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.

3.0 DISCLOSURE REQUIREMENTS

For the purposes of determining relevant transactions in 2.0 above, elected Council members and key management personnel, will be required to complete a *Related Party Disclosures - Declaration* form for submission to the Manager of Corporate and ~~Financial~~^{Community} Services.

Ordinary Citizen Transactions (OCTs)

Based on the facts and circumstances, the following OCT that are provided on terms and conditions no different to those applying to the general 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 *Related Party Disclosures - Declaration* form will be required.

1. Paying rates;
2. Fines;
3. Use of Shire owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not); and
4. Attending Council functions that are open to the public.

Where these services were not provided at arms-length and under the same terms and conditions applying to the general public, elected 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 above in 2.0, elected Council members and KMP will be required to make a declaration in the *Related Party Disclosures - Declaration* form.

Frequency of disclosures

1. Elected Council members and KMP will be required to complete a *Related Party Disclosures - Declaration* form each year.
2. Disclosures must be made by all Councillors immediately prior to any ordinary or extraordinary election.
3. Disclosures must be made immediately prior to the termination of employment of/by a KMP.

4.0 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.

5.0 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.

2.1.12 COVID-19 FINANCIAL HARDSHIP

Adopted or Reviewed by Council:	17/05/20	Council Minute Reference:
Date/s Amended:		62/20
Reviewer:	Manager of Corporate and Financial Community Services	
Local Law:		
Procedure:		
Delegation:		

PURPOSE

To give effect to our commitment to support the community to meet the unprecedented challenges arising from the COVID19 pandemic, Shire of Kojonup 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

POLICY SCOPE

This policy applies to:

1. Outstanding rates and service charges as at the date of adoption of this policy;
and
2. Rates and service charges levied for the 2020/21 financial year.

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 (the Act) and Local Government (Financial Management) Regulations 1996 will apply.

POLICY STATEMENT

1. Payment difficulties, hardship and vulnerability

Payment difficulties, or short term financial hardship, occur where a change in a person's circumstances results 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 dependants. Shire of Kojonup recognises the likelihood that COVID-19 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.

2. Anticipated financial hardship due to COVID-19

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. We will write to ratepayers at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible ratepayers to apply for hardship consideration. Where possible and appropriate, we will also provide contact information for a recognised financial counsellor and/or other relevant support services.

3. 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 into a payment proposal. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

4. Payment Arrangements

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

- That a ratepayer 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, we reserve the right to consider waiving or writing off additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy). This will be undertaken in accordance with Council's current delegation of authority to the Chief Executive Officer or via Council resolution.

5. Interest Charges

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

6. 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.

7. 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 2021, 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 2021/2022 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 Act.

8. 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.

9. Communication and Confidentiality

We will maintain confidential communications at all times and we undertake to communicate with a nominated support person or other third party at your written 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 stresses, 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.

2.2 HUMAN RESOURCES

2.2.1 STAFF EQUAL OPPORTUNITY

Adopted or Reviewed by Council:	17/11/15 19/11/19	Council Minute Reference:	183/15 156/19
Reviewer:	Manager of Corporate and Financial Community Services		
Local Law:			
Procedure:	Section 4, Supporting our Staff in the Workplace, Policy 14 – Equality Policy, p82 – Employee Manual		
Delegation:			

OBJECTIVE

To comply with the provisions of the *WA Equal Opportunity Act 1984*.

POLICY

The Shire of Kojonup is an equal opportunities employer and ensures that there is no discrimination on grounds unrelated to the job requirements. In particular, there will not be any contravention of the *WA Equal Opportunity Act 1984* which prohibits discrimination in employment on the basis of sex, age, marital status, parenthood, race, colour, pregnancy, religious or political activity or views, physical or mental impairment, sexual orientation, family responsibility or family status, or breastfeeding.

POLICY STATEMENT

The Shire of Kojonup recognises that discrimination and victimisation is unacceptable and that it is in the interests of the Shire and its employees to utilise the skills of the total workforce. It is the aim of the Shire to ensure that no employee or job applicant receives less favourable facilities or treatment (either directly or indirectly) in recruitment or employment on grounds of age, disability, gender/ gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion or belief, sex, or sexual orientation (the **protected characteristics**).

Our aim is that our workforce will be truly representative of all sections of society and each employee feels respected and able to give of their best.

We oppose all forms of unlawful and unfair discrimination or victimisation. To that end the purpose of this policy is to provide equality and fairness for all in our employment.

All employees, whether part-time, full-time or temporary, will be treated fairly and with respect. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the Shire.

Our staff will not discriminate directly or indirectly, or harass customers or clients because of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation in the provision of the Shire's goods and services.

1. Our Commitment

- To create an environment in which individual differences and the contributions of all staff are recognised and valued.

- Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- Training, development and progression opportunities are available to all staff.
- The Shire of Kojonup will review all our employment practices and procedures to ensure fairness regularly.
- Breaches of the equality policy will be regarded as misconduct and could lead to disciplinary proceedings.

2. Responsibilities of Management

Managers will ensure that they and their staff to operate within this policy and arrangements, and that all reasonable and practical steps are taken to avoid discrimination. Each manager will ensure that:

- all their staff are aware of the policy and the arrangements, and the reasons for the policy;
- grievances concerning discrimination are dealt with properly, fairly and as quickly as possible;
- proper records are maintained.

The Chief Executive Officer will be responsible for monitoring the operation of the policy in respect of employees and job applicants.

3. Responsibilities of Staff and Elected Members

Responsibility for ensuring that there is no unlawful discrimination rests with all staff and elected members and the attitudes of staff and elected members are crucial to the successful operation of fair employment practices. In particular, all members of staff and elected members should:

- comply with the policy and arrangements;
- not discriminate in their day to day activities or induce others to do so;
- not victimise, harass or intimidate other staff or elected members or groups who have, or are perceived to have one of the protected characteristics;
- ensure no individual is discriminated against or harassed because of their association with another individual who has a protected characteristic; and
- inform their manager if they become aware of any discriminatory practice.

4. Third Parties

Third-party harassment occurs where a Shire employee or elected member is harassed, and the harassment is related to a protected characteristic, by third parties such as clients or customers. The Shire of Kojonup will not tolerate such actions against its staff or elected members, and the employee/elected member concerned should inform their manager/supervisor/Shire President at once that this has occurred. The Shire of Kojonup will fully investigate and take all reasonable steps to ensure such harassment does not happen again.

5. Related Policies and Arrangements

All employment policies and arrangements have a bearing on equality of opportunity. The Shire policies will be reviewed regularly and any discriminatory elements removed by the CEO.

6. Rights of Disabled People

The Shire attaches particular importance to the needs of disabled people.

Under the terms of this policy, managers are required to:

- make reasonable adjustment to maintain the services of an employee who becomes disabled, for example, training, provision of special equipment, reduced working hours. (NB: managers are expected to seek advice on the availability of advice and guidance from external agencies to maintain disabled people in employment);
- include disabled people in training/development programs;
- give full and proper consideration to disabled people who apply for jobs, having regard to making reasonable adjustments for their particular aptitudes and abilities to allow them to be able to do the job.

7. Equality Training

A series of regular briefing sessions will be held for staff and elected members on equality issues. These will be repeated as necessary.

Training will be provided on this policy and the associated arrangements. All staff and elected members who have an involvement in the recruitment and selection process will receive specialist training.

8. Monitoring

- The Shire deems it appropriate to state its intention not to discriminate and assumes that this will be translated into practice consistently across the Shire as a whole. Accordingly, a monitoring system will be introduced to measure the effectiveness of the policy and arrangements.
- The system will involve the routine collection and analysis of information on employees by gender, marital status, ethnic origin, sexual orientation, religion / beliefs, grade and length of service in current grade. Information regarding the number of staff who declare themselves as disabled will also be maintained.
- There will also be regular assessments to measure the extent to which recruitment to first appointment, internal promotion and access to training/development opportunities affect equal opportunities for all groups.
- The information collected for monitoring purposes will be treated as confidential and it will not be used for any other purpose.
- If monitoring shows that the Shire, or areas within it, are not representative, or that sections of our workforce are not progressing properly within the Shire, then an action plan will be developed to address these issues. This will include a review of recruitment and selection procedures, Shire policies and practices as well as consideration of taking legal Positive Action.

9. Grievances/Discipline

Employees have a right to pursue a complaint concerning discrimination or victimisation via the Shire *Workplace Discrimination and Harassment Policy*.

2.2.2 ELIMINATION OF HARASSMENT IN THE WORKPLACE

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Date/s Amended:	20/11/18		143/18
Reviewer:	Manager of Corporate and Financial Community Services		
Local Law:			
Procedure:	Employee Manual		
Delegation:			

OBJECTIVE

To provide a workplace that is free from all forms of harassment and victimisation.

POLICY

It is the right of every individual to be able to carry out their job in an environment which promotes job satisfaction and maximises performance. Such an environment is dependent on it being free from all forms of harassment and victimisation.

Note: Reference also the *WA Equal Employment Opportunity Act 1984*.

2.2.3 EMPLOYEE CONFERENCES, SEMINARS & WORKSHOPS

Adopted or Reviewed by Council:	17/11/15 17/11/20	Council Minute Reference:	183/15 156/20
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:	ADMIN 004		

OBJECTIVE

To provide employees with opportunities to attend conferences, seminars and workshops that “add value” and continuous improvement to their positions as well as enhance skill sets and knowledge to the benefit of the employee, Shire and Community in meeting and delivering effective strategic and operational outcomes.

POLICY

1. The progression of employee development and continuous improvement is an ongoing commitment of Council, ensuring the effective and efficient performance of employees as recognised in the Workforce Plan.
2. In respect of employees attending approved conferences, seminars or workshops with the Shire’s approval, the following expenses will be met by the Shire:
 - (a) Registration Fees;
 - (b) Accommodation and reasonable meal costs, excluding minibar and alcohol;
 - (c) Incidental expenses such as work related parking, taxis and telephone calls; and
 - (d) Travelling.

All travelling procedures must comply with ~~Occupational Safety and Health (OSH)~~Work Health and Safety (WHS) requirements.

3. The Shire will allow employees to travel to the course in work time; that is, if the course is held in Perth, the employee can depart Kojonup at 1.00 p.m. on the day prior to the course in order to arrive at the approximate normal finishing time. The same principle would apply for any other destinations.
4. The Shire may provide a vehicle for travel; however, the vehicle must be returned to the Shire immediately on return to Kojonup, unless arrangements are made to the Shire’s satisfaction for an extension. If a Shire vehicle is unavailable, the Shire will reimburse travelling expenses in accordance with Australian Taxation Office kilometre allowances as varied each year.
5. Dependent on the type of conference, seminar or workshop and content thereof, an employee may be required as directed by their respective Manager, CEO or Council to submit a report or make a presentation enabling Council to remain informed of benefits derived from an employee’s attendance which may also be of benefit to the organisation in building corporate and employee knowledge and awareness.
6. No overtime or penalty rates will apply for any employee attending a conference, seminar or workshop under this policy.
7. An employee attending a conference, seminar or workshop, subject to ~~WHS~~OSH requirements, will be expected to wear the corporate uniform wherever possible to signify your representation of the Shire of Kojonup.
8. Employees will adhere to the Shire’s Code of Conduct at all times.

2.2.4 EDUCATION ASSISTANCE

Adopted or Reviewed by Council:	14/11/17	Council Minute Reference:	183/15
Reviewer:	Manager of Corporate and Financial Community Services		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To provide assistance to employees when undertaking courses of study to improve job skills and knowledge in better equipping employees to contribute to the objectives of the Council.

Specifically, the objective is to increase the efficiency of Council through the provision of suitably qualified and trained employees, improved work performance and improved adaptability of employees to organisational change.

POLICY

That the Council provides the following support to employees desiring to undertake courses of study in enhancing their skills and knowledge:

1. Reimbursement of prepaid compulsory fees upon successful completion of each unit including enrolment fees, subject fees and Government fees subject to a maximum of \$2,000 excluding GST per annum per employee;
2. The cost of accommodation and travelling costs will not be reimbursed;
3. The cost of textbooks, instruments, and materials up to \$250 will be refunded upon production of receipts;
4. Special leave of up to four days per annum will be granted to employees required to attend examinations, compulsory seminars, workshops, or practical sessions;
5. The CEO is responsible for approving any application for Educational Assistance in accordance with the Policy objectives and may consider amending specific conditions due to financial hardship requests.

The employee is to satisfy the CEO that any course of study proposed to be undertaken will benefit the organisation in accordance with workforce planning and/or performance appraisals.

2.2.5 PRESENTATIONS – DEPARTING EMPLOYEES

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Date/s Amended:	20/11/18		143/18
Reviewer:	Manager of Corporate and Financial Community Services		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To ensure a policy exists which clarifies presentations by Council to retiring or departing employees.

POLICY

Upon resignation or retirement of an employee, the Shire may, as a token of appreciation for the years of continuous service, provide one or both of the following:

1. A gift (or money/gift card) valued at up to \$100 for each completed year of service, to a maximum of \$1,000;
2. Gift selection to be discussed with the Chief Executive Officer.

Note:

Reference s. 5.50 of the *Local Government Act 1995*, as amended, which requires action if paying in excess of this Policy.

2.2.6 SALARY PACKAGING

Adopted or Reviewed by Council:	20/02/18	Council Minute Reference:	13/18
Date/s Amended:	20/11/18		143/18
Reviewer:	Manager of Corporate and Financial Community Services		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To recognise the importance of establishing the correct packages for each of these key positions in order to attract the person with the skills and experience necessary to perform in the top quartile of the performance spectrum.

To ensure that the parameters for the calculation of salary and other salary package items for senior employees is comparable, in at least some key aspects of its operations and responsibilities, with other Band 3 shires.

To recognise the special role played by these officers in the development of the Shire of Kojonup.

POLICY

The following positions are established as Designated Officers under s5.37 of the *Local Government Act 1995* and this policy specifically covers these positions:

- Chief Executive Officer;
- Manager of Corporate and ~~Financial~~Community Services;
- Manager of Works & Services;
- Manager of Regulatory & Technical Services; and
- Manager of Aged Care Services.

The Salary Packaging Policy of the Shire of Kojonup is summarised as follows:

1. To attract and retain the skilled and experienced management personnel necessary to professionally manage the Council;
2. Council will be expecting outstanding professional and management performance from these officers in the delivery of agreed outcomes and the delivery of services to the ratepayers and residents of the Shire;
3. To reward these skilled and experienced management personnel with realistic and competitive salary packages;
4. To convey to each of the appointees that the Shire has selected the person with the most appropriate skills and qualifications for the position and that this is clearly identified in the package offered to the recommended appointee;
5. To construct salary packages that are easily understood by the beneficiary and operable without the need for the raising of minor charges invoices;
6. To recognise that it will be necessary to pay Fringe Benefits Tax on these packages and to provide for such FBT in the staff budget;
7. To undertake at least one regular and professional review and assessment of the performance of each of these officers during each twelve month period;
8. To recognise that, as the trend is towards senior officers being engaged on shorter term contractual basis to achieve specific outcomes, Council will consider a performance related reward for outstanding achievements at the end of such contracts where the officer concerned is not continuing in the employ of Local Government; and
9. To comply with the requirements of the appropriate legislation and regulations.

SALARY PACKAGING – ALL STAFF

The CEO is responsible for determining salary packages and may include but is not limited to:

1. A competitive cash salary component in each package;
2. Novated leasing of a vehicle (refer policy 2.2.8);
3. Bundling of ATO approved private housing expenses; and
4. Additional superannuation payments.

All employees shall be able to take advantage of salary sacrificing provisions on the basis that it will be at no cost to Council.

Any of the above arrangements shall be stipulated in the respective Manager's/Employee's Contract of Employment.

Provision of Housing

Housing may be provided and, if so, supply will be in accordance with Council's Policy 2.2.7 Staff Housing, with a Tenancy Agreement completed separately to an Officer's contract.

Service Charges

Electricity and gas charges for the duration of the occupancy may be negotiated as part of the package or be for the account of the Officer concerned - charges for water, sewerage, rates, rubbish and other property charges are for the account of the Shire.

Annual Leave

Standard Annual Leave is 4 weeks.

1. Where an officer is required to regularly attend evening meetings, an extra week's leave may be granted in full recognition of the need to attend these meetings after hours.
2. These extra days may be taken either as part of annual leave or as accumulated during the year.
3. Annual leave loading - applicable at the rate of 17.5% to the standard annual leave.

Professional Organisation Membership Dues

The Shire will pay the annual membership fees for the State/National Professional Association of the Officer's choice that relates directly to the Officer's responsibilities to Council.

Salary Sacrifice

This policy allows Senior Officers the opportunity of Salary Sacrificing within their salary package based on sound accounting/taxation advice being available to both employer and employee.

Miscellaneous Expenses

Not considered part of the salary package.

Participation in conferences will be considered in the Annual Budget process and, where approved, the expenses for the activity will be covered in the Budget item.

Professional Development will be considered in the Annual Budget process and, where approved, the expenses for the activity will be covered in the Budget item.

Operational expenses incurred during the conduct of Council business are reimbursed to the Officer concerned or paid direct by the Council through the Council's financial processes.

2.2.7 STAFF HOUSING

Adopted or Reviewed by Council:	14/11/17	Council Minute Reference: 183/15
	20/11/18	143/18
	19/11/19	156/19
Date/s Amended:	19/05/20	57/20
	17/08/21	99/21
	18/10/22	111/22
Reviewer:	Manager of Corporate and Financial Community Services	
Local Law:	Nil	
Procedure:	Nil	
Delegation:	EMPL 004	

OBJECTIVE

To support Council Policy 2.2.6 Salary Packaging in attracting the person with the skills and experience necessary to fill the senior staff positions.

POLICY

The Shire owns a range of housing for Team Members from executive homes to apartments.

It is the policy of the Shire of Kojonup to offer Council owned housing ~~to its Senior Management Team as a priority to the following roles as follows:~~

- Chief Executive Officer 15 Loton Close

As a priority and determined by the CEO:

- Manager ~~of~~ Regulatory ~~& Technical~~ Services 12B Elverd Street
- Manager ~~of~~ Corporate and ~~Financial~~Community Services 26 Katanning Road
- Manager of Works and Services 30 Katanning Road
- Manager Aged Care Services

The rent for these houses is established through negotiation of a manager's individual employment contract.

the following:

- ~~26 Katanning Road~~
- ~~30 Katanning Road~~
- ~~34 Katanning Road~~
- ~~Unit 2 Elverd Street~~

~~The rental charged on these properties will be 60% of the list of fees and charges (market value) with the balance of 40% being a subsidy under the prospective employee's Contract of Employment. Should this sentence be moved to below Other Staff? Managers sometimes have other arrangements in their employment packages.~~

Other Shire Staff roles:

To attract and retain ~~supervisor level staff in~~ professional, technical and specialised ~~positions~~roles, it is also ~~P~~policy to offer ~~any~~ available ~~staff~~ housing to other Team Members as determined, ~~from time to time by at the discretion of~~ the Chief Executive Officer, ~~as follows:~~

- ~~Units A, B and C Newton Street~~
- ~~Unit 1 Elverd Street~~
- ~~8 Soldier Road~~

for the following staff:

- ~~Swimming Pool Manager~~
- ~~Executive Assistant~~
- ~~Registered Nurse~~
- ~~Senior Ranger~~
- ~~Development Services Coordinator~~
- ~~Works Supervisor~~
- ~~Mechanic~~
- ~~Senior Horticulturist~~
- ~~Senior Finance Officer~~

Newton St Unit C	Swimming Pool Manager
Newton St Unit A	Executive Assistant
Newton St Unit B	Registered Nurse
Elverd St unit A	Senior Ranger
8 Soldier Road	Development Services Coordinator
	Works Supervisor
	Mechanic
	Senior Horticulturist
	Senior Finance Officer
	Senior Administration Officer

The rental charged on these properties will be 60% of the list of fees and charges (market value) with the balance of 40% being a subsidy under the prospective employee's employment conditions or contract of employment.

Bagg Street units

Temporary Bagg Street accommodation may be offered to staff, at the CEO's discretion, if required and available at either 1A (one bedroom) or 1B (two bedroom) Bagg Street units.

The CEO may negotiate weekly rental for ~~other~~all staff in accordance with annual performance reviews.

No-Smoking

Smoking is strictly prohibited within the premises of all Shire owned houses and buildings at all times.

Bond

All tenants, unless negotiated with Council, will be required to lodge a sum equivalent to four weeks' rent, as per Council's Fees and Charges, as a bond towards any damage sustained by the tenant during the tenancy. All tenancies, unless negotiated with Council, will have a written residential tenancy agreement.

Private Rentals

In the event that any Council provided accommodation is, at any time, not required for entitled Council employees identified above, then the CEO is delegated authority to rent the accommodation to other persons, including other Shire employees, provided the tenancy arrangement is on a fixed basis and includes a clause that the property will be vacated if required for the persons listed above.

Relocation Assistance

The CEO may, at the CEO's discretion, ~~has delegated authority to~~ financially assist new staff appointments by covering relocation expenses of \$~~1500-2500~~ or 50% of cost whichever is the lesser.

~~;~~ ~~or~~

~~Subsidised housing for up to 12 months~~

2.2.8 MOTOR VEHICLES - OFFICERS

Adopted or Reviewed by Council:	20/02/18	Council Minute Reference:	13/18
Reviewer:	Manager of Corporate and Financial Services		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To provide motor vehicles for senior employees used in a manner comparable to shires with similar operations and responsibilities.

POLICY

It is the policy of the Shire of Kojonup to supply motor vehicles to officers appointed to the following positions if so negotiated by the officer under Policy 2.26 - Salary Packaging:

- Chief Executive Officer;
- Manager of Corporate and ~~Financial~~Community Services;
- Manager of Works and Services;
- Manager of Regulatory and Technical Services;
- Manager of Aged Care Services; and
- Mechanic.

Use of the vehicle shall include the following conditions:

1. Smoking is strictly prohibited within Council motor vehicles at all times;
2. Where the Shire provides the Shire President with a motor vehicle, the CEO may drive a vehicle of the same style but not of a higher standard than the Shire President;
3. Private use of the motor vehicle outside the state of Western Australia or North of the 26th parallel and for long service leave will require the officer to obtain permission in writing from Council. Where private use is approved outside of this region, all fuel and expenses are to be borne by the officer;
4. The Council may also provide motor vehicles for permanent, acting or temporary officers when specific terms and conditions may be offered and agreed;
5. In the event that any of the positions become vacant and are re-advertised, any private usage will be negotiated at the time of appointment;
6. Spouses or partners are allowed to drive these motor vehicles provided that this does not disrupt the Shire business for which that vehicle is allocated, in any way;
7. Council does not expect other dependants or other persons to be driving these vehicles unless there is a specific need related to Shire business or in an emergency situation or where the CEO has granted specific approval;
8. Staff and elected members are to meet the costs of any parking or traffic infringements incurred whilst driving Council vehicles;
9. Where the motor vehicle has been equipped with a first aid kit and/or fire extinguisher, it is the responsibility of the primary user to ensure that the first aid kit or fire extinguisher is adequately stocked/changed at all times or replacement stock ordered through Council's Works and Services Division when used/expired;
10. All vehicles are regarded as pool vehicles for general use by Council employees for work related purposes during office hours;

11. When a Council officer is granted private use of a vehicle, the officer shall contribute the sum of \$50.00 per month towards operational expenses, or a sum negotiated independently with the Chief Executive Officer;
12. The Chief Executive Officer has the ability to negotiate with Council with respect to the provision of a motor vehicle or, alternatively, salary sacrifice arrangements in lieu of Council providing a motor vehicle; and
13. Motor vehicles shall not be used for approved secondary employment or in the conduct of private commercial business, unless express written approval of the CEO is given.

NOVATED LEASES:

When a novated lease is taken by an employee, their employment contract shall contain the following clause:

A vehicle allowance of \$, per annum (taxable) is provided in lieu of the provision of a motor vehicle. Allowances may be utilised to purchase a vehicle through a novated lease in accordance with the following:

1. The vehicle must be utilised by the employee for work purposes and that employee is not able to utilise “pool” vehicles for work or private purposes;
2. The vehicle may be hired by the employer for other employee or Councillor work requirements at the discretion of the owner of the vehicle and, if so hired, may be charged at the prevailing rate provided for in the Local Government Industry Award 2010 (\$0.78cents per kilometre at 2016);
3. In the event of damage incurred by the hirer in part ii (above), the Council will meet the cost of any damage or insurance excess to a maximum of \$500.

Any arrangement under this policy is to be included in the employee’s Contract of Employment.

2.2.9 WORKPLACE DRUG & ALCOHOL USE

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Manager of Corporate and Financial Community Services		
Local Law:			
Procedure:	Employee Manual		
Delegation:			

OBJECTIVE

The aim of this policy is to ensure a safe workplace free from the effects of drugs and alcohol. The policy is directed towards the welfare of the individual and the safety and health of other people. Although disciplinary action may be necessary, the focus is on preventative measures.

POLICY

Employees are obliged to present themselves for work in a fit state so that in carrying out normal work activities they do not expose themselves, their co-workers or the public to unnecessary risks to safety and health. The employee is responsible for any civil or criminal penalty, which results from being under the influence of drugs or alcohol in the workplace.

The use of drugs or alcohol in the workplace including Council premises, parks, reserves, vehicles, plant, or any other Local Government building or physical asset, is forbidden at any time; please refer to the Employee Manual.

2.2.10 LEAVE – COMMUNITY SERVICE

Adopted or Reviewed by Council:	15/11/16 20/11/18	Council Minute Reference:	151/16 143/18
Reviewer:	Manager of Corporate and Financial Community Services		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To recognise that members of the Defence Reserve Service that are employed by the Shire of Kojonup are able to access a reasonable amount of additional leave for that purpose.

To ensure that all employees fulfil their obligations with regard to witness and jury service.

To recognise the members of the local Emergency Services employed by the Shire are able to respond to a reasonable number of callouts during working hours without loss of income.

POLICY

Defence Reservist Leave

It is recognised that the Defence Reserve Service provides an economical method of maintaining Defence Forces in peacetime and can be a valuable addition to staff development within the Organisation.

Employees seeking Defence Reservist Leave under this Policy must provide certification that they have become reserve members of the Armed Services.

1. Leave not exceeding two weeks in any one year will be granted to employees who are members of the Defence Forces Reserves for the purpose of participating in training camps, or equivalent continuous duty. This leave will be in addition to annual leave entitlements.
2. The payment for Defence Reservist Leave will be on the basis of the difference between the employee's normal weekly salary (calculated on the same basis as annual leave provisions) and the remuneration received from the Armed Services. Should the amount received from the Armed Services be greater than the normal weekly salary, no additional payments will be made by the Shire. Superannuation contributions will be based on the employee's normal weekly salary.
3. Defence Reservist Leave granted under this Policy will be treated as continuous service for the purposes of calculating annual leave, long service leave, sick leave or any other entitlements.
4. Staff taking Defence Reservist Leave are required to pay normal rental during their absence should they have access to employee housing.
5. Employees wishing to take Defence Reservist Leave are to provide reasonable notification to the Shire and have the leave approved by the Chief Executive Officer.

Witness and Jury Service Leave

The Shire will ensure that all employees are granted relevant leave to attend any obligation associated with court proceedings as either a witness or juror.

An employee who is called to serve on a jury or is subpoenaed or called as a witness to give evidence in any proceeding, shall notify their Manager or Supervisor, as soon as practicable.

Where an employee is required to serve on a jury or is subpoenaed or called as a witness to give evidence on behalf of the Shire or the Crown, that employee shall be granted paid leave for that period.

If the employee is on leave, when required to attend on behalf of the Local Government, the period of leave lost shall be reinstated, if appropriate documentation is provided.

An employee subpoenaed or called as a witness under any other circumstances other than specified above shall be granted leave of absence without pay.

Where an employee is on any form of paid leave, they are not entitled to retain any witness fee.

Emergency Services

It is recognised that the Local Emergency Services (St John's Ambulance, Kojonup Fire and Rescue Service, local Volunteer Bush Fire Brigades) provide an economical method of responding to local emergencies and can be a valuable addition to staff development within the Shire.

In instances when a Shire staff member is called out to attend an emergency during working hours, the Shire will pay his/her normal wages or salary, to a maximum of 38 hours per financial year.

All staff are required to provide details to their Supervisor/Manager of any local emergency service organisations in which they are members.

In all instances where a staff member is called to respond to an emergency, the staff member must inform his/her immediate Supervisor/Manager before leaving the work site.

The CEO will be provided a quarterly report from Managers or Payroll to monitor any employee exceeding 38 hours per financial year for emergency service provision. An employee who has exceeded the maximum will be required to lodge a submission to their supervisor/Manager who, in turn, will lodge a submission to the CEO to consider exercising discretion on the enforcement of this policy.

2.2.11 SHIRE UNIFORMS

Adopted or Amended by Council:	12/02/17	Council Minute Reference:	148/17
Date/s Amended:	20/11/18		143/18
	19/11/19		156/19
	14/12/21		153/21
Reviewer:	Manager Corporate and Financial Community Services		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

This policy endeavours to enhance the corporate image of the Shire and its employees. The Council recognises that a corporate wardrobe promotes a:

1. Professional image;
2. Strong customer focus; and a
3. Safe work environment.

This policy applies to elected members, all employees in all departments (permanent and casual), and contractors at the discretion of the Chief Executive Officer.

The objectives of this policy are to:

1. Establish guidelines for the purchasing and wearing of Shire of Kojonup corporate uniform;
2. Outline dress standards staff are to observe when representing the Shire in a professional capacity and provide staff with clear guidelines for accepted standards of dress and appearance during work hours; and
3. Provide senior management with clear guidelines to use in monitoring and managing the standard of dress and appearance of staff in their department.

POLICY

1. Employees who are ceasing work with the Shire of Kojonup must return their uniforms which have the corporate logo embroidered or permanently printed on tops, vests, shirts, jackets, etcetera prior to the completion of their final working day.
2. Primarily, uniforms are to be worn only during working hours and employees should take care to refrain from wearing uniforms outside of work.
3. Employees must recognise that when wearing the uniform, they are recognised as representing the Shire of Kojonup. Employees must adhere to the Code of Conduct and Shire policies and procedures if they are wearing the uniform outside of work.
4. Employees who consume alcohol or act in an inappropriate manner whilst wearing a Shire uniform may face disciplinary action.

Personal Presentation

A high standard of personal presentation is required from employees at all times whilst on duty. It is expected that items of personal hygiene are attended to daily and all clothing is clean, neatly pressed and in good condition.

The following list of non-exhaustive items of clothing are considered inappropriate corporate attire:

1. Crop tops, backless and strapless tops and singlets; and
2. Denim jeans, denim skirts or shorts, and miniskirts or mini-shorts.

Body Art and Piercing

Tattoos that could be perceived as offensive should be discreetly covered where possible (e.g.; tattoos of naked men/women, skulls or daggers dripping blood). This item is to be administered at the discretion of the Department Manager.

The Shire's image and that of the region can be affected by the presentation of our staff. Any form of body piercing, other than ear piercing, must be discreet and ensure a professional image is portrayed at all times.

Staff working around or on machinery are not permitted to wear earrings that protrude or hang below the ear lobe, as they can become entangled in machinery.

Long hair must be worn up and back or in a hair net when working in areas with machinery and other moving parts or during food preparation. Jewellery, including earrings and/or other items that have the potential to get caught in machinery, must be removed whilst on duty.

Safety

It is the Supervisor's responsibility to ensure that appropriate Personal Protective Equipment (PPE) is supplied to and worn by Employees. Employees who mistreat, abuse or fail to comply with Council's requirements for safety and PPE will be subject to disciplinary action.

Identification

The wearing of identification improves visibility with the public and friendliness within the work environment. Employees should wear a form of visible identification at all times.

Name badges are a form of visual identification. 1 (one) name badge will be supplied to elected members, all employees in all departments (permanent and casual), and contractors at the discretion of the Chief Executive Officer. Name badges must be kept in good condition and worn in a place that is visible to others. If an allocated name badge is lost, damaged etc., the individual is responsible for purchasing a replacement at cost price. Employees may opt for this to be deducted from their Uniform Allowance.

Embroidery is another form of visual identification and may be more appropriate to outside staff.

Outside Staff Uniforms

1. The Shire of Kojonup shall supply up to 3 (three) sets of work clothes per annum to each operational employee who is based at the Works Depot or predominately in an outside position.
2. Work clothes represent footwear, shirts, trousers, vests, polo tops, jumpers, jackets and shorts. A set of work clothes consists of 6 items that are interchangeable; for example, 2 shirts, 2 trousers and 2 jumpers = 6 items or 2 shirts and 4 trousers = 6 items.
3. Part time and casual staff entitlements will be on a pro-rata basis based on standard hours of employment (e.g.; 0.5FTE is entitled to 1.5 sets).
4. An employee will be required to pay immediately, in full or via agreed deductions from fortnightly pay, for any item in addition to the 6 items allocated in any one financial year.
5. The Shire's ~~Occupational Safety and Health~~ Work Health and Safety Committee shall make input into the types of clothing and footwear issued.
6. In the event that an employee terminates their employment with the Shire within 6 months of their initial engagement, the employee will be required to refund the full contribution made by the Shire to the purchase of their uniforms.

Inside Staff Uniforms

1. The Shire shall meet 50% of the initial cost of corporate wardrobe uniforms up to a maximum contribution of \$650 per employee (total expenditure \$1,300) in the first year of employment; that is; the Shire will pay 50% of all orders up to these amounts.
2. In each subsequent year of employment, the Shire shall provide \$450 uniform allowance per employee.
3. Part time and casual staff entitlements will be on a pro-rata basis based on standard hours of employment (e.g.; 0.5FTE is entitled to \$325 in year one and \$225 each subsequent year).
4. An employee will be required to pay immediately in full or via agreed deductions from fortnightly pay for any expenditure in addition to the allocation in points 1 and 2 above.
5. In the event that an employee terminates their employment with the Shire within 6 months of their initial engagement, the employee will be required to refund the full contribution made by the Shire to the purchase of their uniforms.

Prescription Safety Glasses

The Shire of Kojonup will contribute up to \$200 biennially to permanent full time employees who require prescription safety glasses for work purposes (subject to provision by the employee of an optometrist's prescription/quotation which will in turn effect a purchase order to the optometrist or on provision by the employee of a receipt for payment for prescription safety glasses from an optometrist). The Chief Executive Officer will assess each request. In the event that an employee terminates their employment with the Shire within 6 months of their initial engagement, the employee will be required to refund the full contribution made by the Shire to the purchase of their prescription safety glasses.

Footwear

Shoes are the responsibility of individual staff members, unless negotiated with the Chief Executive Officer. It is recommended that covered shoes be worn at all times in conjunction with the corporate uniform.

As with clothing, Council expects all employees to wear shoes which meet a presentable standard for their particular work area. The following non-exhaustive list of items of footwear may be considered inappropriate corporate footwear:

1. Thongs;
2. Runners or sandals; and/or
3. Ugg boots.

Polo Shirts

All elected members, employees, and applicable contractors (at the discretion of the Chief Executive Officer) are entitled to 1 (one) corporate polo shirt every two years. If an allocated shirt is lost, damaged etc., the individual is responsible for purchasing a replacement at cost price and may opt for this to be deducted from their uniform allowance.

Generally, a corporate polo shirt will not be a day to day uniform item for staff; however, it can be worn on "free dress days" or at events/training days representing the Shire. The Chief Executive Officer or relevant manager may give approval to employees to incorporate the polo shirt into their uniform, where appropriate.

It is also possible that volunteers may be able to wear the corporate polo at the discretion of the Chief Executive Officer or relevant manager. This would be paid by the relevant department's budget.

The Corporate Polo Shirt shall only be worn whilst undertaking work related activities. Consideration should be given to maintaining the image of the Shire whilst wearing the corporate polo shirt.

Dispute Resolution

If a Manager considers that a particular staff member's attire is inappropriate according to the standards set in this policy, they may approach the individual and ask appropriate changes be made.

Free Dress Days

The first working day of the month is approved and shall be in conjunction with the fundraising and awareness activities of well-known and registered charities such as 'Jeans for Genes' Day. On these allocated days, staff will be permitted to wear appropriate dress that reflects the theme of the fundraising event. The Chief Executive Officer or relevant manager may allocate additional "free dress days" for inside staff.

Free dress days must not compromise safety, customer service or the perception of Council staff within the community. Staff shall be made aware of these allocated days by way of email from the Chief Executive Officer or delegated officer. Funds raised on these specific days will be presented to the relevant charity.

2.2.12 EMPLOYEE TRAINING

Adopted or Reviewed by Council: 14/11/17

Council Minute Reference: 183/15

Reviewer: Chief Executive Officer

Local Law: N/A

Procedure:

Delegation:

OBJECTIVES

1. To provide development opportunities to all employees, as recognised in the Shire of Kojonup Workforce Plan, as the Shire is committed to the provision of employee training and professional development opportunities to ensure that employees achieve productivity aims relevant to their position.
2. All training needs will be considered as part of the annual performance review process and Annual Budget provisions.
 - a) Where an employee undertakes such training it shall be conducted as far as practicable in the employee's usual working time and the employee shall not lose pay for attendance for extra travel associated with such training.
 - b) Fees, materials or any other reasonable costs associated with the training shall be reimbursed by the employer.
3. Relevant training is to be identified and documented during an individual's annual performance review.
4. It is recognised that employees will take ownership of their training needs and consult their managers to ensure that their training needs are met.

POLICY

The progression of employees through training and personnel development is an ongoing Workforce Plan goal (continuous improvement) ensuring the effective and efficient performance of employees.

Training and development opportunities will benefit the Shire of Kojonup through an improved knowledge base, increased skills and performance of employees and provide a platform for career pathways. The Council has adopted a Workforce Plan which meets organisational, occupational and individual needs.

Specific aims of the Employee Training Policy include but are not limited to the following:

1. Develop an annual training calendar to ensure that training opportunities are provided to all employees and routinely encouraged;
2. Ensuring that all staff have the skills necessary to perform the requirements of their position description;
3. In consultation with employees, continue to develop the annual Development Review process identifying key achievements and commitment to the Shire;
4. Providing staff with training and education identified through the Development Review process;
5. Ensuring that links to the Strategic Plan and Customer Service Charter are made within staff review processes;
6. Ensuring that supervisors and managers provide open and ongoing feedback to employees; and
7. Developing and implementing ongoing two-way communication processes that encourage staff to be involved in the organisation and their own professional growth.

2.2.13 EMPLOYEE ASSISTANCE PROGRAM

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:	Policy to capture previous inclusion in All of Staff Agreement 2011		
Delegation:			

OBJECTIVE

Where appropriate and required, provide provision for employees and elected members to access **confidential qualified support and assistance.**

POLICY

1. The Shire of Kojonup will provide, via LGIS Counselling Services and Southern Agcare, an Employee Assistance Program that provides professional counselling for all elected members, employees and/or their immediate families wishing to access such counselling to help to resolve personal problems.
2. Employees accessing this counselling service shall be guaranteed total confidentiality and anonymity by the service provider. The Shire will only be informed of the number of workers that have accessed the service.
3. Employees are encouraged to make use of the Employee Assistance Program if they are experiencing difficulties in areas such as:
 - (a) Emotional problems;
 - (b) Marital or family concerns;
 - (c) Relationship difficulties;
 - (d) Financial concerns;
 - (e) Alcohol or other drug problems; or
 - (f) Problems such as those above that may result in conflict and absenteeism.
4. Employees are reminded that problems primarily stemming from issues in the workplace should be resolved through the Shire of Kojonup Employee Manual Section 7.1: Employee Concern and Grievance Process and/or Clause 23 Dispute Settlement Procedure of the All of Staff Agreement 2011.

2.2.14 WORK HEALTH AND SAFETY

Adopted or Reviewed by Council:	15/11/16	Council Minute Reference:	151/16
Amended:	19/11/19		156/19
	17/11/20		156/20
	16/11/21		135/21
Reviewer:	Manager of Corporate and Financial Community Services		
Local Law:			
Procedure:			
Delegation:			

This Policy statement aims to example the commitment and steadfast aspiration of everyone at the Shire of Kojonup (Shire) in creating and maintaining a safe and healthy place to work. We realise that our fellow workers, volunteers and the contractors who come and work for us are of value and worth to our organisation and our community, and that everyone should enjoy a safe and healthy work environment here.

We also realise that the work we do can impact our community and the visitors travelling to or through our Shire and we will aim to do our work safely in order that their safety and health is not adversely affected by what we do.

We believe good performance of Work Health and Safety (WHS) practices is essential to everyone's professional being.

In summary, we expect of our leaders:

- To lead by good example, create, adopt and maintain safe work practices and behaviours that lend to safe & healthy team environments;
- To resource our workplace and our teams so they can operate safely;
- To remove barriers that could prevent a safe and healthy environment;
- To promote and maintain standards defined by our Safety Management Plan, practices and WHS legislation;
- To supervise effectively, encourage and foster work practices, and implement hazard management and work planning to the requirements of our WHS Safety Management Plan.

We expect all our workers and volunteers:

- To lead by good example, participate in safe work practices and behaviours that lend to safe and healthy team environments;
- To work respectfully and foster professional and healthy relationships with fellow team members and co-workers;
- To follow work procedures and instructions that will assist in meeting the objectives of this Policy;
- To follow the training they have been provided with in order to work safely;
- To report on hazards, incidents and safety concerns within the procedures of our Safety Management Plan and practices.

We expect all our contractors:

- To work within their own safety management plans and to liaise with us on ours when we share work spaces and areas;
- To work with us in identifying and reporting on hazards, incidents and safety concerns;

- To work respectfully in our environment and foster professional and healthy relationships with our workers and volunteers and our other contractors;
- To represent positive, safe and healthy practices as contractors doing work for us in our community.

In order to continually improve our performance, we will regularly review our WHS Safety Management Plan, this Policy statement and our WHS Committee's Terms of Reference. By all of us working together and aspiring to meet the standards, expectations, and obligations in our Safety Management Plan, we believe we can create a work environment that is safe and healthy, and makes our Shire a great place to work or volunteer within.

2.2.15 GRIEVANCES, INVESTIGATION & RESOLUTION POLICY

Adopted or Reviewed by Council:	17/11/20	Council Minute Reference:	156/20
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:	XXXX - Grievances, Investigations & Resolution Procedure		
Delegation:			

OBJECTIVE

To foster a safe and inclusive work environment where all employees, volunteers and contractors have a right to express any genuine grievances or complaints via an impartial internal process.

POLICY

The Shire of Kojonup supports the rights of employees, volunteers and contractors to achieve their full potential free from discrimination, bullying, harassment, victimisation and vilification and, in circumstances in which they feel aggrieved, provide a mechanism to raise a complaint or grievance in relation to:

- Employment conditions;
- Breaches of policy;
- Conflict (including working relationships or interaction with colleagues).

The Shire of Kojonup supports a collegial approach to concerns, complaints and grievance resolution through informal processes where possible, with access to formal mechanisms for resolving complaints and grievances if required.

All employees, volunteers and contractors involved in a grievance process are expected to participate in good faith.

SCOPE

For the purposes of this Grievances, Investigations and Resolution Policy (Policy), the term “employee(s)” will extend to cover contractors, volunteers and any person performing work for or with the Shire of Kojonup in any capacity.

This Policy works in conjunction with other policies and may not apply in situations where there is another more appropriate policy in force, including in relation to complaints made under:

- 2.2.1 Staff Equal Opportunity
- 2.2.2 Elimination of Harassment in the Workplace
- 2.2.14 ~~Occupational Safety and Health~~ Work Health and Safety
- 3.1 Code of Conduct

DEFINITIONS

Complainant – A person who raises a complaint about a matter regarding the workplace.

Respondent – A person who is alleged to have acted in a manner which caused the Complainant to raise a complaint.

Support Person – A person who may provide emotional support to either the Complainant or the Respondent and who may be present during meetings; however, may not interact with proceedings.

Witness – A person (including an employee) who is requested by the Shire of Kojonup to assist the process by providing relevant information regarding the complaint.

KEY PRINCIPLES IN THE COMPLAINT RESOLUTION PROCESS

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

- Confidential – Only those employees directly investigating or addressing the complaint will have access to the information about the complaint. The Shire of Kojonup may inform or appoint a third party to investigate or advise on the investigation. All parties involved in dealing with a complaint are required to keep the matter confidential. *Information will only be placed on an employee's personnel file if they are disciplined as a result of the complaint.*
- Impartial (fair/unbiased) – Both parties will have an opportunity to put their case and no assumptions will be made or action taken until available and relevant information has been collected and considered.
- Sensitive – Employees who assist in responding to complaints should be specifically trained or equipped to treat all complaints sensitively and ensure the process is free of coercion or intimidation.
- Timely – The Shire of Kojonup aims to deal with all complaints as quickly as possible and in accordance with any legislative requirements.
- Records – All complaints and investigations must be documented and formal records must be kept of all documents collected and/or drafted as part of that process.

Natural Justice – The principles of natural justice provide that:

- an employee against whom an allegation is made has the right to respond to the allegations before any determination is made;
- an employee against whom an allegation is made has the right to be told (where appropriate to do so) who made the allegation;
- anyone involved in the investigation should be unbiased and declare any conflict of interest; and
- decisions must be based on objective considerations and substantiated facts.

Procedural Fairness – The principles of procedural fairness provide that:

- the Respondent is advised of the details (as precisely and specifically as possible) of any allegations when reasonably practicable;
- the Respondent is entitled to receive verbal and written communication from the Shire of Kojonup of the potential consequences of given forms of conduct, as applicable to the situation;
- the Respondent is given an opportunity to respond to any allegations made against them by a Complainant;
- any mitigating circumstances presented to the Shire of Kojonup through the grievance process are investigated and considered;
- the Complainant and Respondent have the right to have an appropriate support person present during any inquiry or investigation process where practicable or necessary;
- any witnesses who can reasonably be expected to help with any inquiry or investigation process should be interviewed; and
- all interviews of witnesses are conducted separately and confidentially.

Outcome of Making a Complaint

If a complaint is substantiated and involves a performance issue, the Manager of the Respondent may commence a formal performance management process with the Respondent or elect to discipline the Respondent in accordance with any applicable policy.

If the complaint is substantiated and involves a breach of a policy, the Manager of the Respondent, in consultation with the Chief Executive Officer, may elect to discipline the Respondent appropriately in accordance with the severity of the matter.

Vexatious or Malicious Complaints

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

Victimisation of Complainant

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

2.3 ADMINISTRATION

2.3.1 ** MOVED TO POLICY 1.6 **

2.3.2 RECORDS MANAGEMENT

Adopted or Reviewed by Council:	17/11/15 19/11/19	Council Minute Reference:	183/15 156/19
Reviewer:	Manager of Corporate and Financial Community Services/Records Officer		
Local Law:			
Procedure:	Contained within the Recordkeeping Plan		
Delegation:			

OBJECTIVE

The purpose of this policy is to define the principles of the Shire of Kojonup's record management function. This policy applies to all staff, elected members, contractors and volunteers.

1. All records are to be managed according to whether they are significant or ephemeral records, vital or non-vital records, and in accordance with their security classification.
2. All communications in the form of records which are handled, received or generated by the Shire of Kojonup, whether paper or electronic, and whether internal or external, are to be captured within the appropriate recordkeeping system (SynergySoft).
3. Registers are to be maintained of all records including, but not limited to registers of policies, databases, Freedom of Information applications, assets, tenders and quotations, forms, vital records, files and contracts.
4. All contractual arrangements are to ensure the Shire of Kojonup's ownership of significant records.
5. Any records/files in the possession of individual staff are to be registered to them and, dependent upon security classification, kept accessible.
6. Only approved record formats are to be used in effecting the Shire of Kojonup's business.
7. Records are not to be removed from the Shire of Kojonup's sites unless in accordance with the approved retention and disposal schedule, or in the custody of an officer performing official business.

POLICY

The purpose of this policy is to define the principles of the Shire of Kojonup's records management function and to document an orderly and efficient approach to the proper management of records.

Records are recognised as an important information resource in the Shire of Kojonup and it is accepted that sound record management practices are vital and integral to the overall efficiency and effectiveness of the Shire of Kojonup. Due to legislative requirement, the Shire of Kojonup is obliged to maintain a records management system that completely, accurately and reliably creates and maintains evidential records, and to dispose of those records only through an approved scheme.

The policy and associated procedure applies to all external and internal records which are handled, received or generated by the Shire of Kojonup, regardless of their physical format or media type.

The Council reviews the Recordkeeping Plan every five years which contains the procedure for recordkeeping in accordance with the *State Records Act 2000*. The next review is due in March 2015.

Guidelines:

Roles and Responsibilities

Chief Executive Officer

The CEO is to ensure there is a system for the maintenance and management of records that is compliant with records management legislation and State guidelines and procedures. This includes the provisions of s. 5.11(h) of the *Local Government Act 1995*.

Managers

Managers are to ensure their staff are familiar with, and adhere to, the Records Management Policy and any associated procedures endorsed by the CEO.

Staff

Staff are to ensure they retain records relating to the business activities they perform. They are to identify significant and ephemeral records, ensure significant records are registered in the records management system (SynergySoft), and protected and disposed of in accordance with the State Records Office of Western Australia's General Disposal Authority.

General Disposal Schedule for Local Government Records

All records within the recordkeeping system maintained by the Shire of Kojonup are to be disposed of in accordance with the State Records Office's General Disposal Schedule for Local Government Records.

Custodianship

The Shire's records are a government-owned asset. The records created during the course of business belong to the Shire of Kojonup by virtue of their possession and not to the individuals who created such records during their time as a public officer or elected member at the Shire of Kojonup. Officers or elected members who acquire or create any records in the course of business shall not retain proprietary interest. Ownership of these records is vested in the Shire.

Council Meetings

Once the minutes of a Council Meeting have been confirmed by the Council, all individual elected member and staff notes made, including in the Docs on Tap app., will be deleted.

Definitions

A Record

A record as defined in the *State Records Act 2000* means any record of information however recorded and includes:

1. Anything on which there is writing or Braille;
2. A map, plan, diagram or graph;
3. A drawing, pictorial or graphic work or photograph;
4. Anything on which there are figures, marks, perforations, or symbols, having a meaning for persons qualified to interpret them;
5. Anything from which images, sounds or writings can be reproduced with or without the aid of anything else; and
6. Anything on which information has been stored or recorded either mechanically, magnetically, or electronically.

Records in the public sector are referred to as:

Government Records (or Public Records)

Records created or received by a public officer or elected member in the course of his or her duties regardless of whether the communication is between staff in the same agency, between different agencies, or between public officers and members of the community (both private and business).

Records may be categorised as:

Ephemeral Records

Ephemeral records are duplicated records and/or those that have only short-term value to the Shire, with little or no on-going administrative, fiscal, legal, evidential or historical value. They may include insignificant drafts and rough notes, records of routine enquiries.

Significant Records

Significant records contain information which is of administrative, legal, fiscal, evidential or historical value and are not recorded elsewhere on the public record. They describe an issue, record who was involved, record why a decision was made, and may embody actual guidelines.

Important Note: Distinguishing between significant and ephemeral records is a matter of judgment and the above definitions can only act as a guide. Reference to “records” in this guideline document should be read as relating to significant public records unless otherwise stated.

Vital Records

Vital records are records which are essential to the continued business of the Shire. Vital records include those that protect the rights of individuals and the Shire, and are absolutely essential for the Shire’s reconstruction in the event of a disaster.

The Shire of Kojonup considers that the following are vital records:

Computer system records, Council and Committee Minutes and Agendas, Title Deeds, Policy and Procedure Manuals, Registers, Contracts/Tenders, Licences, Historical documents, Delegation of Authority, Insurance Policies, Cemetery Records, Town Planning Scheme deeds/information, Financial documents such as Budgets & Annual Financial Statements and any documents detailing approvals of some kind.

Non-Records

Non-records are documents that are generally available in the public domain and do not form part of a business process in respect to the Shire's activities. They are generally used for reference and information purposes, such as reports or plans from another organisation, a published directory, or a training manual of a third party.

Records Disposal

Disposal/Archiving is conducted in accordance with the General Disposal Authority for Local Government Records. Records are stored onsite at the Shire of Kojonup Office and offsite at the Shire of Kojonup Works Depot, Springhaven Frail Aged Lodge and the Broomehill Repository.

Procedures

Procedures have been developed by the Shire of Kojonup to ensure correct treatment of incoming, outgoing, internal and confidential mail.

2.3.3 NATIVE TITLE CLAIMS PROCESS

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Manager of Corporate and Financial Community Services		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To consult with the claimants and their local representatives in the spirit of reconciliation to avoid protracted negotiations or expensive litigation exposure to the Shire.

POLICY

At all times the Council will consider Native Title claim/s made over any or all crown reserves vested in the Shire, through dialogue with local elders and relevant representative bodies.

The Shire of Kojonup is subject to a number of native title claims and will adhere to accepted protocols of consultation with the Native Title claimants and their local representatives.

2.3.4 ASSET MANAGEMENT

Adopted or Reviewed by Council:	18/04/17	Council Minute Ref:	41/17
Amended by Council:	16/11/21		135/21
Reviewer:	Manager of Corporate and Financial Community Services		
Local Law:			
Procedure:	Asset Management Plan		
Delegation:			

OBJECTIVE

To guide the management of the Shire's infrastructure assets to meet agreed service delivery and performance expectations, as the asset custodian for the community.

DEFINITIONS

- "Asset" A physical item of value that is owned by the Shire of Kojonup and provides or contributes to the provision of services to the community (in this context excluding financial, intellectual, and non-tangible assets).
- "Asset Management" The combination of management, financial, economic, engineering, and other practices applied to physical assets with the objective of providing the required level of service in the most cost effective manner to meet Council's priorities for service delivery.
- "Asset Management Plan" developed for each Asset Class to outline the management activities to meet defined levels of service with available resources. These are long term plans that investigate future demand and forecast lifecycle costs for existing assets.
- "Council" The elected members of the Council of the Shire of Kojonup.
- "Infrastructure Assets" are fixed network assets that support the delivery of services to the community. These include Transport Assets (roads, footpaths, kerbing, drainage etc.), Buildings, Park and recreation infrastructure.
- "Level of Service" is the measurable objective of the Shire in relation to assets based on the criteria of safety, quality, quantity, reliability, responsiveness, cost/efficiency and legislative compliance. The aim is to balance the level of service of the asset to community expectations with what is financially sustainable.
- "Whole of Life cost(s)" Is the total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, and rehabilitation and disposal costs.
- "Maintenance" means regular ongoing day-to-day work necessary to keep an asset operating and to achieve its optimum life expectancy.
- "Operations" – means the regular activities to provide public health, safety and amenity and to enable the assets to function e.g.; road grading, grass mowing, cleaning, street lighting and graffiti removal.
- "New" means creation of a new asset to meet additional service level requirements.
- "Resources" means the combination of plant, labour and materials, whether they be external (contractors/consultants) or internal (staff/day labour).
- "Renewal" relates to expenditure on an existing asset, which returns the service potential or the life of the asset up to that which it had originally.
- "Risk" is the likelihood and consequence of an event that may impact on the Council's ability to meet its strategic objectives.
- "Shire" refers to the collective Shire of Kojonup organisation. The Chief Executive Officer of the Shire of Kojonup is responsible for ensuring the Shire's obligations and commitments are met.
- "Stakeholders" are those people/sectors of the community that have an interest or reliance upon an asset and who may be affected by changes in the level of service of an asset.

- “Upgrade” relates to expenditure that enhances an existing asset to provide a higher level of service or expenditure that will increase the life of the asset beyond that which it had originally.

POLICY

To achieve the policy objective, the Shire of Kojonup is committed to ensuring that Asset Management is recognised as a major corporate function.

The Shire is committed to making informed decisions in relation to its infrastructure assets. To achieve this, the Shire will maintain an Asset Management Improvement Strategy that guides the implementation of asset management across the organisation. The key outcome being the adoption by Council of an Asset Management Plan for the following classes of infrastructure assets:

1. Infrastructure (including roads, footpaths, kerbing and signs);
2. Drainage;
3. Buildings; and
4. Parks & Reserves.

Asset Management Plans will form part of the Shire’s day-to-day business practices and will be used to make informed decisions in relation to service delivery across:

1. New asset acquisition;
2. Renewal of assets;
3. Upgrade of assets; and
4. Disposal of assets.

Asset Management Plans will be prepared in accordance with the IPWEA’s (The Institute of Public Works Engineering Australasia) International Infrastructure Management Manual Guidelines and will include long term financial modelling of the renewal profile and whole of life costs of each asset class to underpin Long Term Financial Plans.

The Shire of Kojonup has limited resources and is the custodian of a large number of assets. Therefore, when making decisions in relation to infrastructure assets, the Shire is committed to the philosophy of renewing assets before acquiring new assets. In addition and where possible, the Shire is also committed to rationalising assets that are no longer used or do not provide the agreed level of service. The Shire of Kojonup is committed to determining the Level of Service required for infrastructure assets in a collaborative manner with asset stakeholders and the wider community, primarily through community consultation during the Integrated Planning & Reporting process.

LINKAGE TO STRATEGIC PLAN

This policy links to the Shire of Kojonup’s Community Strategic Plan - undertake an asset management planning process to review and rationalise Shire buildings to maximise their use and value to the community.

The Asset Management Plan also links very closely to the Shire’s Long Term Financial Plan which is the primary funding planning tool to enable achievement of the Plan’s objectives.

RESPONSIBILITY AND REPORTING

Council - Council is responsible for ensuring (upon recommendation of the CEO) that resources are allocated to achieve the objectives of any adopted Asset Management Plans. In adopting Asset Management Plans, Council is also determining the Level of Service for each asset class.

Chief Executive Officer (CEO) - is responsible for ensuring that systems are in place to ensure that Council’s Asset Management (AM) Policy, AM Improvement Strategy, and AM Plans are prepared and kept up to date, reviewed at least annually and that recommendations are put to Council in relation to appropriate resource allocation to fulfil the objectives of the above documents. The CEO reports to Council on all matters relating to Asset Management.

All Managers – are responsible for ensuring that resources under their control are appropriately allocated to resource asset management. All Managers report to the CEO on all matters relating to Asset Management under their area of control.

All Managers will ensure that relevant staff are appropriately trained in asset management and that funds are put aside each year to ensure that this training occurs.

Building Assessment Framework

The following building assessment framework has been adopted by the Shire of Kojonup:

Criteria	Assessment Considerations
Degree to which provision of the building meets Community Strategic Plan commitments (Weighting 30%)	<p>5 = Addresses all commitments to some degree (may be indirectly) or four or more to a significant degree</p> <p>4 = Addresses six or seven commitments to some degree (may be indirectly) and/or three to a significant degree</p> <p>3 = Addresses four or five commitments to some degree (may be indirectly) and/or two to a significant degree</p> <p>2 = Addresses two or three commitments to some degree (may be indirectly) and/or one to a significant degree</p> <p>1 = Addresses a single commitment to some degree</p> <p>0 = Does not address any CSP objectives</p>
Level of efficiency with regards to operational and maintenance costs (Weighting 20%)	<p>Comparative assessment considering whole of life cost on a like for like basis for the type of building/construction.</p> <p>5 = Highly efficient and low whole of life cost</p> <p>4 = Moderately efficient and moderately low whole of life cost</p> <p>3 = Average efficiency and average whole of life cost</p> <p>2 = Moderately inefficient and/or moderately high whole of life cost</p> <p>1 = Highly inefficient and/or very high whole of life cost</p>
Fit for Purpose/Adaptability for new purpose/Risk and BCA Compliance (score to the highest possible use) (Weighting 35%)	<p>Comparative assessment taking into account:</p> <ol style="list-style-type: none"> Degree building meets requirements for current use; Adaptability for new use/potential for dual/multi-use; Frequency of use; Level of risk associated with continued use; and BCA compliance. <p>5= Meets standards, excellent fit for purpose or adaptability for new purpose 1= Major compliance issues, poor fit for purpose or poor adaptability for new purpose</p>
Historical and cultural value (Weighting 15%)	<p>Elements of significance to be considered include:</p> <ol style="list-style-type: none"> Aesthetic significance; Architectural significance; Historical significance; Scientific significance; Social significance; Other significance; Significance to past, present and future generations; and Period of significance. <p>5 = Listed on State Heritage Register and/or Nationally significant and/or profoundly culturally and historically significant for the majority of the Kojonup population</p> <p>4 = On State Heritage list and/or strongly culturally and historically significant for the majority of the Kojonup population</p>

	<p>3 = Strongly culturally and historically significant for a small proportion and/or moderately significant for a large proportion of the Kojonup community</p> <p>2 = Culturally and historically significant for a moderate proportion of the Kojonup community</p> <p>1 = Culturally and historically significant for a small proportion of the Kojonup community</p> <p>0= Not culturally and historically significant</p>
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In the event any building scores a total weighted score of 30 or less out of 100 in the assessment, then officers will subsequently prepare a detailed assessment of the building and present the results to the Council. The assessment will include at a minimum:

1. Background information about the building;
2. Valuation and asset management condition scoring information;
3. A detailed option and impact assessment of the pros and cons of renewal/repurposing, replacement, rationalisation and/or other relevant options; and
4. Recommendations.

Capital Evaluation Framework

To ensure that Capital Projects are evaluated against an appropriate framework so that Council attains best value for money to meet the community's needs while complying with all other relevant Council policies and procedures. The most appropriate mix of projects will then be selected for delivery within the available budget while maximising external funding.

The Shire shall develop and implement a 'Capital Evaluation Framework' to evaluate all capital projects to feed into the Corporate Business Plan and Annual Budget. The framework will be documented within 'Capital Evaluation Procedures' and include:

1. A logical, consistent process to allow all projects to be comparatively evaluated and decisions made;
2. Assessment of the degree each project meets Council objectives;
3. Assessment of risk relating to the consequences of inaction for each project;
4. Assessment of the financial viability of each project, including the level of external funding;
5. Assessment of the degree of positive impact implementation of each project will have to the community and organisation; and
6. Assessment of the level of 'project readiness' for each project.

This policy applies to all Council projects valued at over \$50,000 and all road construction projects valued at over \$100,000.

Roles and Responsibilities

The Elected Member Body (Council)

Responsible for ensuring (upon recommendation of the CEO) that resources are allocated to achieve the objectives of this Policy.

Council is also responsible for reviewing the results and recommendations from staff assessment, where a project's scope/cost reaches a defined threshold, and making appropriate determinations.

Chief Executive Officer (CEO)

Responsible for ensuring that systems are in place to develop, implement, maintain and regularly review Council's 'Capital Evaluation Policy' and associated procedures.

Senior Management Team (SMT)

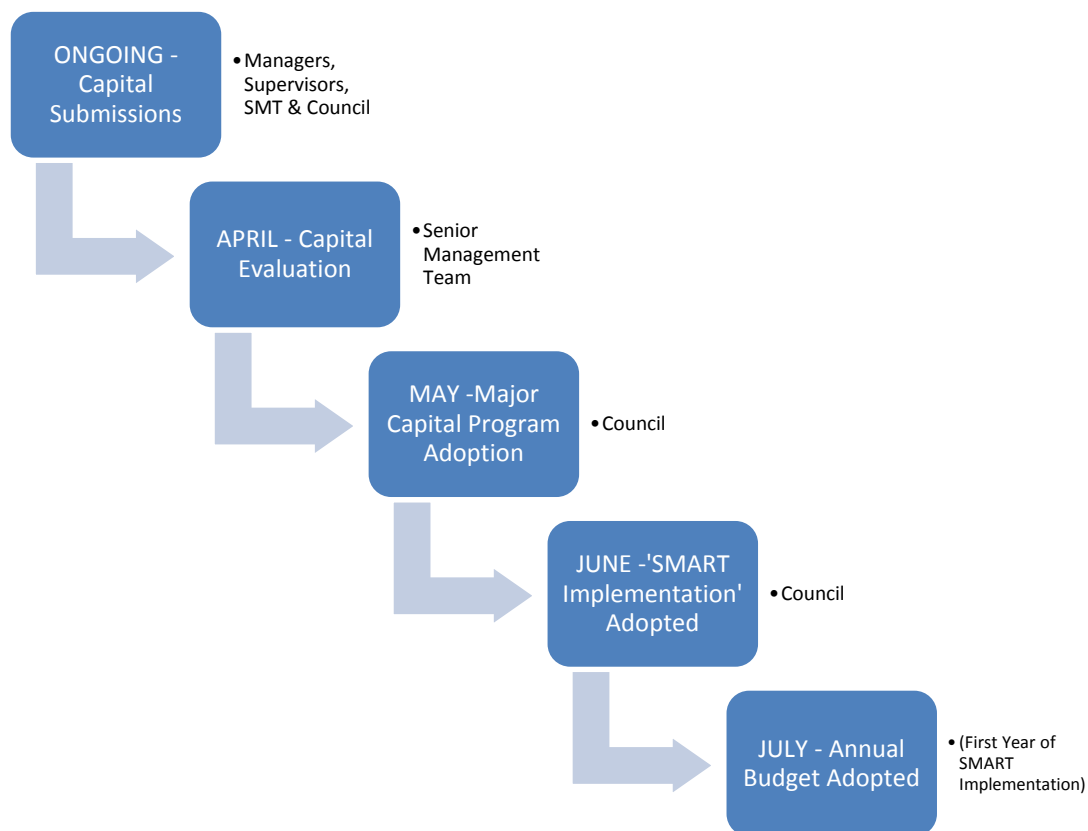
Responsible for implementation of this Policy and associated procedures across the organisation.

Where aspects of Council's Policy and procedures are not being achieved or adhered to, the SMT will maintain a list of non-compliances and take corrective action. The SMT reports to the CEO (who is also a member of the group) on all matters relating to capital evaluation.

All Managers/Co-ordinators

Responsible for ensuring that resources under their control are appropriately allocated to resource capital evaluation. All Managers/Co-ordinators must report to the CEO on all matters relating to capital evaluation under their area of control.

Integrated Process



(Note – SMART Implementation is the Shire of Kojonup’s Corporate Business Plan as required by the *Local Government Act 1995*)

Review and Evaluation

The effectiveness of the Policy shall be reviewed annually, both as part of the capital evaluation assessment presented to Council and via the annual review of Council Policies.

Policy Review

This policy is to be reviewed annually by senior staff and Council.

2.3.5 RISK MANAGEMENT

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Amended:	21/05/19		52/19
	19/11/19		156/19
	16/11/21		135/21
Reviewer/s:	Manager of Corporate and Financial Community Services/Senior Administration Officer		
Local Law:			
Procedure:	Risk Management Framework/Business Continuity and Disaster Recovery Plan		
Delegation:			

OBJECTIVE

The objective of this Policy is to state the Shire of Kojonup's (the 'Shire's') intention to identify potential risks before they occur so that impacts can be minimised or opportunities realised; ensuring that the Shire achieves its strategic and corporate objectives efficiently, effectively and within good corporate governance principles.

POLICY STATEMENT

It is the Shire's Policy to achieve best practice (aligned with AS/NZS ISO 31000:2018 Risk management – Guidelines) in the management of all risks that may affect the Shire meeting its objectives.

The Shire is committed to organisation-wide risk management principles, systems and processes that ensure consistent, efficient, and effective assessment of risk in all planning, decision making and operational processes. This will ensure compliance with the Integrated Planning requirements of the *Local Government Act (1995)* s. 5.56(2).

Risk management functions will be resourced appropriately to match the size and scale of the Shire's operations and will form part of the Strategic, Operational, and Project responsibilities and be incorporated within the Shire's Integrated Planning Framework.

This policy applies to Council Members, Executive Management, all employees, volunteers and contractors involved in any Shire operations.

KEY POLICY DEFINITIONS

Risk: Effect of uncertainty on objectives.

Note 1: An effect is a deviation from the expected – positive or negative.

Note 2: Objectives can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product or process).

Risk Management: Coordinated activities to direct and control an organisation with regard to risk.

Risk Management Process: Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

POLICY DETAILS

The following points provide detail on the objective specifics:

1. Aligns with and assists the implementation of all Shire policies.
2. Optimises the achievement of the Shire's vision, mission, strategies, goals and objectives.
3. Provides transparent and formal oversight of the risk and control environment enabling effective decision-making.
4. Enhances risk versus return within the Shire's risk appetite.
5. Embeds appropriate and effective controls to mitigate risk.

6. Achieves effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
7. Enhances organisational resilience.
8. Identifies and provides for the continuity of critical operations.

RISK ASSESSMENT AND ACCEPTANCE CRITERIA

The Shire quantified its broad risk appetite through the development and endorsement of the Shire's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Framework and as a component of this Policy.

All organisational risks are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilized; however, these cannot exceed the Organisation's appetite and are to be noted within the individual risk assessment.

MONITOR & REVIEW

The Shire will implement and integrate a monitor and review process to report on the achievement of the Risk Management Objectives, the management of individual risks and the ongoing identification of issues and trends. A copy of the Risk Management Framework's Risk Dashboard Report and the Prioritised Actions List will be provided to Council's Audit and Risk Committee at each meeting of the Committee.

This Policy will be kept under review by the Shire's Management Team and its employees. It will be formally reviewed annually.

For staff purposes, the following links directly to the Risk Management Framework Risk Profiles:

<G:\Governance\Risk Management\2019\Current RM Framework & Profile Register - 2019\Current\2019 Kojonup Risk Profile and Reporting Tool.xlsm>

Risk Assessment and Acceptance Criteria

Shire of Kojonup Measures of Consequence									
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment	Project TIME	Project COST
Insignificant (1)	Near miss. Minor first aid injuries	Less than \$10,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential damage.	Contained, reversible impact managed by on site response	Exceeds deadline by 10% of project timeline	Exceeds project budget by 10%
Minor (2)	Medical type injuries	\$10,001 - \$100,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response	Exceeds deadline by 15% of project timeline	Exceeds project budget by 15%
Moderate (3)	Lost time injury <30 days	\$100,001 - \$500,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies	Exceeds deadline by 20% of project timeline	Exceeds project budget by 20%
Major (4)	Lost time injury >30 days	\$500,001 - \$1,000,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies	Exceeds deadline by 25% of project timeline	Exceeds project budget by 25%
Catastrophic (5)	Fatality, permanent disability	More than \$1,000,000	Indeterminate prolonged interruption of	Non-compliance results in	Substantiated, public embarrassment,	Extensive damage requiring	Uncontained, irreversible impact	Exceeds deadline by 30% of	Exceeds project

Shire of Kojonup Measures of Consequence									
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment	Project TIME	Project COST
			services – non-performance > 1 month	litigation, criminal charges or significant damages or penalties	very high multiple impacts, high widespread multiple news profile, third party actions	prolonged period of restitution Complete loss of plant, equipment & building		project timeline	budget by 30%

Measures of Likelihood			
Level	Rating	Description	Frequency
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur at some time	At least once in 3 years
2	Unlikely	The event could occur at some time	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances	Less than once in 15 years

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
LOW	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
MODERATE	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
HIGH	Urgent Attention Required	Risk acceptable with effective controls, managed by senior management / executive and subject to monthly monitoring	Executive Manager / CEO
EXTREME	Unacceptable	Risk only acceptable with effective controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

Existing Control Ratings		
Rating	Foreseeable	Description
Effective	There is <u>little</u> scope for improvement.	Processes (Controls) operating as intended and aligned to Policies / Procedures. Subject to ongoing monitoring. Reviewed and tested regularly.
Adequate	There is <u>some</u> scope for improvement.	Processes (Controls) generally operating as intended, however inadequacies exist. Nil or limited monitoring. Reviewed and tested, but not regularly.
Inadequate	There is a <u>need</u> for improvement or action.	Processes (Controls) not operating as intended. Processes (Controls) do not exist, or are not being complied with. Have not been reviewed or tested for some time.

2.3.6 ****DELETED**** BUSINESS CONTINUITY

Policy 2.3.6 was deleted 16 November 2021

Business Continuity is addressed under Policy 2.3.5 – Risk Management

2.3.7 DEPARTMENT OF TRANSPORT LICENSING SERVICES

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:	ADMIN 017 - Vehicle Licensing & Registration Agency Contract		

OBJECTIVE

Set a position on the provision of localised licensing services at no cost to Council.

POLICY

The Shire of Kojonup is committed to maintaining the traffic licensing agency role subject to the financial commissions received from the State Government providing sufficient revenue such that there is a net benefit to Council, or community benefit.

The Chief Executive Officer is delegated authority to negotiate the renewal of future contracts for the delivery of traffic licensing and services.

2.3.8 VOLUNTEER MANAGEMENT

Adopted or Reviewed by Council:	16/02/16	Council Minute Reference:	19/16
Date/s Amended:	20/11/18		143/18
	19/11/19		156/19
Reviewer:	Senior Administration Officer		
Local Law:			
Procedure:	Volunteer Management Handbook		
Delegation:			

OBJECTIVE

To provide a Volunteer Management system that integrates and coordinates the core policies processes and activities the organisation has in place for working with volunteers. It is made up of policies, procedures and work documents which control how the volunteer program is implemented from day to day.

POLICY

Volunteering promotes civic participation and encourages local people to be active, shape, contribute and make a difference to their local community. Volunteering benefits everyone including the individuals involved, the Council and the wider community.

Council is committed to utilising and valuing the skills, time, talents and energy of volunteers effectively which is supported through the provision of a comprehensive volunteer management framework.

This policy defines the relationship between the Shire and its volunteers; setting out the role and responsibility of Council and outlining the rights and responsibilities of volunteers.

Volunteers working on behalf of the Shire will be defined as individuals who:

1. Provide their services of their own free will;
2. Do not receive any monetary reward (out of pocket expenses are not regarded as monetary reward);
3. Benefit the community and themselves by participating in volunteer programs; and
4. Complement, but do not replace or threaten the livelihood of, paid workers in designated positions.

LEGISLATION AND REFERENCES

Volunteers are entitled to protection through the following legislation:

- Work Health and Safety Act 2020~~Occupational Health and Safety Act 1984 (WA)~~
- *Equal Opportunity Act 1984 (WA)*

This policy is to be read in conjunction with the Volunteer Handbook.

BACKGROUND

The Shire of Kojonup has many volunteers across a range of differing activities. Volunteers work alongside staff to deliver and enhance a diverse number of services and initiatives offered by the Shire. Many of these services and initiatives would not occur or would not be sustainable in the long term without the support and contribution of volunteers.

The following outlines the various categories of volunteering throughout Council:

- Springhaven Lodge;
- The Kodja Place Precinct; and
- Library.

PRINCIPLES

The following principles underpin Council's approach to volunteering:

Council performance: Volunteers contribute to the delivery of the Shire's Community Strategic Plan;

Community participation: All citizens have the right to apply to volunteer and the Shire will provide opportunities for members of the community to participate as volunteers in a variety of programs and Shire activities;

Inclusiveness: The Shire will ensure its programs and activities meet individual needs, are welcoming of diversity, and value the strengths and abilities of all community members;

Training: Volunteers will be equipped with the necessary skills and resources required to successfully fulfil the positions;

Identifying strengths & meeting individual needs: Volunteers expectations, interests, availability, abilities, skills and knowledge will be taken into account when matching them with a volunteer position;

Balance of paid staff and volunteers: Volunteers will complement but not threaten the livelihood of paid workers or replace the services or roles provided by paid staff;

Risk Management: Council will provide a safe working environment and address risks that affect the safety and wellbeing of volunteers;

Mutual benefit: Volunteering remains a mutually beneficial activity for the individual volunteer, the program, the community and Council; and

Volunteer Management: Volunteers will be managed in a structured, organised and professional manner.

VOLUNTEER RIGHTS AND RESPONSIBILITIES

Unlike paid staff, volunteers are not covered by awards or workplace agreements. Volunteers, however, have rights and responsibilities which are in part defined by legislation and in recognition of the significant value that volunteers bring to Council and the community.

Volunteer Rights

1. To be respected and valued in the role as a volunteer.
2. To work in a healthy and safe environment.
3. To choose the type of activities they are to be involved in, in accordance with their skills, interests and needs.
4. To receive an orientation and induction to the Shire of Kojonup and individual program areas.
5. To have their ideas welcomed and acknowledged by their Manager and other staff.
6. To be able to raise any grievances or issues in accordance with the Shire's process.
7. To receive reimbursement for out of pocket expenses.
8. To have the training, equipment and resources required to do the duties.
9. To have open communication between Volunteers and Managers.
10. To be protected by insurance.
11. To be actively involved in the decision making that affects them.

Responsibilities of Volunteers

Volunteers have obligations to Council and will be required to:

1. Fulfil the duties as specified in their position description in accordance with relevant legislation;
2. Understand and acknowledge the requirements of the Shire's Code of Conduct and relevant policies and guidelines;
3. Participate in the appropriate induction and on-going training as provided;
4. Operate under the direction and supervision of Shire staff to achieve the objectives required;
5. Maintain confidentiality regarding Shire business, program information or any other sensitive, private information they come across during their volunteer duties;
6. Report any unsafe working conditions/potential hazards to their Manager; and
7. Report any injury/damage to themselves or a third party.

Supporting Documentation

Volunteer Handbook

Employee Manual

Risk Management Framework

Business Continuity Plan

2.3.9 CLOSED CIRCUIT TELEVISION (CCTV) OPERATIONS AND RECORDING

Adopted or Reviewed by Council:	18/04/17	Council Minute	40/17
Date last amended:	20/11/18	Reference:	143/18
	20/08/19		85/19
	19/11/19		156/19
Reviewers:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

This policy applies to Closed Circuit Television (CCTV) and any other device capable of recording video footage in the performance of Shire duties by employees, contractors and elected members.

Provisions relating to recording devices such as Dash Cam will be separately addressed as part of Councils Motor Vehicle/Plant policies/procedures.

This policy document provides guidance on operation, management and reporting protocols for Closed Circuit Television (CCTV) leased, owned or controlled by the Shire of Kojonup:

1. Within, on or around Shire facilities; and
2. In public places within the Shire of Kojonup.

The policy also provides guidance to ensure a consistent approach in identifying suitable locations when considering future public place CCTV installation within the Shire of Kojonup.

POLICY

Purpose

The Shire of Kojonup conducts CCTV operations in order to:

1. Assist in deterring, detecting and responding to criminal offences against people or property;
2. Record evidence to support investigations and prosecutions by Police in relation to offences; and
3. Address community safety concerns of residents, workers, business proprietors, visitors and employees of the Shire of Kojonup.

CCTV OPERATIONS

The objectives established for CCTV operations should be based on measurable criteria, which may include:

1. Reducing crime and incidents reported to Police;
2. Reducing damage and graffiti reported to the Shire of Kojonup;
3. Improving perceptions of safety and reducing fear of crime; and
4. Evidence purposes.

Ownership

The CCTV Operation is owned by and is the sole property of the Shire of Kojonup.

Determining CCTV Camera Location

In determining CCTV camera location and placement in public places, the following factors (in consultation with key stakeholders) will be considered:

1. Incidence of criminal activity;
2. Level of human activity;

3. Level of deterrent;
4. Logistical requirements; and
5. The surveillance is legally permitted.

The selection criteria for each camera placement and location should be documented and the effectiveness of the installation should be measurable and reviewed annually.

A replacement or upgrade program based on system value should be implemented as part of the Shire of Kojonup Information & Communications Technology Plan. Camera technology is continuously evolving and, as a result, the Shire must be aware of the need to remain up-to-date with technology improvements and to factor general maintenance, regular servicing, software upgrades and replacement hardware into the annual budget.

Access and Security of CCTV Equipment

All CCTV recording equipment will be located within secure areas and not accessible to unauthorised persons.

Storage and disposal of surveillance images

Storage and disposal of records from CCTV is to be in accordance with the General Disposal Authority for Local Government Records (DA2015-001) as follows:

No	Function/Activity	Description	Disposal Action	Custody
100.4	Surveillance - Investigations	Surveillance/CCTV footage REQUIRED for investigations and/or court proceedings. NB: If a tape forms part of a case file, it should be sentenced in accordance with the related case records.		
100.4.1		Footage presented by the local government (LG) to the authorities where the LG is not party to the investigation in any further capacity. In these situations, the LG is merely the provider of the footage and the incident does not involve LG staff or assets.	Destroy	Retain 7 years after provision of footage then destroy
100.4.2		Footage concerning incidents involving local government staff or assets, required for investigations.	Destroy	Retain 7 years after investigation finalised, then Destroy.
100.5	Surveillance - No Investigations	Surveillance/CCTV footage NOT REQUIRED for investigations.		

100.5.1		Surveillance/CCTV footage taken from fixed cameras around public open spaces and public access areas.	Destroy	Destroy or re-use tape 30 days after footage taken
100.5.2		Surveillance/CCTV footage taken by mobile cameras or car-based cameras.	Destroy	Destroy or re-use tape 7 days after footage taken
100.5.3		Surveillance/CCTV footage taken from fixed cameras around local government buildings and assets with staff in attendance on a regular basis.	Destroy	Destroy or re-use tape 7 days after footage taken

All hardware purchased for CCTV use must have adequate capacity available to meet the minimum retention period above.

Requests for Stored Information

1. Access to designated surveillance areas and data will be restricted to Authorised Personnel or with written authorisation from the CEO.
2. Any person requesting a copy of any CCTV data records is to apply in writing to the Chief Executive Officer, outlining reasons for such requests. This includes the Senior Management Team, insurance companies and WA Police.
3. At no time will any original or copied video recordings, or still photographs, be released to any media organisation, journalist, individual or group without prior approval of the Chief Executive Officer. If access is denied, applicants are able to utilise the Freedom of Information application process.
4. Recorded material released shall be verified for accuracy, relevance and must not exceed that necessary to fulfil the purposes of the written request.
5. Access is allowed by the Senior Management Team to live CCTV images which may be required to view public areas for reviewing, monitoring or verifying maintenance services and public works.
6. All reasonable attempts will be made to serve the interests of anyone affected by public space surveillance with a focus on community safety and crime prevention, and not be confined to the interests of the Shire of Kojonup or operational needs of the WA Police.

The recording of Audio

There is no foreseen use of audio recording within the CCTV system. However, before audio recording is introduced, a policy for its proper use must be defined.

Complaints Handling

Any complaints regarding CCTV operations are to be directed in writing to the Chief Executive Officer.

Audit & Review

CCTV operations will be monitored and evaluated to verify compliance.

Privacy Principles

CCTV will be operated within the *Surveillance Devices Act 1998* and only for the purposes defined in this policy.

ROLES AND RESPONSIBILITIES

Council Authorised Officers

Chief Executive Officer

The Senior Management Team will be able to view live footage of their department on their smart phone or tablet as follows:

1. Manager of Works & Services – Works Depot, Blackwood Road, Kojonup
2. Manager of Corporate and ~~Financial-Community~~ Services – Administration Office & Library, 93-95 Albany Highway, Kojonup
3. Manager of Regulatory & Technical Services – Administration Office & Library, 93-95 Albany Highway, Kojonup
4. Manager of Aged Care Services – Springhaven Lodge, Barracks Place, Kojonup
5. Chief Executive Officer – All departments of the Shire

The Chief Executive Officer is responsible for the application of delegations in regards to the policy.

The Senior Ranger/Building Maintenance Coordinator, under the supervision of the CEO, is responsible for addressing any technical aspects for CCTV equipment owned, operated or leased by the Shire of Kojonup including equipment maintenance and upgrades and signage. The Senior Ranger/Building Maintenance Coordinator, as part of technical checks, is to arrange viewing with each manager.

The Records Officer, under the supervision of the CEO, is responsible for reviewing and monitoring operations of the policy.

The following CCTV Authority Table reflects operational responsibility per Officer Position:

CCTV Authority Table					
OFFICER	CCTV BUILDING ACCESS	DEVICE	REAL TIME LIVE VIEW	HISTORICAL PLAYBACK	DOWNLOAD FOOTAGE
CHIEF EXECUTIVE	ALL BUILDINGS	SMART PHONE/ TABLET/ COMPUTER	LIVE VIEW	PLAYBACK	Yes
MANAGER OF CORPORATE & COMMUNITY SERVICES	SHIRE ADMIN/KODJA PLACE	SMART PHONE/ TABLET/ COMPUTER	LIVE VIEW	PLAYBACK	NO
MANAGER OF WORKS & SERVICES	WORKS DEPOT	SMART PHONE/ TABLET/ COMPUTER	LIVE VIEW	PLAYBACK	NO
MANAGER OF AGED CARE	SPRINGHAVEN	SMART PHONE/	LIVE VIEW	PLAYBACK	NO

		TABLET/ COMPUTER			
SENIOR RANGER/ BUILDING MAINTENANCE COORDINATOR	ALL BUILDINGS	COMPUTER		PLAYBACK FOR POLICE ENQUIRIES – MAINTENANCE /TECHNICAL CHECKS	NO - CEO APPROVAL
RECORDS	ALL BUILDINGS	COMPUTER		PLAYBACK	NO - CEO APPROVAL

ETHICAL USE OF CCTV SYSTEMS AND RECORDED MATERIAL

This policy represents the formal policy and expected standards of Council. Approval of Council is required prior to any deviation from this policy. Elected Members and Employees are reminded of their obligations under Council's Code of Conduct to give full effect to the lawful policies, decisions and practices of Council.

1. The CCTV System will be operated within applicable law and for the ethical and beneficial purposes for which it is established or which are subsequently agreed in accordance with these approved policy statements.
2. The CCTV System will be operated with due regard to the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.
3. The public interest in CCTV Operations will be recognised by ensuring the security and integrity of recorded material.

The Shire of Kojonup has the highest expectation of all Authorised Personnel to:

1. At all times, act in an honest and legal manner to carry out duties which reflects community values;
2. Treat all live and recorded images in an ethical manner and with the utmost of care, respect and dignity;
3. Interact with WA Police and stakeholders in a timely, courteous and cooperative manner; and
4. Ensure toilets, showers and change rooms and other similar areas shall not be subject to CCTV surveillance.

CONFIDENTIALITY

The Shire of Kojonup expects Authorised Personnel to ensure confidentiality of information gathered by or from CCTV Operations by not disclosing or discussing any events with unauthorised Personnel or associates who have no direct responsibility relating to CCTV operations.

In addition, Authorised Personnel will not explicitly identify any involved person or party with family, friends, or acquaintances and will not disclose any information to third parties, including the media without prior written approval from the Chief Executive Officer.

2.3.10 SOCIAL MEDIA

Adopted by Council:	17/03/20	Council Minute Reference: 26/20
Date last amended:	20/10/20	141/20
Reviewer:	Manager Corporate and Financial Community Services	
Local Law:		
Procedure:		
Delegation:		

Social media is revolutionising the way we stay connected with our family, friends and communities. It is growing with evidence from statistics for Facebook showing more than 14 million Australians are active each month.

OBJECTIVES

The use of social media within the Shire of Kojonup has the objective of making content available to engage the people who connect with the Shire via this medium.

This policy establishes the use of social media within the organisation to make content available, provide feedback and communicate with others who are interested in similar topics, and help the Shire of Kojonup find new ways of engaging with people who live, work or spend time within the Shire.

By implementing social media more effectively, the Shire will improve communication, engagement and collaboration with its community to help strengthen the positive and professional identity of the Shire.

This policy is intended to provide clear guidance with respect to the appropriate use of Social Media by all employees. The appropriate use of Social Media applies as it is defined by this policy, the Shire's Code of Conduct and individual contracts of employment.

POLICY

This policy is applicable to all Shire staff, Elected Members and Volunteers. It applies to any social media activity on behalf of the Shire or for staff in contexts that relate to the Shire or the performance of their responsibilities.

Social media platforms may include but are not limited to:

- blogs;
- photo and video sharing such as YouTube and Instagram;
- social networks such as Facebook, Twitter and Linked In;
- mobile phone applications;
- texting;
- digital TV services;
- wikis;
- collaboration tools;
- websites; and
- online forums

PURPOSE

The Shire uses social media for:

- **Communication**

Social media tools are used to tell people what's happening in the Shire of Kojonup. For example, using the Shire's Facebook page to promote major events and to share the latest news.

- **Engagement**

Social media is used to help people to get involved in their community and in local decision making by encouraging discussion on a range of different topics across the different platforms such as Facebook and YouTube. It also means that the Shire can respond to comments and concerns faster, reduce the requirement for customers having to visit the Shire office and reduce the risk and impact of negative comments and bad publicity.

- **Collaboration**

Social media is used to find new, more efficient ways of working together with the community. The Shire's expansion into Social Media provides the opportunity to encourage residents to share content, thoughts and ideas across different platforms such as Instagram.

1.Organisational Use

Any use of social media within the Shire must:

- Follow these social media process and guidelines. These guidelines are in addition to any professional standards that govern specific areas of work and all other relevant policies;
- Ensure appropriate authorisations are obtained before providing any information for posting on social media site;
- Ensure that any information posted online serves to enhance the services of the Shire, is in line with the Shire's missions and values, and will not bring the Shire into disrepute;
- Comply with all laws relating to copyright, record keeping, privacy and defamation, including the need for accurate information and constantly ensuring comments are free from harassment and discrimination;
- Cite all sources quoted within information posted;
- Social Media use on the Shire's relevant media is limited to those employees expressly authorised by the CEO and the following:
 - Shire of Kojonup Facebook Page - Customer Service Officer, Records Officer, Executive Assistant, Manager of Corporate and ~~Financial~~**Community** Services and Chief Executive Officer.
 - Kojonup Library Facebook Page – Chief Executive Officer, Senior Library Officer and Manager of Corporate and ~~Financial~~**Community** Services.
 - Kojonup Play in the Park Facebook Page – Play Café Coordinator, Senior Library Officer, Manager of Corporate and ~~Financial~~**Community** Services and Chief Executive Officer.
 - Kojonup Visitors Centre Facebook Page - Visitor Services Officer and Chief Executive Officer.

All the Shire's digital communication channels are filtered through the CEO/Executive Assistant to ensure the appropriate moderation and security measures are taken. **Before**

setting up any new digital platforms (inc social media channels, websites, analytics and applications) the CEO and relevant manager are to be engaged prior to any decision being made.

2. Guidelines for using Social Media on behalf of the Shire of Kojonup

The following information is provided to assist staff when preparing social media content and responses:

- The Shire President and the CEO are the official spokespersons for the Shire of Kojonup; any statements on behalf of the Council and the Shire are only to be made with specific authority (see above);
- Ensure content is accurate, relevant and complies with current policies, if in doubt always check;
- Avoid offensive, defamatory, intimidating and provocative language, and avoid commenting on or liking posts that contain this type of language;
- Avoid making personal comments about elected members, staff or members of the community;
- Maintain a professional, positive and respectful tone;
- Adhere to copyright, privacy, defamation, discrimination, harassment and other applicable laws;
- If in doubt, do not post – Do not reveal any confidential or time sensitive information that has not yet been made publically available and, if you are not sure on how to respond to a post, refer to the CEO.
- All posts to be written in the third person point of view;
- Liking, sharing or reacting to a post on Social Media is generally taken to be an endorsement of that material, as if you had created it yourself, and may be seen by a wider audience than intended.
- Be responsive – Replying to comments and messages needs to be in a timely manner;
- Keep in mind that you are responding to comments on behalf of the whole organisation;
- There is no such thing as ‘off the record’ for social media. Staff should understand that conversations are in the public domain and can be re-posted elsewhere online and quoted by the media without asking for permission;
- Remember the audience the Shire is targeting when determining which platform you would use to engage with the Shire’s followers;
- Each post must have a photo or picture;
- Always complete each post with a contact: i.e.; If you have any queries, please do not hesitate to contact me on 9831 2400 or email *your email*.

3. Personal Use

Social Media is now a part of daily life and an accepted method of instant communication. The Shire of Kojonup recognises that its staff use social media in a personal capacity outside the context of the workplace. This policy is not intended to discourage nor unduly limit personal expression or online activities. An individual acting on behalf of the Shire, acting in a capacity that they could be seen as representing the Shire or a person seen as, by the public, to be working for the Shire needs to be aware that there is the potential their comments, endorsements and social media activity after hours could influence people to question their ability to remain apolitical and impartial.

It is important, however, to remember that the use of social media is not without risk and the speed and reach of publishing online means content is available immediately to a wide audience. Anything posted online can be difficult to delete and may be replicated to a wide audience. It may be sent to, or seen by people the author never intended or expected would see it. Staff must therefore recognise the need to exercise caution when posting or endorsing content on social media.

The nature of social media often identifies the place of work of the individual using it. In any circumstance where the person is using social media outside the context of the workplace and can be identified as a Shire of Kojonup employee, they are personally responsible for the content they publish and the content published by others to their social media platforms.

Comments or endorsements of content posted on social media by staff members must ensure their actions/posts/content do not provide grounds for a reasonable person to conclude that they could not serve the Local Government impartially and professionally. Staff should also follow and adhere to relevant policies and procedures in a professional manner that is free from bias.

The more senior you are within the organisation, the more weight your opinions will carry and have a greater capacity to impact the reputation of the Shire.

Private Profiles and Private Groups

Nothing that is posted on-line is truly 'private'. Private profile settings and private groups are no guarantee information is only seen by the target audience. Posts may have been screenshot and distributed to individuals, groups and organisations that were never intended to see the content, even after the original post has been deleted.

Privacy settings are not enough to stop someone who disagrees with what has been posted from copying and using it (privacy settings are also constantly being changed and upgraded from social media platform to platform). As staff members of the Shire, your comments have the capacity to affect the Shire's reputation or impact perceptions of you in your role within the Shire.

4. Social Media Management

The Shire's use of social media is intended to be holistic, cross-functional, and owned by all Service Areas.

All defamatory postings will be removed and or hidden through either Facebook's profanity filter or by a manager/CEO at their discretion.

Defamatory postings include but are not limited to those that are racist, sexist, threatening, insulting, and/or unlawful and threatening to another's privacy or safety, possibly constituting a breach of the Shire's Code of Conduct.

4.1 Managing Content (Refer to below organisational charts)

In the case of any particular comment, there are ways to take action;

- No action at all – the comment is allowed to stand as is. This is by far the most common “action” you will take
- An answer or response may be provided to a contributor’s query or comment
- The comment may be drawn to the attention of a manager/ CEO for consideration or action
- The comment may be deleted

4.2 Record Keeping Requirements

Social media postings by the Shire are considered the same as any other means of communication, are often considered a record of the Shire’s activities and are subject to freedom of information requests. This means that the posting and any comments made on the platform must be captured within the Shire’s records management systems. Any required guidance on records management of social media should be referred to the Records Administration Officer.

5. Breaches

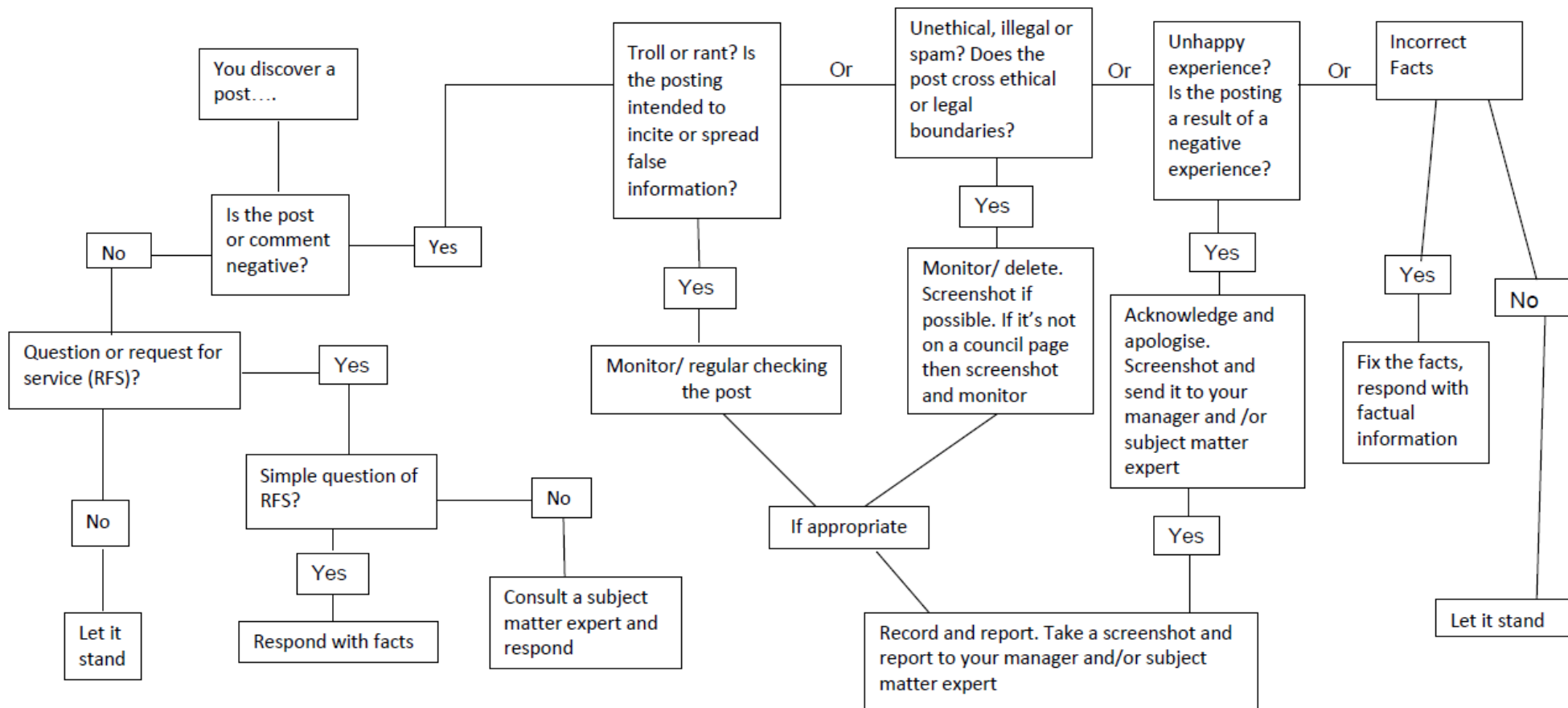
Employees who breach this policy may face disciplinary action which may include a review of their employment with the Shire of Kojonup.

Inappropriate use of social media will not be tolerated by the Shire of Kojonup. An employee who engages in any conduct in breach of this policy will be subject to disciplinary action up to and including instant dismissal.

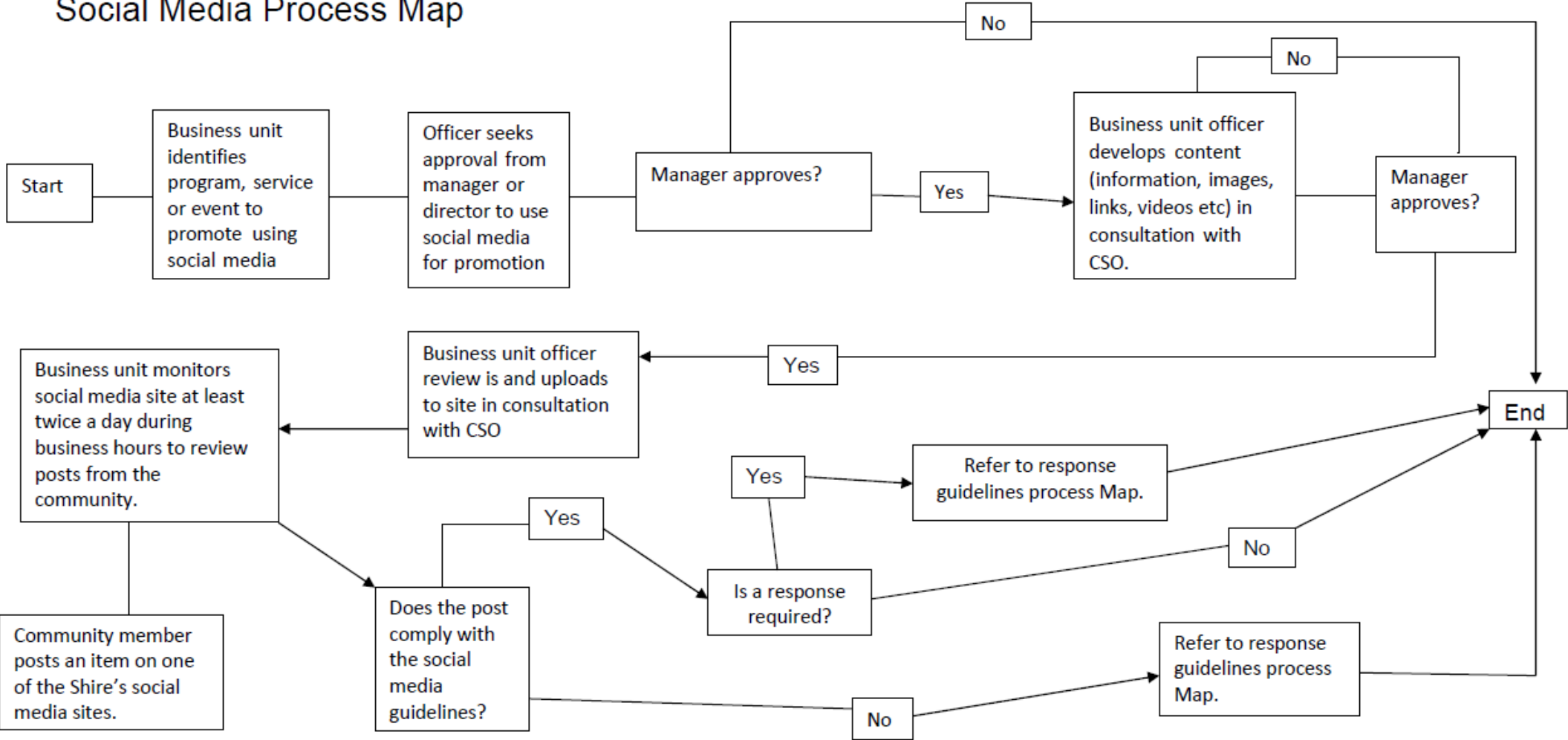
Any manager who is made aware of any of the behaviour outlined in this policy and who does not deal with the code of conduct appropriately or report the inappropriate usage will also be subject to disciplinary action.

Response Guidelines

Shire Approved social media administrators and editors only



Social Media Process Map



3 EXECUTIVE & GOVERNANCE

3.1 CODE OF CONDUCT

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Chief Executive Officer		
Local Law:	Local Government (Council Meetings) Local Law 2020		
Procedure:			
Delegation:			

PREAMBLE

Code of Conduct – Statutory Environment

This Code of Conduct observes statutory requirements of the *Local Government Act 1995* (s. 103 – Codes of Conduct) and Local Government (Administration) Regulations 1996 (r. 34B and r. 34C).

What is the Code of Conduct?

Council is the elected body responsible for the administration of the local government in accordance with applicable legislation. It must do that in the best interests of the local community as well as the public in general. The conduct of Elected Members, Committee Members and Council employees must not only be based upon the highest ethical principles, it must be seen to be consistent with those principles.

The Code of Conduct, therefore, provides a *framework for behaviour* that must be observed in the wide range of interactions and scenarios experienced in the conduct of local government activities on a daily basis.

The Code of Conduct provides Elected Members, Committee Members and Council employees with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual local governments.

The Code is complementary to the principles adopted in the *Local Government Act 1995* and Local Government (Rules of Conduct) Regulations 2007 which incorporate four fundamental aims to result in:

1. Better decision-making by local governments;
2. Greater community participation in the decisions and affairs of local governments;
3. Greater accountability of local governments to their communities; and
4. More efficient and effective local government.

Why have a Code of Conduct?

A Code of Conduct is a significant guide to the local government, necessary due to the particular relationships and responsibilities that arise from being a public institution.

Elected Members, Committee Members and Employees are custodians of public resources and trust. In order to continue the effective and efficient administration of this public institution, a set of standards is important to clearly outline these responsibilities and the behaviours that need to be observed to retain the good faith and trust of all parties involved.

Aim of a Code of Conduct

This Code seeks to provide a framework within which Elected Members, Committee Members and Employees should operate to ensure accountability to the community.

The Code complements (and does not in any way substitute for) legislation applicable to local government. It provides guidance to parties involved in, empowered by and entrusted by public duty

and public office, particularly in regard to conflicts that may arise in the performance of duties in the sphere of government and public administration.

The Code recognises local government duties, responsibilities and values in relation to access, equity and open and accountable government. Therefore, the Code purports to cultivate, advocate and develop within local government an awareness of propriety with public administration.

Rules of Conduct

Council Members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the *Local Government Act 1995* and Local Government (Rules of Conduct) Regulations 2007.

Role of Elected Members

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

A Councillor is part of the team in which the community has placed its trust to make decisions on its behalf and the community is, therefore, entitled to expect high standards of conduct from its elected representatives.

In fulfilling the various roles, elected members' activities will focus on:

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

CONFLICT AND DISCLOSURE OF INTEREST

Conflict of Interest

1. Members and staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
2. Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
3. Members and Staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the municipality or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
4. Members and Staff who exercise recruitment or other discretionary functions will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
5. Staff will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

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

Financial Interest

Members and Staff will adopt the principles of disclosure of financial interest as contained within the *Local Government Act 1995*.

Disclosure of Interest

In addition to disclosure of financial interests, Members and Staff, including persons under a contract for services attending a Council or Committee meeting, or giving advice to a Council or Committee meeting, are required to disclose any interest they have in a matter to be discussed at the meeting that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected.

Where an interest must be disclosed, the disclosure is to be made at the meeting immediately before the matter is discussed or at the time the advice is given, and is to be recorded in the minutes of the meeting.

PERSONAL BENEFIT

Use of Confidential Information

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

Intellectual Property

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

Improper or Undue Influence

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

Gifts and Bribery

1. Members and Staff are not to accept a gift, other than a gift of or below \$100, from a person who is undertaking, or is likely to undertake, business:
 - a. That requires the person to obtain any authorisation from the local government;
 - b. By way of contract between the person and the local government; or
 - c. By way of providing any service to the local government.
2. Members and Staff who accept a gift valued at or below \$100 from a person referred to in (a) above are to record in a register of token gifts:
 1. The names of the persons who gave and received the gift;
 2. The date of receipt of the gift; and
 3. A description and the estimated value of the gift

unless the Local Government decided that the specified gifts were given by way of hospitality in which case the specified gifts need not be recorded.

3. This clause does not apply to gifts received from a relative (as defined in s. 5.74(1) of the *Local Government Act 1995*) or an electoral gift (to which other disclosure provisions apply).

CONDUCT OF MEMBERS AND STAFF

Personal Behaviour

Members and Staff will:

1. Act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
2. Perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
3. Act in good faith (i.e.; honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
4. Make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment;
5. Always act in accordance with their obligation of fidelity to the Local Government; and
6. Represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

Honesty and Integrity

Members and Staff will:

1. Observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
2. Bring to the notice of the Mayor/President any dishonesty or possible dishonesty on the part of any other member and, in the case of an employee, to the Chief Executive Officer; and
3. Be frank and honest in their official dealing with each other.

Performance of Duties

While on duty, Staff will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.

Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merit. Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

Compliance with Lawful Orders

Members and Staff will comply with any lawful order given by any person having authority to make or give such an order. Any doubts as to the propriety of an order shall be taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.

Members and Staff will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

Administrative and Procedures

Members and Staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible procedures.

Corporate Obligations

Standard of Dress

Staff are expected to comply with neat and responsible dress standards at all times. Management reserves the right to raise the issue of dress with individual staff.

Elected members will dress in a manner appropriate for the occasion and reflecting the role they have in representing the community at functions and formal meetings. The Shire President will provide guidance where required.

Communication and Public Relations

All aspects of communication by staff (including verbal, written or personal) involving local government activities should reflect the status and objectives of the Shire of Kojonup. Communications should be accurate, polite and professional.

As a representative of the community, Members of the Council need to be not only responsive to community views but also to adequately communicate the attitudes and decisions of Council. In doing so Members should acknowledge that:

1. As a Member of Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
2. Information of a confidential nature ought not be communicated until it is no longer treated as confidential;
3. Information relating to decisions of the Council on approvals, permits and so on, ought only be communicated in an official capacity by a designated officer of the Council; and
4. Information concerning adopted policies, procedures and decisions of the Council is to be conveyed accurately.

Staff are expected to address elected members as Councillor on formal occasions. In all other instances, the use of formal titles is encouraged unless the individual Councillor advises otherwise.

Relationships between Members and Staff

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

1. Accept that their role is a leadership, not a management or administrative one;
2. Acknowledge that they have no capacity to individually direct members of Staff to carry out particular functions; and
3. Refrain from publicly criticising Staff in a way that casts aspersions on their professional competence and credibility.

Appointments to Committees

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

1. Clearly understand the basis of their appointment; and
2. Provide regular reports on the activities of the organisation.

Legal Representation and Costs Indemnification

Members and Staff can become involved in legal action in the course of performing their official duties and functions. In such circumstances there may arise a need for legal representation and Council has adopted a policy to provide assistance where the circumstances warrant it.

Caretaker Provision

Council will have regard to the implications of any decisions considered immediately preceding an election. Consideration should be given to a special electors meeting to discuss significant items which require a decision during this time.

DEALING WITH COUNCIL PROPERTY

Use of Local Government Resources

Members and Staff will:

1. Be scrupulously honest in their use of the Shire of Kojonup's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
2. Use those resources entrusted to them effectively and economically in the course of their duties; and
3. Not use those resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so and appropriate payments are made (as determined by the Chief Executive Officer).

Travel and Sustenance Expenses

Members and Staff will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Shire of Kojonup in accordance with the Shire of Kojonup policy and the provision of the *Local Government Act 1995*.

Access to Information

1. Staff will ensure that members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as members.
2. Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

3.2 ****DELETED** ECONOMIC DEVELOPMENT INCENTIVES - BUILDING & PLANNING FEES & RATES**

Policy 3.2 was deleted on 17 November 2020

3.3 COUNCILLOR INDUCTION & TRAINING

Adopted or Reviewed by Council:	17/11/15 17/11/20	Council Minute Reference:	183/15 156/20
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:	Councillor Induction Manual		
Delegation:			

OBJECTIVE

To ensure that elected Council members have sufficient opportunity to be conversant with their legal responsibilities and local government practices and procedures, by putting forward a training schedule each year.

POLICY

Induction

All elected Council members shall, following their swearing in, be given an induction session by the CEO to acquaint themselves with the operations of the Shire of Kojonup and local government in general.

Training

Elected Council members are required to complete the following training:

1. Understanding Local Government;
2. Conflicts of Interest;
3. Serving on Council;
4. Meeting Procedures;
5. Understanding Financial Reports and Budgeting; and
6. CEO Performance Appraisal

Attendance is encouraged at seminars, workshops or conferences that are applicable to local government and which will also provide improved knowledge, business practices and procedures for the benefit of the Shire of Kojonup.

Local Government Week

All Councillors are encouraged to attend Local Government Week. The Shire President and Deputy Shire President are the Council's nominated delegates to attend the conference and vote on motions on the Council's behalf. Council shall be required to authorise attendance by any other Councillor wishing to attend.

3.4 ****DELETED** SHIRE BOUNDARY CHANGES**

Policy 3.4 was deleted on 14 November 2017.

3.5 USE OF COUNCIL CHAMBERS & RECEPTION LOUNGE

Adopted or Reviewed by Council:	14/11/17	Council Minute Reference:	183/15
Date/s Amended:	20/11/18		143/18
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To ensure the Council Chambers are recognised and utilised specifically for local government related activities, and to establish a protocol of use.

POLICY

The Council Chambers are to be used for local government meeting purposes only, except where otherwise approved by the Chief Executive Officer or the Shire President.

Any requests for usage of the Council Chambers not conforming to this policy are to be referred to the CEO.

The Council Reception Lounge is available for restricted Community use in accordance with the adopted fees and charges, whereby either a Councillor or Staff member is in attendance or by a community group approved by the CEO.

The Council Chambers and Reception Lounge may be used as a Local Emergency Management Centre.

3.6 CERTIFICATES OF APPRECIATION

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Date/s Amended:	20/11/18		143/18
	16/11/21		135/21
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To recognise contributions and achievements from Staff, local residents and organisations.

POLICY

To recognise valuable contributions to the community and the good governance of the district, the Council may award Appreciation Certificates, with eligibility guidelines being:

1. Community Organisations/Individuals
2. Following receipt of a written submission containing detailed information on the nominee whether the nominee be from a recreational club, service club or community organisation;
3. Employee
4. Continuous periods of 5 years, 10 years, 15 years, 20 years, 25 years, 30 years or over to be based upon anniversary date; and
5. Others
6. As determined by Council from time to time
7. As determined by the Chief Executive Officer from time to time.

PROCEDURE

Community Organisation/Individual

- Ideally, presented at a formal meeting of Council or, alternatively, at a Community/Volunteer Recognition BBQ held either March/April annually.

Employee

- In respect of Council Employees, subject to the approval of the recipient, certificates will generally be presented at a formal meeting of Council (family members may attend).

3.7 PRESENTATIONS – RETIRING COUNCILLORS

Adopted or Reviewed by Council:	14/11/17	Council Minute Reference:	151/16
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To ensure a policy exists which clarifies presentations by Council to retiring Councillors.

POLICY

Upon resignation or retirement as a Councillor, the Shire may, provided the Councillor has served at least one full 4 year term of office and as a token of appreciation for the years of service, provide one or both of the following:

1. A gift (or money/gift card) valued at up to a maximum of \$200; and/or
2. A presentation made at an appropriate function approved by the Shire President.

Note:

When reviewing the policy, reference should also be made to r. 34AC. of the Local Government (Administration) Regulations 1996 which sets the four year minimum referenced above and also sets a maximum gift value of \$100 per year to a permissible total of \$1,000.

3.8 COMMON SEAL

Adopted or Reviewed by Council: 17/11/15

Council Minute Reference: 183/15

Reviewer: Chief Executive Officer

Local Law:

Procedure:

Delegation:

OBJECTIVE

To clearly define who is authorised to affix the Common Seal, and in what circumstances and to provide a standard sealing clause.

POLICY

That the President and Chief Executive Officer be authorised to use the Shire of Kojonup's Common Seal when and as required to comply with contractual and legal obligations and that the wording be as follows:

"The Common Seal of the Shire of Kojonup was hereunto affixed in the presence of:

Chief Executive Officer _____

Date _____

Shire President _____

Date _____"

The guidelines for use of the Common Seal are as follows:

1. The CEO is to have charge of the Shire of Kojonup's Common Seal, and is responsible for the safe custody and proper use of it;
2. The Common Seal of the Shire of Kojonup is to be affixed to any local law, which is made by Council;
3. The CEO is to record in a register each date on which the Common Seal is affixed to a document, the nature of the document, and the parties to any agreement to which the Common Seal is affixed; and
4. For use in legal and contractual forms, as deemed appropriate or required by law.

3.9 FLYING OF FLAGS

Adopted or Reviewed by Council:	14/11/17	Council Minute Reference:	183/15
Date amended:	19/11/19		156/19
	16/11/21		135/21
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To ensure that a consistent policy is applied to requests for flying of legitimate and recognised flags.

POLICY

The Australian, State and Aboriginal flags are to be flown at The Kodja Place on a permanent basis. The Australian, Aboriginal and Shire of Kojonup flags are to be flown at the Council administration offices.

When requests are received for the flying of other flags on Council's flagpoles, the Western Australian state flag be substituted unless protocol (as described below) dictates otherwise.

Note: Many protocols exist for the flying of flags. The following is an excerpt from the booklet 'Australian flags' – Part 2: The protocols for the appropriate use and the flying of the flag. Refer to www.itsanhonour.gov.au for more information.

"Flying and handling

When flown in Australia or on Australian territory the Australian National Flag takes precedence over all other flags with the exception of the United Nations Flag on United Nations Day (refer to page 35). See the order of precedence (page 25) when flying the Australian National Flag in company with other flags.

The flag should not be flown in a position inferior to that of any other flag or ensign. The superior position is based on the formation of the flagpoles in the set, not the height of the flag on the flagpole."

"Order of Precedence

The Australian National Flag takes precedence in Australia over all other flags when it is flown in company with other flags. Thereafter when flown in the community the order of precedence of flags is:

- 1: National Flag of other nations*
- 2: State and Territory Flags*
- 3: Other flags prescribed by the Flags Act 1953 including:*
 - > the Australian Aboriginal Flag and the Torres Strait Islander Flag in either order; and*
 - > the Defence ensigns which should be flown in the following order:*
 - the Australian Defence Force Ensign*
 - the Australian White Ensign*
 - the Royal Australian Air Force Ensign.*
- 4: Ensigns and pennants – local government; Commonwealth, state and territory agencies; non-government organisations.*

The order of precedence may be varied in the following circumstances:

- > On military occasions or establishments, the Australian National Flag may be followed in the order of precedence by the prescribed Defence ensigns and military pennants ahead of other flags, ensigns and pennants.*

> On Commonwealth occasions and Aboriginal or Torres Strait Island occasions for their peoples, the Australian Aboriginal Flag or the Torres Strait Islander Flag may follow the Australian National Flag ahead of other flags prescribed under the Flags Act 1953, state and territory flags and other ensigns and pennants.”...

“In the absence of a flag or flags higher in the order, a flag shall follow the flag being flown that is higher in the order. The order of precedence does not require that a flag listed in the order must be flown in company with other flags in the order”.

Other:

1. Flags will be flown at half-mast during a funeral held in Kojonup.
2. Directives from government departments are in addition to the above policy and will be complied with.

3.10 COUNCILLORS FEES & REIMBURSEMENTS

Adopted or Reviewed by Council: 17/11/15

Council Minute Reference: 183/15

Reviewer: Chief Executive Officer

Local Law:

Procedure:

Delegation:

OBJECTIVE

To define elected member fees and allowances as determined by the *Local Government Act 1995*, *Local Government (Administration) Regulations 1996* and the *Salaries and Allowances Act 1975*.

To encourage elected members' use of Council vehicles, where possible, for Council business.

POLICY

Fees and Allowances

Elected member fees and allowances are set annually by the Salaries and Allowances Tribunal and are to be set at 75%, determined by the allocated band, of the maximum level permitted under the *Local Government Act 1995* and *Salaries and Allowances Act 1975*.

The Information and Communication Technology allowance be set at \$3,000 or 75% of the maximum level permitted, whichever is the greater.

Reimbursement of Expenses

Conferences

Council will pay for reasonable expenses incurred (including out of pocket expenses) in relation to nomination, travel and accommodation of any Councillor that is authorised by Council to attend a conference relating to Council Business. The President and Chief Executive Officer of the Shire shall approve the amount of expenses to be incurred.

Travel

Council will reimburse Councillors' travelling expenses when attending Council Meetings, Committee Meetings, Advisory Committees and Council authorised meetings. Travel with the Shire President or Council Officer is encouraged where this is convenient and effective. If this is not convenient or effective, a Councillor may claim the appropriate mileage allowance. Reimbursement will be at the current rate per kilometre in the Local Government Industry Award on presentation of a completed log book.

Out of Pocket Expenses

Reasonable out of pocket expenses will be reimbursed on presentation of a receipt to the Manager of Corporate and ~~Financial~~Community Services.

Administration

1. Councillors attending official Council meetings as an observer authorised by the Presiding Member or the Council in general will be entitled to travel reimbursement.
2. Councillors attending Council related meetings in a private capacity are not entitled to travel reimbursement.
3. Councillors may elect not to receive meeting fees and other allowances.
4. Councillor fees and allowances shall be paid on a quarterly basis, in arrears.
5. Payment of travel reimbursements and out of pocket expenses shall be made on application to the Manager of Corporate and ~~Financial~~Community Services.
6. Only one amount can be claimed for annual attendance fees i.e.; two positions cannot be added so as to get a higher figure.

3.11 ** MOVED TO POLICY 2.3.7 **

3.12 COUNCIL ADVISORY COMMITTEES

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Chief Executive Officer		
Local Law:	Local Government (Council Meetings) Local Law 2020		
Procedure:			
Delegation:			

OBJECTIVE

The Shire of Kojonup appreciates the service provided by members of Council Committees. In providing these services, however, a standard of professional behaviour must be demonstrated that maintains and promotes confidence and trust in the work of Council.

Advisory Committees are appointed to provide input and overview to Council on a specific topic either to a term of reference or on an ongoing basis.

Advisory Committees:

1. Advise Council on current and emerging issues;
2. Promote the awareness of a specific topic within Council and the community;
3. Provide a process for input into the planning and provision of services and facilities; and
4. Provide a process for feedback from community to Council.

This policy provides guidelines for consistent practice in the way Advisory Committees are formed and operate.

POLICY

Legal Environment

In accordance with s. 5.8 of the *Local Government Act 1995*, the Council may convene a Committee of three or more persons for the purpose of assisting the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

A Committee shall operate in accordance with the relevant requirements of:

1. *Local Government Act 1995*, Part 5, Division 2;
2. Local Government (Administration) Regulations 1996;
3. Shire of Kojonup Policy 3.19 Code of Conduct; and
4. Local Government (Council Meetings) Local Law 2020 ; and
5. This policy.

A committee member ceases to be a member of a committee if the member has been absent from three consecutive meetings of the committee without having been given a leave of absence.

Resources

The Chief Executive Officer will appoint a responsible officer for ensuring that a committee is provided with appropriate administrative support and professional advice. Committee members shall ensure that matters regarding the operation of a committee are referred, in the first instance, to the responsible officer.

Shire resources can only be used for Shire purposes if the CEO has given specific approval. Shire resources include:

1. Materials;
2. Equipment;
3. Facilities;

4. Vehicles;
5. Documents;
6. Staff time; and
7. Records, Data and Information.

Advisory committees cannot commit Council resources.

Recommendations to Council

Unless a specific Delegation of Statutory Authority has been established in accordance with s. 5.16 of the *Local Government Act 1995*, the decision making of a committee of Council is limited to providing recommendations for Council's consideration. The recommendations of advisory committees can assist Council in making informed decisions on complex matters.

Recommendations to Council shall be strategic in nature and reflect the role of the Council; that is, they shall not be of an administrative nature.

Conduct of Committee Members

Committee members are responsible for their own good conduct when providing services to Council and to the community. They are to know and understand the standards set out in this policy and in the Council's Code of Conduct. All relevant laws must also be obeyed. Any breaches of the Council's Code of Conduct will result in loss of membership to the committee.

Representing the Council on an advisory committee is an important responsibility and each member is to sign a declaration, as attached. Community members are unable to serve on Council committees if they have not signed the declaration.

When representing or providing services to the Council, committee members should, at all times, be courteous towards the public, Councillors, Council Staff and other committee members so as not to bring Council into disrepute.

All public comments and media statements representing the Shire of Kojonup or its committees must first be approved by the Shire President or the Chief Executive Officer.

Meetings

No Council Advisory Committee shall call a meeting without first obtaining written permission of the CEO detailing the purpose of the meeting. Approval will determine the following:

1. Who chairs the meeting;
2. The format of the meeting; and
3. Whether recommendations for consideration will be accepted.

Each committee of Council must ensure that full and accurate minutes of the proceedings of its meetings are kept in accordance with Local Government (Administration) Regulations 1996 r. 11. Minutes of Committee meetings shall be referred to the next available ordinary Council meeting, where appropriate.

Safety

Council is responsible for providing a safe work environment and gives priority to the health, safety and welfare of Council officials and committee members. Committee members should protect their safety and that of others in the work environment and public areas. All safety concerns should be reported immediately to Council staff.

No member shall take part in activities or attend meetings of a Council committee while under the influence of alcohol or other drugs which could impair abilities or cause danger to themselves or others.

Disclosure of Interest

A member of a Council Advisory Committee who has a pecuniary or financial interest in any matter with which the Committee is concerned and who is present at a meeting of the Committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

The member declaring an interest must not be present at, or in sight of, the meeting of the committee:

1. At any time during which the matter is being considered or discussed by the Committee; or
2. At any time during which the Committee is voting on any question in relation to the matter.



DECLARATION BY ADVISORY COMMITTEE MEMBER

Declaration by Advisory Committee Member

I,

_____ of _____¹

_____,
having been elected to the ² _____ Advisory
Committee of the Shire of Kojonup, declare that I take the office upon myself and will duly, faithfully,
honestly, and with integrity, fulfil the duties of the Advisory Committee for the people in the district
according to the best of my judgement and ability, and will observe the Shire of Kojonup's Policies
3.12 Council Advisory Committees and 2.24 Code of Conduct

Signed: _____

Date: _____

Witness Name: _____

Witness Signature: _____

Date: _____

¹ Insert your residential address.

² Insert Name of Advisory Committee

3.13

PUBLIC QUESTION TIME

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Chief Executive Officer		
Local Law:	Local Government (Council Meetings) Local Law 2020		
Procedure:			
Delegation:			

OBJECTIVE

The Shire of Kojonup provides the public with the opportunity to raise questions (as per s. 5.24 of the *Local Government Act 1995*), or to make a brief statement on issues of concern at all Ordinary Meetings and Standing Committee Meetings of Council. The purpose of this policy is to ensure that the Public Question Time during these meetings is conducted with respect, discretion and morality.

POLICY

The *Local Government Act 1995* requires that a minimum of 15 minutes is to be provided at the beginning of the meeting for question time (where members of the public wish to ask questions). Question time is the first item on the agenda and the following procedures apply:

1. Council encourages input from its residents but will not debate any issue with those in attendance at meetings;
2. Questions should be directed to the Shire President (or Chairman at Committee Meetings). Where appropriate, the President may ask another Councillor or Officer to respond if necessary. If the answer is not known and requires further investigation, a written response will be provided at a later date;
3. The President (or Chairman) has the right to determine any address, question or statement made by a member of the public to be out of order if it is considered to be:
 - i. A personal attack or adverse reflection on the integrity of Councillors or Staff; or
 - ii. Inappropriate behaviour and use of public question time.Such behaviour will not be permitted or tolerated;
4. Prevention of Disturbance:
 - a. Any member of the public addressing Council or a Council committee is to extend due courtesy and respect to the Council or committee and the processes under which they operate and must take direction from the person presiding whenever called upon to do so; and
 - b. No person observing a meeting is to create a disturbance at a meeting by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
5. Taped recording of meetings is not permitted.
6. Copies of the Council's Public Question Time Policy are to be distributed at Council/Committee Meetings where members of the public are in attendance.

3.14 LATE AGENDA ITEMS – COUNCIL MEETINGS

Adopted or Reviewed by Council:	15/11/16	Council Minute Reference:	151/16
Reviewer:	Chief Executive Officer		
Local Law:	Local Government (Council Meetings) Local Law 2020		
Procedure:			
Delegation:			

OBJECTIVE

To ensure that the decision-making process enables all issues to be properly considered in a professional and timely manner.

POLICY

1. The submission of late items to a Council meeting is only permitted with the prior permission of the Chief Executive Officer or the Presiding Member.
2. Late items must be in the approved report format including all relevant information and where possible late items are to be e-mailed to all elected members and loaded onto Docs-on-Tap.
3. Under the section of the Agenda titled “*NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING*” the meeting of the Council is to decide by a properly recorded vote whether to accept the late report before proceeding.

3.15 CITIZENSHIP CEREMONIES

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Date/s Amended:	20/11/18		143/18
	19/02/19		10/19
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

Ensure that people receiving the Certificate of Australian Citizenship be given a ceremony of their choice, as per the options below.

POLICY

Candidates for Australian Citizenship will be given the opportunity to choose from the following options for their ceremony:

1. A private ceremony with the President or, in the President's absence, the CEO;
2. A formal ceremony, during an Ordinary Council meeting in May or December; or
3. Where possible, citizenship certificates be held over to celebrate a special Citizenship Ceremony on Australia Day.

In the interests of building community relations, citizenship ceremonies conducted by the Shire of Kojonup provide for the attendance of any family or supporting friends and for the attendance of all Councillors provided each applicant is consulted beforehand and approves.

PROCEDURES – CEREMONIES

People receiving the Certificate of Australian Citizenship will receive a gift up to the value of \$50 (subject to the discretion of the Shire President), such as:

1. Native Plant;
2. Souvenir relative to Kojonup;
3. Commemorative item; or
4. Item relative to Adult/Youth/Child.

Citizenship ceremonies are to be held in accordance with the Australian Citizenship Ceremonies Code. Designated dates for citizenship ceremonies are:

- Australia Day (26 January)
- Australian Citizenship Day (17 September)
- Council meeting days in May and December annually.

3.16 COMMUNITY CONSULTATION CHARTER

Adopted or Reviewed by Council:	14/11/17 19/11/19 16/11/21	Council Minute Reference:	183/15 156/19 135/21
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

The following Community Consultation Charter be adopted as Council's policy for consulting and communicating with the community.

POLICY

THE SHIRE OF KOJONUP'S COMMITMENT

The Community Consultation Charter reflects Council's commitment to open and effective consultation and communication with the community when progressing the aspirations contained within the Community Strategic Plan 'SMART Possibilities' 2027+ and effective decision making.

OUR VISION

Kojonup is a **smart** region featuring a technologically advanced **agricultural** community, an educational and historical **destination** and a healthy and enviable **lifestyle**.

OUR GUIDING VALUES

Integrity

We will act in an honest, professional and accountable manner that maintains the community trust.

Care and Respect for People

We will treat people with respect in all of our interactions. We are committed to the safety and wellbeing of our community and employees and will show care and empathy when addressing issues.

Responsible

We are mindful of our role as custodian of the community's assets, and will make decisions in a responsible manner. We will consider value for money in decision making and ensure that our operations and systems promote efficiency and good governance.

Open and Reliable

We will carry out our business in a transparent and approachable way, respecting diverse views and valuing the input and contributions from the community. We will act consistently and communicate clearly.

WHY WE CONSULT AND HOW WE COMMUNICATE

Division 2 of the *Local Government Act 1995* stipulates the requirements for holding and conducting Council Meetings, Committee Meetings and Elector Meetings. In addition to these statutory requirements, the Shire of Kojonup establishes Advisory Committees and Work Groups, such as the Kojonup Spring Advisory Committee and Sporting Precinct Advisory Committee, allowing community

members an opportunity to contribute positively to the things that are important to them and to the decisions and outcomes that impact on their lives. It also assists the Council to make good decisions on behalf of the community.

FORMAL ADVISORY COMMITTEES:

Established under the *Local Government Act 1995 (Act)*, these Committees are an immediate extension of the Council; for example:

- Audit and Risk Committee;
- Bush Fire Advisory Committee;
- Kojonup Natural Resource Management Advisory Committee.

Each meeting shall be called, conducted and recorded in accordance with the *Local Government Act 1995* (i.e.; local public notice of meetings, Standing Orders Local Law, formal minutes, etc.). Minutes of these meetings will be presented to the Council and all recommendations considered through a written report.

OTHER SHIRE COMMITTEES:

These Committees are less formal groups established by the Council; for example:

- Sporting Precinct Advisory Committee; and
- Kojonup Spring Advisory Committee.

While they play an equally important advisory role to the Council's decision-making process, they are not established in accordance with Section 5.8 of the *Act* and are deliberately less formal than the Advisory Committees to better reflect the subject matter concerned, or are established under another Act such as the *Bush Fire Act 1954*. Minutes of these meetings will be presented to the Council to ensure information flow.

DELEGATES TO OTHER LOCAL & REGIONAL ORGANISATIONS:

This category lists the outside organisations that the Shire is either a member of and, therefore, needs representatives to attend meetings or is invited to have a delegate to represent the Shire:

- Great Southern Zone of WA Local Government Assoc.;
- Southern Link VROC (Voluntary Regional Organisation of Councils);
- Great Southern Joint Development Assessment Panel;
- Great Southern Regional Road Group;
- Kojonup Homes for the Aged Committee;
- Great Southern Recreation Advisory Group;
- Great Southern Treasures; and
- Kojonup Historical Society Inc.

Council, via elected members, is charged with the responsibility to make many decisions on behalf of, and that impact on, the community and to deliver a wide range of infrastructure and community services. Council endeavour to fulfil these responsibilities in an effective and efficient manner, while providing as much opportunity for the community to contribute through consultative processes as possible and where appropriate. Council will continue to strive to get this balance right.

The Chief Executive Officer is charged with the responsibility of ensuring that Council receives qualified advice and the following declaration is included in each Council agenda:

"I certify that with respect to all advice, information or recommendation provided to the Council in or with this Agenda:

- i. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and*
- ii. Where any advice is directly given by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person."*

The Shire of Kojonup website contains:

- Council, Elector and formal Committee Agendas, Minutes, and Discussion Papers;
- Integrated Planning & Reporting Documents such as the Shire's:
 - Community Strategic Plan;
 - Corporate Business Plan;
 - Annual Budget, Fees and Charges Register;
 - Long Term Financial Plan;
 - Asset Management Plan; and
 - Workforce Plan;
- Risk Management Plan;
- Business Continuity Plan;
- Capital Evaluation Framework;
- Plant & Equipment 10 year Replacement Program;
- 10 year Footpath Replacement Program;
- 10 year Roads Program;
- Concept plans.
- Briefing Session agendas and notes of discussions held.

Council also publishes the Shire of Kojonup E-News every fortnight.

WHEN WE WILL CONSULT

The decision to undertake community consultation will only be made where there are a number of possible options or directions that could be taken by Council and Council has the flexibility/ability to consider same within statutory, budgetary and other limitations.

The Shire of Kojonup (Staff and Councillors) will consider the need for, and type of, consultation required for each situation where Council is required to make an important decision about a matter that is likely to have a significant impact on the lives, homes or localities of residents, businesses, groups and organisations.

This assessment will be made in the context of the scale, importance, likelihood and expected onset of impact of the decision being made or action being taken by Council and the expected level of community interest and concern. It will also be made in the context of the level of risk or security.

THE CONSULTATION & COMMUNICATION PROCESS

Each specific community consultation process may be undertaken in a slightly different way, reflecting the differing nature of the issue at hand. However, all community consultation undertaken by the Shire will be carried out in accordance with this Charter. Clearly, in effectively consulting the community, many diverse and different views, opinions and preferences will be conveyed to Council. We will not always be able to reconcile these differences, nor make decisions or take actions that align with everyone's viewpoint.

The important thing, we believe, is that everyone in Kojonup has an open, accessible and equal opportunity to 'have a say' on important issues that impact their lives and an explanation of Council's position in relation to that matter.

In many cases, Council is required by legislation to carry out community consultation in a very specific manner; for example, when selling Council land or in processing planning permit applications. This legislative requirement may either set a minimum standard/method of consultation or an exact standard/method of consultation.

Council is committed to:

- (a) All community consultation and communication being undertaken in a manner that is consistent with our guiding values and it is expected that all parties to a community consultation process, including community members, would behave in a way consistent with these values;
- (b) Working with established networks, groups and forums of active community members, while respecting that all community members have a right to contribute to consultation and decision-making processes, irrespective of whether they are part of an established forum or interest group;
- (c) Effective two-way communication to ensure that Council has qualitative and quantitative information available in a timely manner to make informed decisions aligned to the Community Strategic Plan;
- (d) Respecting that not everyone in the community has a civic interest and wishes to participate in consultative engagements; and
- (e) Meeting our obligations under the *Information Privacy Act 2000* and *Public Disclosures Act 2003*, regarding the handling of all personal information.

Based on all of these inputs, including a range of community views, opinions and preferences, Council will make a decision or take a course of action that it believes best serves the interests of the Kojonup community.

CUSTOMER FEEDBACK

To gauge our performance in relation to our consultation and communication commitments, Council encourages responses from our customers, whether they be complaints, compliments or comments noting that Community Engagement Surveys are required to be conducted every two years, the Corporate Strategic Plan is reviewed every four years, Integrated Planning documents (including Council Policies) are reviewed annually and opportunity exists for community members to make submissions or participate in 'Public Question Time' at the commencement of Ordinary Council Meetings or to make presentations at Briefing Sessions.

The Community Consultation & Communication Charter is intended as a collaboration between the Council and the community it serves. Therefore, if there is something that you feel unhappy about, please utilise our simple feedback process.

Please give us the opportunity to improve our service to you. Comments, suggestions and compliments all provide an effective means by which to assess the existing service you receive.

Copies of our Complaints and Compliments Form can be downloaded from our website www.kojonup.wa.gov.au or obtained from one of our Customer Service Officers.

If we can help, please contact us:

In Person:	Administration Centre 93-95 Albany Highway KOJONUP WA 6395
By Mail:	PO Box 163 KOJONUP WA 6395
By Telephone:	08 9831 2400/08 9831 1566
By Email:	council@kojonup.wa.gov.au

3.17 CUSTOMER SERVICE CHARTER

Adopted or Reviewed by Council:	14/11/17	Council Minute Reference:	183/15
Date/s Amended:	20/11/18		143/18
	19/11/19		156/19
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

The following Customer Service Charter is Council's policy for interacting and liaising with the community.

POLICY

The Shire of Kojonup's commitment to you

Our Customer Service Charter reflects our commitment to the quality of the service which we provide to you.

The Shire of Kojonup has a large number of transactions with our community each month including approximately 350 licensing transactions, emptying of 2000 rubbish/recycle bins, receipt of 210 pieces of incoming correspondence and 2,800 swimmers through the Pool. When there is an issue with this level of service, this Customer Service Charter outlines how we will deal with such issues.

Our Vision

Kojonup is a smart region featuring a technologically advanced agricultural community, an educational and historical destination and a healthy and enviable lifestyle.

Our customers include:

1. Residents, ratepayers, business proprietors, community sporting and recreation clubs, and associations;
2. Visitors to the Shire of Kojonup;
3. Employees; and
4. Government departments and non-government agencies and organisations.

We will achieve our commitment to you by:

1. Progressively reviewing and improving forms, systems and procedures from a customer's perspective;
2. Conducting regular customer service Employee training programs;
3. Incorporating customer service improvements into all Business Plans;
4. Making the development of positive customer service attitudes part of the annual performance review program for all Employees;
5. Progressively improving access to our services to people with disabilities and people from culturally and linguistically diverse backgrounds;
6. Making information available in alternative formats for people with specific requirements;
7. Improving access to Council information by utilising a wide range of media types; and
8. Ensuring all complaints are dealt with fairly, quickly and equitably.

You can assist us by:

1. Providing accurate and complete details, such as distances or road names, when contacting us with any queries or requests for assistance.
2. Contacting us to make an appointment if you have a complex enquiry or need to see a specific officer.
3. Contacting the officer nominated on correspondence sent to you and quoting the reference number of the letter.
4. Treating Employees with the same courtesy and respect given to you.
5. Acknowledging that the Shire may not have the authority to deal with your request/complaint and that you may need to refer it to another agency/organisation.

Service Standards (in general)

We will advise you of the progress of your request at least every 15 working days, until the matter is resolved.

Service Standards (in person)

We will:

1. Promptly attend to you at all times in a professional, polite and attentive manner;
2. Listen attentively in order to understand your needs;
3. Aim to attend and complete your request at the time of your visit;
4. When enquiries of a technical or specialist nature are made at the Customer Service Centre, ensure that the appropriate Employee is called, if available, or that contact is made within 24 hours to arrange an appointment;
5. Ensure all Employees who have face-to-face contact with customers wear a name badge for ease of communication; and
6. Always be appropriately dressed and wear name badges.

Service Standards (on the telephone)

We will:

1. Promptly answer all telephone calls during working hours (by a human and not a machine);
2. Introduce ourselves over the phone by name and provide a direct contact number for future communications when necessary;
3. Reply to telephone enquiries on the same day or the next working day, as appropriate;
4. Take personal responsibility for your enquiry to reduce the transfer of calls and inform you of any delays if you are 'on hold';
5. Provide a 24-hour after hours telephone service for emergency calls; and
6. Promote direct dial telephone numbers in all correspondence.

Service Standards (in writing including emails)

We will:

1. Acknowledge your written request within 10 working days of receipt;
2. Whenever possible provide a completion date when requests require in-depth research which will take longer than 10 working days;
3. Write to you in clear, concise language that is easily understood; and
4. Send out standard information within 24 hours of the request being received.

Customer Feedback

To gauge our performance in relation to our service commitments, the Council encourages responses from our customers, whether they be complaints or compliments.

This Service Charter is intended as collaboration between the Council and the community it serves. Therefore, if there is something that you feel unhappy about, please utilise our simple feedback process. Please give us the opportunity to improve our service to you. Comments, suggestions and compliments all provide an effective means by which to assess the existing service you receive.

Copies of our Complaints and Compliments Form can be downloaded from our website www.kojonup.wa.gov.au or obtained from one of our Customer Service Officers.

If we can help please contact us:

In person: Administration Centre
93-95 Albany Highway
KOJONUP WA 6395

By Mail: P O Box 163
KOJONUP WA 6395

By Telephone: 08 9831 2400

By Email: council@kojonup.wa.gov.au

3.18 ELECTED MEMBERS – INFORMATION & COMMUNICATION TECHNOLOGY (ICT)

Adopted or Reviewed by Council:	18/4/2017	Council Minute Reference:	54/17
Reviewer:	Manager Corporate and Financial Community Services		
Local Law:			
Procedure:	"Getting Started" instructions for Councillors available		
Delegation:			

OBJECTIVE

The purpose of this policy is to define the ICT device requirements for elected members and to clarify the provision and ownership of such.

POLICY

Reference should also be made to Council Policy 3.10 – 'Councillors Fees & Reimbursements' which sets the level of Councillor allowances, including the ICT Allowance.

Shire of Kojonup ICT Environment

The Shire of Kojonup predominately utilises the application (app) 'Docs-on-Tap' for the dissemination of agendas, minutes and other Shire documents and information. 'Docs-on-Tap' is available on mobile devices that utilise the following platforms:

- iPad – iOS 6.0 Prerequisite
- Android
- Windows 10
- Windows 8
- Windows 7

In addition to the 'Docs-on-Tap' app, email is also utilised as a primary source of communication. Councillors will be issued with a Shire of Kojonup email address in the format of *cr.surname@kojonup.wa.gov.au* which is operated through Microsoft Exchange Server. In addition to accessing email through standard email apps, email can be accessed via <https://remote.kojonup.wa.gov.au/owa> by logging in using your user name (first part of email address) and password.

The following apps are suggested for use by elected members to assist in the performance of their role:

Type of App	Suggested	Other Products
Email	Microsoft Outlook	Mail (default iPad App)
Calendar / Diary	Microsoft Outlook	Calendar (default iPad App)
Word Processor	Word (by Microsoft)	Pages (by Apple) Docs (by Google)
Spreadsheets	Excel (by Microsoft)	Numbers (by Apple) Sheets (by Google)
Presentations	PowerPoint (by Microsoft)	Keynote (by Apple) Slides (by Google)
Cloud Storage	OneDrive; Dropbox; or Google Drive	iCloud (Apple default)

Type of App	Suggested	Other Products
Note Taking	OneNote (by Microsoft)	Evernote Keep (by Google)
Other	<ul style="list-style-type: none"> • MyScript Calculator – hand drawn calculator; • YouTube – thousands of free videos, including “how-to” videos; • TED – Educational Talks; • Borrowbox, Rb Digital and Kanopy – see library staff for more information. 	

1. Ownership & ICT Requirements

Elected Members of the Shire of Kojonup shall provide their ICT device, data and communication requirements to fulfil the requirements of the position and an ICT Allowance is provided to enable this to occur. It is suggested, as a minimum, that the following be utilised to enable an elected member to undertake their duties:

- Mobile telephone – The elected member’s mobile telephone number will be publicly advertised on the Shire website and some correspondence; and
- Mobile computing device – such as a tablet, laptop computer or iPad. This device will need to be compatible with the Shire email network and Docs-on-Tap application. Assistance is available from the Manager of Corporate and ~~Financial-Community~~ Services if required prior to purchase.

Pre-payment of an individual Councillor’s ICT Allowance of up to \$1,000 is available for the purchase or upgrade of either of the two (2) components above, if not already privately owned.

As all devices are purchased by the individual elected member, all ownership and maintenance of such devices remains with the individual, both during and after their term of office.

2. Data/Internet Access

Each mobile computing device *should* also utilise a data pack (sim card) to increase the mobility and effectiveness of the device. This data pack will be the responsibility of the individual elected member and the service provider and monthly package chosen is at their total discretion.

When Councillors are in Shire buildings, internet access will be provided by connecting to the Shire’s wireless network (Wi-Fi) where available. Access information (password etc.) will be provided upon request. To ensure the integrity of the Shire’s computer network, the password for the Wi-Fi must never be disclosed to another party.

3. Terms and Conditions

The following terms and conditions must be adhered to at all times:-

- The Shire’s Wi-Fi network must not be used to access any information, applications or videos that are deemed inappropriate by Council policies or the Chief Executive Officer (such as pornography etc.);

- A 'Bring Your Own Device' (BYOD) policy is currently being formulated by the Manager of Corporate and ~~Financial~~Community Services. This policy will address issues such as virus protection, SPAM and security when utilising personally owned devices on the Shire network, including those of elected members covered by this policy; and
- Elected Members' computing devices such as tablets, smart phones and laptops that access the Shire's network shall be fitted with an access password to ensure security if the device is lost.

4. Reimbursement

Any applications (Apps) deemed by the Chief Executive Officer to be imperative for operations are to be funded from the ICT allowance.

5. Documents Relating to Council Use

All documents required for Council and Committee meetings, information bulletins and Council Corporate documents will be uploaded into the "Docs on Tap" App.

The agenda for all Council meetings is required to be available 72 hours prior to the meeting (*Local Government Act 1995* s. 5.5(1)). Councillors will receive an email in the week prior to the ordinary Council meeting advising that the agenda is available for viewing.

Councillors will be advised by email that new documents have been uploaded into Docs on Tap. It is the responsibility of the individual Councillor to ensure that they have read all information uploaded into the App. Any problems should be reported to the CEO immediately.

3.19 COMMERCIAL TRADERS – FACILITY HIRE

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To ensure that commercial traders do not gain an unfair advantage over commercial businesses within the Shire of Kojonup, which have their own premises and are required to meet ongoing operational costs associated with business operations.

POLICY

That no Shire of Kojonup owned facilities be hired or made available to commercial traders that will be in direct competition with local business operators; however, this does not include local non-profit making organisations conducting prima facie commercial operations.

3.20 MOTOR VEHICLE USE – SHIRE PRESIDENT

Adopted or Reviewed by Council: 21 March 2017

Council Minute Reference: 28/17

Reviewer: Chief Executive Officer

Local Law:

Procedure:

Delegation:

OBJECTIVE

The objective of this policy is to provide clear guidelines for the use of a Council motor vehicle by the Shire President.

POLICY

A fully maintained motor vehicle will be made available to the Shire President to enable the undertaking of official duties and activities associated with the position of the office of Shire President.

The motor vehicle will be made available to the Shire President for both Business Use and Restricted Private Use within the State of Western Australia, south of the 26th parallel. At the discretion of the Shire President, the vehicle may be used by other Councillors and Staff for business use.

The Council will be responsible for all running costs of the motor vehicle including, but not limited to, all registration, insurances, fuels and oils maintenance, and repair costs. Fuel for private use to be the responsibility of the Shire President.

The following general conditions are applicable to the use of a Council motor vehicle:

1. Smoking is strictly prohibited within Council motor vehicles at all times;
2. Any person that drives the motor vehicle is financially responsible for any fines and/or infringements received during operation of the motor vehicle;
3. The Shire of Kojonup will be financially responsible for the maintenance of the motor vehicle but it is the responsibility of the primary user to ensure that the motor vehicle has a sufficient amount of fuel, oil/lubricant, water, and tyre pressure; and
4. The motor vehicle will be equipped with a first aid kit and a fire extinguisher. It is the responsibility of the primary user to ensure that the first aid kit and the fire extinguisher is adequately stocked/changed at all times or replacement stock ordered through the Council's Works and Services Division when used/expired.

The Shire President shall comply with the following conditions with respect to the motor vehicle:

1. Advise the CEO when scheduled servicing of the motor vehicle is due;
2. Wash, clean, and vacuum the motor vehicle as often as required;
3. Drive the motor vehicle responsibly and legally, observing all road rules and traffic regulations;
4. Secure the motor vehicle when parked in public/private places;
5. Report any motor vehicle accident immediately to the Chief Executive Officer or other Senior Officer; and
6. Complete prestart log book weekly and hand into the administration office.

The primary user shall immediately advise the Chief Executive Officer if his/her driver's licence is suspended or cancelled.

The primary user shall immediately surrender the motor vehicle to the Shire upon cessation of position with the Council.

The position of Shire President shall, for the purposes of carrying out the functions of the office, be entitled to receive the provision of a fully maintained local government owned vehicle.

The vehicle provided to the President:

1. Is to be in lieu of travel/mileage claims otherwise claimable by the President for use of his/her personal vehicle;
2. Can be used for personal private purposes, not for any commercial purpose, but only on the basis that the cost of that private use is fully reimbursed by the President to the local government;
3. Will not occur at the reduction of the fees, allowances and reimbursements (other than the travel/mileage claims) otherwise ordinarily payable to the Shire President's position as approved by Council in accordance with the relevant provisions of the *Local Government Act 1995*; and
4. Will be administered in accordance with any related Management Practice to this Policy that the local government has in place.

The calculation of the private use component of the vehicle costs to be reimbursed to the local government by the President is to be determined as follows:

1. A logbook is to be kept of both official and private use of the vehicle, which shall be agreed with the President as being the basis upon which the costs of private use will be calculated and subsequently required to be paid by the President to the Shire;
2. On the basis that the predominant use of the vehicle will be for official purposes, only those vehicle costs of a "variable" nature directly affected by the additional private use will be used for determining the payment for private use to be made by the President. This includes fuel, vehicle servicing costs (and then only the additional servicing costs occasioned by the private use) and depreciation where it can be shown that the additional private use has negatively impacted on the trade value of the vehicle;
3. Fuel purchased for business (Shire) use of the vehicle be made by way of Shire issued fuel card: and
4. The Shire President's log book as presented to the Shire's Finance Department be presented to the Audit Committee at the May meeting each year for verification of official and private usage.

3.21 APPOINTMENT OF OFFICERS TO ACTING CEO

Adopted or Reviewed by Council:	17/11/15 16/11/21	Council Minute Reference:	183/15 135/21
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To ensure that the Shire of Kojonup maintains a continuity of the CEO's responsibilities and duties in the CEO's absence.

POLICY

That, in the absence of the CEO, the Shire of Kojonup maintains continuity of the CEO's responsibilities and duties:

Where the Chief Executive Officer is on leave for a period of two days or more, the Manager of Corporate and ~~Financial~~^{Community} Services or another appropriate Officer, as determined by the Chief Executive Officer, assumes the position of Acting CEO, with the salary to be set at a rate of 90% of the CEO's salary.

3.22 ** MOVED TO POLICY 5.3 **

3.23 LEGAL REPRESENTATION COSTS INDEMNIFICATION

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Manager of Corporate and Financial Community Services		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

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

POLICY

In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good governance of the district.

1. The local government may provide financial assistance to Members and Employees in connection with the performance of their duties provided that the Member or Employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the local government or otherwise in bad faith.
2. The local government may provide such assistance in the following types of legal proceedings
 - a. Proceedings brought by Members and Employees to enable them to carry out their local government functions (e.g.; where a Member or Employee seeks a restraining order against a person using threatening behaviour);
 - b. Proceedings brought against members or employees [this could be in relation to a decision of Council or an employee which aggrieves another person (e.g. refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (e.g. defending defamation actions)]; and
 - c. Statutory or other inquiries where representation of members or employees is justified.
4. The local government will not support any defamation actions seeking the payment of damages for individual Members or Employees in regard to comments or criticisms levelled at their conduct in their respective roles. Members or Employees are not precluded, however, from taking their own private action. Further, the local government may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.

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

Applications for Financial Assistance:

1. The Council may:
 - a. refuse;
 - b. grant; or

- c. grant subject to conditions an application for payment of legal representation costs.
2. Decisions as to financial assistance under this policy are to be made by the Council.
3. A Member or Employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.
4. An application to the Council is to be accompanied by an assessment of the request and with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer (CEO).
5. A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the *Local Government Act 1995*.
6. Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation to the value of \$5,000 provided that the power to make such an authorisation has been delegated to the CEO in writing under s. 5.42 of the *Local Government Act 1995*.
7. Where it is the CEO who is seeking urgent financial support for legal services, the Council shall deal with the application.

Repayment of Assistance

Any amount recovered by a Member or Employee in proceedings, whether for costs or damages, will be offset against any moneys paid or payable by the Shire of Kojonup.

1. Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the Shire of Kojonup or otherwise in bad faith, or where information from the person is shown to have been false or misleading.
2. Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The Shire of Kojonup may take action to recover any such moneys in a court of competent jurisdiction.

3.24 FRAUD, CORRUPTION AND MISCONDUCT PREVENTION POLICY

Adopted or Reviewed by Council:	19/11/19	Council Minute Reference:	152/19
Amended by Council:	16/11/21		
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:	Public Interest Disclosure Fraud, Corruption and Misconduct Prevention Plan		
Delegation:			

BACKGROUND

This Fraud, Corruption and Misconduct Prevention Policy should be read in conjunction with Council Policies 3.1 - Code of Conduct and 2.3.5 – Risk Management and the Shire of Kojonup Public Interest Disclosure Procedure.

Sections 5.103 through to s. 5.125 of the *Local Government Act 1995* and Part 9 of the Local Government (Rules of Conduct) Regulations 2007 are relevant to this Policy.

A Public Officer or any other person may report to the Corruption and Crime Commission or the Public Sector Commission any matter they suspect on reasonable grounds may constitute serious or minor misconduct. Further information is available on the websites of these Commissions.

OBJECTIVE

To take a zero-tolerance approach to fraud, corruption and misconduct and to prevent, deter and detect incidents of fraud and corruption wherever possible. This will be strived for by raising the awareness of the risk of fraud, corruption and misconduct, taking necessary actions for its prevention (as per a Fraud, Corruption and Misconduct Prevention Plan), providing processes for the reporting and investigation of incidents, and protecting those who report suspected fraud or corruption incidents.

SCOPE

The management of fraud, corruption and misconduct is the collective responsibility of all persons associated with the Shire; that is:

- Council as the decision making body
- Councillors and Committee members as individuals
- Employees and volunteers
- Contractors, suppliers, consultants and/or service providers

DEFINITIONS

The Australian Standard on Fraud and Corruption Control AS 8001-2008 defines fraud as:

“Dishonest activity, causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal

benefit. The theft of property belonging to an entity by a person or persons internal to the entity but where deception is not used is also considered 'fraud' for the purposes of this standard."

The Australian Standard on Fraud and Corruption Control AS 8001-2008 defines corruption as:

"Dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity. The concept of 'corruption' within this standard can also involve corrupt conduct by the entity, or a person purporting to act on behalf of and in the interests of the entity, in order to secure some form of improper advantage for the entity either directly or indirectly."

The *Corruption, Crime and Misconduct Act 2003* (Section 4) defines misconduct, for public officers, as follows:

Misconduct occurs if —

- (a) a public officer corruptly acts or corruptly fails to act in the performance of the functions of the public officer's office or employment; or
- (b) a public officer corruptly takes advantage of the public officer's office or employment as a public officer to obtain a benefit for himself or herself or for another person or to cause a detriment to any person; or
- (c) a public officer whilst acting or purporting to act in his or her official capacity, commits an offence punishable by 2 or more years' imprisonment; or
- (d) a public officer engages in conduct that —
 - (i) adversely affects, or could adversely affect, directly or indirectly, the honest or impartial performance of the functions of a public authority or public officer whether or not the public officer was acting in their public officer capacity at the time of engaging in the conduct; or
 - (ii) constitutes or involves the performance of his or her functions in a manner that is not honest or impartial; or
 - (iii) constitutes or involves a breach of the trust placed in the public officer by reason of his or her office or employment as a public officer; or
 - (iv) involves the misuse of information or material that the public officer has acquired in connection with his or her functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person,

and constitutes or could constitute —

[(v) *deleted*]

- (vi) a disciplinary offence providing reasonable grounds for the termination of a person's office or employment as a public service officer under the *Public Sector Management Act 1994* (whether or not the public officer to whom the allegation relates is a public service officer or is a person whose office or employment could be terminated on the grounds of such conduct).

To delineate, clauses (a), (b) and (c) above constitute serious misconduct and clause (d) constitutes minor misconduct (Public Sector Commission/Corruption and Crime Commission '*Notifying misconduct – A guide for Principal Officers of Notifying Authorities*').

The *Corruption, Crime and Misconduct Act 2003* defines public authority and public officer as:

public authority means —

- (a) a notifying authority; or
- (b) a body mentioned in Schedule V Part 3 to the *Constitution Acts Amendment Act 1899*; or
- (c) an authority, board, corporation, commission, council, committee, local government, regional local government, regional subsidiary or similar body established under a written law; or
- (d) a body that is the governing authority of a body referred to in paragraph (b) or (c); or
- (e) a contractor or subcontractor;

public officer has the meaning given by section 1 of *The Criminal Code*;

The Criminal Code, in relation to local government, defines 'public officer' as —

- (d) a member, officer or employee of any authority, board, corporation, commission, local government, council of a local government, council or committee or similar body established under a written law.

RESPONSIBILITY

Councillors

Collectively, Councillors are responsible for ensuring that Council, as the decision making body:

- promotes community awareness of Council's commitment to the prevention of fraud and corruption;
- provides for the prevention of fraud and corruption by way of budgetary provision for secure storage of assets;
- ensures that, where appropriate (if the Chief Executive Officer [CEO] is the perpetrator), proper investigations are conducted into allegations that involve fraud or corruption;
- ensures that the CEO is aware of his/her responsibilities in relation to fraud and corruption through the provision of appropriate and regular training; and
- promotes a culture and environment in which fraud and corruption is actively discouraged and is readily reported should it occur.

PREVENTION

Council recognises that the most effective way to prevent the occurrence of fraud and corruption is to promote an ethical environment fully supported and demonstrated by management and in which internal control mechanisms have been implemented. Council's fraud and corruption prevention strategies include the following elements:

- Codes of Conduct, one for Councillors and one for staff, that outline statements of values and detail unacceptable behaviour;
- Recognition from Management who adhere to, promote and maintain an ethical culture and actively promote such a culture;
- A program for communicating Council's Code of Conducts through regular dissemination of material;
- Ongoing training in the use of codes of behaviour and ethical standards; and
- Ensuring the CEO has developed a mechanism to report ethical complaints or concerns inside and outside the normal channels of communication.

3.25 CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

Adopted or Reviewed by Council: 18/05/2021 **Council Minute Reference:** 53/21
Amended by Council:

Reviewer: Chief Executive Officer
Local Law:
Procedure:
Delegation:

Policy Purpose:

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

Division 1 — Preliminary provisions

1. Citation

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

Division 1 — Preliminary provisions

1. Citation

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

2. Terms used

(1) In this code —

Act means the Local Government Act 1995;

candidate means a candidate for election as a council member;

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

publish includes to publish on a social media platform.

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

Division 2 — General principles

3. Overview of Division

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

4. Personal integrity

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

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

(c) act lawfully; and

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

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

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

5. Relationship with others

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

6. Accountability

A council member or committee member should —

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

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

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

8. Personal integrity

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

9. Relationship with others

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and

- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

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

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

11. Complaint about alleged breach

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

12. Dealing with complaint

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

- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

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

14. Withdrawal of complaint

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

15. Other provisions about complaints

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

Division 4 — Rules of conduct

Notes for this Division:

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

16. Overview of Division

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

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

17. Misuse of local government resources

- (1) In this clause —
electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;
resources of a local government includes —
 - (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

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

19. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

- (1) In this clause —
local government employee means a person —
 - (a) employed by a local government under section 5.36(1) of the Act; or
 - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
 - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —

- (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

21. Disclosure of information

- (1) In this clause —
- closed meeting** means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
- confidential document** means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;
- document** includes a part of a document;
- non confidential document** means a document that is not a confidential document.
- (2) A council member must not disclose information that the council member —
- (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
- (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

22. Disclosure of interests

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

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

23. Compliance with plan requirement

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

3.26 CHILD SAFETY AWARENESS

Adopted or Reviewed by Council: 16/08/2022

Council Minute Reference: 73/22

Reviewer: Manager Corporate and ~~Financial~~Community Services

Local Law:

Procedure:

Delegation:

Policy Statement

- The Shire of Kojonup (Shire) supports and values all children. Local Government makes a commitment to support the safety and wellbeing of all children, including protection from abuse. This policy aims to reduce the risk of harm and child abuse in our communities by encouraging child safe environments to be created and maintained.
- The Shire takes seriously its commitment to encourage local organisations to be child safe and ensure children are empowered, is committed to being child safe and demonstrating a zero- tolerance approach towards child abuse.
- This policy recognises that the Shire is uniquely placed within the local community to demonstrate leadership in supporting organisations to be child safe to protect children from harm or abuse.
- This policy serves as a framework that outlines our role in supporting local organisations to be child safe through access to resources, support, awareness raising and sharing information. We will be guided by the National Principles for Child Safe Organisations.

Scope

- Child safety is everyone's responsibility.
- This policy applies to all Elected Members, employees, volunteers, trainees, work experience students and interns at the Shire. It applies to occupants of Local Government facilities and venues, contractors and suppliers and anyone else who undertakes work on behalf of the Shire, irrespective of their involvement in child-related work.

Definitions

- **Child/young person:** Means a person under 18 years of age, and in the absence of positive evidence as to age, means a person who is apparently under 18 years of age.

Child Safe Organisation: Refers to organisations that:

- Create an environment where children's safety and wellbeing are at the centre of thought, values, and actions.
- Place emphasis on genuine engagement with and valuing of children and young people.
- Create conditions that reduce the likelihood of harm to children and young people.

- Create conditions that increase the likelihood of identifying any harm.
- Respond to any concerns, disclosures, allegations, or suspicions of harm (note: in the context of local governments this would involve referring to the Department of Communities or WA Police to respond as appropriate).
- **Child safe:** In this policy, child safe means protecting the rights of children/young people to be safe by taking actions that can help prevent harm and abuse.
- **Harm:** Means any detrimental effect of a significant nature on the child's or young person's wellbeing including physical, emotional, or psychological development.

Principles

- The rights of children 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.
- Children have the right to speak up, be heard and taken seriously.
- The best interests of children and young people come first when making decisions.
- Access to trusted and reliable information, including the National Principles for Child Safe Organisations, helps reduce the risk of harm and abuse.
- Communities are informed and involved in promoting child safety and wellbeing including protection from harm.
- Collaboration with the community and our partners promotes the safety, participation and empowerment of all children and young people.

Roles and responsibilities

- The Shire 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 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).
- The Shire does not have oversight, control, responsibility, or accountability for third parties to uphold legal and moral compliance for child safety, or to be a child safe organisation. The Shire is taking on a leadership role within community to support community organisations fulfil their responsibilities.
- Local Government roles involved in the implementation of this policy (examples only)
 - CEO
 - Community Services
 - Communications
 - Governance
- Local government is not responsible for developing child safe messages but is responsible for sharing them.

Related Legislation (examples only)

- *Child Care Services Act 2007*
- *Equal Opportunity Act 1984*
- *Local Government Act 1995*
- *National Principles for Child Safety Organisations*
- *United Nations Convention on the Rights of the Child (CRC)*
- *Work Health and Safety Act 2020*
- *Working with Children (Criminal Record Checking) Act 2004*

Review

- This policy will be reviewed every two years or upon the introduction of other policy or legislation related to child safety.

4 WORKS & ENGINEERING

4.1 VEHICULAR CROSSINGS (DRIVEWAYS)

Adopted or Reviewed by Council:	Council Minute Reference:	69/18
Amended by Council:	19/06/18	
Reviewer:	Manager Works & Services	
Local Law:	Activities in Thoroughfares and Public Places and Trading Local Law 2020	
Procedure:		
Delegation:	ROADS 008 – Construction of Crossing from Thoroughfare to Private Land	

OBJECTIVE

- To define the Council's requirements and financial obligations for the construction of vehicle crossovers.
- Outline the approval process for constructing crossovers.

POLICY

Definition – A crossover is the section of a driveway from the property boundary to the edge of the road carriageway.

The policy applies to the installation of crossovers for properties within the Shire of Kojonup.

In accordance with Schedule 9.1; Clause 7 of the Local Government (Uniform Local Provisions) Regulations 1996, an application to the Local Government must be made by the landowners to request approval to construct a crossover.

GUIDELINES

The following specifications set out the minimum standards for the construction of a vehicle crossover.

'Standard Crossover' means the first constructed crossover to a lot that is constructed in accordance with the specifications fixed by the resolution of Council. The specifications relate to the following types of materials used in construction:

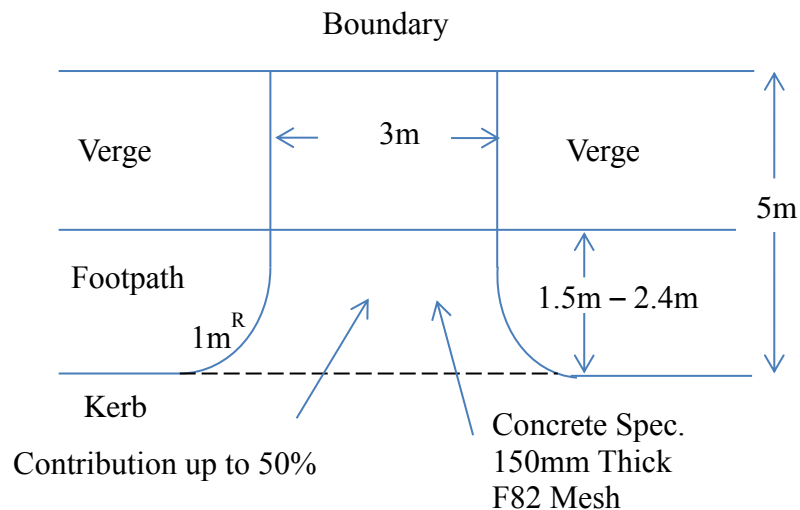
- Type 1 Concrete
- Type 2 Bitumen
- Type 3 Brick Paving
- Type 4 Gravel

Standard Crossover

1. Urban – sealed: 3.0m wide (excluding splays), constructed in gravel and sealed with bitumen.
2. Urban – unsealed: 3.0m wide (excluding splays), constructed in gravel with a minimum thickness of 200mm
3. Urban – concrete 3.0m wide (excluding splays), constructed in concrete 150mm thick with mesh
4. Rural – unsealed: 4.5m wide (excluding splays), constructed in gravel with a minimum thickness of 200mm.

5.

Example Standard Crossover



In accordance with the *Local Government Act 1995* and regulations, the Shire will permit the crossover to be constructed by a Private Contractor under the supervision of and to the satisfaction of the Shire. If the crossover is a standard crossover, or superior to a standard crossover, Council shall bear one half the cost of a standard crossover as estimated by Council but, if the crossing is a type that is inferior to a standard crossover, then Council shall bear no part of the cost thereof.

CONTRIBUTION BY COUNCIL

Crossover contribution by Shire of 50% of the cost of a standard crossover based on an area of 15m² and that crossover being the first to that lot.

Should larger than 300mm diameter pipes be required – the landowner will pay for the difference. Council will fix the position of the crossover, where the Manager of Works & Services deems necessary.

Property owners are required to complete and submit an Application for Approval to Construct a Vehicle Crossover for assessment before a crossover is constructed or modified. Construction may not commence until written permission has been granted by Council.

Approval to construct a crossover is valid for a two year period from the date it is issued. If construction of the crossover has not been commenced within this period, a new application must be submitted to the Council for consideration.

All crossovers must be constructed with Council's Specification for the Construction of Vehicle Crossovers. Where a crossing adjoins a sealed road within a townsite, a sealed crossover must be constructed. In all other cases, a sealed or unsealed crossover is permitted.

Upon application from the property owner, Council will bear one half of a standard crossover subject to the crossover being the first constructed to that lot.

4.2 STREET TREES

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Manager Works and Services		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To obtain and maintain uniformity of tree planting to enhance the visual aspect of streetscape and beautification of parks, gardens and reserves and to preserve public infrastructure such as electricity, sewer and drainage.

POLICY

The Shire undertakes maintenance of verge trees, including pruning and removal. Private planting, removal or pruning on all Road Reserves shall first require the approval of the Manager of Works and Services and shall be in accordance with this policy.

The length of the verge will determine how many trees will be planted. Residents should be aware that any trees planted on the verge remain the property of the Shire.

The Shire has the right to remove trees that create a hazardous situation.

A systematic program to remove all Queensland Box Trees shall be undertaken throughout the town site as budget resources permit.

A detailed policy on street tree varieties, themed locations, edible verges, fruit trees and community gardens is to be developed for the Council's consideration prior to 31 December 2014.

4.3 NAMING AND/OR CHANGING OF ROAD, STREET OR PLACE NAMES

Adopted or Reviewed by Council: 17/11/15

Council Minute Reference: 183/15

Reviewer: Manager Works and Services

Local Law:

Procedure:

Delegation:

OBJECTIVE

To ensure that aspects of the District's history are not inadvertently lost due to the changing of a name, and to provide community and public consultation.

POLICY

Requests to name and/or change either a road, street or place name in the District may not be approved until after Council has advertised the proposal in the local press and received written comments from the Kojonup Historical Society.

Council does not favour changing a road name which would result in portions of the road having different names.

4.4 TIMBER HARVEST AND HAULAGE USE OF ROADS WITHIN SHIRE OF KOJONUP

Adopted or Reviewed by Council: 17/11/15

Council Minute Reference: 183/15

Reviewer: Manager Works and Services

Local Law:

Procedure:

Delegation:

OBJECTIVE

To maintain the condition of our roads and ensure the safety of the Shire of Kojonup's residents.

POLICY

The Council will provide letters of support for Main Roads WA permits for log/woodchip haulage on roads within the Shire of Kojonup provided that the Manager of Works and Services is satisfied with the proposed haulage route and provided that the following conditions are adhered to by the tree farm companies:

1. All heavy haulage permits being obtained from Main Roads WA;
2. Neighbouring properties to access routes being notified of the commencement date and anticipated duration at least two weeks prior to the commencement of harvest;
3. Speeds being limited to 60km p/h on unsealed roads and 80km p/h on sealed roads without pavement markings or 10km p/h lower than the posted speed limit of the roads under 80km p/h;
4. Cartage being limited to daylight hours and with all care taken to absolutely avoid use of the road by trucks during school bus running hours;
5. School bus operators being notified of the commencement date and anticipated duration at least two weeks prior to the commencement of harvest;
6. 'School Bus Hours' signs are to be erected at the start of all roads concerned with the school bus routes, together with "Trucks on Road" signs along the lengths of road concerning the truck use;
7. Drivers comply with restrictions on traffic movement on school bus routes between the signed hours and contact bus operators on UHF Channel 25 to confirm safe passage during the sign posted times;
8. An audit being conducted on the condition of the proposed route(s) by the haulage company and Manager of Works & Services prior to commencement and roads being reinstated to pre haulage condition by the tree farm companies at the completion of harvest;
9. Council being advised of any gravel/pavement failures on roads within 24 hours so that repairs can be carried out;
10. Inspection of the road condition is required after any rain event prior to the re-commencement of haulage operations; Council reserves the right to suspend haulage operations based on road condition or road closure as specified in s. 3.50 of the *Local Government Act 1995*; and
11. All cartage and harvesting operators to comply with the harvest and movement of vehicle bans as ordered by the Shire of Kojonup. Operators must check the fire ban hotline on (08) 9831 0145 as required for harvest and vehicle movement ban information.

The Council reserves the right to revoke support if any of the above conditions are not adhered to, or road condition/user safety is in question.

4.5 BACK FILLING GRAVES

Adopted or Reviewed by Council: 17/11/15

Council Minute Reference: 183/15

Reviewer: Manager Works and Services

Local Law: Cemeteries Local Law 2020

Procedure:

Delegation:

OBJECTIVE

To meet cultural and religious expectations and the specific needs of families, relating to the backfill of graves where active participation is sought. Also, to provide religious and cultural groups and families an opportunity to participate in backfilling a grave following the conduct of a funeral, while ensuring that the Shire meets its obligations under the *Occupational Safety and Health Act 1984* *Work Health and Safety Act 2020*.

POLICY

For religious, cultural and personal reasons, people or groups may, following the conduct of a funeral, seek to assist in the full or partial backfill of a grave. It is important that requests of this nature be managed in a way that not only protects the safety and health of individuals but follows an established process that is respectful of those involved.

Requirements:

1. Request for private backfilling is to be received no less than five (5) hours prior to the conduct of a funeral;
2. The request is to be included on the Digging Requisition submitted by the Funeral Director;
3. Participation in the backfilling of a grave will not reduce the amount of the burial fee payable;
4. Backfilling is limited to the use of hand tools by members of the public;
5. Backfilling is limited to a maximum of six people;
6. If shoring is to be removed from the grave, this will be done only by a Shire of Kojonup employee or the Shire's nominated sub-contractor; and
7. Individual family members are not permitted to enter the grave.

Families may simply request to observe the Shire of Kojonup backfilling a grave and this can be accommodated on a request being made no less than five (5) hours prior to the conduct of a funeral.

4.6 GRAVEL AND SAND EXTRACTION

Adopted or Reviewed by Council: 17/11/15

Council Minute Reference: 183/15

Reviewer: Manager Works & Services

Local Law:

Procedure:

Delegation:

OBJECTIVE

The objective of this policy is to provide clear guidelines for the Shire of Kojonup to approach and make an agreement with a landowner for the purpose of extracting gravel or sand for road works or general use.

POLICY

The Council will provide a written signed agreement between the landowner and Shire for the extraction of gravel or sand. The Manager of Works and Services will approach the landowner and will draw up the Gravel/Sand Agreement.

1. Agreement will detail the period of time.
2. The value of gravel or sand at a rate of \$#/ m³, not exceeding #/m³.
3. The Manager of Works and Services and the landowner will sign off on quantities.
4. Photos of before and after extraction will be taken and logged in ~~Synergy~~ Records.
5. The works will be carried out on the property which materials have been extracted from and are to be carried out as soon as practicable.
6. Agreement of the area for gravel or sand extraction is to be agreed upon prior to extraction commencing. The area of the extraction site shall be pegged.
7. The topsoil (approx. 150mm) will be windrowed to the side of the area and after the excavation is complete, the floor will be ripped and the topsoil will be respread.
8. The Shire will construct a track to the extraction site and install a new gate in the boundary fences if required. Any tracks which are used by the Council staff will be maintained during use and, where a new gate is fitted, it will be left in place after this agreement has expired.
9. The Shire undertakes to rehabilitate the track and the extraction site after excavation is complete, to the satisfaction of the landowner and the Council's authorised officer.
10. The Shire will obtain all necessary clearances for the extraction of the required materials and be in accordance with all relevant Acts and Regulations.

4.7 DIRECTIONAL SERVICE AND TOURISM SIGNAGE

Adopted or Reviewed by Council: 19/9/17

Council Minute Reference: 103/17

Reviewer: Manager Works & Services

Local Law: Activities in Thoroughfares and Public Places and Trading Local Law 2020
Local Government Property Local Law 2020

Procedure:

Delegation:

OBJECTIVE

1. Provide an environment in which efficient placement of signs enhances a street, road reserve or precinct by increasing the overall impact and effectiveness of individual signs.
2. Provide clear and logical directional signs through the use of standardised dimensions, symbols and consistent colour coding compliant with Australian Standards.
3. Maintain effectiveness of traffic control signs that regulate, warn and guide traffic and facilitate safe, efficient and orderly travel.
4. Clearly identify those facilities that may qualify for directional signs and the conditions under which they may be permitted.
5. Provide and allow for adequate and suitable promotion of local businesses.

POLICY

The Shire of Kojonup acknowledges the need to regulate signs on its road reserves, footpaths and public spaces to maintain the effectiveness of priority traffic control signs and directional signs and to ensure the amenity of the townships and rural areas is appropriate. A proliferation of signs and advertising can reduce the overall effectiveness of the sign.

REGULATORY, WARNING, GUIDE SIGNS

These signs are Traffic Control Devices (e.g.; 'Stop' sign, 'Give Way' sign) installed by Statutory Authorities. Missing or damaged signs should be reported to Main Roads WA or the Shire Office.

FINGERBOARD SIGNS

A fingerboard sign portrays the name or type of service provided by a facility, is small and rectangular in shape with the long axis horizontal (similar in characteristic to a street name sign), secured to a post and positioned directly below a street name sign. Its purpose is to advise road users of the direction to facilities located on side streets.

Fingerboard signs are to only include street name, emergency services and community service information signs. Commercial and tourist business signs not permitted as finger board signs.

A written request, addressing the following, is required to be lodged with the Shire and approved prior to the installation of all fingerboard signs:

1. Applications for new fingerboard signs should be made to the Shire in writing and may be addressed in terms of the need, the usefulness, desirability and availability of space in relation to this policy; and
2. No more than four (4) fingerboard signs may be placed on a post in accordance with Australian Standards. Street addresses are the primary means of locating particular facilities. For this reason all streets and roads should be clearly identified with street name signs. Priority for placing signs to be in the order of:
 - a. Street name

- b. Street information (e.g.; “No Through Road”)
- c. Emergency Services
- d. Community facilities

Fingerboard signs are to be installed in accordance with Australian Standards, Codes of Practice and adopted Council policies. This is to provide a consistent standard throughout the Shire and throughout the state and country.

No fees apply for fingerboard signs. Fingerboard signs may not be supported for those facilities situated on main roads. A maximum of two fingerboard signs may be supported per facility.

TOURIST SIGN

Tourist signs safely and efficiently guide visitors to their destination, identify and guide visitors along touring routes, welcome visitors to the region and inform visitors of the range of attractions and services available at the destination.

A written request, addressing the following, is required to be lodged with the Shire and approved prior to the installation of all tourist signs:

1. Applications for tourist signs to be considered in accordance with this policy;
2. Applications for new tourist signs should be made to the Shire in writing;
3. Standard fees for assessment and installation apply in accordance with Council’s current adopted Annual Fees and Charges; and
4. Premises that are predominantly retail/sales outlets should not be considered as tourist establishments but as commercial establishments.

TEMPORARY SIGN

Temporary advertising signs are defined as those signs that announce a local event of a religious, cultural, political or recreational nature, for a fixed time period.

An application is required to be lodged with the Shire and approved prior to the installation of all temporary signs.

Temporary Signs are those that announce a local event of a religious, educational, cultural, social or recreational nature or that relate to an event of a political nature. This type of sign does not require Development Approval from Council if:

1. The total area of advertisements of that type on the site is not more than 2 square metres (except for a sign advertising a federal, state or local government election), the advertisement is displayed for a period not exceeding 1 month prior to the event and 1 week after the conclusion of the event; and
2. That the advertisement does not move, flash or reflect light, so as to cause distraction to motorists, and is not internally illuminated.

Temporary Signs that are to be placed on public or Council controlled land require the permission of Council prior to their display; no fees apply for temporary signs. Council reserves the right to remove any temporary signs that:

1. Contain offensive or inappropriate wording;
2. The design or construction of is determined to be unsuitable;
3. Unreasonably restrict the use of the road; or
4. Unreasonably endangers the safety of members of the public.

COMMERCIAL SIGN

Commercial advertising signs promote a commercial activity, service or product rather than give directions to it.

A Development Application is required to be lodged with the Shire of Kojonup and approved prior to the installation of all commercial and advertising signs.

1. Commercial advertising signs require Development Approval. A Development Application form is required to be lodged with Council along with the required plans and written details. Should a person propose to erect an advertising sign on a road reserve or Council land, consent is unlikely to be granted unless circumstances are exceptional. Permission needs to be obtained from the relevant land owner (e.g.; Shire, Main Roads WA, etc.) and a Development Application needs to be lodged and approved. The applicant needs to demonstrate that they have Public Liability Insurance (in the Shire's name) to the value of \$10 million which needs to remain current for the lifetime of the sign and adequate structural plans need to be submitted with the application.
2. Commercial advertising signs are not permitted on fingerboard signs.
3. Fixed commercial advertising signs should be located only on the property of the premises being advertised.
4. Precinct signs advertising or listing individual businesses as "cluster" signs may be installed at the entrance to a recognised estate where there is an incorporated association or body that represents that estate and this body takes the responsibility for the sign.
5. Property identification displayed on signs that do not exceed a total area of 0.5m² may be erected without development approval.

EXISTING SIGNS

1. Existing signs may be allowed to remain at the Council's discretion.
2. Council maintains the right to remove any signs if any of the following occurs:
 - a. The existing sign does not comply with the Council policy in place at the time of its installation;
 - b. The facility no longer conforms with the conditions of the sign approval;
 - c. The sign is in a poor state of repair;
 - d. The facility no longer operates as an eligible community facility;
 - e. The facility ceases to operate;
 - f. There is a demonstrated need for aggregating signs in a particular location;
 - g. The road authority needs to resume the land;
 - h. The sign contains offensive or inappropriate wording;
 - i. The design or construction is determined to be unsuitable;
 - j. The sign unreasonably restricts the use of the road;
 - k. The sign unreasonably endangers the safety of members of the public; or
 - l. Replacement of any existing sign is subject to this policy and requires an application as applicable.


Replacement signs to only be approved in accordance with this policy; prior existence of signs does not infer automatic approval of new signage.

SIGN COLOURS

Directional signs to be coloured in accordance with the Australian Standards 1742.2-1994, 1742.5-1997, and 1742.6-2004 as per the table below:





	Font Size	Colours	
Category		Text	Background
Street Name – including Shire logo against post	150mm	Black	White Reflective
Street Information, e.g.; “No Through Road” Or “One Way”	As per Standard	Black	White Reflective
Emergency Services (e.g.; Police, Hospital, Ambulance)	As per Standard	White	Blue Reflective
Visitor Services Roadside & Commercial Services (e.g.; Motel, Caravan Park, Parking, Public Toilets, Information Centre)	As per Standard	White	Blue Reflective
Community Facilities Likely To Be Sought By Visitors (e.g.; Post Office, Shopping Centre, Civic Centre, Library, Art Gallery, Railway Station)	As per Standard	White	Blue Reflective
Tourist Attractions (e.g.; Lookout, Winery, Botanic Gardens)	As per Standard	White	Brown Reflective
Other Community Facilities (e.g.; Church, Sports Grounds, Youth Centre, Cemetery)	As per Standard	White	Blue Reflective
Specified Commercial And All Other Business Activities, All Other Destinations	As per Standard	White	Green Reflective





BAKERY
BUTCHER
FOOD COURT
AUSTRALIA POST
COLES
FLIGHT CENTRE
KMART
WESTPAC
WOOLWORTHS

1300x3500mm

APPROVED BY	SIGNED	DATE	Whilst every care is taken in checking artwork, Sunny Signs accepts NO RESPONSIBILITY for any errors. Please check artwork carefully. Production will not proceed until approval is given. This artwork is the property of Sunny Signs & not to be used without permission. © Douglas Inc, Mudgee, NSW 2850	CLIENT: Shire of Kojonup SLIP NO: 281765
				 <div style="display: flex; justify-content: space-around; font-size: 0.6em;">    </div>

4.8 NO SPRAY REGISTER

Adopted Council: 19 June 2018

Council Minute Reference: 69/18

Reviewer: Horticultural Supervisor

Local Law:

Procedure:

Delegation:

OBJECTIVE

This policy is intended to allow property owners and residents to apply to Council to request that vegetation on Council road reserves and/or Council land directly abutting their property not be sprayed with chemical herbicides.

POLICY

Council is responsible for vegetation management within its road reserves. Management methods for the control of vegetation include hand weeding, slashing and the use of chemical herbicides to eradicate vegetation growing in the road reserve.

Council acknowledges that there will be residents within the Shire that do not wish to have the frontage of their property sprayed with chemical herbicides due to a variety of reasons including registered organic farms, where residents have a medical condition where avoidance of spray is necessary, and where residents look after their own verges.

Rural Roads – Council has responsibility for maintenance of Council owned or management of roadways. This includes, but may not be limited to, spraying verges, drains, woody weeds within the entire road reserve, around ends of culverts, marker posts and other street furniture. Declared weeds and other priority pest plants are a priority of Council to be controlled within the road reserve.

Urban Roads – Council endeavours to keep the roadway between the back edges of any kerb and the full width of footpaths free of vegetation. Additionally, Council endeavours to keep the road reserve free of declared weeds and priority pest plants in a prioritised manner which is consistent with Council's various weed management strategies.

Council Land – Council is required to manage declared and pest weeds in its reserves.

This policy applies to vegetation management on Council managed road reserves and Council land. Council will consider applications to cease spraying operations where Council road reserves and/or land abut private land on a case by case basis.

Note: This Policy does not relate to Road Reserves managed by Main Roads WA and/or the Department of Parks and Wildlife.

PROCEDURE

This policy will be administered by the Manager of Works & Services and the Horticultural Supervisor as part of the Council land and road reserves maintenance program.

Applications to No Spray Register

An advertisement will be placed in the Kojonup News, E-News Bulletin and Shire website no later than 30 March each year advising that applications are invited for road reserves frontage and for the frontage of Council land directly abutting a person's land to be placed on the No Spray Register.

An application must be undertaken in writing on the approved application form and lodged with Council no later than 30 April each year. An application can only be applicable to the entire frontage of the resident's immediate property and for the area parallel to a distance of no greater than 10m.

In completing the application, the resident agrees to take over the responsibility for:

1. Controlling all National, State and Locally-listed pest plants;
2. Keeping the road frontage clear and/or tidy;
3. Keeping drainage and/or paths free of obstruction and fully operational at all times; and
4. Ensuring kerbs, footpaths and gutters are free of vegetation growth.

Removal of native vegetation must not occur without prior written approval from Council and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

In considering an application, the following shall be taken into consideration:

1. Whether the adjoining land is used for certified organic vegetable/fruit/cereal production;
2. Existence of a medical condition in the household which may be exacerbated by exposure to herbicides or associated additives; and
3. The applicant has other mitigating circumstances that would warrant an area not being exposed to the use of herbicide chemicals.

Council reserves the right to reject any applications on the grounds that it is not within the overall interest of Council to include the area within the No Spray Register.

Upon acceptance or refusal of an application for the No Spray Register, Council Staff will reply in writing to the resident with the outcome.

Where the application is approved, Council Staff will add the property onto the No Spray Register. Applications are non-transferrable.

Residents who are not the landowner must provide written confirmation from the landowner that they do not object to the request.

If an application is refused, applicants will be informed in writing by Council Staff outlining the reasons for refusal. Applicants may reapply if they feel they can adequately address the concerns that caused Council Staff to refuse their initial applications.

No Spray Register

The register will be in the form of an electronic spreadsheet detailing the residents' details, area to be excluded from herbicide chemical spraying and the date the application was approved and date of expiry.

Each application will have a valid period of three (3) years in which the applicant will have to reapply after that expiry date.

The register shall be maintained by Council's Works and Services Department and be available in an appropriate Drive for all relevant staff to be able to access.

Failure to Comply

In agreeing to take over the responsibility for managing Council's road reserves and/or Council land abutting the applicant's property, the applicant will maintain the above areas to the same standard that can be achieved by the herbicide control method. If Council's standards for management are not being met, the following will occur;

1. Council will advise the applicant in writing that maintenance must occur within twenty one (21) days of the date of the correspondence;
2. Failure by the applicant to conduct maintenance of the area within 21 days will result in Council undertaking, without further notice, any necessary work to reduce the vegetation; and
3. The applicant will be removed from the No Spray Register at the end of the twenty one (21) day period if the required maintenance has not been completed. The applicant may reapply at the next application period.

Roadside Spraying and Slashing Contractors

In the event that the Shire employs the services of a contractor for roadside spraying, the Council Staff will ensure that the roadside spraying contractor has acknowledged the No Spray Zones and ensure that the contractor does not breach contract by spraying within the zone.

4.9 PRIVATE USE OF COUNCIL PLANT AND EQUIPMENT POLICY

Adopted by Council: 19 June 2018
Reviewer: Manager of Works & Services
Local Law:
Procedure:
Delegation:

Council Minute Reference: 69/18

OBJECTIVE

The objective of this policy is to ensure that the private use of Council's plant and equipment is transparent and to retain community confidence that the hire of plant and equipment is consistent for both Council employees and the general public.

POLICY

The policy shall apply to all parties who utilise any of Council's plant and or equipment for private or commercial use.

1. Council will not "dry hire" any plant or equipment to outside parties for commercial use.
2. Hire of plant or equipment for commercial use will be charged in accordance with plant hire and labour rates as detailed in Council's fees and charges.
3. Permission for the hire of all plant and equipment by any party must be authorised by the Manager of Works and Services.
4. Small plant and general plant/equipment, may be utilised by community groups or individual employees of Council in accordance with the following conditions:
 - a. The user shall enter into a Private Agreement with council prior to any plant or equipment being obtained for use;
 - b. In the case of a club or other organisation wishing to utilise Council plant at no cost, a community grants form must be completed and approved prior to use;
 - c. Only duly trained personnel may operate plant and equipment outside work hours for private use (including operating plant for clubs or organisations in the Shire) with no labour hire component being applied to the cost;
 - d. Actual hours and/or kilometres associated with the use of the plant, equipment and/or operator is recorded on the Private Works Agreement immediately after return so the item can be charged out appropriately;
 - e. Council's external Plant Hire Rates shall apply for private use and/or where no community grant approval has been received;
 - f. The plant and equipment is available and does not adversely inconvenience or delay Council's Works Program. No private works shall take precedence over the completion of Council's Works Program;
 - g. The plant and equipment is utilised for private use only and not for commercial gain;
 - h. The plant or equipment is returned to Council premises in a clean, tidy and fully serviceable condition;
 - i. Any damage to plant or equipment will be repaired at the employee's/organisation's/general public's costs.
5. Where plant and equipment is operated by a Council employee in accordance with this policy:
 - a. It is to be understood by all staff that use of shire plant and equipment is not an entitlement, and that a hire fee is payable for equipment that the shire own;
 - b. That any employee who agrees to operate Shire plant and equipment such as on behalf of clubs and organisations within the Shire, does so in a voluntary capacity and no remuneration will be made to the employee;

- c. Council does not take any responsibility in relation to break downs, faults or mishaps that may occur while the plant is being used;
- d. Where plant is required to be towed by a private vehicle, it is the responsibility of the user to ensure that the vehicle has the capacity to handle the additional towing load;
- e. All plant and equipment must be secured when being transported; and
- f. Where Personal Protective Equipment (PPE) e.g.; ear plugs is required, it is the responsibility of the employee to ensure such PPE is used when operating the plant.

5 AGED CARE

5.1 SPRINGHAVEN BOND RELEASE

Adopted or Reviewed by Council: 14/11/17

Council Minute Reference: 183/15

Reviewer: Manager of Aged Care Services

Local Law:

Procedure:

Delegation:

OBJECTIVE

To provide reason for not releasing Accommodation Bonds (Bonds) held at Springhaven Aged Care Facility in Kojonup (Springhaven) until Probate has been issued on the death of residents.

Background

Council presently releases Bonds on the death of a Springhaven resident, to their Estate. The risk associated in continuing this practice is that the Shire of Kojonup (Shire) cannot be guaranteed that the Bond is being paid to the Executor or Administrator of the deceased resident's estate. This is only confirmed by production of a Grant of Probate (where there is a last Will) or Letters of Administration (where there is no Will) granted from the Supreme Court of Western Australia.

What is Probate?

1. Extract from Public Trustee WA website 9 Jan 2014:
"Probate is the process of proving and registering in the Supreme Court the last Will of a deceased person. When a person dies, somebody has to deal with their estate."
2. *It is usually the executor of their Will who administers the estate and handles the disposal of their assets and debts. In order to get authority to do this, they usually need to obtain a legal document called a 'Grant of Probate'.*
3. *To protect the interests of those who hold the deceased's assets (for example banks) the executor may be asked to prove they are authorised to administer the Will before the assets can be released. The Grant of Probate is the proof required.*
4. *To obtain a Grant of Probate, the executor named in the Will must apply to the Probate Office of the Supreme Court. If their application is approved, the executor is given a Grant of Probate to confirm the author of the Will has died, the Will is authentic and the executor is who they say they are.*
5. *An executor can be an individual or a trustee company like the Public Trustee. Once a Grant of Probate has been given, management of the deceased's assets can safely be transferred to the executor.*
6. *All Grants of Probate are stored, along with the corresponding Will, at the Supreme Court. These are public documents. If a deceased person does not have a Will, validation of their estate and benefactors is not done with a Grant of Probate, but with a similar document known as 'Letters of Administration'.*
7. *In these circumstances, the Probate Registry refers to the Administration Act 1903 to assess applications."*

Implications

Without the production of a Grant of Probate or Letters of Administration the Shire of Kojonup is at risk of providing the refund of any Bond to the incorrect person and can be liable for the debts of the deceased particularly where the Bond is the only asset of the estate and there are debts of the estate to be settled.

POLICY

Bonds will not be released by the Shire until a Grant of Probate or Letters of Administration, or a certified copy of same, have been provided by the Executor/Administrator.

Interest accrued from the day following the date of death of the Resident will be calculated based on/as determined by the MPRI (maximum permissible rate of interest) as at the date of the contract. The balance of the Bond is payable together with the interest earned thereon from the day following the date of the death of the Resident upon production to the Shire of the original or certified copy of the Grant of Probate or Letters of Administration.

Recommendation for Current Residents

Obtain information as to whether they each hold a valid Will and where it is currently lodged.

All future Resident Agreements to include the process for release of Bonds and the interest payable after death to the Executor/Administrator.

5.2 SPRINGHAVEN POLICY MANUAL

Adopted or Reviewed by Council: 17/11/15

Council Minute Reference: 183/15

Reviewer: Manager of Aged Care Services

Local Law:

Procedure:

Delegation:

OBJECTIVE

To provide a range of guidelines and procedures for staff to follow in response to various services, practices, improvements, regulatory compliance, procedures, standard operating procedures, health care and medical treatments etc.

POLICY

Council adopts the Policies regarding Management Systems, Staff, Health Care, Residents Lifestyle and Safety and Security as developed for the residents of Springhaven Lodge.

All Staff employed at the Springhaven Lodge are required to familiarise themselves and comply with the Policies.

The Springhaven Policy Manual is located in the Manager's Office at Springhaven and is reviewed annually.

5.3 INDEPENDENT LIVING UNITS

Adopted or Reviewed by Council:	13/12/16 19/11/19	Council Minute Reference:	172/16 156/19
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To provide Independent Living Units to the elderly (Over 55 as per the R-Code definitions) of Kojonup, ensuring that:

- They are able to remain living locally, maintain family connections and age 'in place' in familiar surroundings; and
- Larger homes in the Shire become available for family structures with more occupants.

POLICY

Loton Close Units

The Shire of Kojonup has built 13 Independent Living Units situated in Loton Close, Kojonup. The Shire of Kojonup recognises that the elderly in the district are proud of and loyal to Kojonup and wish to remain in the community that they call home.

The following guidelines apply:

Eligibility:

To help keep our elderly in town, preference is given to:

1. Locals (defined as those currently residing in the Shire of Kojonup); and
2. At least one permanent resident to be Over 55

Process:

1. Two lists of interested tenants is maintained by the Shire with priority given to those listed on the 'Local' list over those listed on the 'Non-Local' list;
2. The list is prioritised in date order when prospective tenants lodge an interest (first in, first served);
3. When a unit becomes vacant, it is offered to the first person on the list. If the first person offered declines, then it is offered to the next person on the list until such time as a prospective tenant accepts;
4. If a prospective tenant refuses an offer, they retain their position on the list;
5. The shire does not maintain a priority list;
6. Once an Independent Living Unit is leased, the lease agreement is valid until such time as the lessee may not operate independently as defined under the lease agreement;
7. Carers are permitted to live-in but once a lease holder ceases occupation, the Carer must vacate the premises as well.

Costs/Lease Conditions:

The units are on a weekly rental basis with a bond of 4 weeks' rent being applicable. The rent is reviewed annually and is set by the Council as part of the annual Fees and Charges. Tenants are liable for power and water usage and are sub-metered. All telecommunications are between the tenant and the supplier of their choice. All building maintenance is to be performed by the Shire. The gardens are to be maintained by the tenant.

Soldier Road Units:

The following process and criteria applies to the three (3) independent living units located at Soldier Road.

Note:

These units were funded through Royalties for Regions (Regional Aged Accommodation Program (RAAP)) Funding via the State Department of Primary Industries and Regional Development and this eligibility criteria for these units should not be altered without first seeking written approval of the Department.

Process:

1. Three (3) lists of interested and eligible tenants is maintained by the Shire (see eligibility criteria below);
2. Each list is prioritised in date order when prospective eligible tenants lodge an interest (first in, first served);
3. When a unit becomes vacant, it is offered to the first person on the list for Band A. If the first person offered declines, then it is offered to the next person on the list until such time as a prospective tenant accepts;
4. If the unit cannot be tenanted from the list for Band A, it is offered to the first person on the list for Band B. If the first person offered declines, then it is offered to the next person on the list until such time as a prospective tenant accepts;
5. If a prospective tenant refuses an offer, they retain their relevant position on the list;
6. The Shire does not maintain a priority list;
7. Once a Unit is leased, the lease agreement is valid until such time as the lessee may not operate independently as defined under the lease agreement;
8. Carers are permitted to live-in but once a lease holder ceases occupation, the Carer must vacate the premises as well.

Eligibility Criteria:

To be eligible to be placed onto the list for Band A or Band B referred to above, residents must:

- a) Satisfy the means testing outlined in the (former) Department of Housing 'Community Housing Income and Asset Limits' Policy – refer to http://www.housing.wa.gov.au/HousingDocuments/CH_Income_and_Asset_Limits_Policy.pdf; and
- b) Be over the age of 65 years at the commencement of the lease (over the age of 55 years for indigenous Australians);

If there are no applicants on the waiting list that meet the criteria above, or if the offer to lease is not taken by anyone on the list for Band A or List for Band B, then the unit may be offered to residents on the Loton Close waiting list in accordance with the policy or procedure for those units.

6 REGULATORY SERVICES

6.1 FIRE MANAGEMENT PLAN

Adopted or Reviewed by Council:	19/9/17	Council Minute Reference:	115/17
Reviewer:	Manager of Regulatory and Technical Services		
Local Law:			
Procedure:			
Delegation:			

POLICY

The Wheatbelt Regional Fire Management Plan 2012-2017 is adopted in its entirety to be the Council's policy.



SHIRE OF KOJONUP

Policy Manual

NOVEMBER 2022



FOREWORD

This publication is a “living” document which has been designed to serve as a tool for the Council, Staff and any other person who wishes to use it in their dealings with the Shire. It is only one of several reference sites to guide you in conducting your daily business with the Shire of Kojonup.

Users should be mindful of the fact that in simple terms:

- Policy provides what can be done;
- Procedures provide how to do it; and
- Delegation provides who can do it.

It is important to note that the Council’s adopted policies have been made to facilitate:

- Consistency and equity in decision making;
- Promptness in responding to customer needs; and
- Operational efficiency.

Several other related policies and procedures have also been developed relating to specific operational areas; however, have been recorded separately due to their size and for ease of use. These documents are available on request and should be read in conjunction with this manual. They include:

- Springhaven Lodge Policy Manual;
- Employee Manual;
- Asset Management Plan;
- Information Communication Technology Plan (Draft);
- Risk Management Plan;
- Business Continuity and Disaster Recovery Plan;
- Volunteer Management Plan;
- Elected Member Manual; and
- Work Health and Safety Procedure Manual.

All policies are reviewed on an annual basis; however, this does not prevent or preclude a policy from an independent review if circumstances (e.g., a change in legislation etc.) warrant a review to be undertaken.

The *Freedom of Information Act 1992* embodies the following basic principles:

1. That members of the public have a legally enforceable right of access to government information;
2. That government departments and agencies are required to publish information concerning the documents they hold;
3. That people may ask for inaccurate, incomplete, out of date or misleading information to their personal records to be amended;
4. That people may appeal against a decision by a government body not to give access to the information or not to amend a personal record; and
5. *The Freedom of Information Act 1992* provides the opportunity for public access to certain Council documents and the Council fully supports these principles and makes a wide range of information available to the public.

Grant Thompson
Chief Executive Officer (CEO)

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1 COMMUNITY DEVELOPMENT & TOURISM

1.1 KOJONUP COMMUNITY BUS

Adopted or Reviewed by Council:	15/11/16	Council Minute Reference:	151/16
Reviewer:	Manager of Corporate and Financial Services		
Local Law:			
Procedure:	13 Procedure & Bus Hire Form		
Delegation:			

OBJECTIVE

To provide access to specialist transport facilities to the residents of Kojonup for educational, recreational and social outings to improve their quality of life.

POLICY

It is the policy of the Shire of Kojonup to provide a wheelchair adapted bus for the primary use of residents of Springhaven Lodge for recreational outings and also for the use of local groups, organisations and private individuals.

Procedures define the eligibility for, and conditions of use, when hiring the bus.

1.2 ** DELETED COMMUNITY FUNDING PROGRAM (CAPITAL & OPERATING)**

Policy 1.2 was deleted 15 November 2016

1.3 COMMUNITY ORGANISATION WAIVING OF DEVELOPMENT FEES

Adopted or Reviewed by Council:	14/11/17	Council Minute Reference:	183/15
Date/s Amended:	20/11/18		143/18
Reviewer:	Manager of Corporate and Financial Services		
Local Law:			
Procedure:			
Delegation:	Admin 18 – Donations to Local Groups or Individuals		

OBJECTIVE

To encourage, develop and promote community organisations.

POLICY

Fees and charges associated with the development of facilities for community or sporting groups may be waived where the community will benefit from or have use of the facility, programme etc., at the discretion of the CEO.

Donations to be journaled from the Donation Account to the relevant income account so that the value of donations can be recorded.

1.4 ** MOVED TO POLICY 2.2.14 **

1.5 MEMORIAL AND LESSER HALLS COMMUNITY USAGE/MANAGEMENT

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Manager Corporate and Financial Services		
Local Law:	Local Government Property Local Law 2020		
Procedure:			
Delegation:			

OBJECTIVE

To provide a framework for the equitable, efficient and effective management of the usage and hire of the Shire of Kojonup Memorial/Lesser Halls.

The Policy outlines the use, occupancy arrangements and management of the hire of the Memorial/Lesser Halls.

PRINCIPLES

Priority for use of the Memorial/Lesser Halls will be given to residents from the Shire of Kojonup, locally based groups and not for profit organisations.

The Memorial/Lesser Halls are not to be used for the purpose of holding any activities that may be deemed discriminatory or racially intolerant.

The Memorial/Lesser Halls will be used primarily for activities that provide community development outcomes and benefits for residents of the Shire.

The Shire recognises the need to provide community facilities that are equipped for a range of different uses and cater to the needs of a range of different users.

The Shire will ensure fair and equitable access for all user groups to the Memorial/Lesser Halls.

POLICY

1. All hirers of the Memorial/Lesser Halls will be required to enter into an agreement with the Shire to comply with the terms and conditions of hire and payment of fees and charges. This Agreement can be downloaded from the website at: <https://www.kojonup.wa.gov.au/community/facilities/memorial-hall-lesser-hall.aspx> or obtained from the Shire office.
2. Use of the Memorial/Lesser Halls for conducting commercial or business activities unless run by and for a not for profit organisation, will require the approval of the Shire or its delegate and must demonstrate community benefit.
3. The Memorial/Lesser Halls will support a range of activities, events and functions conducted by community organisations and residents; be used for both public and private events and functions; and primarily support activities and functions conducted by residents of the Shire of Kojonup or locally based organisations.
4. The closing time for any functions will be agreed/set by the Shire, having regard to the duration of the event, size, potential for noise/disturbance, sale of alcohol and direction from any other regulatory or enforcement body.
5. Fees and charges will be applied to hire the Memorial/Lesser Halls in accordance with the Shire's fees and charges schedule. Application of a discount for not for profit community organisations is currently

discounted by 50% of the full fee. Fees and charges are reviewed and set each year. These charges are based on the use of the Kojonup Memorial and Lesser Halls or part thereof. Please refer to Fees and Charges on our website at: www.kojonup.wa.gov.au/volunteers/fees-charges/ or obtain from Shire Office.

6. Bond payments will be collected from all hirers and will be refunded to the hirer only if all of the conditions of hire have been met.
7. If catering for a large function, the hirer will be expected to pay for additional waste management.
8. Priority of use of the Memorial/Lesser Halls may be given for the purpose of delivering Shire managed community programs and services.
9. The CEO or nominee will be delegated with the authority to make decisions dealing with special requests and those users which are not covered in the Policy.
10. Response for requests for hire of the Memorial/Lesser Halls will be in accordance with the Shire's Customer Service Charter.
11. Complaints from hirers in relation to the use of the facility or the service received should be directed via email to council@kojonup.wa.gov.au or by mail to the CEO, Shire of Kojonup, PO Box 163, Kojonup, WA, 6395.

1.6 HALL EQUIPMENT – RSL HALL

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Manager of Corporate and Financial Services		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To maintain an inventory of hall equipment available for external hire.

POLICY

Equipment from the RSL Hall is available for general hire (external to the facility) and not necessarily restricted to Shire of Kojonup residents. Equipment from any other Council operated facility is not to be hired externally to the venue.

A schedule of hall equipment (not including fixtures) but primarily being tables, chairs and crockery, be maintained with a view to the equipment being available for hire, with the fees (including bonds if considered necessary) to be set by Council. Refer to the adopted list of fees and charges.

Equipment from the RSL Hall is not available for hire if the venue has also been hired during the corresponding time period (regardless of when the bookings are made).

2 CORPORATE SERVICES

2.1 FINANCE

2.1.1 ** MOVED TO POLICY 3.23 **

2.1.2 PURCHASING & CREDITOR CONTROL

Adopted or Reviewed by	17/05/16	Council Minute	60/16
Council:	20/11/18	Reference:	143/18
Date/s Amended:	19/11/19		156/19
	17/05/20		60/20
	17/11/20		156/20
	28/09/21		110/21
Reviewer:	Manager of Corporate and Financial Services		
Local Law:			
Procedure:			
Delegation:	ADMIN 015 - Inviting Tenders or Quotations for the Supply of Goods & Services		
	ADMIN 016 - Acquisition & Disposal of Property		

PURPOSE

To clearly articulate the parameters for purchasing on behalf of the Shire of Kojonup.

OBJECTIVES

1. To provide compliance with the *Local Government Act 1995*, the Local Government (Functions and General) Regulations 1996 and the Local Government (Financial Management) Regulations 1996;
2. To deliver a best practice approach and procedures to internal purchasing; and
3. To ensure consistency for all purchasing activities throughout the Shire's operational areas.

PRINCIPLES

1. Ethics and Integrity

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

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

- a. Full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- b. All purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with Shire of Kojonup policies and its Code of Conduct;
- c. Purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- d. All processes, evaluations and decisions shall be transparent, free from bias and fully

- documented in accordance with applicable policies and audit requirements;
- e. Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
 - f. Any information provided to the Shire of Kojonup by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

2. Purchasing Thresholds

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

Amount of Purchase	Policy	Authorised Officers
\$0 to \$100	No formal process Small incidental purchases made from local suppliers with a running monthly account to the value of \$100 do not require quotations or purchase orders e.g. Milk from the Supermarket. All care and responsibility must still be taken as is expected when spending public money.	Shire of Kojonup Employees
\$101 - \$5,000	Direct purchase from suppliers requiring only one verbal quotation. Where the value of procurement of goods or services does not exceed \$5,000 purchase on the basis of at least one verbal quotation, is permitted. However, it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained. This purchasing method is suitable where the purchase is relatively small and low risk. A purchase order is required for all purchases.	CEO, Senior Managers
\$5,001 - \$20,000	Obtain at least two verbal or written quotations. Where possible, at least two verbal or written quotations (or a combination of both) are required. A "Record of Quotes" form must still be completed where no written quote is available, i.e.; for verbal quotations or when obtaining multiple quotes is not practical (e.g.; when due to limited suppliers, it must be noted by completing a Record of Quotes form). The general principles for obtaining verbal quotations are: <ol style="list-style-type: none"> 1. Ensure that the requirement/specification is clearly understood by the employee seeking the verbal quotations; 2. Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote; 3. Read back the details to the Supplier contact person to confirm their accuracy; and 4. Written notes detailing each verbal quotation must be recorded. 	CEO, Senior Managers

	<p>Record keeping requirements must be maintained in accordance with record keeping policies.</p> <p>A purchase order is required for all purchases.</p>	
<p>\$20,001 - \$50,000</p>	<p>Where possible, obtain at least three written quotations</p> <p>The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies. It is required to obtain at least three written quotes; should three quotes not be possible, a "Record of Quotes" form is to be completed and attached to the purchase order.</p> <p>NOTE: The general principles relating to written quotations are:</p> <ul style="list-style-type: none"> • An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion; • The request for written quotation should include as a minimum: <ol style="list-style-type: none"> 1. Written Specification; 2. Selection Criteria to be applied; 3. Price Schedule; 4. Conditions of responding; 5. Validity period of offer; 6. Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond; 7. Offer to all prospective suppliers at the same time any new information that is likely to change the requirements; 8. Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented; and 9. Respondents should be advised in writing as soon as possible after the final determination is made and approved. <p>A purchase order is required for all purchases.</p>	<p>CEO</p>
<p>\$50,001 - less than \$250,000</p>	<p>Obtain at least three written quotations containing price and specification of goods and services.</p> <p>For the procurement of goods or services where the value exceeds \$50,000 but is less than \$250,000, it is required that procurements be requested in writing and at least three written quotations obtained that contain price and a sufficient amount of information relating to the specification of goods and services being purchased. Record keeping requirements must be maintained in accordance with record keeping policies. For this procurement range, the selection should not be based on price alone, and the CEO shall consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements,</p>	<p>CEO</p>

	organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote. A purchase order is required for all purchases.	
Above \$250,000	TENDER Conduct a public tender process (See also clause 3 – Regulatory Compliance).	Full Council

Other purchasing threshold points to note:

- a. The requirement for quotations and purchase orders contained above do not apply to the following purchase types:
 - i. Fuels and Oils
 - ii. Great Southern Treasures
 - iii. Postage and Freight
 - iv. Annual Subscription and Membership Renewals
 - v. Telephone and Utilities
 - vi. Audits
- b. Where the Shire has already conducted a similar quotation process within the previous two years or is currently using a regular supplier, an existing supplier may be used with the approval of the CEO. This only applies to purchases below the tender threshold and where it would be financially and/or operationally beneficial to do so.
- c. Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$250,000 threshold (excluding GST). If a decision is made to seek public tenders for contracts of less than \$250,000, the tender process outlined in the *Local Government Act 1995* must be followed in full (r13).
- d. When assessing quotes please refer to section 3. d. Regional Price Preference.
- e. The authorised officer that is signatory on the purchase order must also be the signatory on the corresponding invoice.
- f. All requisitions must be created by one officer and authorised by a different officer, resulting in a purchase order that has been seen by two different officers prior to dispatch to a creditor. The Authorising Officer must only authorise to the amount prescribed in the Purchasing Thresholds above.
- g. Springhaven Lodge purchasing may deviate from this policy to meet other legislative requirements (such as contractors requiring a Police Clearance – Aged Care Acts).

3. Regulatory Compliance

a. Tender Exemption

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

- i. An emergency situation as defined by the *Local Government Act 1995*, providing that the goods and services are required to address needs arising from, or impacts or consequences of, the hazard to which the emergency relates;
- ii. The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- iii. The purchase is under auction which has been authorised in advance by the Council;
- iv. The contract is for petrol, oil, or other liquid or gas used for internal combustion engines; and

- v. Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.
- b. Sole Source of Supply (Monopoly Suppliers)

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

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

- c. Anti-Avoidance
Authorised Officers shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$250,000, thereby avoiding the need to publicly tender.
- d. Regional Price Preference
Preference may be given to a regional supplier by assessing the quote from that regional supplier as if the quote were reduced by:
 - i. 5% for goods or services for a supplier from within the Shire of Kojonup; and
 - ii. 2.5% for goods or services for a supplier from a Shire within the Great Southern Region of Western Australia (as defined by the Great Southern Zone of the Western Australian Local Government Association)if price then demonstrates best value outcome for the Shire.

4. Records Management

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

- a. Tender documentation;
- b. Internal documentation;
- c. Evaluation documentation;
- d. Enquiry and response documentation; and
- e. Notification and award documentation.

For a direct purchasing process this shall be via the attachments tab in the SynergySoft requisition module and includes:

- a. Quotation documentation;
- b. Internal documentation; and
- c. Order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the *State Records Act 2000*, and the Shire of Kojonup's internal Records Management Policy.

5. Payment of Creditors

The Chief Executive Officer is delegated authority to make payments from the Municipal Fund or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:

- a. The payee's name;
- b. The amount of the payment;
- c. The date of the payment; and
- d. Sufficient information to identify the transaction.

The list referred to above is to be presented to the Council at each ordinary meeting of the Council and is to be recorded in the minutes of the meeting at which it is presented.

2.1.3 DEBTOR CONTROL

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Manager of Corporate and Financial Services		
Local Law:			
Procedure:			
Delegation:	FIN 003		

OBJECTIVE

To ensure Council receives payment for goods and services provided within its credit terms, bad debts are minimised and debtor control is cost effective.

POLICY

Sundry Debtors

1. The following accounts are to be paid for prior to the service being provided:
 - a. Photocopying;
 - b. Sale of Goods, Materials or Publications;
 - c. Hall Hire and ancillary charges;
 - d. Building Applications;
 - e. Septic Tank Application Fees;
 - f. *Freedom of Information Act 1992* Application Fees;
 - g. *Planning Plans; and*
 - h. *Development Plans.*
2. The terms of credit given by the Shire of Kojonup via the *Local Government Act 1995* is 30 days. The Manager of Corporate and Financial Services is to ensure that procedures are in place to limit the risk of debts turning bad.
3. Where Private Works are to be undertaken an estimated value is to be provided to the person/group/firm requesting the private works. The Shire of Kojonup requires an agreement to be signed for any private works prior to the work being undertaken.

Rates Debtors

Options for payment and associated matters:

1. By one (1) Instalment within 14 days of date of issue of Rate Notice (early payment discount to apply);
2. By one (1) Instalment within 35 days of date of issue of Rate Notice;
3. By way of two (2) instalments; and
4. By way of four (4) instalments.

Rate Debtors that remain outstanding after the due date for payment will incur late payment interest as per the *Local Government Act 1995*. Interest is to be calculated using the prescribed maximum as per regulation 70 of the Local Government (Financial Management) Regulations 1996.

Where the option to pay by two (2) or four (4) instalments is taken, instalment interest and administration fees as per the *Local Government Act 1995* are to apply. Interest is to be calculated using the prescribed maximum as per regulation 68 of the Local Government (Financial Management) Regulations 1996.

The Manager of Corporate and Financial Services is to ensure that procedures are in place to ensure the timely recovery of outstanding amounts and to limit the risk of debts turning bad. Debtors who do not pay their accounts within the Shire's terms are not to be offered any further line of credit.

2.1.4 SELF SUPPORTING LOANS

Adopted or Reviewed by Council:	14/11/17	Council Minute Reference:	183/15
Date/s Amended:	20/11/18		143/18
Reviewer:	Manager of Corporate and Financial Services		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To provide financial assistance, by way of self-supporting loans to local non-profit clubs or organisations, for capital improvement works to land, facilities or buildings owned or vested in the Shire of Kojonup.

POLICY

Self-supporting loans may be considered by the Council on behalf of incorporated local clubs or organisations who occupy land or buildings owned by or vested in the Shire of Kojonup and who undertake to meet the capital, interest and loan guarantee payments.

Council's requirements for self-supporting loan applications will be made on a case-by-case basis and may include some or all of the following:

1. Applicant organisations must be an incorporated body and occupy land or buildings owned by or vested in the Shire of Kojonup;
2. A formal application shall be submitted, which shall include as a minimum:
 - a. Details of the amount requested, the term, purpose and any security offered;
 - b. Sufficient financial information to determine the capacity to repay the borrowing operational cash flows;
 - c. Evidence of a minuted request from the controlling Board/Committee;
 - d. Evidence of researching other funding sources e.g.; Lotterywest;
 - e. The club or organisation is to demonstrate how it will fund the replacement or refurbishment of those improvements whilst still servicing the loan; and
 - f. For requests over \$200,000, a formal business plan evidencing appropriate financial planning.
3. The funds are to be used for capital improvements to the land, facilities or buildings they occupy including matching contributions to grants;
4. Approval will only be considered where the club or organisation can adequately demonstrate, by the provision of forward financial plans covering the life of the loan, a capacity to meet the loan repayments;
5. The term of the loan should be less than or equal to the life of the capital works or improvements being undertaken;
6. All applications for self-supporting loans shall be considered by the Council for approval or rejection;
7. Where approval is granted, loan funding is to be sourced in accordance with s. 6.20 of the Local Government Act 1995 – "Power to Borrow";
8. An "Acknowledgement of Debt Agreement" or alternative written agreement is to be entered into before any release of funding to the club or organisation is made.

2.1.5 INVESTMENTS

Adopted or Amended by Council:	20/02/18	Council Minute Reference:	9/18
Date/s Amended:	20/11/18		143/18
	19/11/19		156/19
Reviewer:	Manager of Corporate and Financial Services		
Local Law:			
Procedure:			
Delegation:	FIN 002 - Investment of Surplus Funds		

OBJECTIVE

To invest the local government's surplus funds, with consideration of risk and at the most favourable rate of interest available to it at the time for that investment type, while ensuring that its liquidity requirement are being met. While exercising the power to invest, consideration is to be given in preservation of capital, liquidity, and the return of investment.

Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio.

The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.

The investment is expected to achieve a predetermined market average rate of return that takes into account the Council's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles.

POLICY

1. Investment of surplus Municipal, Reserve, Trust and Loan Funds shall be the responsibility of the Manager of Corporate and Financial Services;
2. The total amount of investments is to be recorded separately in the general ledger for Municipal, Reserve, Trust and Loan Funds;
3. A summary of the nature, location, amount and interest rate applicable to each investment will be reported to Council as part of the monthly Statement of Financial Activity;
4. Only 'Authorised Institutions', as defined by the Local Government (Financial Management) Regulations 1996, that have a fully operational Branch presence with local employment in the Kojonup town site, may be used; and
5. All fixed investments must be for a term of 12 months or less.
6. To ensure that the Shire has sufficient funds to refund any accommodation bond balance or entry contribution balance for Springhaven Lodge as and when they fall due an amount of no less \$1,000,000.00 will be held at call. These funds will be held in either the Shire of Kojonup Reserve account or Term Deposits held at the NAB.

All investments are to comply with the following:

1. Local Government Act 1995 – s. 6.14;
2. The Trustees Act 1962 – Part III Investments;
3. Local Government (Financial Management) Regulations 1996 – Regulation 19, Regulation 19C, Regulation 28, and Regulation 49; and
4. Australian Accounting Standards.

Prudent Person Standard

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

Ethics and Conflicts of Interest

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

Approved Investments

Without approvals from Council, investments are limited to:

1. State/Commonwealth Government Bonds;
2. Interest bearing deposits;
3. Bank accepted/endorsed bank bills;
4. Commercial paper;
5. Bank negotiable Certificate of Deposits; and
6. Managed Funds with a minimum long term Standard & Poor (S&P) rating of "A" and short term rating of "A2".

Prohibited Investments

This Investments Policy prohibits any investment carried out for speculative purposes including:

1. Derivative based instruments;
2. Principal only investments or securities that provide potentially negative cash flow;
3. Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind;
4. Investment in foreign currency/bonds; or
5. Cryptocurrency e.g.; Bitcoin.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment. A file is to be maintained detailing all investments and associated transactions. Investments to be reconciled to source documentation on a monthly basis.

2.1.6 MONTHLY FINANCIAL STATEMENTS

Adopted or Reviewed by Council:	15/11/16 19/11/19 17/11/20	Council Minute Reference:	151/16 156/19 156/20
Reviewer:	Manager of Corporate and Financial Services		
Local Law:			
Procedure:			
Delegation:	FIN 001		

OBJECTIVE

To define the information contained within:

1. The monthly and quarterly financial statements; and
2. The material variance level for financial reporting in accordance with Local Government (Financial Management) Regulations 1996 r.34.

POLICY

Format of Monthly Financial Statements

The monthly financial statements to be prepared in accordance with Local Government (Financial Management) Regulation 34 shall be prepared in the following manner:

1. Quarterly (months ending September, December, March and June) – A detailed financial description of the Shire's operations;
2. Monthly (remaining 8 months) – A short and succinct overview, or snap shot, of the financial position at month's end; and
3. Variances will only be reported where it has a negative impact on the Shire's finances. For example; over expenditure and under revenue will be reported; under expenditure or excess revenue will not.

As such, the Monthly Financial Statements will contain the following information as a minimum:

QUARTERLY	MONTHLY
• Executive Summary	• Executive Summary
• Municipal Fund Summary (Rate Setting Statement)	• Municipal Fund Summary (Rate Setting Statement)
• Income Statement by Nature & Type	• Income Statement by Nature & Type
• Variance Report	• Variance Report
• Progress of the Capital Program	
• Reserve Accounts	
• Rates and Sundry Receivables	
• Information on Borrowings	
• Details of Major Business Units	
• Description of Programs	
• Detailed Statement of Operating Income	
• Plant Replacement Details	
• Capital Grants and Restricted Cash	
• Summary of Budget Amendments	

Defining Material Variances

For the purposes of identifying “material variances” under Local Government (Financial Management) Regulation 34, the following formula shall be used:

$$\frac{\text{Year-to-Date Actual}}{\text{Year-to-Date Budget}} - 100\%$$

Material variances will be reported when exceeding 10%, or a minimum of \$10,000, of the items contained within the Rate Setting Statement. Examples of how this formula will be implemented, providing that this remains as a guide only with staff free to additionally identify or comment on greater variances and where other factors warrant, are as follows:

	Annual Budget	YTD Budget	YTD Actual	Variance %	Comments
Operating Revenue					
General Purpose Funding	-\$5,759,496	-\$4,198,600	-\$4,226,968	1%	No Report - More revenue is advantageous
Governance	-\$48,028	-\$16,000	-\$15,721	-2%	No Report - less than 10%
Law, Order, Public Safety	-\$58,250	-\$19,404	-\$25,000	29%	No Report - More revenue is advantageous
Health	-\$44,162	-\$14,712	-\$9,240	-37%	Variance Explanation Required
Education and Welfare	-\$2,850	-\$944	\$0	-100%	No Report - less than \$5,000
Operating Expenditure					
General Purpose Funding	\$132,097	\$80,722	\$78,042	-3%	No Report - under expenditure is advantageous
Governance	\$587,197	\$233,784	\$240,464	3%	No Report - less than 10%
Law, Order, Public Safety	\$294,005	\$97,964	\$110,006	12%	Variance Explanation Required
Loans					
Repayment of Debentures	\$47,306	\$15,769	\$0	-100%	No Report - under expenditure is advantageous
Proceeds from New Debentures	-\$950,000	-\$316,667	\$0	-100%	Variance Explanation Required

2.1.7 ** DELETED ** MAJOR GRANT APPLICATIONS

Policy 2.1.7 was deleted 19 November 2019

Covered in Capital Evaluation Framework

2.1.8 FINANCIAL GOVERNANCE

Adopted or Reviewed by Council:	13/12/16	Council Minute Reference:	165/16
Amended:	21/05/19		49/19
	19/11/19		156/19
	14/12/21		154/21
Reviewer:	Manager of Corporate and Financial Services		
Local Law:			
Procedure:			
Delegation:			

BACKGROUND

This financial governance policy should be read in conjunction with other financial management policies which contain the Shire's overarching financial objectives.

OBJECTIVE

The objective is to establish financial management and governance principles to be applied to general financial decision making.

POLICY

General Principles

The Shire will make decisions in relation to financial management and financial governance that encompass the following principles:

1. Management of financial risk prudently, having regard to economic circumstances;
2. Examples of financial risks to be managed prudently include the level of debt, commercial activities, community business activities, financial assets and liabilities;
3. Implement spending and rating policies to promote stability and predictability;
4. Fund physical assets with regard to intergenerational equity;
5. Manage and maintain physical assets to achieve the maximum useful life from the initial investment; and
6. Ensure full, accurate and timely disclosure of financial information, unless commercial in confidence.
7. To ensure that the Shire has sufficient funds to refund any accommodation bond balance or entry contribution balance for Springhaven Lodge as and when they fall due an amount of no less \$1,000,000.00 will be held at call. These funds will be held in either the Shire of Kojonup Reserve account or Term Deposits held at the NAB.

Major Projects

Each major building project or budget item coming before the Council for consideration shall be assessed against the following factors:

1. Demonstrated community need;
2. Estimated annual cost to the Shire of operating;
3. Estimated annual cost to the Shire of maintenance;
4. Agreed lease or tenure conditions by third party;

5. Savings required to fund asset replacement at the end of its useful life;
6. Economic or community development advantages to the area;
7. Identified funding sources, both for construction and operating, secured and potential;
8. Council's Capital Evaluation Framework; and
9. Council's Risk Management Framework.

Operating Results

The Council will structure its budget to achieve an outcome where operating revenue (less capital contributions) is at least sufficient to meet operating expenses. The extent of any operating surplus will be dependent on the resources necessary to manage the renewal of assets (including infrastructure assets and business activity assets) and considering intergenerational equity issues.

Cash Reserves

In addition to grant funding, the Shire's reserve accounts are one of the primary funding sources for major projects and will be prioritised in the annual budget.

Cash reserves are to be established and maintained to accumulate funds for the following purposes:

1. To smooth funding allocations over future years;
2. To offset liabilities in respect of previously earned employee entitlements to the extent they require an outflow of funds not allocated in the annual budget;
3. To meet statutory obligations;
4. To fund renewal of existing physical/built assets;
5. To fund future strategic initiatives and the provision of new services and facilities to future residents;
6. To buffer against unpredictable events;
7. To hold unspent grants and contributions; and
8. Other purposes as determined by the Council from time to time.

When preparing the annual budget each year, consideration will be given to establishing reserve accounts for major projects as contained within the Community Strategic Plan.

The Manager of Corporate and Financial Services will conduct an annual review for the Council addressing the appropriateness of each reserve account purpose, suitability of current balances, and deficiencies for the funding of future projects as identified in adopted forward plans.

Specifically, the following goals are set for individual reserve account balances:

- Employee Leave – As a minimum, the level of this reserve should meet both:
 - The EBA sick leave liability (clause 29); and
 - The current portion of the long service leave liability for staff with seven (7) years or more service.

This funding goal is to be implemented over several financial years up to 2021/2022 to manage the financial impact.

- Day Care Building Maintenance – 100% of annual rent paid by the tenant is deposited into this account;
- Springhaven Building Upgrade & Renewal - This reserve receives 100% of interest earned from the 'Springhaven Lodge' (bonds paid by residents) reserve account;
- Low Income Housing - All operating profit/(loss) is to be transferred to/(from) this reserve in accordance with the joint venture agreement with the Department of Housing;

- Independent Living Units - Operating profits from Loton Close & Soldier Road units are transferred to this reserve;
- Landfill Waste Management - 10% of total rubbish & recycle bin charges are to be allocated to this reserve annually;
- Saleyards - The profit or loss from annual operations of the Saleyards to be transferred to this account;
- Netball Court Resurfacing Reserve – A \$3,500 annual contribution will be made to this reserve to make provision for the resurfacing of the acrylic surface at the end of its useful life.

Borrowing

Borrowing will be undertaken in accordance with the Shire's Borrowing Management Policy.

Regulatory Role

Where the Shire operates in a competitive environment while providing a regulatory or statutory role in that environment, it will maintain a management structure designed to minimise the potential for conflict between these two roles and through transparency to maintain confidence in its regulatory independence.

2.1.9 BORROWING MANAGEMENT

Adopted or Reviewed by Council: 17/11/15

Council Minute Reference: 183/15

Reviewer: Manager of Corporate and Financial Services

Local Law:

Procedure:

Delegation:

BACKGROUND

This Borrowing Management Policy should be read in conjunction with other Financial Management Policies which contain the Shire of Kojonup's overarching financial objectives.

A local government may borrow to perform the functions and exercise the powers conferred on it under the *Local Government Act 1995*.

OBJECTIVE

The objective is to define the conditions under which the Council will consider the use of borrowings to fund its activities.

PRINCIPLES

The Shire of Kojonup will exercise its power to borrow in a financially responsible and prudent way so as to promote equity amongst current and future ratepayers.

STATEMENT OF POLICY

Overview

The following is a general description of the Shire's policy objectives with respect to borrowing management:

1. Prudently manage the Council's borrowing to ensure sustainable funding;
2. Minimise borrowing costs;
3. Manage short-term cash flows in an efficient and prudent manner;
4. Maintain market confidence in the local government's creditworthiness and financial stability;
5. Plan future cash flow needs to assist with borrowing decisions; and
6. Maintain sufficient liquidity to meet planned and un-planned cash flow needs.

Matching revenue sources to service debt

To achieve prudent use of the Shire's borrowing powers, it is our objective that debt repayments are:

1. Matched by investments or assets that produce or have the potential to produce income that can service the debt; or
2. Matched by binding agreements entered into with external parties to service the debts (e.g.; self-supporting loans for community groups); or
3. Supported by identified specific revenue sources (e.g.; Specified Area Rates); or
4. Supported by specific general revenue sources (such as rates or fees and charges) or identified reductions in future operating expenditure sufficient to match the repayment schedule.

Purpose of Borrowing

In general, the Shire will not borrow to fund operating expenditure. Loan funds are viewed as a valid form of funding source, under certain circumstances:

1. Loans can be used when funding an asset that has a useful life exceeding the term of loan;

2. Loans will not be used for plant and equipment, or assets that can easily be removed;
3. Capital expenditure that provides a new intergenerational service or renews an existing service;
4. Short-term peak working capital requirements (overdraft or short-term fixed amounts);
5. Investment in Major Land Transactions (Post Business Plan adoption);
6. Investment in Major Trading Undertakings (Post Business Plan adoption)
7. Investment in Community Business Activities;
8. Transitional/bridging funding for projects or acquisitions; and
9. Loans help spread the cost of providing long term assets (such as land and buildings) to future users of the facility.

Borrowing in exception to this policy will only occur in either an emergency or when considered necessary and financially prudent on a case-by-case basis. In such cases, the Council would consider:

1. Special circumstances;
2. Nature of the borrowing;
3. Its repayment terms; and
4. The source of funding.

Before committing to a loan, a report outlining future loan commitments (both existing and planned), financial ratios and the Shire's borrowing capacity will be prepared and presented to the Council.

Term of Debt

The maximum debt repayment period will be determined by taking into account:

1. The expected useful lives of assets financed by the debt;
2. Considerations relating to intergenerational equity; and
3. Preference for loan terms not exceeding fifteen (15) years, nor more than half of the total project cost.

Debt repayments levels (both interest and principal) will be determined by:

1. The need to maintain prudent and sustainable debt levels;
2. Comparison with the borrowing levels of WA local governments with similar economic profiles;
3. Prevailing interest rates and possible future movements;
4. The need to re-negotiate borrowings at future periods;
5. The cash flow forecasts of any supporting asset used as a source of funds to service the debt; and
6. The transitional or bridging nature of the borrowing.

The Council will consider its forecast borrowing requirements as part of its:

1. Community Strategic Plan;
2. Corporate Business Plan;
3. Long Term Financial Plan;
4. Asset Management Plan; and
5. Adoption of the annual budget.

Borrowing Parameters

To help ensure that the Shire achieves the objectives of its Borrowing Management Policy, the following outstanding borrowing parameters will prevail:

Measurement ratio:

Total principal outstanding / less self-supporting loan principal
General Funds (S 6.21 Act)

Restriction on Borrowings

To be prudent with its borrowing powers, the Shire will restrict its 'own purpose' borrowings to a measurement ratio of 0.80.

A measurement ratio exceeding 0.80 may be specifically approved by a resolution of the Council providing the amount above the threshold relates to a community business or commercial activity (as defined) that generates positive cash flows sufficient to offset the debt repayments without a negative impact upon general revenue.

Interest Rate Risk

To promote interest rate predictability and a linkage with nominated revenue sources, the Shire's preferred borrowing instrument is a fixed interest rate debenture. Within any total loan portfolio the maximum amount of loans with a variable floating interest rate is not to exceed 15%.

Institution Selection

In selecting the lender the Shire will undertake a transparent process which tests the current credit market and displays good governance principals.

Self-Supporting Loans

Refer to Council policy 2.1.4 – Self-Supporting Loans.

2.1.10 CORPORATE CREDIT CARDS

Adopted or Reviewed by	17/11/15	Council Minute	183/15
Council:	20/11/18	Reference:	143/18
Date/s Amended:	19/11/19		156/19
Reviewer:	Manager of Corporate and Financial Services		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To establish the use of Corporate credit cards and outline the responsibilities of card holders.

POLICY STATEMENT

Corporate credit cards can deliver significant benefits through improved administrative practices and more effective cash management. They can, however, also expose a local government to significant risks if not properly controlled; these risks can be minimised by implementing policies to control their use. Credit cards can be a more efficient purchasing method than that of formal methods in some circumstances and can reduce administration costs, and the need to carry cash.

It is important to have a communication strategy that informs new employees and reminds existing employees of the policies that govern the use of credit cards.

LEGISLATION

The use of credit cards is not specifically mentioned in the *Local Government Act 1995*; however, the following sections of this *Act* impact the use and control of corporate credit cards:

1. s. 2.72(2) (a) and (b) requires the Council to oversee the allocation of the local government's finances and resources and to determine the policies of the local government.
2. s. 6.5(a) requires the CEO to ensure proper accounts and records of the transactions and affairs of the local government are kept in accordance with regulations.

Local Government (Financial Management) Regulations 1996 r. 11(1) (a) requires local governments to develop procedures for the authorisation and payment of accounts to ensure that there is effective security for, and properly authorised use of cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained.

The *Local Government Act 1995* does not allow for the issue of Corporate Credit Cards to elected members. There are no provisions within this *Act* which allow an elected member to incur a debt, as would be the case with a credit card.

GENERAL

Corporate Credit Cards shall only be issued to the Chief Executive Officer and Executive Managers.

Each officer shall sign an agreement which sets out the cardholder's responsibilities and legal obligations when using the credit card:

1. A register of all current cardholders shall be kept which includes card number, expiry date of the credit card, credit limit and details of goods and services the cardholder has authority to purchase;

2. In the event of their employment ceasing, the cardholder is to immediately return the credit card for destruction, in accordance with employee termination procedures;
3. If a card is lost or misplaced, the cardholder shall notify the Chief Executive Officer immediately to enable the loss to be reported and to arrange a replacement card;
4. Credit cards should never be transferred to other users; and
5. There will be no reward schemes (such as frequent flyer points) attached to the cards.

PURCHASING

1. Corporate credit cards are only to be used for purchasing goods and services on behalf of the local government which have been authorised in the current annual budget;
2. Cardholders should ensure that suppliers record an adequate description of goods or services on the tax invoice to ensure appropriate levels of accountability. Appropriate documentation should be obtained to ensure that the purchase can be verified to the satisfaction of the CEO. Wherever possible, a tax invoice must be obtained;
3. Cardholders must adhere to Council Policy 2.1.2 - Purchasing and Creditors Control;
4. Personal expenditure is strictly prohibited and disciplinary action may be taken;
5. Cash withdrawals are not available on the cards;
6. Each credit card provided shall have a maximum limit of \$3,000 except for the Chief Executive Officer whose maximum limit shall be \$10,000;
7. Where a cardholder undertakes purchases by way of facsimile, telephone or over the internet, a tax invoice or receipt is required in all circumstances and must contain details of the purchase; and
8. All invoices/receipts, complete with general ledger/job number allocations, must be provided to the Senior Finance Officer as soon as practicable after the credit card purchase is made.

PAYMENTS

1. On receipt of the monthly statement, the Senior Finance Officer will attach all invoices/receipts to the statement and assign GL/Job number allocations;
2. The monthly credit card statement will be distributed to the respective cardholder to certify transactions; and
3. The monthly balance for each credit card will be recouped by direct debit from the Municipal Fund on the statement due date.

AUSTRALIAN BUSINESS NUMBER (ABN)

Cardholders should remember that if a supplier does not have an ABN and Pay As You Go tax has not been withheld on the credit card statement, the local government is still liable to pay the corporate credit card provider the full amount and also the ATO prevailing ABN Withholding Tax Rate (46.5% as at 1 July 2014) of the purchase price.

GUIDELINES FOR USE OF CORPORATE CREDIT CARDS

It is not proposed to list or describe every situation where the corporate credit card can or should be used but rather to provide general guidelines to be followed – senior officers should be scrupulous in the usage of corporate credit cards and always have appropriate documentation which can verify and justify the expenditure to the CEO.

Expenditure utilising the corporate credit card should, where possible, be kept to a minimum. The preferred method for purchasing goods or services is by using an official Shire purchase order in accordance with Council Policy 2.1.2. On occasion it is recognised that some goods cannot be

purchased by order or, because of circumstances (i.e.; away from the office), it is more convenient to use the credit card.

Purchase of food, drink or other forms of entertainment should be restricted to officially sanctioned events such as:

1. Whilst travelling on Shire business – training, conferences etc.;
2. Providing sustenance for councillors or staff;
3. Meals following Council meetings; and
4. Meals for emergency personnel during an emergency.

2.1.11 RELATED PARTY TRANSACTION DISCLOSURES

Adopted or Reviewed by Council: 15/08/2017 **Council Minute Reference:** 90/17

Reviewer: Manager of Corporate and Financial Services

Local Law:

Procedure: Related Party Disclosures – Declaration Form

Delegation:

OBJECTIVE

This policy relates to the requirements of Related Party Disclosures to be made in the Shire's Annual Financial Reports in compliance with Australian Accounting Standards Board (AASB) 124.

To provide guidance to elected members and identified Key Management Personnel (KMP) to assist in them making an informed judgement as to who is considered to be a related party and what transactions need to be considered when determining if disclosure is required.

POLICY STATEMENT

The purpose of this policy is to stipulate the information to be requested from related parties to enable an informed judgement to be made and that:

1. The Council recognises the requirement to comply with AASB 124 and thus disclose Related Party Disclosures in each Annual Financial Report commencing from 1 July 2016; and
2. This policy outlines required mechanisms to meet the disclosure requirements of AASB 124.

1.0 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 includes a person who has significant influence over the reporting entity, a member of KMP of the entity, or a close family member of that person who may be expected to influence that person.

Key Management Personnel (KMP) are defined as persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly.

For the purposes of determining the application of the standard, the Shire has identified the following persons as meeting the definition of *Related Party*:

1. An elected Council member;
2. Key management personnel being a person employed under s. 5.36 of the *Local Government Act 1995* in the capacity of Chief Executive Officer or Manager;
3. 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, dependants of that person or person's spouse or domestic partner; and
4. 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.

2.0 IDENTIFICATION OF RELATED PARTY TRANSACTIONS

A related party transaction is a transfer of resources, services or obligations between the Shire (reporting entity) and the related party, regardless of whether a price is charged.

For the purposes of determining whether a related party transaction has occurred, the following transactions or provision of services have been identified as meeting this criteria:

1. Paying rates;
2. Fines;
3. Use of Shire owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not);
4. Attending Council functions that are open to the public;
5. Employee compensation whether it is for KMP or close family members of KMP;
6. Application fees paid to the Shire for licences, approvals or permits;
7. Lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a Real Estate Agent);
8. Lease agreements for commercial properties;
9. 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);
10. Sale or purchase of any property owned by the Shire, to a person identified above;
11. Sale or purchase of any property owned by a person identified above, to the Shire;
12. Loan Arrangements; and
13. 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 general public and have been provided in the course of delivering public service objectives. These transactions are those that an ordinary citizen would undertake with the Shire and are referred to as an Ordinary Citizen Transaction (OCT). Where the Shire can determine that an OCT was provided at arms-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.

3.0 DISCLOSURE REQUIREMENTS

For the purposes of determining relevant transactions in 2.0 above, elected Council members and key management personnel, will be required to complete a *Related Party Disclosures - Declaration* form for submission to the Manager of Corporate and Financial Services.

Ordinary Citizen Transactions (OCTs)

Based on the facts and circumstances, the following OCT that are provided on terms and conditions no different to those applying to the general 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 *Related Party Disclosures - Declaration* form will be required.

1. Paying rates;
2. Fines;
3. Use of Shire owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not); and
4. Attending Council functions that are open to the public.

Where these services were not provided at arms-length and under the same terms and conditions applying to the general public, elected 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 above in 2.0, elected Council members and KMP will be required to make a declaration in the *Related Party Disclosures - Declaration* form.

Frequency of disclosures

1. Elected Council members and KMP will be required to complete a *Related Party Disclosures - Declaration* form each year.
2. Disclosures must be made by all Councillors immediately prior to any ordinary or extraordinary election.
3. Disclosures must be made immediately prior to the termination of employment of/by a KMP.

4.0 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.

5.0 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.

2.1.12 COVID-19 FINANCIAL HARDSHIP

Adopted or Reviewed by Council: 17/05/20
Date/s Amended:

Council Minute Reference:
62/20

Reviewer: Manager of Corporate and Financial Services

Local Law:

Procedure:

Delegation:

PURPOSE

To give effect to our commitment to support the community to meet the unprecedented challenges arising from the COVID19 pandemic, Shire of Kojonup 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

POLICY SCOPE

This policy applies to:

1. Outstanding rates and service charges as at the date of adoption of this policy;
and
2. Rates and service charges levied for the 2020/21 financial year.

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 (the Act) and Local Government (Financial Management) Regulations 1996 will apply.

POLICY STATEMENT

1. Payment difficulties, hardship and vulnerability

Payment difficulties, or short term financial hardship, occur where a change in a person's circumstances results 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 dependants. Shire of Kojonup recognises the likelihood that COVID-19 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.

2. Anticipated financial hardship due to COVID-19

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. We will write to ratepayers at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible ratepayers to apply for hardship consideration. Where possible and appropriate, we will also provide contact information for a recognised financial counsellor and/or other relevant support services.

3. 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 into a payment proposal. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

4. Payment Arrangements

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

- That a ratepayer 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, we reserve the right to consider waiving or writing off additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy). This will be undertaken in accordance with Council's current delegation of authority to the Chief Executive Officer or via Council resolution.

5. Interest Charges

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

6. 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.

7. 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 2021, 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 2021/2022 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 Act.

8. 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.

9. Communication and Confidentiality

We will maintain confidential communications at all times and we undertake to communicate with a nominated support person or other third party at your written 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 stresses, 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.

2.2 HUMAN RESOURCES

2.2.1 STAFF EQUAL OPPORTUNITY

Adopted or Reviewed by Council:	17/11/15 19/11/19	Council Minute Reference:	183/15 156/19
Reviewer:	Manager of Corporate and Financial Services		
Local Law:			
Procedure:	Section 4, Supporting our Staff in the Workplace, Policy 14 – Equality Policy, p82 – Employee Manual		
Delegation:			

OBJECTIVE

To comply with the provisions of the *WA Equal Opportunity Act 1984*.

POLICY

The Shire of Kojonup is an equal opportunities employer and ensures that there is no discrimination on grounds unrelated to the job requirements. In particular, there will not be any contravention of the *WA Equal Opportunity Act 1984* which prohibits discrimination in employment on the basis of sex, age, marital status, parenthood, race, colour, pregnancy, religious or political activity or views, physical or mental impairment, sexual orientation, family responsibility or family status, or breastfeeding.

POLICY STATEMENT

The Shire of Kojonup recognises that discrimination and victimisation is unacceptable and that it is in the interests of the Shire and its employees to utilise the skills of the total workforce. It is the aim of the Shire to ensure that no employee or job applicant receives less favourable facilities or treatment (either directly or indirectly) in recruitment or employment on grounds of age, disability, gender/ gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion or belief, sex, or sexual orientation (the **protected characteristics**).

Our aim is that our workforce will be truly representative of all sections of society and each employee feels respected and able to give of their best.

We oppose all forms of unlawful and unfair discrimination or victimisation. To that end the purpose of this policy is to provide equality and fairness for all in our employment.

All employees, whether part-time, full-time or temporary, will be treated fairly and with respect. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the Shire.

Our staff will not discriminate directly or indirectly, or harass customers or clients because of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation in the provision of the Shire's goods and services.

1. Our Commitment

- To create an environment in which individual differences and the contributions of all staff are recognised and valued.

- Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- Training, development and progression opportunities are available to all staff.
- The Shire of Kojonup will review all our employment practices and procedures to ensure fairness regularly.
- Breaches of the equality policy will be regarded as misconduct and could lead to disciplinary proceedings.

2. Responsibilities of Management

Managers will ensure that they and their staff to operate within this policy and arrangements, and that all reasonable and practical steps are taken to avoid discrimination. Each manager will ensure that:

- all their staff are aware of the policy and the arrangements, and the reasons for the policy;
- grievances concerning discrimination are dealt with properly, fairly and as quickly as possible;
- proper records are maintained.

The Chief Executive Officer will be responsible for monitoring the operation of the policy in respect of employees and job applicants.

3. Responsibilities of Staff and Elected Members

Responsibility for ensuring that there is no unlawful discrimination rests with all staff and elected members and the attitudes of staff and elected members are crucial to the successful operation of fair employment practices. In particular, all members of staff and elected members should:

- comply with the policy and arrangements;
- not discriminate in their day to day activities or induce others to do so;
- not victimise, harass or intimidate other staff or elected members or groups who have, or are perceived to have one of the protected characteristics;
- ensure no individual is discriminated against or harassed because of their association with another individual who has a protected characteristic; and
- inform their manager if they become aware of any discriminatory practice.

4. Third Parties

Third-party harassment occurs where a Shire employee or elected member is harassed, and the harassment is related to a protected characteristic, by third parties such as clients or customers. The Shire of Kojonup will not tolerate such actions against its staff or elected members, and the employee/elected member concerned should inform their manager/supervisor/Shire President at once that this has occurred. The Shire of Kojonup will fully investigate and take all reasonable steps to ensure such harassment does not happen again.

5. Related Policies and Arrangements

All employment policies and arrangements have a bearing on equality of opportunity. The Shire policies will be reviewed regularly and any discriminatory elements removed by the CEO.

6. Rights of Disabled People

The Shire attaches particular importance to the needs of disabled people.

Under the terms of this policy, managers are required to:

- make reasonable adjustment to maintain the services of an employee who becomes disabled, for example, training, provision of special equipment, reduced working hours. (NB: managers are expected to seek advice on the availability of advice and guidance from external agencies to maintain disabled people in employment);
- include disabled people in training/development programs;
- give full and proper consideration to disabled people who apply for jobs, having regard to making reasonable adjustments for their particular aptitudes and abilities to allow them to be able to do the job.

7. Equality Training

A series of regular briefing sessions will be held for staff and elected members on equality issues. These will be repeated as necessary.

Training will be provided on this policy and the associated arrangements. All staff and elected members who have an involvement in the recruitment and selection process will receive specialist training.

8. Monitoring

- The Shire deems it appropriate to state its intention not to discriminate and assumes that this will be translated into practice consistently across the Shire as a whole. Accordingly, a monitoring system will be introduced to measure the effectiveness of the policy and arrangements.
- The system will involve the routine collection and analysis of information on employees by gender, marital status, ethnic origin, sexual orientation, religion / beliefs, grade and length of service in current grade. Information regarding the number of staff who declare themselves as disabled will also be maintained.
- There will also be regular assessments to measure the extent to which recruitment to first appointment, internal promotion and access to training/development opportunities affect equal opportunities for all groups.
- The information collected for monitoring purposes will be treated as confidential and it will not be used for any other purpose.
- If monitoring shows that the Shire, or areas within it, are not representative, or that sections of our workforce are not progressing properly within the Shire, then an action plan will be developed to address these issues. This will include a review of recruitment and selection procedures, Shire policies and practices as well as consideration of taking legal Positive Action.

9. Grievances/Discipline

Employees have a right to pursue a complaint concerning discrimination or victimisation via the Shire *Workplace Discrimination and Harassment Policy*.

2.2.2 ELIMINATION OF HARASSMENT IN THE WORKPLACE

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Date/s Amended:	20/11/18		143/18
Reviewer:	Manager of Corporate and Financial Services		
Local Law:			
Procedure:	Employee Manual		
Delegation:			

OBJECTIVE

To provide a workplace that is free from all forms of harassment and victimisation.

POLICY

It is the right of every individual to be able to carry out their job in an environment which promotes job satisfaction and maximises performance. Such an environment is dependent on it being free from all forms of harassment and victimisation.

Note: Reference also the *WA Equal Employment Opportunity Act 1984*.

2.2.3 EMPLOYEE CONFERENCES, SEMINARS & WORKSHOPS

Adopted or Reviewed by Council:	17/11/15 17/11/20	Council Minute Reference:	183/15 156/20
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:	ADMIN 004		

OBJECTIVE

To provide employees with opportunities to attend conferences, seminars and workshops that “add value” and continuous improvement to their positions as well as enhance skill sets and knowledge to the benefit of the employee, Shire and Community in meeting and delivering effective strategic and operational outcomes.

POLICY

1. The progression of employee development and continuous improvement is an ongoing commitment of Council, ensuring the effective and efficient performance of employees as recognised in the Workforce Plan.
2. In respect of employees attending approved conferences, seminars or workshops with the Shire’s approval, the following expenses will be met by the Shire:
 - (a) Registration Fees;
 - (b) Accommodation and reasonable meal costs, excluding minibar and alcohol;
 - (c) Incidental expenses such as work related parking, taxis and telephone calls; and
 - (d) Travelling.All travelling procedures must comply with Work Health and Safety (WHS) requirements.
3. The Shire will allow employees to travel to the course in work time; that is, if the course is held in Perth, the employee can depart Kojonup at 1.00 p.m. on the day prior to the course in order to arrive at the approximate normal finishing time. The same principle would apply for any other destinations.
4. The Shire may provide a vehicle for travel; however, the vehicle must be returned to the Shire immediately on return to Kojonup, unless arrangements are made to the Shire’s satisfaction for an extension. If a Shire vehicle is unavailable, the Shire will reimburse travelling expenses in accordance with Australian Taxation Office kilometre allowances as varied each year.
5. Dependent on the type of conference, seminar or workshop and content thereof, an employee may be required as directed by their respective Manager, CEO or Council to submit a report or make a presentation enabling Council to remain informed of benefits derived from an employee’s attendance which may also be of benefit to the organisation in building corporate and employee knowledge and awareness.
6. No overtime or penalty rates will apply for any employee attending a conference, seminar or workshop under this policy.
7. An employee attending a conference, seminar or workshop, subject to WHS requirements, will be expected to wear the corporate uniform wherever possible to signify your representation of the Shire of Kojonup.
8. Employees will adhere to the Shire’s Code of Conduct at all times.

2.2.4 EDUCATION ASSISTANCE

Adopted or Reviewed by Council: 14/11/17

Council Minute Reference: 183/15

Reviewer: Manager of Corporate and Financial Services

Local Law:

Procedure:

Delegation:

OBJECTIVE

To provide assistance to employees when undertaking courses of study to improve job skills and knowledge in better equipping employees to contribute to the objectives of the Council.

Specifically, the objective is to increase the efficiency of Council through the provision of suitably qualified and trained employees, improved work performance and improved adaptability of employees to organisational change.

POLICY

That the Council provides the following support to employees desiring to undertake courses of study in enhancing their skills and knowledge:

1. Reimbursement of prepaid compulsory fees upon successful completion of each unit including enrolment fees, subject fees and Government fees subject to a maximum of \$2,000 excluding GST per annum per employee;
2. The cost of accommodation and travelling costs will not be reimbursed;
3. The cost of textbooks, instruments, and materials up to \$250 will be refunded upon production of receipts;
4. Special leave of up to four days per annum will be granted to employees required to attend examinations, compulsory seminars, workshops, or practical sessions;
5. The CEO is responsible for approving any application for Educational Assistance in accordance with the Policy objectives and may consider amending specific conditions due to financial hardship requests.

The employee is to satisfy the CEO that any course of study proposed to be undertaken will benefit the organisation in accordance with workforce planning and/or performance appraisals.

2.2.5 PRESENTATIONS – DEPARTING EMPLOYEES

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Date/s Amended:	20/11/18		143/18
Reviewer:	Manager of Corporate and Financial Services		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To ensure a policy exists which clarifies presentations by Council to retiring or departing employees.

POLICY

Upon resignation or retirement of an employee, the Shire may, as a token of appreciation for the years of continuous service, provide one or both of the following:

1. A gift (or money/gift card) valued at up to \$100 for each completed year of service, to a maximum of \$1,000;
2. Gift selection to be discussed with the Chief Executive Officer.

Note:

Reference s. 5.50 of the *Local Government Act 1995*, as amended, which requires action if paying in excess of this Policy.

2.2.6 SALARY PACKAGING

Adopted or Reviewed by Council:	20/02/18	Council Minute Reference:	13/18
Date/s Amended:	20/11/18		143/18
Reviewer:	Manager of Corporate and Financial Services		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To recognise the importance of establishing the correct packages for each of these key positions in order to attract the person with the skills and experience necessary to perform in the top quartile of the performance spectrum.

To ensure that the parameters for the calculation of salary and other salary package items for senior employees is comparable, in at least some key aspects of its operations and responsibilities, with other Band 3 shires.

To recognise the special role played by these officers in the development of the Shire of Kojonup.

POLICY

The following positions are established as Designated Officers under s5.37 of the *Local Government Act 1995* and this policy specifically covers these positions:

- Chief Executive Officer;
- Manager of Corporate and Financial Services;
- Manager of Works & Services;
- Manager of Regulatory & Technical Services; and
- Manager of Aged Care Services.

The Salary Packaging Policy of the Shire of Kojonup is summarised as follows:

1. To attract and retain the skilled and experienced management personnel necessary to professionally manage the Council;
2. Council will be expecting outstanding professional and management performance from these officers in the delivery of agreed outcomes and the delivery of services to the ratepayers and residents of the Shire;
3. To reward these skilled and experienced management personnel with realistic and competitive salary packages;
4. To convey to each of the appointees that the Shire has selected the person with the most appropriate skills and qualifications for the position and that this is clearly identified in the package offered to the recommended appointee;
5. To construct salary packages that are easily understood by the beneficiary and operable without the need for the raising of minor charges invoices;
6. To recognise that it will be necessary to pay Fringe Benefits Tax on these packages and to provide for such FBT in the staff budget;
7. To undertake at least one regular and professional review and assessment of the performance of each of these officers during each twelve month period;
8. To recognise that, as the trend is towards senior officers being engaged on shorter term contractual basis to achieve specific outcomes, Council will consider a performance related reward for outstanding achievements at the end of such contracts where the officer concerned is not continuing in the employ of Local Government; and

9. To comply with the requirements of the appropriate legislation and regulations.

SALARY PACKAGING – ALL STAFF

The CEO is responsible for determining salary packages and may include but is not limited to:

1. A competitive cash salary component in each package;
2. Novated leasing of a vehicle (refer policy 2.2.8);
3. Bundling of ATO approved private housing expenses; and
4. Additional superannuation payments.

All employees shall be able to take advantage of salary sacrificing provisions on the basis that it will be at no cost to Council.

Any of the above arrangements shall be stipulated in the respective Manager's/Employee's Contract of Employment.

Provision of Housing

Housing may be provided and, if so, supply will be in accordance with Council's Policy 2.2.7 Staff Housing, with a Tenancy Agreement completed separately to an Officer's contract.

Service Charges

Electricity and gas charges for the duration of the occupancy may be negotiated as part of the package or be for the account of the Officer concerned - charges for water, sewerage, rates, rubbish and other property charges are for the account of the Shire.

Annual Leave

Standard Annual Leave is 4 weeks.

1. Where an officer is required to regularly attend evening meetings, an extra week's leave may be granted in full recognition of the need to attend these meetings after hours.
2. These extra days may be taken either as part of annual leave or as accumulated during the year.
3. Annual leave loading - applicable at the rate of 17.5% to the standard annual leave.

Professional Organisation Membership Dues

The Shire will pay the annual membership fees for the State/National Professional Association of the Officer's choice that relates directly to the Officer's responsibilities to Council.

Salary Sacrifice

This policy allows Senior Officers the opportunity of Salary Sacrificing within their salary package based on sound accounting/taxation advice being available to both employer and employee.

Miscellaneous Expenses

Not considered part of the salary package.

Participation in conferences will be considered in the Annual Budget process and, where approved, the expenses for the activity will be covered in the Budget item.

Professional Development will be considered in the Annual Budget process and, where approved, the expenses for the activity will be covered in the Budget item.

Operational expenses incurred during the conduct of Council business are reimbursed to the Officer concerned or paid direct by the Council through the Council's financial processes.

2.2.7 STAFF HOUSING

Adopted or Reviewed by Council:	14/11/17	Council Minute Reference: 183/15
	20/11/18	143/18
	19/11/19	156/19
Date/s Amended:	19/05/20	57/20
	17/08/21	99/21
	18/10/22	111/22
Reviewer:	Manager of Corporate and Financial Services	
Local Law:	Nil	
Procedure:	Nil	
Delegation:	EMPL 004	

OBJECTIVE

To support Council Policy 2.2.6 Salary Packaging in attracting the person with the skills and experience necessary to fill the senior staff positions.

POLICY

The Shire owns a range of housing for Team Members from executive homes to apartments.

It is the policy of the Shire of Kojonup to offer Council owned housing as a priority to the following role:

- Chief Executive Officer 15 Loton Close

As a priority and determined by the CEO:

- Manager Regulatory Services
- Manager Corporate and Financial Services
- Manager Works and Services
- Manager Aged Care Services

The rent for the above houses is established through negotiation of a manager's individual employment contract.

Other Shire roles:

To attract and retain professional, technical and specialised roles, it is also policy to offer available housing to other Team Members as determined, at the discretion of the Chief Executive Officer.

The rental charged on these properties will be 60% of the list of fees and charges (market value) with the balance of 40% being a subsidy under the prospective employee's employment conditions or contract of employment.

Bagg Street units:

Temporary Bagg Street accommodation may be offered to staff, at the CEO's discretion, if required and available at either 1A (one bedroom) or 1B (two bedroom) Bagg Street units.

The CEO may negotiate weekly rental for all staff in accordance with annual performance reviews.

No-Smoking

Smoking is strictly prohibited within the premises of all Shire owned houses and buildings at all times.

Bond

All tenants, unless negotiated with Council, will be required to lodge a sum equivalent to four weeks' rent, as per Council's Fees and Charges, as a bond towards any damage sustained by the tenant during the tenancy. All tenancies, unless negotiated with Council, will have a written residential tenancy agreement.

Private Rentals

In the event that any Council provided accommodation is, at any time, not required for entitled Council employees identified above, then the CEO is delegated authority to rent the accommodation to other persons, including other Shire employees, provided the tenancy arrangement is on a fixed basis and includes a clause that the property will be vacated if required for the persons listed above.

Relocation Assistance

The CEO may, at the CEO's discretion, financially assist new staff appointments by covering relocation expenses of \$2,500 or 50% of cost whichever is the lesser.

2.2.8 MOTOR VEHICLES - OFFICERS

Adopted or Reviewed by Council:	20/02/18	Council Minute Reference:	13/18
Reviewer:	Manager of Corporate and Financial Services		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To provide motor vehicles for senior employees used in a manner comparable to shires with similar operations and responsibilities.

POLICY

It is the policy of the Shire of Kojonup to supply motor vehicles to officers appointed to the following positions if so negotiated by the officer under Policy 2.26 - Salary Packaging:

- Chief Executive Officer;
- Manager of Corporate and Financial Services;
- Manager of Works and Services;
- Manager of Regulatory and Technical Services;
- Manager of Aged Care Services; and
- Mechanic.

Use of the vehicle shall include the following conditions:

1. Smoking is strictly prohibited within Council motor vehicles at all times;
2. Where the Shire provides the Shire President with a motor vehicle, the CEO may drive a vehicle of the same style but not of a higher standard than the Shire President;
3. Private use of the motor vehicle outside the state of Western Australia or North of the 26th parallel and for long service leave will require the officer to obtain permission in writing from Council. Where private use is approved outside of this region, all fuel and expenses are to be borne by the officer;
4. The Council may also provide motor vehicles for permanent, acting or temporary officers when specific terms and conditions may be offered and agreed;
5. In the event that any of the positions become vacant and are re-advertised, any private usage will be negotiated at the time of appointment;
6. Spouses or partners are allowed to drive these motor vehicles provided that this does not disrupt the Shire business for which that vehicle is allocated, in any way;
7. Council does not expect other dependants or other persons to be driving these vehicles unless there is a specific need related to Shire business or in an emergency situation or where the CEO has granted specific approval;
8. Staff and elected members are to meet the costs of any parking or traffic infringements incurred whilst driving Council vehicles;
9. Where the motor vehicle has been equipped with a first aid kit and/or fire extinguisher, it is the responsibility of the primary user to ensure that the first aid kit or fire extinguisher is adequately stocked/changed at all times or replacement stock ordered through Council's Works and Services Division when used/expired;
10. All vehicles are regarded as pool vehicles for general use by Council employees for work related purposes during office hours;

11. When a Council officer is granted private use of a vehicle, the officer shall contribute the sum of \$50.00 per month towards operational expenses, or a sum negotiated independently with the Chief Executive Officer;
12. The Chief Executive Officer has the ability to negotiate with Council with respect to the provision of a motor vehicle or, alternatively, salary sacrifice arrangements in lieu of Council providing a motor vehicle; and
13. Motor vehicles shall not be used for approved secondary employment or in the conduct of private commercial business, unless express written approval of the CEO is given.

NOVATED LEASES:

When a novated lease is taken by an employee, their employment contract shall contain the following clause:

A vehicle allowance of \$, per annum (taxable) is provided in lieu of the provision of a motor vehicle. Allowances may be utilised to purchase a vehicle through a novated lease in accordance with the following:

1. The vehicle must be utilised by the employee for work purposes and that employee is not able to utilise “pool” vehicles for work or private purposes;
2. The vehicle may be hired by the employer for other employee or Councillor work requirements at the discretion of the owner of the vehicle and, if so hired, may be charged at the prevailing rate provided for in the Local Government Industry Award 2010 (\$0.78cents per kilometre at 2016);
3. In the event of damage incurred by the hirer in part ii (above), the Council will meet the cost of any damage or insurance excess to a maximum of \$500.

Any arrangement under this policy is to be included in the employee’s Contract of Employment.

2.2.9 WORKPLACE DRUG & ALCOHOL USE

Adopted or Reviewed by Council: 17/11/15

Council Minute Reference: 183/15

Reviewer: Manager of Corporate and Financial Services

Local Law:

Procedure: Employee Manual

Delegation:

OBJECTIVE

The aim of this policy is to ensure a safe workplace free from the effects of drugs and alcohol. The policy is directed towards the welfare of the individual and the safety and health of other people. Although disciplinary action may be necessary, the focus is on preventative measures.

POLICY

Employees are obliged to present themselves for work in a fit state so that in carrying out normal work activities they do not expose themselves, their co-workers or the public to unnecessary risks to safety and health. The employee is responsible for any civil or criminal penalty, which results from being under the influence of drugs or alcohol in the workplace.

The use of drugs or alcohol in the workplace including Council premises, parks, reserves, vehicles, plant, or any other Local Government building or physical asset, is forbidden at any time; please refer to the Employee Manual.

2.2.10 LEAVE – COMMUNITY SERVICE

Adopted or Reviewed by Council:	15/11/16 20/11/18	Council Minute Reference:	151/16 143/18
Reviewer:	Manager of Corporate and Financial Services		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To recognise that members of the Defence Reserve Service that are employed by the Shire of Kojonup are able to access a reasonable amount of additional leave for that purpose.

To ensure that all employees fulfil their obligations with regard to witness and jury service.

To recognise the members of the local Emergency Services employed by the Shire are able to respond to a reasonable number of callouts during working hours without loss of income.

POLICY

Defence Reservist Leave

It is recognised that the Defence Reserve Service provides an economical method of maintaining Defence Forces in peacetime and can be a valuable addition to staff development within the Organisation.

Employees seeking Defence Reservist Leave under this Policy must provide certification that they have become reserve members of the Armed Services.

1. Leave not exceeding two weeks in any one year will be granted to employees who are members of the Defence Forces Reserves for the purpose of participating in training camps, or equivalent continuous duty. This leave will be in addition to annual leave entitlements.
2. The payment for Defence Reservist Leave will be on the basis of the difference between the employee's normal weekly salary (calculated on the same basis as annual leave provisions) and the remuneration received from the Armed Services. Should the amount received from the Armed Services be greater than the normal weekly salary, no additional payments will be made by the Shire. Superannuation contributions will be based on the employee's normal weekly salary.
3. Defence Reservist Leave granted under this Policy will be treated as continuous service for the purposes of calculating annual leave, long service leave, sick leave or any other entitlements.
4. Staff taking Defence Reservist Leave are required to pay normal rental during their absence should they have access to employee housing.
5. Employees wishing to take Defence Reservist Leave are to provide reasonable notification to the Shire and have the leave approved by the Chief Executive Officer.

Witness and Jury Service Leave

The Shire will ensure that all employees are granted relevant leave to attend any obligation associated with court proceedings as either a witness or juror.

An employee who is called to serve on a jury or is subpoenaed or called as a witness to give evidence in any proceeding, shall notify their Manager or Supervisor, as soon as practicable.

Where an employee is required to serve on a jury or is subpoenaed or called as a witness to give evidence on behalf of the Shire or the Crown, that employee shall be granted paid leave for that period.

If the employee is on leave, when required to attend on behalf of the Local Government, the period of leave lost shall be reinstated, if appropriate documentation is provided.

An employee subpoenaed or called as a witness under any other circumstances other than specified above shall be granted leave of absence without pay.

Where an employee is on any form of paid leave, they are not entitled to retain any witness fee.

Emergency Services

It is recognised that the Local Emergency Services (St John's Ambulance, Kojonup Fire and Rescue Service, local Volunteer Bush Fire Brigades) provide an economical method of responding to local emergencies and can be a valuable addition to staff development within the Shire.

In instances when a Shire staff member is called out to attend an emergency during working hours, the Shire will pay his/her normal wages or salary, to a maximum of 38 hours per financial year.

All staff are required to provide details to their Supervisor/Manager of any local emergency service organisations in which they are members.

In all instances where a staff member is called to respond to an emergency, the staff member must inform his/her immediate Supervisor/Manager before leaving the work site.

The CEO will be provided a quarterly report from Managers or Payroll to monitor any employee exceeding 38 hours per financial year for emergency service provision. An employee who has exceeded the maximum will be required to lodge a submission to their supervisor/Manager who, in turn, will lodge a submission to the CEO to consider exercising discretion on the enforcement of this policy.

2.2.11 SHIRE UNIFORMS

Adopted or Amended by Council:	12/02/17	Council Minute Reference:	148/17
Date/s Amended:	20/11/18		143/18
	19/11/19		156/19
	14/12/21		153/21
Reviewer:	Manager Corporate and Financial Services		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

This policy endeavours to enhance the corporate image of the Shire and its employees. The Council recognises that a corporate wardrobe promotes a:

1. Professional image;
2. Strong customer focus; and a
3. Safe work environment.

This policy applies to elected members, all employees in all departments (permanent and casual), and contractors at the discretion of the Chief Executive Officer.

The objectives of this policy are to:

1. Establish guidelines for the purchasing and wearing of Shire of Kojonup corporate uniform;
2. Outline dress standards staff are to observe when representing the Shire in a professional capacity and provide staff with clear guidelines for accepted standards of dress and appearance during work hours; and
3. Provide senior management with clear guidelines to use in monitoring and managing the standard of dress and appearance of staff in their department.

POLICY

1. Employees who are ceasing work with the Shire of Kojonup must return their uniforms which have the corporate logo embroidered or permanently printed on tops, vests, shirts, jackets, etcetera prior to the completion of their final working day.
2. Primarily, uniforms are to be worn only during working hours and employees should take care to refrain from wearing uniforms outside of work.
3. Employees must recognise that when wearing the uniform, they are recognised as representing the Shire of Kojonup. Employees must adhere to the Code of Conduct and Shire policies and procedures if they are wearing the uniform outside of work.
4. Employees who consume alcohol or act in an inappropriate manner whilst wearing a Shire uniform may face disciplinary action.

Personal Presentation

A high standard of personal presentation is required from employees at all times whilst on duty. It is expected that items of personal hygiene are attended to daily and all clothing is clean, neatly pressed and in good condition.

The following list of non-exhaustive items of clothing are considered inappropriate corporate attire:

1. Crop tops, backless and strapless tops and singlets; and
2. Denim jeans, denim skirts or shorts, and miniskirts or mini-shorts.

Body Art and Piercing

Tattoos that could be perceived as offensive should be discreetly covered where possible (e.g.; tattoos of naked men/women, skulls or daggers dripping blood). This item is to be administered at the discretion of the Department Manager.

The Shire's image and that of the region can be affected by the presentation of our staff. Any form of body piercing, other than ear piercing, must be discreet and ensure a professional image is portrayed at all times.

Staff working around or on machinery are not permitted to wear earrings that protrude or hang below the ear lobe, as they can become entangled in machinery.

Long hair must be worn up and back or in a hair net when working in areas with machinery and other moving parts or during food preparation. Jewellery, including earrings and/or other items that have the potential to get caught in machinery, must be removed whilst on duty.

Safety

It is the Supervisor's responsibility to ensure that appropriate Personal Protective Equipment (PPE) is supplied to and worn by Employees. Employees who mistreat, abuse or fail to comply with Council's requirements for safety and PPE will be subject to disciplinary action.

Identification

The wearing of identification improves visibility with the public and friendliness within the work environment. Employees should wear a form of visible identification at all times.

Name badges are a form of visual identification. 1 (one) name badge will be supplied to elected members, all employees in all departments (permanent and casual), and contractors at the discretion of the Chief Executive Officer. Name badges must be kept in good condition and worn in a place that is visible to others. If an allocated name badge is lost, damaged etc., the individual is responsible for purchasing a replacement at cost price. Employees may opt for this to be deducted from their Uniform Allowance.

Embroidery is another form of visual identification and may be more appropriate to outside staff.

Outside Staff Uniforms

1. The Shire of Kojonup shall supply up to 3 (three) sets of work clothes per annum to each operational employee who is based at the Works Depot or predominately in an outside position.
2. Work clothes represent footwear, shirts, trousers, vests, polo tops, jumpers, jackets and shorts. A set of work clothes consists of 6 items that are interchangeable; for example, 2 shirts, 2 trousers and 2 jumpers = 6 items or 2 shirts and 4 trousers = 6 items.
3. Part time and casual staff entitlements will be on a pro-rata basis based on standard hours of employment (e.g.; 0.5FTE is entitled to 1.5 sets).
4. An employee will be required to pay immediately, in full or via agreed deductions from fortnightly pay, for any item in addition to the 6 items allocated in any one financial year.
5. The Shire's Work Health and Safety Committee shall make input into the types of clothing and footwear issued.
6. In the event that an employee terminates their employment with the Shire within 6 months of their initial engagement, the employee will be required to refund the full contribution made by the Shire to the purchase of their uniforms.

Inside Staff Uniforms

1. The Shire shall meet 50% of the initial cost of corporate wardrobe uniforms up to a maximum contribution of \$650 per employee (total expenditure \$1,300) in the first year of employment; that is; the Shire will pay 50% of all orders up to these amounts.
2. In each subsequent year of employment, the Shire shall provide \$450 uniform allowance per employee.
3. Part time and casual staff entitlements will be on a pro-rata basis based on standard hours of employment (e.g.; 0.5FTE is entitled to \$325 in year one and \$225 each subsequent year).
4. An employee will be required to pay immediately in full or via agreed deductions from fortnightly pay for any expenditure in addition to the allocation in points 1 and 2 above.
5. In the event that an employee terminates their employment with the Shire within 6 months of their initial engagement, the employee will be required to refund the full contribution made by the Shire to the purchase of their uniforms.

Prescription Safety Glasses

The Shire of Kojonup will contribute up to \$200 biennially to permanent full time employees who require prescription safety glasses for work purposes (subject to provision by the employee of an optometrist's prescription/quotation which will in turn effect a purchase order to the optometrist or on provision by the employee of a receipt for payment for prescription safety glasses from an optometrist). The Chief Executive Officer will assess each request. In the event that an employee terminates their employment with the Shire within 6 months of their initial engagement, the employee will be required to refund the full contribution made by the Shire to the purchase of their prescription safety glasses.

Footwear

Shoes are the responsibility of individual staff members, unless negotiated with the Chief Executive Officer. It is recommended that covered shoes be worn at all times in conjunction with the corporate uniform.

As with clothing, Council expects all employees to wear shoes which meet a presentable standard for their particular work area. The following non-exhaustive list of items of footwear may be considered inappropriate corporate footwear:

1. Thongs;
2. Runners or sandshoes; and/or
3. Ugg boots.

Polo Shirts

All elected members, employees, and applicable contractors (at the discretion of the Chief Executive Officer) are entitled to 1 (one) corporate polo shirt every two years. If an allocated shirt is lost, damaged etc., the individual is responsible for purchasing a replacement at cost price and may opt for this to be deducted from their uniform allowance.

Generally, a corporate polo shirt will not be a day to day uniform item for staff; however, it can be worn on "free dress days" or at events/training days representing the Shire. The Chief Executive Officer or relevant manager may give approval to employees to incorporate the polo shirt into their uniform, where appropriate.

It is also possible that volunteers may be able to wear the corporate polo at the discretion of the Chief Executive Officer or relevant manager. This would be paid by the relevant department's budget.

The Corporate Polo Shirt shall only be worn whilst undertaking work related activities. Consideration should be given to maintaining the image of the Shire whilst wearing the corporate polo shirt.

Dispute Resolution

If a Manager considers that a particular staff member's attire is inappropriate according to the standards set in this policy, they may approach the individual and ask appropriate changes be made.

Free Dress Days

The first working day of the month is approved and shall be in conjunction with the fundraising and awareness activities of well-known and registered charities such as 'Jeans for Genes' Day. On these allocated days, staff will be permitted to wear appropriate dress that reflects the theme of the fundraising event. The Chief Executive Officer or relevant manager may allocate additional "free dress days" for inside staff.

Free dress days must not compromise safety, customer service or the perception of Council staff within the community. Staff shall be made aware of these allocated days by way of email from the Chief Executive Officer or delegated officer. Funds raised on these specific days will be presented to the relevant charity.

2.2.12 EMPLOYEE TRAINING

Adopted or Reviewed by Council: 14/11/17

Council Minute Reference: 183/15

Reviewer: Chief Executive Officer

Local Law: N/A

Procedure:

Delegation:

OBJECTIVES

1. To provide development opportunities to all employees, as recognised in the Shire of Kojonup Workforce Plan, as the Shire is committed to the provision of employee training and professional development opportunities to ensure that employees achieve productivity aims relevant to their position.
2. All training needs will be considered as part of the annual performance review process and Annual Budget provisions.
 - a) Where an employee undertakes such training it shall be conducted as far as practicable in the employee's usual working time and the employee shall not lose pay for attendance for extra travel associated with such training.
 - b) Fees, materials or any other reasonable costs associated with the training shall be reimbursed by the employer.
3. Relevant training is to be identified and documented during an individual's annual performance review.
4. It is recognised that employees will take ownership of their training needs and consult their managers to ensure that their training needs are met.

POLICY

The progression of employees through training and personnel development is an ongoing Workforce Plan goal (continuous improvement) ensuring the effective and efficient performance of employees.

Training and development opportunities will benefit the Shire of Kojonup through an improved knowledge base, increased skills and performance of employees and provide a platform for career pathways. The Council has adopted a Workforce Plan which meets organisational, occupational and individual needs.

Specific aims of the Employee Training Policy include but are not limited to the following:

1. Develop an annual training calendar to ensure that training opportunities are provided to all employees and routinely encouraged;
2. Ensuring that all staff have the skills necessary to perform the requirements of their position description;
3. In consultation with employees, continue to develop the annual Development Review process identifying key achievements and commitment to the Shire;
4. Providing staff with training and education identified through the Development Review process;
5. Ensuring that links to the Strategic Plan and Customer Service Charter are made within staff review processes;
6. Ensuring that supervisors and managers provide open and ongoing feedback to employees; and
7. Developing and implementing ongoing two-way communication processes that encourage staff to be involved in the organisation and their own professional growth.

2.2.13 EMPLOYEE ASSISTANCE PROGRAM

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:	Policy to capture previous inclusion in All of Staff Agreement 2011		
Delegation:			

OBJECTIVE

Where appropriate and required, provide provision for employees and elected members to access **confidential qualified support and assistance.**

POLICY

1. The Shire of Kojonup will provide, via LGIS Counselling Services and Southern Agcare, an Employee Assistance Program that provides professional counselling for all elected members, employees and/or their immediate families wishing to access such counselling to help to resolve personal problems.
2. Employees accessing this counselling service shall be guaranteed total confidentiality and anonymity by the service provider. The Shire will only be informed of the number of workers that have accessed the service.
3. Employees are encouraged to make use of the Employee Assistance Program if they are experiencing difficulties in areas such as:
 - (a) Emotional problems;
 - (b) Marital or family concerns;
 - (c) Relationship difficulties;
 - (d) Financial concerns;
 - (e) Alcohol or other drug problems; or
 - (f) Problems such as those above that may result in conflict and absenteeism.
4. Employees are reminded that problems primarily stemming from issues in the workplace should be resolved through the Shire of Kojonup Employee Manual Section 7.1: Employee Concern and Grievance Process and/or Clause 23 Dispute Settlement Procedure of the All of Staff Agreement 2011.

2.2.14 WORK HEALTH AND SAFETY

Adopted or Reviewed by Council:	15/11/16	Council Minute Reference:	151/16
Amended:	19/11/19		156/19
	17/11/20		156/20
	16/11/21		135/21
Reviewer:	Manager of Corporate and Financial Services		
Local Law:			
Procedure:			
Delegation:			

This Policy statement aims to example the commitment and steadfast aspiration of everyone at the Shire of Kojonup (Shire) in creating and maintaining a safe and healthy place to work. We realise that our fellow workers, volunteers and the contractors who come and work for us are of value and worth to our organisation and our community, and that everyone should enjoy a safe and healthy work environment here.

We also realise that the work we do can impact our community and the visitors travelling to or through our Shire and we will aim to do our work safely in order that their safety and health is not adversely affected by what we do.

We believe good performance of Work Health and Safety (WHS) practices is essential to everyone's professional being.

In summary, we expect of our leaders:

- To lead by good example, create, adopt and maintain safe work practices and behaviours that lend to safe & healthy team environments;
- To resource our workplace and our teams so they can operate safely;
- To remove barriers that could prevent a safe and healthy environment;
- To promote and maintain standards defined by our Safety Management Plan, practices and WHS legislation;
- To supervise effectively, encourage and foster work practices, and implement hazard management and work planning to the requirements of our WHS Safety Management Plan.

We expect all our workers and volunteers:

- To lead by good example, participate in safe work practices and behaviours that lend to safe and healthy team environments;
- To work respectfully and foster professional and healthy relationships with fellow team members and co-workers;
- To follow work procedures and instructions that will assist in meeting the objectives of this Policy;
- To follow the training they have been provided with in order to work safely;
- To report on hazards, incidents and safety concerns within the procedures of our Safety Management Plan and practices.

We expect all our contractors:

- To work within their own safety management plans and to liaise with us on ours when we share work spaces and areas;
- To work with us in identifying and reporting on hazards, incidents and safety concerns;

- To work respectfully in our environment and foster professional and healthy relationships with our workers and volunteers and our other contractors;
- To represent positive, safe and healthy practices as contractors doing work for us in our community.

In order to continually improve our performance, we will regularly review our WHS Safety Management Plan, this Policy statement and our WHS Committee's Terms of Reference. By all of us working together and aspiring to meet the standards, expectations, and obligations in our Safety Management Plan, we believe we can create a work environment that is safe and healthy, and makes our Shire a great place to work or volunteer within.

2.2.15 GRIEVANCES, INVESTIGATION & RESOLUTION POLICY

Adopted or Reviewed by Council:	17/11/20	Council Minute Reference:	156/20
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:	XXXX - Grievances, Investigations & Resolution Procedure		
Delegation:			

OBJECTIVE

To foster a safe and inclusive work environment where all employees, volunteers and contractors have a right to express any genuine grievances or complaints via an impartial internal process.

POLICY

The Shire of Kojonup supports the rights of employees, volunteers and contractors to achieve their full potential free from discrimination, bullying, harassment, victimisation and vilification and, in circumstances in which they feel aggrieved, provide a mechanism to raise a complaint or grievance in relation to:

- Employment conditions;
- Breaches of policy;
- Conflict (including working relationships or interaction with colleagues).

The Shire of Kojonup supports a collegial approach to concerns, complaints and grievance resolution through informal processes where possible, with access to formal mechanisms for resolving complaints and grievances if required.

All employees, volunteers and contractors involved in a grievance process are expected to participate in good faith.

SCOPE

For the purposes of this Grievances, Investigations and Resolution Policy (Policy), the term “employee(s)” will extend to cover contractors, volunteers and any person performing work for or with the Shire of Kojonup in any capacity.

This Policy works in conjunction with other policies and may not apply in situations where there is another more appropriate policy in force, including in relation to complaints made under:

- 2.2.1 Staff Equal Opportunity
- 2.2.2 Elimination of Harassment in the Workplace
- 2.2.14 Work Health and Safety
- 3.1 Code of Conduct

DEFINITIONS

Complainant – A person who raises a complaint about a matter regarding the workplace.

Respondent – A person who is alleged to have acted in a manner which caused the Complainant to raise a complaint.

Support Person – A person who may provide emotional support to either the Complainant or the Respondent and who may be present during meetings; however, may not interact with proceedings.

Witness – A person (including an employee) who is requested by the Shire of Kojonup to assist the process by providing relevant information regarding the complaint.

KEY PRINCIPLES IN THE COMPLAINT RESOLUTION PROCESS

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

- Confidential – Only those employees directly investigating or addressing the complaint will have access to the information about the complaint. The Shire of Kojonup may inform or appoint a third party to investigate or advise on the investigation. All parties involved in dealing with a complaint are required to keep the matter confidential. *Information will only be placed on an employee's personnel file if they are disciplined as a result of the complaint.*
- Impartial (fair/unbiased) – Both parties will have an opportunity to put their case and no assumptions will be made or action taken until available and relevant information has been collected and considered.
- Sensitive – Employees who assist in responding to complaints should be specifically trained or equipped to treat all complaints sensitively and ensure the process is free of coercion or intimidation.
- Timely – The Shire of Kojonup aims to deal with all complaints as quickly as possible and in accordance with any legislative requirements.
- Records – All complaints and investigations must be documented and formal records must be kept of all documents collected and/or drafted as part of that process.

Natural Justice – The principles of natural justice provide that:

- an employee against whom an allegation is made has the right to respond to the allegations before any determination is made;
- an employee against whom an allegation is made has the right to be told (where appropriate to do so) who made the allegation;
- anyone involved in the investigation should be unbiased and declare any conflict of interest; and
- decisions must be based on objective considerations and substantiated facts.

Procedural Fairness – The principles of procedural fairness provide that:

- the Respondent is advised of the details (as precisely and specifically as possible) of any allegations when reasonably practicable;
- the Respondent is entitled to receive verbal and written communication from the Shire of Kojonup of the potential consequences of given forms of conduct, as applicable to the situation;
- the Respondent is given an opportunity to respond to any allegations made against them by a Complainant;
- any mitigating circumstances presented to the Shire of Kojonup through the grievance process are investigated and considered;
- the Complainant and Respondent have the right to have an appropriate support person present during any inquiry or investigation process where practicable or necessary;
- any witnesses who can reasonably be expected to help with any inquiry or investigation process should be interviewed; and
- all interviews of witnesses are conducted separately and confidentially.

Outcome of Making a Complaint

If a complaint is substantiated and involves a performance issue, the Manager of the Respondent may commence a formal performance management process with the Respondent or elect to discipline the Respondent in accordance with any applicable policy.

If the complaint is substantiated and involves a breach of a policy, the Manager of the Respondent, in consultation with the Chief Executive Officer, may elect to discipline the Respondent appropriately in accordance with the severity of the matter.

Vexatious or Malicious Complaints

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

Victimisation of Complainant

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

2.3 ADMINISTRATION

2.3.1 ** MOVED TO POLICY 1.6 **

2.3.2 RECORDS MANAGEMENT

Adopted or Reviewed by Council:	17/11/15 19/11/19	Council Minute Reference:	183/15 156/19
Reviewer:	Manager of Corporate and Financial Services/Records Officer		
Local Law:			
Procedure:	Contained within the Recordkeeping Plan		
Delegation:			

OBJECTIVE

The purpose of this policy is to define the principles of the Shire of Kojonup's record management function. This policy applies to all staff, elected members, contractors and volunteers.

1. All records are to be managed according to whether they are significant or ephemeral records, vital or non-vital records, and in accordance with their security classification.
2. All communications in the form of records which are handled, received or generated by the Shire of Kojonup, whether paper or electronic, and whether internal or external, are to be captured within the appropriate recordkeeping system (SynergySoft).
3. Registers are to be maintained of all records including, but not limited to registers of policies, databases, Freedom of Information applications, assets, tenders and quotations, forms, vital records, files and contracts.
4. All contractual arrangements are to ensure the Shire of Kojonup's ownership of significant records.
5. Any records/files in the possession of individual staff are to be registered to them and, dependent upon security classification, kept accessible.
6. Only approved record formats are to be used in effecting the Shire of Kojonup's business.
7. Records are not to be removed from the Shire of Kojonup's sites unless in accordance with the approved retention and disposal schedule, or in the custody of an officer performing official business.

POLICY

The purpose of this policy is to define the principles of the Shire of Kojonup's records management function and to document an orderly and efficient approach to the proper management of records.

Records are recognised as an important information resource in the Shire of Kojonup and it is accepted that sound record management practices are vital and integral to the overall efficiency and effectiveness of the Shire of Kojonup. Due to legislative requirement, the Shire of Kojonup is obliged to maintain a records management system that completely, accurately and reliably creates and maintains evidential records, and to dispose of those records only through an approved scheme.

The policy and associated procedure applies to all external and internal records which are handled, received or generated by the Shire of Kojonup, regardless of their physical format or media type.

The Council reviews the Recordkeeping Plan every five years which contains the procedure for recordkeeping in accordance with the *State Records Act 2000*. The next review is due in March 2015.

Guidelines:

Roles and Responsibilities

Chief Executive Officer

The CEO is to ensure there is a system for the maintenance and management of records that is compliant with records management legislation and State guidelines and procedures. This includes the provisions of s. 5.11(h) of the *Local Government Act 1995*.

Managers

Managers are to ensure their staff are familiar with, and adhere to, the Records Management Policy and any associated procedures endorsed by the CEO.

Staff

Staff are to ensure they retain records relating to the business activities they perform. They are to identify significant and ephemeral records, ensure significant records are registered in the records management system (SynergySoft), and protected and disposed of in accordance with the State Records Office of Western Australia's General Disposal Authority.

General Disposal Schedule for Local Government Records

All records within the recordkeeping system maintained by the Shire of Kojonup are to be disposed of in accordance with the State Records Office's General Disposal Schedule for Local Government Records.

Custodianship

The Shire's records are a government-owned asset. The records created during the course of business belong to the Shire of Kojonup by virtue of their possession and not to the individuals who created such records during their time as a public officer or elected member at the Shire of Kojonup. Officers or elected members who acquire or create any records in the course of business shall not retain proprietary interest. Ownership of these records is vested in the Shire.

Council Meetings

Once the minutes of a Council Meeting have been confirmed by the Council, all individual elected member and staff notes made, including in the Docs on Tap app., will be deleted.

Definitions

A Record

A record as defined in the *State Records Act 2000* means any record of information however recorded and includes:

1. Anything on which there is writing or Braille;
2. A map, plan, diagram or graph;
3. A drawing, pictorial or graphic work or photograph;
4. Anything on which there are figures, marks, perforations, or symbols, having a meaning for persons qualified to interpret them;
5. Anything from which images, sounds or writings can be reproduced with or without the aid of anything else; and
6. Anything on which information has been stored or recorded either mechanically, magnetically, or electronically.

Records in the public sector are referred to as:

Government Records (or Public Records)

Records created or received by a public officer or elected member in the course of his or her duties regardless of whether the communication is between staff in the same agency, between different agencies, or between public officers and members of the community (both private and business).

Records may be categorised as:

Ephemeral Records

Ephemeral records are duplicated records and/or those that have only short-term value to the Shire, with little or no on-going administrative, fiscal, legal, evidential or historical value. They may include insignificant drafts and rough notes, records of routine enquiries.

Significant Records

Significant records contain information which is of administrative, legal, fiscal, evidential or historical value and are not recorded elsewhere on the public record. They describe an issue, record who was involved, record why a decision was made, and may embody actual guidelines.

Important Note: Distinguishing between significant and ephemeral records is a matter of judgment and the above definitions can only act as a guide. Reference to "records" in this guideline document should be read as relating to significant public records unless otherwise stated.

Vital Records

Vital records are records which are essential to the continued business of the Shire. Vital records include those that protect the rights of individuals and the Shire, and are absolutely essential for the Shire's reconstruction in the event of a disaster.

The Shire of Kojonup considers that the following are vital records:

Computer system records, Council and Committee Minutes and Agendas, Title Deeds, Policy and Procedure Manuals, Registers, Contracts/Tenders, Licences, Historical documents, Delegation of Authority, Insurance Policies, Cemetery Records, Town Planning Scheme deeds/information, Financial documents such as Budgets & Annual Financial Statements and any documents detailing approvals of some kind.

Non-Records

Non-records are documents that are generally available in the public domain and do not form part of a business process in respect to the Shire's activities. They are generally used for reference and information purposes, such as reports or plans from another organisation, a published directory, or a training manual of a third party.

Records Disposal

Disposal/Archiving is conducted in accordance with the General Disposal Authority for Local Government Records. Records are stored onsite at the Shire of Kojonup Office and offsite at the Shire of Kojonup Works Depot, Springhaven Frail Aged Lodge and the Broomehill Repository.

Procedures

Procedures have been developed by the Shire of Kojonup to ensure correct treatment of incoming, outgoing, internal and confidential mail.

2.3.3 NATIVE TITLE CLAIMS PROCESS

Adopted or Reviewed by Council: 17/11/15 **Council Minute Reference:** 183/15

Reviewer: Manager of Corporate and Financial Services

Local Law:

Procedure:

Delegation:

OBJECTIVE

To consult with the claimants and their local representatives in the spirit of reconciliation to avoid protracted negotiations or expensive litigation exposure to the Shire.

POLICY

At all times the Council will consider Native Title claim/s made over any or all crown reserves vested in the Shire, through dialogue with local elders and relevant representative bodies.

The Shire of Kojonup is subject to a number of native title claims and will adhere to accepted protocols of consultation with the Native Title claimants and their local representatives.

2.3.4 ASSET MANAGEMENT

Adopted or Reviewed by Council:	18/04/17	Council Minute Ref:	41/17
Amended by Council:	16/11/21		135/21
Reviewer:	Manager of Corporate and Financial Services		
Local Law:			
Procedure:	Asset Management Plan		
Delegation:			

OBJECTIVE

To guide the management of the Shire's infrastructure assets to meet agreed service delivery and performance expectations, as the asset custodian for the community.

DEFINITIONS

- "Asset" A physical item of value that is owned by the Shire of Kojonup and provides or contributes to the provision of services to the community (in this context excluding financial, intellectual, and non-tangible assets).
- "Asset Management" The combination of management, financial, economic, engineering, and other practices applied to physical assets with the objective of providing the required level of service in the most cost effective manner to meet Council's priorities for service delivery.
- "Asset Management Plan" developed for each Asset Class to outline the management activities to meet defined levels of service with available resources. These are long term plans that investigate future demand and forecast lifecycle costs for existing assets.
- "Council" The elected members of the Council of the Shire of Kojonup.
- "Infrastructure Assets" are fixed network assets that support the delivery of services to the community. These include Transport Assets (roads, footpaths, kerbing, drainage etc.), Buildings, Park and recreation infrastructure.
- "Level of Service" is the measurable objective of the Shire in relation to assets based on the criteria of safety, quality, quantity, reliability, responsiveness, cost/efficiency and legislative compliance. The aim is to balance the level of service of the asset to community expectations with what is financially sustainable.
- "Whole of Life cost(s)" Is the total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, and rehabilitation and disposal costs.
- "Maintenance" means regular ongoing day-to-day work necessary to keep an asset operating and to achieve its optimum life expectancy.
- "Operations" – means the regular activities to provide public health, safety and amenity and to enable the assets to function e.g.; road grading, grass mowing, cleaning, street lighting and graffiti removal.
- "New" means creation of a new asset to meet additional service level requirements.
- "Resources" means the combination of plant, labour and materials, whether they be external (contactors/consultants) or internal (staff/day labour).
- "Renewal" relates to expenditure on an existing asset, which returns the service potential or the life of the asset up to that which it had originally.
- "Risk" is the likelihood and consequence of an event that may impact on the Council's ability to meet its strategic objectives.
- "Shire" refers to the collective Shire of Kojonup organisation. The Chief Executive Officer of the Shire of Kojonup is responsible for ensuring the Shire's obligations and commitments are met.
- "Stakeholders" are those people/sectors of the community that have an interest or reliance upon an asset and who may be affected by changes in the level of service of an asset.

- “Upgrade” relates to expenditure that enhances an existing asset to provide a higher level of service or expenditure that will increase the life of the asset beyond that which it had originally.

POLICY

To achieve the policy objective, the Shire of Kojonup is committed to ensuring that Asset Management is recognised as a major corporate function.

The Shire is committed to making informed decisions in relation to its infrastructure assets. To achieve this, the Shire will maintain an Asset Management Improvement Strategy that guides the implementation of asset management across the organisation. The key outcome being the adoption by Council of an Asset Management Plan for the following classes of infrastructure assets:

1. Infrastructure (including roads, footpaths, kerbing and signs);
2. Drainage;
3. Buildings; and
4. Parks & Reserves.

Asset Management Plans will form part of the Shire’s day-to-day business practices and will be used to make informed decisions in relation to service delivery across:

1. New asset acquisition;
2. Renewal of assets;
3. Upgrade of assets; and
4. Disposal of assets.

Asset Management Plans will be prepared in accordance with the IPWEA’s (The Institute of Public Works Engineering Australasia) International Infrastructure Management Manual Guidelines and will include long term financial modelling of the renewal profile and whole of life costs of each asset class to underpin Long Term Financial Plans.

The Shire of Kojonup has limited resources and is the custodian of a large number of assets. Therefore, when making decisions in relation to infrastructure assets, the Shire is committed to the philosophy of renewing assets before acquiring new assets. In addition and where possible, the Shire is also committed to rationalising assets that are no longer used or do not provide the agreed level of service. The Shire of Kojonup is committed to determining the Level of Service required for infrastructure assets in a collaborative manner with asset stakeholders and the wider community, primarily through community consultation during the Integrated Planning & Reporting process.

LINKAGE TO STRATEGIC PLAN

This policy links to the Shire of Kojonup’s Community Strategic Plan - undertake an asset management planning process to review and rationalise Shire buildings to maximise their use and value to the community.

The Asset Management Plan also links very closely to the Shire’s Long Term Financial Plan which is the primary funding planning tool to enable achievement of the Plan’s objectives.

RESPONSIBILITY AND REPORTING

Council - Council is responsible for ensuring (upon recommendation of the CEO) that resources are allocated to achieve the objectives of any adopted Asset Management Plans. In adopting Asset Management Plans, Council is also determining the Level of Service for each asset class.

Chief Executive Officer (CEO) - is responsible for ensuring that systems are in place to ensure that Council’s Asset Management (AM) Policy, AM Improvement Strategy, and AM Plans are prepared and kept up to date, reviewed at least annually and that recommendations are put to Council in relation to appropriate resource allocation to fulfil the objectives of the above documents. The CEO reports to Council on all matters relating to Asset Management.

All Managers – are responsible for ensuring that resources under their control are appropriately allocated to resource asset management. All Managers report to the CEO on all matters relating to Asset Management under their area of control.

All Managers will ensure that relevant staff are appropriately trained in asset management and that funds are put aside each year to ensure that this training occurs.

Building Assessment Framework

The following building assessment framework has been adopted by the Shire of Kojonup:

Criteria	Assessment Considerations
Degree to which provision of the building meets Community Strategic Plan commitments (Weighting 30%)	<p>5 = Addresses all commitments to some degree (may be indirectly) or four or more to a significant degree</p> <p>4 = Addresses six or seven commitments to some degree (may be indirectly) and/or three to a significant degree</p> <p>3 = Addresses four or five commitments to some degree (may be indirectly) and/or two to a significant degree</p> <p>2 = Addresses two or three commitments to some degree (may be indirectly) and/or one to a significant degree</p> <p>1 = Addresses a single commitment to some degree</p> <p>0 = Does not address any CSP objectives</p>
Level of efficiency with regards to operational and maintenance costs (Weighting 20%)	<p>Comparative assessment considering whole of life cost on a like for like basis for the type of building/construction.</p> <p>5 = Highly efficient and low whole of life cost</p> <p>4 = Moderately efficient and moderately low whole of life cost</p> <p>3 = Average efficiency and average whole of life cost</p> <p>2 = Moderately inefficient and/or moderately high whole of life cost</p> <p>1 = Highly inefficient and/or very high whole of life cost</p>
Fit for Purpose/Adaptability for new purpose/Risk and BCA Compliance (score to the highest possible use) (Weighting 35%)	<p>Comparative assessment taking into account:</p> <ol style="list-style-type: none"> Degree building meets requirements for current use; Adaptability for new use/potential for dual/multi-use; Frequency of use; Level of risk associated with continued use; and BCA compliance. <p>5= Meets standards, excellent fit for purpose or adaptability for new purpose 1= Major compliance issues, poor fit for purpose or poor adaptability for new purpose</p>
Historical and cultural value (Weighting 15%)	<p>Elements of significance to be considered include:</p> <ol style="list-style-type: none"> Aesthetic significance; Architectural significance; Historical significance; Scientific significance; Social significance; Other significance; Significance to past, present and future generations; and Period of significance. <p>5 = Listed on State Heritage Register and/or Nationally significant and/or profoundly culturally and historically significant for the majority of the Kojonup population</p> <p>4 = On State Heritage list and/or strongly culturally and historically significant for the majority of the Kojonup population</p>

	<p>3 = Strongly culturally and historically significant for a small proportion and/or moderately significant for a large proportion of the Kojonup community</p> <p>2 = Culturally and historically significant for a moderate proportion of the Kojonup community</p> <p>1 = Culturally and historically significant for a small proportion of the Kojonup community</p> <p>0= Not culturally and historically significant</p>
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In the event any building scores a total weighted score of 30 or less out of 100 in the assessment, then officers will subsequently prepare a detailed assessment of the building and present the results to the Council. The assessment will include at a minimum:

1. Background information about the building;
2. Valuation and asset management condition scoring information;
3. A detailed option and impact assessment of the pros and cons of renewal/repurposing, replacement, rationalisation and/or other relevant options; and
4. Recommendations.

Capital Evaluation Framework

To ensure that Capital Projects are evaluated against an appropriate framework so that Council attains best value for money to meet the community's needs while complying with all other relevant Council policies and procedures. The most appropriate mix of projects will then be selected for delivery within the available budget while maximising external funding.

The Shire shall develop and implement a 'Capital Evaluation Framework' to evaluate all capital projects to feed into the Corporate Business Plan and Annual Budget. The framework will be documented within 'Capital Evaluation Procedures' and include:

1. A logical, consistent process to allow all projects to be comparatively evaluated and decisions made;
2. Assessment of the degree each project meets Council objectives;
3. Assessment of risk relating to the consequences of inaction for each project;
4. Assessment of the financial viability of each project, including the level of external funding;
5. Assessment of the degree of positive impact implementation of each project will have to the community and organisation; and
6. Assessment of the level of 'project readiness' for each project.

This policy applies to all Council projects valued at over \$50,000 and all road construction projects valued at over \$100,000.

Roles and Responsibilities

The Elected Member Body (Council)

Responsible for ensuring (upon recommendation of the CEO) that resources are allocated to achieve the objectives of this Policy.

Council is also responsible for reviewing the results and recommendations from staff assessment, where a project's scope/cost reaches a defined threshold, and making appropriate determinations.

Chief Executive Officer (CEO)

Responsible for ensuring that systems are in place to develop, implement, maintain and regularly review Council's 'Capital Evaluation Policy' and associated procedures.

Senior Management Team (SMT)

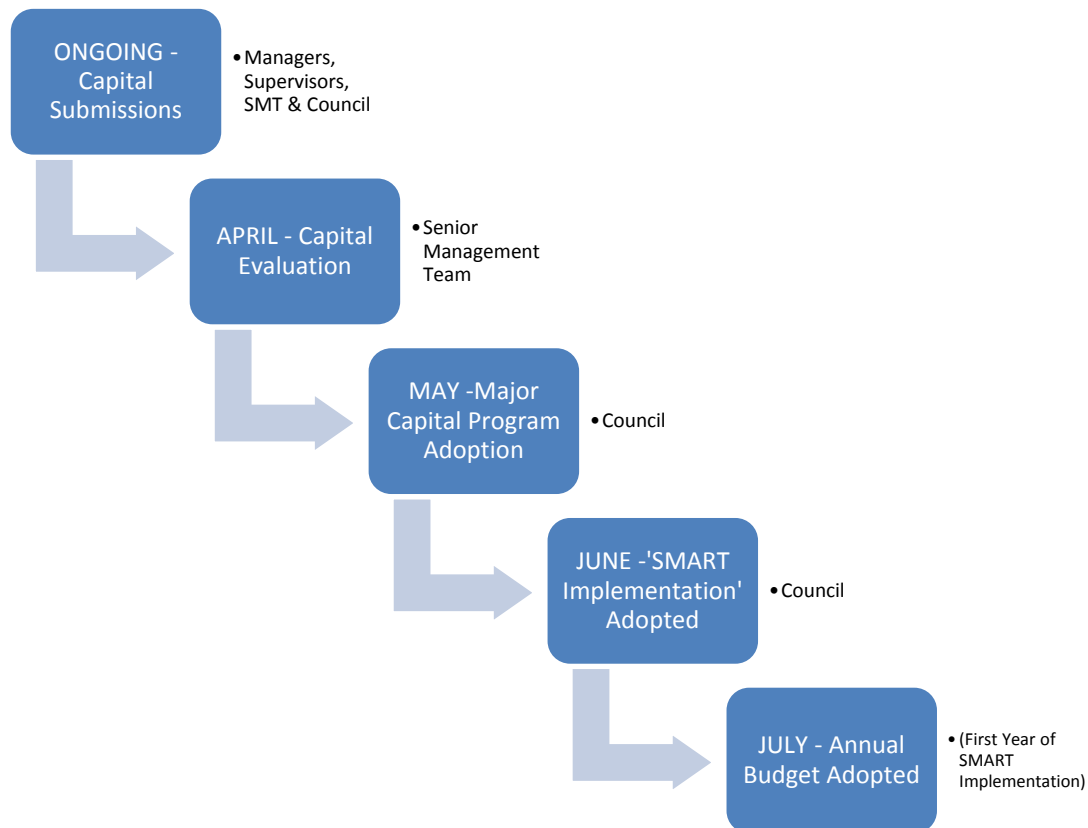
Responsible for implementation of this Policy and associated procedures across the organisation.

Where aspects of Council's Policy and procedures are not being achieved or adhered to, the SMT will maintain a list of non-compliances and take corrective action. The SMT reports to the CEO (who is also a member of the group) on all matters relating to capital evaluation.

All Managers/Co-ordinators

Responsible for ensuring that resources under their control are appropriately allocated to resource capital evaluation. All Managers/Co-ordinators must report to the CEO on all matters relating to capital evaluation under their area of control.

Integrated Process



(Note – SMART Implementation is the Shire of Kojonup’s Corporate Business Plan as required by the *Local Government Act 1995*)

Review and Evaluation

The effectiveness of the Policy shall be reviewed annually, both as part of the capital evaluation assessment presented to Council and via the annual review of Council Policies.

Policy Review

This policy is to be reviewed annually by senior staff and Council.

2.3.5 RISK MANAGEMENT

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Amended:	21/05/19		52/19
	19/11/19		156/19
	16/11/21		135/21
Reviewer/s:	Manager of Corporate and Financial Services/Senior Administration Officer		
Local Law:			
Procedure:	Risk Management Framework/Business Continuity and Disaster Recovery Plan		
Delegation:			

OBJECTIVE

The objective of this Policy is to state the Shire of Kojonup's (the 'Shire's') intention to identify potential risks before they occur so that impacts can be minimised or opportunities realised; ensuring that the Shire achieves its strategic and corporate objectives efficiently, effectively and within good corporate governance principles.

POLICY STATEMENT

It is the Shire's Policy to achieve best practice (aligned with AS/NZS ISO 31000:2018 Risk management – Guidelines) in the management of all risks that may affect the Shire meeting its objectives.

The Shire is committed to organisation-wide risk management principles, systems and processes that ensure consistent, efficient, and effective assessment of risk in all planning, decision making and operational processes. This will ensure compliance with the Integrated Planning requirements of the *Local Government Act (1995)* s. 5.56(2).

Risk management functions will be resourced appropriately to match the size and scale of the Shire's operations and will form part of the Strategic, Operational, and Project responsibilities and be incorporated within the Shire's Integrated Planning Framework.

This policy applies to Council Members, Executive Management, all employees, volunteers and contractors involved in any Shire operations.

KEY POLICY DEFINITIONS

Risk: Effect of uncertainty on objectives.

Note 1: An effect is a deviation from the expected – positive or negative.

Note 2: Objectives can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product or process).

Risk Management: Coordinated activities to direct and control an organisation with regard to risk.

Risk Management Process: Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

POLICY DETAILS

The following points provide detail on the objective specifics:

1. Aligns with and assists the implementation of all Shire policies.
2. Optimises the achievement of the Shire's vision, mission, strategies, goals and objectives.
3. Provides transparent and formal oversight of the risk and control environment enabling effective decision-making.
4. Enhances risk versus return within the Shire's risk appetite.

5. Embeds appropriate and effective controls to mitigate risk.
6. Achieves effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
7. Enhances organisational resilience.
8. Identifies and provides for the continuity of critical operations.

RISK ASSESSMENT AND ACCEPTANCE CRITERIA

The Shire quantified its broad risk appetite through the development and endorsement of the Shire's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Framework and as a component of this Policy.

All organisational risks are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilized; however, these cannot exceed the Organisation's appetite and are to be noted within the individual risk assessment.

MONITOR & REVIEW

The Shire will implement and integrate a monitor and review process to report on the achievement of the Risk Management Objectives, the management of individual risks and the ongoing identification of issues and trends. A copy of the Risk Management Framework's Risk Dashboard Report and the Prioritised Actions List will be provided to Council's Audit and Risk Committee at each meeting of the Committee.

This Policy will be kept under review by the Shire's Management Team and its employees. It will be formally reviewed annually.

For staff purposes, the following links directly to the Risk Management Framework Risk Profiles:

G:\Governance\Risk Management\2019\Current_RM_Framework_&_Profile_Register_-2019\Current\2019_Kojonup_Risk_Profile_and_Reporting_Tool.xlsm

Risk Assessment and Acceptance Criteria

Shire of Kojonup Measures of Consequence									
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment	Project TIME	Project COST
Insignificant (1)	Near miss. Minor first aid injuries	Less than \$10,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential damage.	Contained, reversible impact managed by on site response	Exceeds deadline by 10% of project timeline	Exceeds project budget by 10%
Minor (2)	Medical type injuries	\$10,001 - \$100,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response	Exceeds deadline by 15% of project timeline	Exceeds project budget by 15%
Moderate (3)	Lost time injury <30 days	\$100,001 - \$500,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies	Exceeds deadline by 20% of project timeline	Exceeds project budget by 20%
Major (4)	Lost time injury >30 days	\$500,001 - \$1,000,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies	Exceeds deadline by 25% of project timeline	Exceeds project budget by 25%
Catastrophic (5)	Fatality, permanent disability	More than \$1,000,000	Indeterminate prolonged interruption of	Non-compliance results in	Substantiated, public embarrassment,	Extensive damage requiring	Uncontained, irreversible impact	Exceeds deadline by 30% of	Exceeds project

Shire of Kojonup Measures of Consequence									
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment	Project TIME	Project COST
			services – non-performance > 1 month	litigation, criminal charges or significant damages or penalties	very high multiple impacts, high widespread multiple news profile, third party actions	prolonged period of restitution Complete loss of plant, equipment & building		project timeline	budget by 30%

Measures of Likelihood			
Level	Rating	Description	Frequency
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur at some time	At least once in 3 years
2	Unlikely	The event could occur at some time	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances	Less than once in 15 years

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
LOW	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
MODERATE	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
HIGH	Urgent Attention Required	Risk acceptable with effective controls, managed by senior management / executive and subject to monthly monitoring	Executive Manager / CEO
EXTREME	Unacceptable	Risk only acceptable with effective controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

Existing Control Ratings		
Rating	Foreseeable	Description
Effective	There is <u>little</u> scope for improvement.	Processes (Controls) operating as intended and aligned to Policies / Procedures. Subject to ongoing monitoring. Reviewed and tested regularly.
Adequate	There is <u>some</u> scope for improvement.	Processes (Controls) generally operating as intended, however inadequacies exist. Nil or limited monitoring. Reviewed and tested, but not regularly.
Inadequate	There is a <u>need</u> for improvement or action.	Processes (Controls) not operating as intended. Processes (Controls) do not exist, or are not being complied with. Have not been reviewed or tested for some time.

2.3.6 ****DELETED** BUSINESS CONTINUITY**

Policy 2.3.6 was deleted 16 November 2021

Business Continuity is addressed under Policy 2.3.5 – Risk Management

2.3.7 **DEPARTMENT OF TRANSPORT LICENSING SERVICES**

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:	ADMIN 017 - Vehicle Licensing & Registration Agency Contract		

OBJECTIVE

Set a position on the provision of localised licensing services at no cost to Council.

POLICY

The Shire of Kojonup is committed to maintaining the traffic licensing agency role subject to the financial commissions received from the State Government providing sufficient revenue such that there is a net benefit to Council, or community benefit.

The Chief Executive Officer is delegated authority to negotiate the renewal of future contracts for the delivery of traffic licensing and services.

2.3.8 VOLUNTEER MANAGEMENT

Adopted or Reviewed by Council:	16/02/16	Council Minute Reference:	19/16
Date/s Amended:	20/11/18		143/18
	19/11/19		156/19
Reviewer:	Senior Administration Officer		
Local Law:			
Procedure:	Volunteer Management Handbook		
Delegation:			

OBJECTIVE

To provide a Volunteer Management system that integrates and coordinates the core policies processes and activities the organisation has in place for working with volunteers. It is made up of policies, procedures and work documents which control how the volunteer program is implemented from day to day.

POLICY

Volunteering promotes civic participation and encourages local people to be active, shape, contribute and make a difference to their local community. Volunteering benefits everyone including the individuals involved, the Council and the wider community.

Council is committed to utilising and valuing the skills, time, talents and energy of volunteers effectively which is supported through the provision of a comprehensive volunteer management framework.

This policy defines the relationship between the Shire and its volunteers; setting out the role and responsibility of Council and outlining the rights and responsibilities of volunteers.

Volunteers working on behalf of the Shire will be defined as individuals who:

1. Provide their services of their own free will;
2. Do not receive any monetary reward (out of pocket expenses are not regarded as monetary reward);
3. Benefit the community and themselves by participating in volunteer programs; and
4. Complement, but do not replace or threaten the livelihood of, paid workers in designated positions.

LEGISLATION AND REFERENCES

Volunteers are entitled to protection through the following legislation:

- *Work Health and Safety Act 2020*
- *Equal Opportunity Act 1984 (WA)*

This policy is to be read in conjunction with the Volunteer Handbook.

BACKGROUND

The Shire of Kojonup has many volunteers across a range of differing activities. Volunteers work alongside staff to deliver and enhance a diverse number of services and initiatives offered by the Shire. Many of these services and initiatives would not occur or would not be sustainable in the long term without the support and contribution of volunteers.

The following outlines the various categories of volunteering throughout Council:

- Springhaven Lodge;
- The Kodja Place Precinct; and
- Library.

PRINCIPLES

The following principles underpin Council's approach to volunteering:

Council performance: Volunteers contribute to the delivery of the Shire's Community Strategic Plan;

Community participation: All citizens have the right to apply to volunteer and the Shire will provide opportunities for members of the community to participate as volunteers in a variety of programs and Shire activities;

Inclusiveness: The Shire will ensure its programs and activities meet individual needs, are welcoming of diversity, and value the strengths and abilities of all community members;

Training: Volunteers will be equipped with the necessary skills and resources required to successfully fulfil the positions;

Identifying strengths & meeting individual needs: Volunteers expectations, interests, availability, abilities, skills and knowledge will be taken into account when matching them with a volunteer position;

Balance of paid staff and volunteers: Volunteers will complement but not threaten the livelihood of paid workers or replace the services or roles provided by paid staff;

Risk Management: Council will provide a safe working environment and address risks that affect the safety and wellbeing of volunteers;

Mutual benefit: Volunteering remains a mutually beneficial activity for the individual volunteer, the program, the community and Council; and

Volunteer Management: Volunteers will be managed in a structured, organised and professional manner.

VOLUNTEER RIGHTS AND RESPONSIBILITIES

Unlike paid staff, volunteers are not covered by awards or workplace agreements. Volunteers, however, have rights and responsibilities which are in part defined by legislation and in recognition of the significant value that volunteers bring to Council and the community.

Volunteer Rights

1. To be respected and valued in the role as a volunteer.
2. To work in a healthy and safe environment.
3. To choose the type of activities they are to be involved in, in accordance with their skills, interests and needs.
4. To receive an orientation and induction to the Shire of Kojonup and individual program areas.
5. To have their ideas welcomed and acknowledged by their Manager and other staff.
6. To be able to raise any grievances or issues in accordance with the Shire's process.
7. To receive reimbursement for out of pocket expenses.
8. To have the training, equipment and resources required to do the duties.
9. To have open communication between Volunteers and Managers.
10. To be protected by insurance.
11. To be actively involved in the decision making that affects them.

Responsibilities of Volunteers

Volunteers have obligations to Council and will be required to:

1. Fulfil the duties as specified in their position description in accordance with relevant legislation;
2. Understand and acknowledge the requirements of the Shire's Code of Conduct and relevant policies and guidelines;
3. Participate in the appropriate induction and on-going training as provided;
4. Operate under the direction and supervision of Shire staff to achieve the objectives required;
5. Maintain confidentiality regarding Shire business, program information or any other sensitive, private information they come across during their volunteer duties;
6. Report any unsafe working conditions/potential hazards to their Manager; and
7. Report any injury/damage to themselves or a third party.

Supporting Documentation

Volunteer Handbook

Employee Manual

Risk Management Framework

Business Continuity Plan

2.3.9 CLOSED CIRCUIT TELEVISION (CCTV) OPERATIONS AND RECORDING

Adopted or Reviewed by Council:	18/04/17	Council Minute	40/17
Date last amended:	20/11/18	Reference:	143/18
	20/08/19		85/19
	19/11/19		156/19
Reviewers:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

This policy applies to Closed Circuit Television (CCTV) and any other device capable of recording video footage in the performance of Shire duties by employees, contractors and elected members.

Provisions relating to recording devices such as Dash Cam will be separately addressed as part of Councils Motor Vehicle/Plant policies/procedures.

This policy document provides guidance on operation, management and reporting protocols for Closed Circuit Television (CCTV) leased, owned or controlled by the Shire of Kojonup:

1. Within, on or around Shire facilities; and
2. In public places within the Shire of Kojonup.

The policy also provides guidance to ensure a consistent approach in identifying suitable locations when considering future public place CCTV installation within the Shire of Kojonup.

POLICY

Purpose

The Shire of Kojonup conducts CCTV operations in order to:

1. Assist in deterring, detecting and responding to criminal offences against people or property;
2. Record evidence to support investigations and prosecutions by Police in relation to offences; and
3. Address community safety concerns of residents, workers, business proprietors, visitors and employees of the Shire of Kojonup.

CCTV OPERATIONS

The objectives established for CCTV operations should be based on measurable criteria, which may include:

1. Reducing crime and incidents reported to Police;
2. Reducing damage and graffiti reported to the Shire of Kojonup;
3. Improving perceptions of safety and reducing fear of crime; and
4. Evidence purposes.

Ownership

The CCTV Operation is owned by and is the sole property of the Shire of Kojonup.

Determining CCTV Camera Location

In determining CCTV camera location and placement in public places, the following factors (in consultation with key stakeholders) will be considered:

1. Incidence of criminal activity;

2. Level of human activity;
3. Level of deterrent;
4. Logistical requirements; and
5. The surveillance is legally permitted.

The selection criteria for each camera placement and location should be documented and the effectiveness of the installation should be measurable and reviewed annually.

A replacement or upgrade program based on system value should be implemented as part of the Shire of Kojonup Information & Communications Technology Plan. Camera technology is continuously evolving and, as a result, the Shire must be aware of the need to remain up-to-date with technology improvements and to factor general maintenance, regular servicing, software upgrades and replacement hardware into the annual budget.

Access and Security of CCTV Equipment

All CCTV recording equipment will be located within secure areas and not accessible to unauthorised persons.

Storage and disposal of surveillance images

Storage and disposal of records from CCTV is to be in accordance with the General Disposal Authority for Local Government Records (DA2015-001) as follows:

No	Function/Activity	Description	Disposal Action	Custody
100.4	Surveillance - Investigations	Surveillance/CCTV footage REQUIRED for investigations and/or court proceedings. NB: If a tape forms part of a case file, it should be sentenced in accordance with the related case records.		
100.4.1		Footage presented by the local government (LG) to the authorities where the LG is not party to the investigation in any further capacity. In these situations, the LG is merely the provider of the footage and the incident does not involve LG staff or assets.	Destroy	Retain 7 years after provision of footage then destroy
100.4.2		Footage concerning incidents involving local government staff or assets, required for investigations.	Destroy	Retain 7 years after investigation finalised, then Destroy.
100.5	Surveillance - No Investigations	Surveillance/CCTV footage NOT REQUIRED for investigations.		

100.5.1		Surveillance/CCTV footage taken from fixed cameras around public open spaces and public access areas.	Destroy	Destroy or re-use tape 30 days after footage taken
100.5.2		Surveillance/CCTV footage taken by mobile cameras or car-based cameras.	Destroy	Destroy or re-use tape 7 days after footage taken
100.5.3		Surveillance/CCTV footage taken from fixed cameras around local government buildings and assets with staff in attendance on a regular basis.	Destroy	Destroy or re-use tape 7 days after footage taken

All hardware purchased for CCTV use must have adequate capacity available to meet the minimum retention period above.

Requests for Stored Information

1. Access to designated surveillance areas and data will be restricted to Authorised Personnel or with written authorisation from the CEO.
2. Any person requesting a copy of any CCTV data records is to apply in writing to the Chief Executive Officer, outlining reasons for such requests. This includes the Senior Management Team, insurance companies and WA Police.
3. At no time will any original or copied video recordings, or still photographs, be released to any media organisation, journalist, individual or group without prior approval of the Chief Executive Officer. If access is denied, applicants are able to utilise the Freedom of Information application process.
4. Recorded material released shall be verified for accuracy, relevance and must not exceed that necessary to fulfil the purposes of the written request.
5. Access is allowed by the Senior Management Team to live CCTV images which may be required to view public areas for reviewing, monitoring or verifying maintenance services and public works.
6. All reasonable attempts will be made to serve the interests of anyone affected by public space surveillance with a focus on community safety and crime prevention, and not be confined to the interests of the Shire of Kojonup or operational needs of the WA Police.

The recording of Audio

There is no foreseen use of audio recording within the CCTV system. However, before audio recording is introduced, a policy for its proper use must be defined.

Complaints Handling

Any complaints regarding CCTV operations are to be directed in writing to the Chief Executive Officer.

Audit & Review

CCTV operations will be monitored and evaluated to verify compliance.

Privacy Principles

CCTV will be operated within the *Surveillance Devices Act 1998* and only for the purposes defined in this policy.

ROLES AND RESPONSIBILITIES

Council Authorised Officers

Chief Executive Officer

The Senior Management Team will be able to view live footage of their department on their smart phone or tablet as follows:

1. Manager of Works & Services – Works Depot, Blackwood Road, Kojonup
2. Manager of Corporate and Financial Services – Administration Office & Library, 93-95 Albany Highway, Kojonup
3. Manager of Regulatory & Technical Services – Administration Office & Library, 93-95 Albany Highway, Kojonup
4. Manager of Aged Care Services – Springhaven Lodge, Barracks Place, Kojonup
5. Chief Executive Officer – All departments of the Shire

The Chief Executive Officer is responsible for the application of delegations in regards to the policy.

The Senior Ranger/Building Maintenance Coordinator, under the supervision of the CEO, is responsible for addressing any technical aspects for CCTV equipment owned, operated or leased by the Shire of Kojonup including equipment maintenance and upgrades and signage. The Senior Ranger/Building Maintenance Coordinator, as part of technical checks, is to arrange viewing with each manager.

The Records Officer, under the supervision of the CEO, is responsible for reviewing and monitoring operations of the policy.

The following CCTV Authority Table reflects operational responsibility per Officer Position:

CCTV Authority Table					
OFFICER	CCTV BUILDING ACCESS	DEVICE	REAL TIME LIVE VIEW	HISTORICAL PLAYBACK	DOWNLOAD FOOTAGE
CHIEF EXECUTIVE	ALL BUILDINGS	SMART PHONE/ TABLET/ COMPUTER	LIVE VIEW	PLAYBACK	Yes
MANAGER OF CORPORATE & COMMUNITY SERVICES	SHIRE ADMIN/KODJA PLACE	SMART PHONE/ TABLET/ COMPUTER	LIVE VIEW	PLAYBACK	NO
MANAGER OF WORKS & SERVICES	WORKS DEPOT	SMART PHONE/ TABLET/ COMPUTER	LIVE VIEW	PLAYBACK	NO
MANAGER OF AGED CARE	SPRINGHAVEN	SMART PHONE/	LIVE VIEW	PLAYBACK	NO

		TABLET/ COMPUTER			
SENIOR RANGER/ BUILDING MAINTENANCE COORDINATOR	ALL BUILDINGS	COMPUTER		PLAYBACK FOR POLICE ENQUIRIES – MAINTENANCE /TECHNICAL CHECKS	NO - CEO APPROVAL
RECORDS	ALL BUILDINGS	COMPUTER		PLAYBACK	NO - CEO APPROVAL

ETHICAL USE OF CCTV SYSTEMS AND RECORDED MATERIAL

This policy represents the formal policy and expected standards of Council. Approval of Council is required prior to any deviation from this policy. Elected Members and Employees are reminded of their obligations under Council's Code of Conduct to give full effect to the lawful policies, decisions and practices of Council.

1. The CCTV System will be operated within applicable law and for the ethical and beneficial purposes for which it is established or which are subsequently agreed in accordance with these approved policy statements.
2. The CCTV System will be operated with due regard to the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.
3. The public interest in CCTV Operations will be recognised by ensuring the security and integrity of recorded material.

The Shire of Kojonup has the highest expectation of all Authorised Personnel to:

1. At all times, act in an honest and legal manner to carry out duties which reflects community values;
2. Treat all live and recorded images in an ethical manner and with the utmost of care, respect and dignity;
3. Interact with WA Police and stakeholders in a timely, courteous and cooperative manner; and
4. Ensure toilets, showers and change rooms and other similar areas shall not be subject to CCTV surveillance.

CONFIDENTIALITY

The Shire of Kojonup expects Authorised Personnel to ensure confidentiality of information gathered by or from CCTV Operations by not disclosing or discussing any events with unauthorised Personnel or associates who have no direct responsibility relating to CCTV operations.

In addition, Authorised Personnel will not explicitly identify any involved person or party with family, friends, or acquaintances and will not disclose any information to third parties, including the media without prior written approval from the Chief Executive Officer.

2.3.10 SOCIAL MEDIA

Adopted by Council: 17/03/20

Council Minute Reference: 26/20

Date last amended: 20/10/20

141/20

Reviewer: Manager Corporate and Financial Services

Local Law:

Procedure:

Delegation:

Social media is revolutionising the way we stay connected with our family, friends and communities. It is growing with evidence from statistics for Facebook showing more than 14 million Australians are active each month.

OBJECTIVES

The use of social media within the Shire of Kojonup has the objective of making content available to engage the people who connect with the Shire via this medium.

This policy establishes the use of social media within the organisation to make content available, provide feedback and communicate with others who are interested in similar topics, and help the Shire of Kojonup find new ways of engaging with people who live, work or spend time within the Shire.

By implementing social media more effectively, the Shire will improve communication, engagement and collaboration with its community to help strengthen the positive and professional identity of the Shire.

This policy is intended to provide clear guidance with respect to the appropriate use of Social Media by all employees. The appropriate use of Social Media applies as it is defined by this policy, the Shire's Code of Conduct and individual contracts of employment.

POLICY

This policy is applicable to all Shire staff, Elected Members and Volunteers. It applies to any social media activity on behalf of the Shire or for staff in contexts that relate to the Shire or the performance of their responsibilities.

Social media platforms may include but are not limited to:

- blogs;
- photo and video sharing such as YouTube and Instagram;
- social networks such as Facebook, Twitter and Linked In;
- mobile phone applications;
- texting;
- digital TV services;
- wikis;
- collaboration tools;
- websites; and
- online forums

PURPOSE

The Shire uses social media for:

- **Communication**

Social media tools are used to tell people what's happening in the Shire of Kojonup. For example, using the Shire's Facebook page to promote major events and to share the latest news.

- **Engagement**

Social media is used to help people to get involved in their community and in local decision making by encouraging discussion on a range of different topics across the different platforms such as Facebook and YouTube. It also means that the Shire can respond to comments and concerns faster, reduce the requirement for customers having to visit the Shire office and reduce the risk and impact of negative comments and bad publicity.

- **Collaboration**

Social media is used to find new, more efficient ways of working together with the community. The Shire's expansion into Social Media provides the opportunity to encourage residents to share content, thoughts and ideas across different platforms such as Instagram.

1.Organisational Use

Any use of social media within the Shire must:

- Follow these social media process and guidelines. These guidelines are in addition to any professional standards that govern specific areas of work and all other relevant policies;
- Ensure appropriate authorisations are obtained before providing any information for posting on social media site;
- Ensure that any information posted online serves to enhance the services of the Shire, is in line with the Shire's missions and values, and will not bring the Shire into disrepute;
- Comply with all laws relating to copyright, record keeping, privacy and defamation, including the need for accurate information and constantly ensuring comments are free from harassment and discrimination;
- Cite all sources quoted within information posted;
- Social Media use on the Shire's relevant media is limited to those employees expressly authorised by the CEO and the following:
 - Shire of Kojonup Facebook Page - Customer Service Officer, Records Officer, Executive Assistant, Manager of Corporate and Financial Services and Chief Executive Officer.
 - Kojonup Library Facebook Page – Chief Executive Officer, Senior Library Officer and Manager of Corporate and Financial Services.
 - Kojonup Play in the Park Facebook Page – Play Café Coordinator, Senior Library Officer, Manager of Corporate and Financial Services and Chief Executive Officer.
 - Kojonup Visitors Centre Facebook Page - Visitor Services Officer and Chief Executive Officer.

All the Shire's digital communication channels are filtered through the CEO/Executive Assistant to ensure the appropriate moderation and security measures are taken. **Before**

setting up any new digital platforms (inc social media channels, websites, analytics and applications) the CEO and relevant manager are to be engaged prior to any decision being made.

2. Guidelines for using Social Media on behalf of the Shire of Kojonup

The following information is provided to assist staff when preparing social media content and responses:

- The Shire President and the CEO are the official spokespersons for the Shire of Kojonup; any statements on behalf of the Council and the Shire are only to be made with specific authority (see above);
- Ensure content is accurate, relevant and complies with current policies, if in doubt always check;
- Avoid offensive, defamatory, intimidating and provocative language, and avoid commenting on or liking posts that contain this type of language;
- Avoid making personal comments about elected members, staff or members of the community;
- Maintain a professional, positive and respectful tone;
- Adhere to copyright, privacy, defamation, discrimination, harassment and other applicable laws;
- If in doubt, do not post – Do not reveal any confidential or time sensitive information that has not yet been made publically available and, if you are not sure on how to respond to a post, refer to the CEO.
- All posts to be written in the third person point of view;
- Liking, sharing or reacting to a post on Social Media is generally taken to be an endorsement of that material, as if you had created it yourself, and may be seen by a wider audience than intended.
- Be responsive – Replying to comments and messages needs to be in a timely manner;
- Keep in mind that you are responding to comments on behalf of the whole organisation;
- There is no such thing as ‘off the record’ for social media. Staff should understand that conversations are in the public domain and can be re-posted elsewhere online and quoted by the media without asking for permission;
- Remember the audience the Shire is targeting when determining which platform you would use to engage with the Shire’s followers;
- Each post must have a photo or picture;
- Always complete each post with a contact: i.e.; If you have any queries, please do not hesitate to contact me on 9831 2400 or email *your email*.

3. Personal Use

Social Media is now a part of daily life and an accepted method of instant communication. The Shire of Kojonup recognises that its staff use social media in a personal capacity outside the context of the workplace. This policy is not intended to discourage nor unduly limit personal expression or online activities. An individual acting on behalf of the Shire, acting in a capacity that they could be seen as representing the Shire or a person seen as, by the public, to be working for the Shire needs to be aware that there is the potential their comments, endorsements and social media activity after hours could influence people to question their ability to remain apolitical and impartial.

It is important, however, to remember that the use of social media is not without risk and the speed and reach of publishing online means content is available immediately to a wide audience. Anything posted online can be difficult to delete and may be replicated to a wide audience. It may be sent to, or seen by people the author never intended or expected would see it. Staff must therefore recognise the need to exercise caution when posting or endorsing content on social media.

The nature of social media often identifies the place of work of the individual using it. In any circumstance where the person is using social media outside the context of the workplace and can be identified as a Shire of Kojonup employee, they are personally responsible for the content they publish and the content published by others to their social media platforms.

Comments or endorsements of content posted on social media by staff members must ensure their actions/posts/content do not provide grounds for a reasonable person to conclude that they could not serve the Local Government impartially and professionally. Staff should also follow and adhere to relevant policies and procedures in a professional manner that is free from bias.

The more senior you are within the organisation, the more weight your opinions will carry and have a greater capacity to impact the reputation of the Shire.

Private Profiles and Private Groups

Nothing that is posted on-line is truly 'private'. Private profile settings and private groups are no guarantee information is only seen by the target audience. Posts may have been screenshot and distributed to individuals, groups and organisations that were never intended to see the content, even after the original post has been deleted.

Privacy settings are not enough to stop someone who disagrees with what has been posted from copying and using it (privacy settings are also constantly being changed and upgraded from social media platform to platform). As staff members of the Shire, your comments have the capacity to affect the Shire's reputation or impact perceptions of you in your role within the Shire.

4. Social Media Management

The Shire's use of social media is intended to be holistic, cross-functional, and owned by all Service Areas.

All defamatory postings will be removed and or hidden through either Facebook's profanity filter or by a manager/CEO at their discretion.

Defamatory postings include but are not limited to those that are racist, sexist, threatening, insulting, and/or unlawful and threatening to another's privacy or safety, possibly constituting a breach of the Shire's Code of Conduct.

4.1 Managing Content (Refer to below organisational charts)

In the case of any particular comment, there are ways to take action;

- No action at all – the comment is allowed to stand as is. This is by far the most common “action” you will take
- An answer or response may be provided to a contributor’s query or comment
- The comment may be drawn to the attention of a manager/ CEO for consideration or action
- The comment may be deleted

4.2 Record Keeping Requirements

Social media postings by the Shire are considered the same as any other means of communication, are often considered a record of the Shire’s activities and are subject to freedom of information requests. This means that the posting and any comments made on the platform must be captured within the Shire’s records management systems. Any required guidance on records management of social media should be referred to the Records Administration Officer.

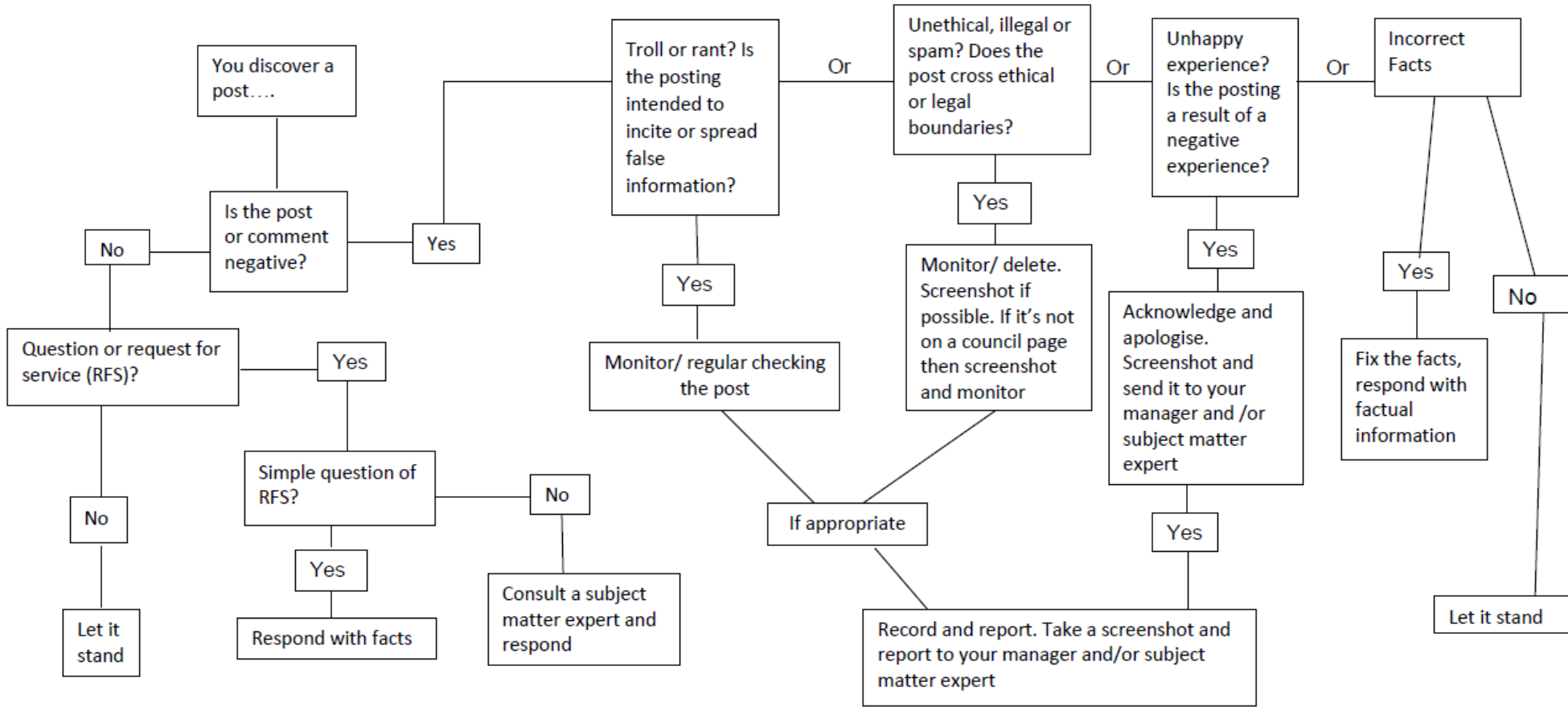
5. Breaches

Employees who breach this policy may face disciplinary action which may include a review of their employment with the Shire of Kojonup.

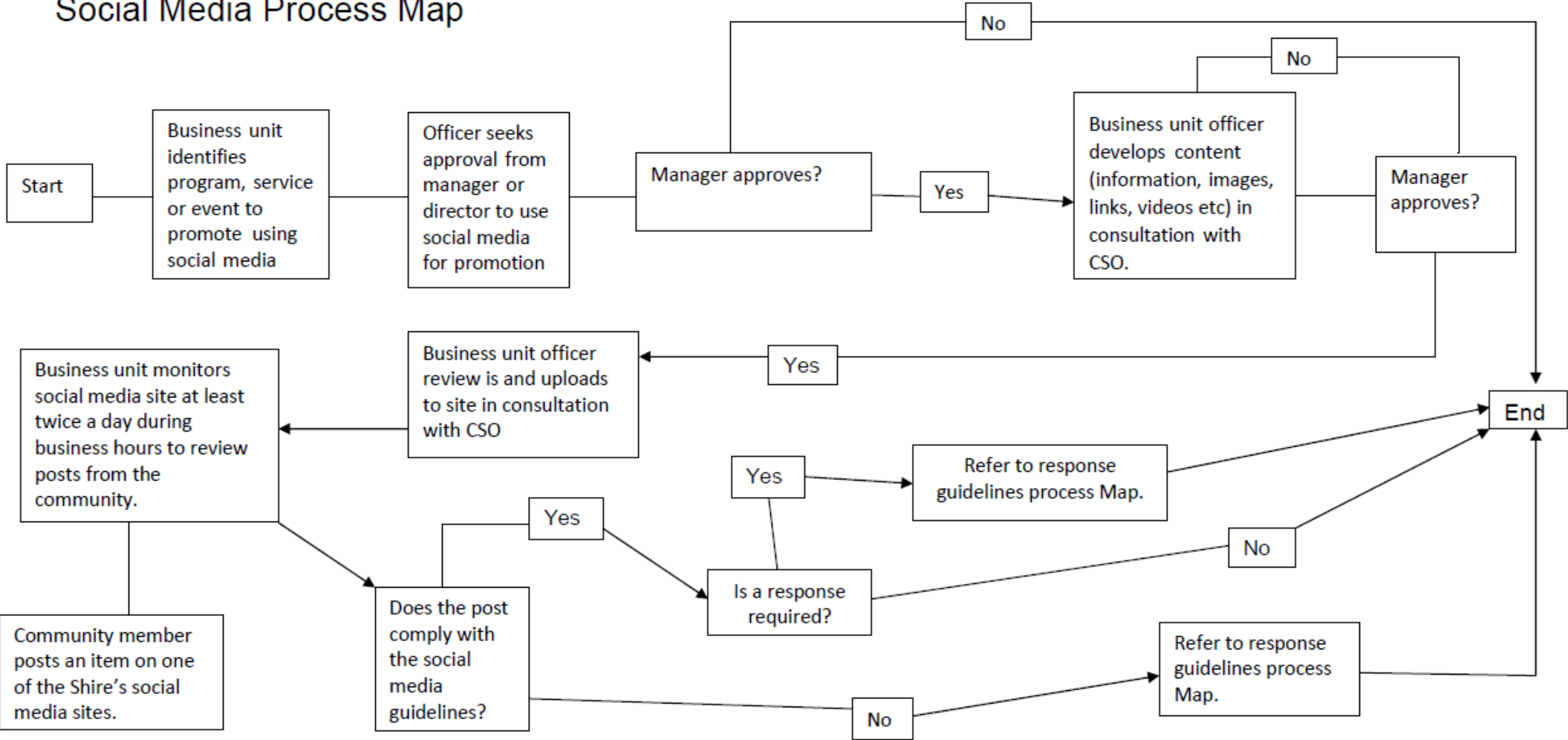
Inappropriate use of social media will not be tolerated by the Shire of Kojonup. An employee who engages in any conduct in breach of this policy will be subject to disciplinary action up to and including instant dismissal.

Any manager who is made aware of any of the behaviour outlined in this policy and who does not deal with the code of conduct appropriately or report the inappropriate usage will also be subject to disciplinary action.

Response Guidelines
Shire Approved social media
administrators and editors only



Social Media Process Map



3 EXECUTIVE & GOVERNANCE

3.1 CODE OF CONDUCT

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Chief Executive Officer		
Local Law:	Local Government (Council Meetings) Local Law 2020		
Procedure:			
Delegation:			

PREAMBLE

Code of Conduct – Statutory Environment

This Code of Conduct observes statutory requirements of the *Local Government Act 1995* (s. 103 – Codes of Conduct) and Local Government (Administration) Regulations 1996 (r. 34B and r. 34C).

What is the Code of Conduct?

Council is the elected body responsible for the administration of the local government in accordance with applicable legislation. It must do that in the best interests of the local community as well as the public in general. The conduct of Elected Members, Committee Members and Council employees must not only be based upon the highest ethical principles, it must be seen to be consistent with those principles.

The Code of Conduct, therefore, provides a *framework for behaviour* that must be observed in the wide range of interactions and scenarios experienced in the conduct of local government activities on a daily basis.

The Code of Conduct provides Elected Members, Committee Members and Council employees with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual local governments.

The Code is complementary to the principles adopted in the *Local Government Act 1995* and Local Government (Rules of Conduct) Regulations 2007 which incorporate four fundamental aims to result in:

1. Better decision-making by local governments;
2. Greater community participation in the decisions and affairs of local governments;
3. Greater accountability of local governments to their communities; and
4. More efficient and effective local government.

Why have a Code of Conduct?

A Code of Conduct is a significant guide to the local government, necessary due to the particular relationships and responsibilities that arise from being a public institution.

Elected Members, Committee Members and Employees are custodians of public resources and trust. In order to continue the effective and efficient administration of this public institution, a set of standards is important to clearly outline these responsibilities and the behaviours that need to be observed to retain the good faith and trust of all parties involved.

Aim of a Code of Conduct

This Code seeks to provide a framework within which Elected Members, Committee Members and Employees should operate to ensure accountability to the community.

The Code complements (and does not in any way substitute for) legislation applicable to local government. It provides guidance to parties involved in, empowered by and entrusted by public duty

and public office, particularly in regard to conflicts that may arise in the performance of duties in the sphere of government and public administration.

The Code recognises local government duties, responsibilities and values in relation to access, equity and open and accountable government. Therefore, the Code purports to cultivate, advocate and develop within local government an awareness of propriety with public administration.

Rules of Conduct

Council Members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the *Local Government Act 1995* and Local Government (Rules of Conduct) Regulations 2007.

Role of Elected Members

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

A Councillor is part of the team in which the community has placed its trust to make decisions on its behalf and the community is, therefore, entitled to expect high standards of conduct from its elected representatives.

In fulfilling the various roles, elected members' activities will focus on:

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

CONFLICT AND DISCLOSURE OF INTEREST

Conflict of Interest

1. Members and staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
2. Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
3. Members and Staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the municipality or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
4. Members and Staff who exercise recruitment or other discretionary functions will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
5. Staff will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

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

Financial Interest

Members and Staff will adopt the principles of disclosure of financial interest as contained within the *Local Government Act 1995*.

Disclosure of Interest

In addition to disclosure of financial interests, Members and Staff, including persons under a contract for services attending a Council or Committee meeting, or giving advice to a Council or Committee meeting, are required to disclose any interest they have in a matter to be discussed at the meeting that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected.

Where an interest must be disclosed, the disclosure is to be made at the meeting immediately before the matter is discussed or at the time the advice is given, and is to be recorded in the minutes of the meeting.

PERSONAL BENEFIT

Use of Confidential Information

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

Intellectual Property

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

Improper or Undue Influence

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

Gifts and Bribery

1. Members and Staff are not to accept a gift, other than a gift of or below \$100, from a person who is undertaking, or is likely to undertake, business:
 - a. That requires the person to obtain any authorisation from the local government;
 - b. By way of contract between the person and the local government; or
 - c. By way of providing any service to the local government.
2. Members and Staff who accept a gift valued at or below \$100 from a person referred to in (a) above are to record in a register of token gifts:
 1. The names of the persons who gave and received the gift;
 2. The date of receipt of the gift; and
 3. A description and the estimated value of the gift

unless the Local Government decided that the specified gifts were given by way of hospitality in which case the specified gifts need not be recorded.

3. This clause does not apply to gifts received from a relative (as defined in s. 5.74(1) of the *Local Government Act 1995*) or an electoral gift (to which other disclosure provisions apply).

CONDUCT OF MEMBERS AND STAFF

Personal Behaviour

Members and Staff will:

1. Act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
2. Perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
3. Act in good faith (i.e.; honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
4. Make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment;
5. Always act in accordance with their obligation of fidelity to the Local Government; and
6. Represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

Honesty and Integrity

Members and Staff will:

1. Observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
2. Bring to the notice of the Mayor/President any dishonesty or possible dishonesty on the part of any other member and, in the case of an employee, to the Chief Executive Officer; and
3. Be frank and honest in their official dealing with each other.

Performance of Duties

While on duty, Staff will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.

Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merit. Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

Compliance with Lawful Orders

Members and Staff will comply with any lawful order given by any person having authority to make or give such an order. Any doubts as to the propriety of an order shall be taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.

Members and Staff will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

Administrative and Procedures

Members and Staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible procedures.

Corporate Obligations

Standard of Dress

Staff are expected to comply with neat and responsible dress standards at all times. Management reserves the right to raise the issue of dress with individual staff.

Elected members will dress in a manner appropriate for the occasion and reflecting the role they have in representing the community at functions and formal meetings. The Shire President will provide guidance where required.

Communication and Public Relations

All aspects of communication by staff (including verbal, written or personal) involving local government activities should reflect the status and objectives of the Shire of Kojonup. Communications should be accurate, polite and professional.

As a representative of the community, Members of the Council need to be not only responsive to community views but also to adequately communicate the attitudes and decisions of Council. In doing so Members should acknowledge that:

1. As a Member of Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
2. Information of a confidential nature ought not be communicated until it is no longer treated as confidential;
3. Information relating to decisions of the Council on approvals, permits and so on, ought only be communicated in an official capacity by a designated officer of the Council; and
4. Information concerning adopted policies, procedures and decisions of the Council is to be conveyed accurately.

Staff are expected to address elected members as Councillor on formal occasions. In all other instances, the use of formal titles is encouraged unless the individual Councillor advises otherwise.

Relationships between Members and Staff

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

1. Accept that their role is a leadership, not a management or administrative one;
2. Acknowledge that they have no capacity to individually direct members of Staff to carry out particular functions; and
3. Refrain from publicly criticising Staff in a way that casts aspersions on their professional competence and credibility.

Appointments to Committees

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

1. Clearly understand the basis of their appointment; and
2. Provide regular reports on the activities of the organisation.

Legal Representation and Costs Indemnification

Members and Staff can become involved in legal action in the course of performing their official duties and functions. In such circumstances there may arise a need for legal representation and Council has adopted a policy to provide assistance where the circumstances warrant it.

Caretaker Provision

Council will have regard to the implications of any decisions considered immediately preceding an election. Consideration should be given to a special electors meeting to discuss significant items which require a decision during this time.

DEALING WITH COUNCIL PROPERTY

Use of Local Government Resources

Members and Staff will:

1. Be scrupulously honest in their use of the Shire of Kojonup's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
2. Use those resources entrusted to them effectively and economically in the course of their duties; and
3. Not use those resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so and appropriate payments are made (as determined by the Chief Executive Officer).

Travel and Sustenance Expenses

Members and Staff will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Shire of Kojonup in accordance with the Shire of Kojonup policy and the provision of the *Local Government Act 1995*.

Access to Information

1. Staff will ensure that members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as members.
2. Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

3.2 ****DELETED** ECONOMIC DEVELOPMENT INCENTIVES - BUILDING & PLANNING FEES & RATES**

Policy 3.2 was deleted on 17 November 2020

3.3 **COUNCILLOR INDUCTION & TRAINING**

Adopted or Reviewed by Council:	17/11/15 17/11/20	Council Minute Reference:	183/15 156/20
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:	Councillor Induction Manual		
Delegation:			

OBJECTIVE

To ensure that elected Council members have sufficient opportunity to be conversant with their legal responsibilities and local government practices and procedures, by putting forward a training schedule each year.

POLICY

Induction

All elected Council members shall, following their swearing in, be given an induction session by the CEO to acquaint themselves with the operations of the Shire of Kojonup and local government in general.

Training

Elected Council members are required to complete the following training:

1. Understanding Local Government;
2. Conflicts of Interest;
3. Serving on Council;
4. Meeting Procedures;
5. Understanding Financial Reports and Budgeting; and
6. CEO Performance Appraisal

Attendance is encouraged at seminars, workshops or conferences that are applicable to local government and which will also provide improved knowledge, business practices and procedures for the benefit of the Shire of Kojonup.

Local Government Week

All Councillors are encouraged to attend Local Government Week. The Shire President and Deputy Shire President are the Council's nominated delegates to attend the conference and vote on motions on the Council's behalf. Council shall be required to authorise attendance by any other Councillor wishing to attend.

3.4 ****DELETED** SHIRE BOUNDARY CHANGES**

Policy 3.4 was deleted on 14 November 2017.

3.5 USE OF COUNCIL CHAMBERS & RECEPTION LOUNGE

Adopted or Reviewed by Council:	14/11/17	Council Minute Reference:	183/15
Date/s Amended:	20/11/18		143/18
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To ensure the Council Chambers are recognised and utilised specifically for local government related activities, and to establish a protocol of use.

POLICY

The Council Chambers are to be used for local government meeting purposes only, except where otherwise approved by the Chief Executive Officer or the Shire President.

Any requests for usage of the Council Chambers not conforming to this policy are to be referred to the CEO.

The Council Reception Lounge is available for restricted Community use in accordance with the adopted fees and charges, whereby either a Councillor or Staff member is in attendance or by a community group approved by the CEO.

The Council Chambers and Reception Lounge may be used as a Local Emergency Management Centre.

3.6 CERTIFICATES OF APPRECIATION

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Date/s Amended:	20/11/18		143/18
	16/11/21		135/21
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To recognise contributions and achievements from Staff, local residents and organisations.

POLICY

To recognise valuable contributions to the community and the good governance of the district, the Council may award Appreciation Certificates, with eligibility guidelines being:

1. Community Organisations/Individuals
2. Following receipt of a written submission containing detailed information on the nominee whether the nominee be from a recreational club, service club or community organisation;
3. Employee
4. Continuous periods of 5 years, 10 years, 15 years, 20 years, 25 years, 30 years or over to be based upon anniversary date; and
5. Others
6. As determined by Council from time to time
7. As determined by the Chief Executive Officer from time to time.

PROCEDURE

Community Organisation/Individual

- Ideally, presented at a formal meeting of Council or, alternatively, at a Community/Volunteer Recognition BBQ held either March/April annually.

Employee

- In respect of Council Employees, subject to the approval of the recipient, certificates will generally be presented at a formal meeting of Council (family members may attend).

3.7 PRESENTATIONS – RETIRING COUNCILLORS

Adopted or Reviewed by Council:	14/11/17	Council Minute Reference:	151/16
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To ensure a policy exists which clarifies presentations by Council to retiring Councillors.

POLICY

Upon resignation or retirement as a Councillor, the Shire may, provided the Councillor has served at least one full 4 year term of office and as a token of appreciation for the years of service, provide one or both of the following:

1. A gift (or money/gift card) valued at up to a maximum of \$200; and/or
2. A presentation made at an appropriate function approved by the Shire President.

Note:

When reviewing the policy, reference should also be made to r. 34AC. of the Local Government (Administration) Regulations 1996 which sets the four year minimum referenced above and also sets a maximum gift value of \$100 per year to a permissible total of \$1,000.

3.8 COMMON SEAL

Adopted or Reviewed by Council: 17/11/15

Council Minute Reference: 183/15

Reviewer: Chief Executive Officer

Local Law:

Procedure:

Delegation:

OBJECTIVE

To clearly define who is authorised to affix the Common Seal, and in what circumstances and to provide a standard sealing clause.

POLICY

That the President and Chief Executive Officer be authorised to use the Shire of Kojonup's Common Seal when and as required to comply with contractual and legal obligations and that the wording be as follows:

"The Common Seal of the Shire of Kojonup was hereunto affixed in the presence of:

Chief Executive Officer _____

Date _____

Shire President _____

Date _____"

The guidelines for use of the Common Seal are as follows:

1. The CEO is to have charge of the Shire of Kojonup's Common Seal, and is responsible for the safe custody and proper use of it;
2. The Common Seal of the Shire of Kojonup is to be affixed to any local law, which is made by Council;
3. The CEO is to record in a register each date on which the Common Seal is affixed to a document, the nature of the document, and the parties to any agreement to which the Common Seal is affixed; and
4. For use in legal and contractual forms, as deemed appropriate or required by law.

3.9 FLYING OF FLAGS

Adopted or Reviewed by Council:	14/11/17	Council Minute Reference:	183/15
Date amended:	19/11/19		156/19
	16/11/21		135/21
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To ensure that a consistent policy is applied to requests for flying of legitimate and recognised flags.

POLICY

The Australian, State and Aboriginal flags are to be flown at The Kodja Place on a permanent basis. The Australian, Aboriginal and Shire of Kojonup flags are to be flown at the Council administration offices.

When requests are received for the flying of other flags on Council's flagpoles, the Western Australian state flag be substituted unless protocol (as described below) dictates otherwise.

Note: Many protocols exist for the flying of flags. The following is an excerpt from the booklet 'Australian flags' – Part 2: The protocols for the appropriate use and the flying of the flag. Refer to www.itsanhonour.gov.au for more information.

"Flying and handling

When flown in Australia or on Australian territory the Australian National Flag takes precedence over all other flags with the exception of the United Nations Flag on United Nations Day (refer to page 35). See the order of precedence (page 25) when flying the Australian National Flag in company with other flags.

The flag should not be flown in a position inferior to that of any other flag or ensign. The superior position is based on the formation of the flagpoles in the set, not the height of the flag on the flagpole."

"Order of Precedence

The Australian National Flag takes precedence in Australia over all other flags when it is flown in company with other flags. Thereafter when flown in the community the order of precedence of flags is:

- 1: National Flag of other nations*
- 2: State and Territory Flags*
- 3: Other flags prescribed by the Flags Act 1953 including:*
 - > the Australian Aboriginal Flag and the Torres Strait Islander Flag in either order; and*
 - > the Defence ensigns which should be flown in the following order:*
 - the Australian Defence Force Ensign*
 - the Australian White Ensign*
 - the Royal Australian Air Force Ensign.*
- 4: Ensigns and pennants – local government; Commonwealth, state and territory agencies; non-government organisations.*

The order of precedence may be varied in the following circumstances:

- > On military occasions or establishments, the Australian National Flag may be followed in the order of precedence by the prescribed Defence ensigns and military pennants ahead of other flags, ensigns and pennants.*

> On Commonwealth occasions and Aboriginal or Torres Strait Island occasions for their peoples, the Australian Aboriginal Flag or the Torres Strait Islander Flag may follow the Australian National Flag ahead of other flags prescribed under the Flags Act 1953, state and territory flags and other ensigns and pennants.”...

“In the absence of a flag or flags higher in the order, a flag shall follow the flag being flown that is higher in the order. The order of precedence does not require that a flag listed in the order must be flown in company with other flags in the order”.

Other:

1. Flags will be flown at half-mast during a funeral held in Kojonup.
2. Directives from government departments are in addition to the above policy and will be complied with.

3.10 COUNCILLORS FEES & REIMBURSEMENTS

Adopted or Reviewed by Council: 17/11/15

Council Minute Reference: 183/15

Reviewer: Chief Executive Officer

Local Law:

Procedure:

Delegation:

OBJECTIVE

To define elected member fees and allowances as determined by the *Local Government Act 1995*, *Local Government (Administration) Regulations 1996* and the *Salaries and Allowances Act 1975*.

To encourage elected members' use of Council vehicles, where possible, for Council business.

POLICY

Fees and Allowances

Elected member fees and allowances are set annually by the Salaries and Allowances Tribunal and are to be set at 75%, determined by the allocated band, of the maximum level permitted under the *Local Government Act 1995* and *Salaries and Allowances Act 1975*.

The Information and Communication Technology allowance be set at \$3,000 or 75% of the maximum level permitted, whichever is the greater.

Reimbursement of Expenses

Conferences

Council will pay for reasonable expenses incurred (including out of pocket expenses) in relation to nomination, travel and accommodation of any Councillor that is authorised by Council to attend a conference relating to Council Business. The President and Chief Executive Officer of the Shire shall approve the amount of expenses to be incurred.

Travel

Council will reimburse Councillors' travelling expenses when attending Council Meetings, Committee Meetings, Advisory Committees and Council authorised meetings. Travel with the Shire President or Council Officer is encouraged where this is convenient and effective. If this is not convenient or effective, a Councillor may claim the appropriate mileage allowance. Reimbursement will be at the current rate per kilometre in the Local Government Industry Award on presentation of a completed log book.

Out of Pocket Expenses

Reasonable out of pocket expenses will be reimbursed on presentation of a receipt to the Manager of Corporate and Financial Services.

Administration

1. Councillors attending official Council meetings as an observer authorised by the Presiding Member or the Council in general will be entitled to travel reimbursement.
2. Councillors attending Council related meetings in a private capacity are not entitled to travel reimbursement.
3. Councillors may elect not to receive meeting fees and other allowances.
4. Councillor fees and allowances shall be paid on a quarterly basis, in arrears.
5. Payment of travel reimbursements and out of pocket expenses shall be made on application to the Manager of Corporate and Financial Services.
6. Only one amount can be claimed for annual attendance fees i.e.; two positions cannot be added so as to get a higher figure.

3.11 ** MOVED TO POLICY 2.3.7 **

3.12 COUNCIL ADVISORY COMMITTEES

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Reviewer:	Chief Executive Officer		
Local Law:	Local Government (Council Meetings) Local Law 2020		
Procedure:			
Delegation:			

OBJECTIVE

The Shire of Kojonup appreciates the service provided by members of Council Committees. In providing these services, however, a standard of professional behaviour must be demonstrated that maintains and promotes confidence and trust in the work of Council.

Advisory Committees are appointed to provide input and overview to Council on a specific topic either to a term of reference or on an ongoing basis.

Advisory Committees:

1. Advise Council on current and emerging issues;
2. Promote the awareness of a specific topic within Council and the community;
3. Provide a process for input into the planning and provision of services and facilities; and
4. Provide a process for feedback from community to Council.

This policy provides guidelines for consistent practice in the way Advisory Committees are formed and operate.

POLICY

Legal Environment

In accordance with s. 5.8 of the *Local Government Act 1995*, the Council may convene a Committee of three or more persons for the purpose of assisting the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

A Committee shall operate in accordance with the relevant requirements of:

1. *Local Government Act 1995*, Part 5, Division 2;
2. Local Government (Administration) Regulations 1996;
3. Shire of Kojonup Policy 3.19 Code of Conduct; and
4. Local Government (Council Meetings) Local Law 2020 ; and
5. This policy.

A committee member ceases to be a member of a committee if the member has been absent from three consecutive meetings of the committee without having been given a leave of absence.

Resources

The Chief Executive Officer will appoint a responsible officer for ensuring that a committee is provided with appropriate administrative support and professional advice. Committee members shall ensure that matters regarding the operation of a committee are referred, in the first instance, to the responsible officer.

Shire resources can only be used for Shire purposes if the CEO has given specific approval. Shire resources include:

1. Materials;
2. Equipment;
3. Facilities;

4. Vehicles;
5. Documents;
6. Staff time; and
7. Records, Data and Information.

Advisory committees cannot commit Council resources.

Recommendations to Council

Unless a specific Delegation of Statutory Authority has been established in accordance with s. 5.16 of the *Local Government Act 1995*, the decision making of a committee of Council is limited to providing recommendations for Council's consideration. The recommendations of advisory committees can assist Council in making informed decisions on complex matters.

Recommendations to Council shall be strategic in nature and reflect the role of the Council; that is, they shall not be of an administrative nature.

Conduct of Committee Members

Committee members are responsible for their own good conduct when providing services to Council and to the community. They are to know and understand the standards set out in this policy and in the Council's Code of Conduct. All relevant laws must also be obeyed. Any breaches of the Council's Code of Conduct will result in loss of membership to the committee.

Representing the Council on an advisory committee is an important responsibility and each member is to sign a declaration, as attached. Community members are unable to serve on Council committees if they have not signed the declaration.

When representing or providing services to the Council, committee members should, at all times, be courteous towards the public, Councillors, Council Staff and other committee members so as not to bring Council into disrepute.

All public comments and media statements representing the Shire of Kojonup or its committees must first be approved by the Shire President or the Chief Executive Officer.

Meetings

No Council Advisory Committee shall call a meeting without first obtaining written permission of the CEO detailing the purpose of the meeting. Approval will determine the following:

1. Who chairs the meeting;
2. The format of the meeting; and
3. Whether recommendations for consideration will be accepted.

Each committee of Council must ensure that full and accurate minutes of the proceedings of its meetings are kept in accordance with Local Government (Administration) Regulations 1996 r. 11. Minutes of Committee meetings shall be referred to the next available ordinary Council meeting, where appropriate.

Safety

Council is responsible for providing a safe work environment and gives priority to the health, safety and welfare of Council officials and committee members. Committee members should protect their safety and that of others in the work environment and public areas. All safety concerns should be reported immediately to Council staff.

No member shall take part in activities or attend meetings of a Council committee while under the influence of alcohol or other drugs which could impair abilities or cause danger to themselves or others.

Disclosure of Interest

A member of a Council Advisory Committee who has a pecuniary or financial interest in any matter with which the Committee is concerned and who is present at a meeting of the Committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

The member declaring an interest must not be present at, or in sight of, the meeting of the committee:

1. At any time during which the matter is being considered or discussed by the Committee; or
2. At any time during which the Committee is voting on any question in relation to the matter.



DECLARATION BY ADVISORY COMMITTEE MEMBER

Declaration by Advisory Committee Member

I,

_____ of _____¹

,
having been elected to the ² _____ Advisory
Committee of the Shire of Kojonup, declare that I take the office upon myself and will duly, faithfully,
honestly, and with integrity, fulfil the duties of the Advisory Committee for the people in the district
according to the best of my judgement and ability, and will observe the Shire of Kojonup's Policies
3.12 Council Advisory Committees and 2.24 Code of Conduct

Signed: _____

Date: _____

Witness Name: _____

Witness Signature: _____

Date: _____

¹ Insert your residential address.

² Insert Name of Advisory Committee

3.13

PUBLIC QUESTION TIME

Adopted or Reviewed by Council: 17/11/15

Council Minute Reference: 183/15

Reviewer: Chief Executive Officer

Local Law: Local Government (Council Meetings) Local Law 2020

Procedure:

Delegation:

OBJECTIVE

The Shire of Kojonup provides the public with the opportunity to raise questions (as per s. 5.24 of the *Local Government Act 1995*), or to make a brief statement on issues of concern at all Ordinary Meetings and Standing Committee Meetings of Council. The purpose of this policy is to ensure that the Public Question Time during these meetings is conducted with respect, discretion and morality.

POLICY

The *Local Government Act 1995* requires that a minimum of 15 minutes is to be provided at the beginning of the meeting for question time (where members of the public wish to ask questions). Question time is the first item on the agenda and the following procedures apply:

1. Council encourages input from its residents but will not debate any issue with those in attendance at meetings;
2. Questions should be directed to the Shire President (or Chairman at Committee Meetings). Where appropriate, the President may ask another Councillor or Officer to respond if necessary. If the answer is not known and requires further investigation, a written response will be provided at a later date;
3. The President (or Chairman) has the right to determine any address, question or statement made by a member of the public to be out of order if it is considered to be:
 - i. A personal attack or adverse reflection on the integrity of Councillors or Staff; or
 - ii. Inappropriate behaviour and use of public question time.Such behaviour will not be permitted or tolerated;
4. Prevention of Disturbance:
 - a. Any member of the public addressing Council or a Council committee is to extend due courtesy and respect to the Council or committee and the processes under which they operate and must take direction from the person presiding whenever called upon to do so; and
 - b. No person observing a meeting is to create a disturbance at a meeting by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
5. Taped recording of meetings is not permitted.
6. Copies of the Council's Public Question Time Policy are to be distributed at Council/Committee Meetings where members of the public are in attendance.

3.14 LATE AGENDA ITEMS – COUNCIL MEETINGS

Adopted or Reviewed by Council:	15/11/16	Council Minute Reference:	151/16
Reviewer:	Chief Executive Officer		
Local Law:	Local Government (Council Meetings) Local Law 2020		
Procedure:			
Delegation:			

OBJECTIVE

To ensure that the decision-making process enables all issues to be properly considered in a professional and timely manner.

POLICY

1. The submission of late items to a Council meeting is only permitted with the prior permission of the Chief Executive Officer or the Presiding Member.
2. Late items must be in the approved report format including all relevant information and where possible late items are to be e-mailed to all elected members and loaded onto Docs-on-Tap.
3. Under the section of the Agenda titled *“NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING”* the meeting of the Council is to decide by a properly recorded vote whether to accept the late report before proceeding.

3.15 CITIZENSHIP CEREMONIES

Adopted or Reviewed by Council:	17/11/15	Council Minute Reference:	183/15
Date/s Amended:	20/11/18		143/18
	19/02/19		10/19
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

Ensure that people receiving the Certificate of Australian Citizenship be given a ceremony of their choice, as per the options below.

POLICY

Candidates for Australian Citizenship will be given the opportunity to choose from the following options for their ceremony:

1. A private ceremony with the President or, in the President's absence, the CEO;
2. A formal ceremony, during an Ordinary Council meeting in May or December; or
3. Where possible, citizenship certificates be held over to celebrate a special Citizenship Ceremony on Australia Day.

In the interests of building community relations, citizenship ceremonies conducted by the Shire of Kojonup provide for the attendance of any family or supporting friends and for the attendance of all Councillors provided each applicant is consulted beforehand and approves.

PROCEDURES – CEREMONIES

People receiving the Certificate of Australian Citizenship will receive a gift up to the value of \$50 (subject to the discretion of the Shire President), such as:

1. Native Plant;
2. Souvenir relative to Kojonup;
3. Commemorative item; or
4. Item relative to Adult/Youth/Child.

Citizenship ceremonies are to be held in accordance with the Australian Citizenship Ceremonies Code. Designated dates for citizenship ceremonies are:

- Australia Day (26 January)
- Australian Citizenship Day (17 September)
- Council meeting days in May and December annually.

3.16 COMMUNITY CONSULTATION CHARTER

Adopted or Reviewed by Council:	14/11/17 19/11/19 16/11/21	Council Minute Reference:	183/15 156/19 135/21
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

The following Community Consultation Charter be adopted as Council's policy for consulting and communicating with the community.

POLICY

THE SHIRE OF KOJONUP'S COMMITMENT

The Community Consultation Charter reflects Council's commitment to open and effective consultation and communication with the community when progressing the aspirations contained within the Community Strategic Plan 'SMART Possibilities' 2027+ and effective decision making.

OUR VISION

Kojonup is a **smart** region featuring a technologically advanced **agricultural** community, an educational and historical **destination** and a healthy and enviable **lifestyle**.

OUR GUIDING VALUES

Integrity

We will act in an honest, professional and accountable manner that maintains the community trust.

Care and Respect for People

We will treat people with respect in all of our interactions. We are committed to the safety and wellbeing of our community and employees and will show care and empathy when addressing issues.

Responsible

We are mindful of our role as custodian of the community's assets, and will make decisions in a responsible manner. We will consider value for money in decision making and ensure that our operations and systems promote efficiency and good governance.

Open and Reliable

We will carry out our business in a transparent and approachable way, respecting diverse views and valuing the input and contributions from the community. We will act consistently and communicate clearly.

WHY WE CONSULT AND HOW WE COMMUNICATE

Division 2 of the *Local Government Act 1995* stipulates the requirements for holding and conducting Council Meetings, Committee Meetings and Elector Meetings. In addition to these statutory requirements, the Shire of Kojonup establishes Advisory Committees and Work Groups, such as the

Kojonup Spring Advisory Committee and Sporting Precinct Advisory Committee, allowing community members an opportunity to contribute positively to the things that are important to them and to the decisions and outcomes that impact on their lives. It also assists the Council to make good decisions on behalf of the community.

FORMAL ADVISORY COMMITTEES:

Established under the *Local Government Act 1995 (Act)*, these Committees are an immediate extension of the Council; for example:

- Audit and Risk Committee;
- Bush Fire Advisory Committee;
- Kojonup Natural Resource Management Advisory Committee.

Each meeting shall be called, conducted and recorded in accordance with the *Local Government Act 1995* (i.e.; local public notice of meetings, Standing Orders Local Law, formal minutes, etc.). Minutes of these meetings will be presented to the Council and all recommendations considered through a written report.

OTHER SHIRE COMMITTEES:

These Committees are less formal groups established by the Council; for example:

- Sporting Precinct Advisory Committee; and
- Kojonup Spring Advisory Committee.

While they play an equally important advisory role to the Council's decision-making process, they are not established in accordance with Section 5.8 of the *Act* and are deliberately less formal than the Advisory Committees to better reflect the subject matter concerned, or are established under another Act such as the *Bush Fire Act 1954*. Minutes of these meetings will be presented to the Council to ensure information flow.

DELEGATES TO OTHER LOCAL & REGIONAL ORGANISATIONS:

This category lists the outside organisations that the Shire is either a member of and, therefore, needs representatives to attend meetings or is invited to have a delegate to represent the Shire:

- Great Southern Zone of WA Local Government Assoc.;
- Southern Link VROC (Voluntary Regional Organisation of Councils);
- Great Southern Joint Development Assessment Panel;
- Great Southern Regional Road Group;
- Kojonup Homes for the Aged Committee;
- Great Southern Recreation Advisory Group;
- Great Southern Treasures; and
- Kojonup Historical Society Inc.

Council, via elected members, is charged with the responsibility to make many decisions on behalf of, and that impact on, the community and to deliver a wide range of infrastructure and community services. Council endeavour to fulfil these responsibilities in an effective and efficient manner, while providing as much opportunity for the community to contribute through consultative processes as possible and where appropriate. Council will continue to strive to get this balance right.

The Chief Executive Officer is charged with the responsibility of ensuring that Council receives qualified advice and the following declaration is included in each Council agenda:

"I certify that with respect to all advice, information or recommendation provided to the Council in or with this Agenda:

- i. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and*
- ii. Where any advice is directly given by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person."*

The Shire of Kojonup website contains:

- Council, Elector and formal Committee Agendas, Minutes, and Discussion Papers;
- Integrated Planning & Reporting Documents such as the Shire's:
 - Community Strategic Plan;
 - Corporate Business Plan;
 - Annual Budget, Fees and Charges Register;
 - Long Term Financial Plan;
 - Asset Management Plan; and
 - Workforce Plan;
- Risk Management Plan;
- Business Continuity Plan;
- Capital Evaluation Framework;
- Plant & Equipment 10 year Replacement Program;
- 10 year Footpath Replacement Program;
- 10 year Roads Program;
- Concept plans.
- Briefing Session agendas and notes of discussions held.

Council also publishes the Shire of Kojonup E-News every fortnight.

WHEN WE WILL CONSULT

The decision to undertake community consultation will only be made where there are a number of possible options or directions that could be taken by Council and Council has the flexibility/ability to consider same within statutory, budgetary and other limitations.

The Shire of Kojonup (Staff and Councillors) will consider the need for, and type of, consultation required for each situation where Council is required to make an important decision about a matter that is likely to have a significant impact on the lives, homes or localities of residents, businesses, groups and organisations.

This assessment will be made in the context of the scale, importance, likelihood and expected onset of impact of the decision being made or action being taken by Council and the expected level of community interest and concern. It will also be made in the context of the level of risk or security.

THE CONSULTATION & COMMUNICATION PROCESS

Each specific community consultation process may be undertaken in a slightly different way, reflecting the differing nature of the issue at hand. However, all community consultation undertaken by the Shire will be carried out in accordance with this Charter. Clearly, in effectively consulting the community, many diverse and different views, opinions and preferences will be conveyed to Council. We will not always be able to reconcile these differences, nor make decisions or take actions that align with everyone's viewpoint.

The important thing, we believe, is that everyone in Kojonup has an open, accessible and equal opportunity to 'have a say' on important issues that impact their lives and an explanation of Council's position in relation to that matter.

In many cases, Council is required by legislation to carry out community consultation in a very specific manner; for example, when selling Council land or in processing planning permit applications. This legislative requirement may either set a minimum standard/method of consultation or an exact standard/method of consultation.

Council is committed to:

- (a) All community consultation and communication being undertaken in a manner that is consistent with our guiding values and it is expected that all parties to a community consultation process, including community members, would behave in a way consistent with these values;
- (b) Working with established networks, groups and forums of active community members, while respecting that all community members have a right to contribute to consultation and decision-making processes, irrespective of whether they are part of an established forum or interest group;
- (c) Effective two-way communication to ensure that Council has qualitative and quantitative information available in a timely manner to make informed decisions aligned to the Community Strategic Plan;
- (d) Respecting that not everyone in the community has a civic interest and wishes to participate in consultative engagements; and
- (e) Meeting our obligations under the *Information Privacy Act 2000* and *Public Disclosures Act 2003*, regarding the handling of all personal information.

Based on all of these inputs, including a range of community views, opinions and preferences, Council will make a decision or take a course of action that it believes best serves the interests of the Kojonup community.

CUSTOMER FEEDBACK

To gauge our performance in relation to our consultation and communication commitments, Council encourages responses from our customers, whether they be complaints, compliments or comments noting that Community Engagement Surveys are required to be conducted every two years, the Corporate Strategic Plan is reviewed every four years, Integrated Planning documents (including Council Policies) are reviewed annually and opportunity exists for community members to make submissions or participate in 'Public Question Time' at the commencement of Ordinary Council Meetings or to make presentations at Briefing Sessions.

The Community Consultation & Communication Charter is intended as a collaboration between the Council and the community it serves. Therefore, if there is something that you feel unhappy about, please utilise our simple feedback process.

Please give us the opportunity to improve our service to you. Comments, suggestions and compliments all provide an effective means by which to assess the existing service you receive.

Copies of our Complaints and Compliments Form can be downloaded from our website www.kojonup.wa.gov.au or obtained from one of our Customer Service Officers.

If we can help, please contact us:

In Person:	Administration Centre 93-95 Albany Highway KOJONUP WA 6395
By Mail:	PO Box 163 KOJONUP WA 6395
By Telephone:	08 9831 2400/08 9831 1566
By Email:	council@kojonup.wa.gov.au

3.17 CUSTOMER SERVICE CHARTER

Adopted or Reviewed by Council:	14/11/17	Council Minute Reference:	183/15
Date/s Amended:	20/11/18		143/18
	19/11/19		156/19

Reviewer: Chief Executive Officer
Local Law:
Procedure:
Delegation:

OBJECTIVE

The following Customer Service Charter is Council's policy for interacting and liaising with the community.

POLICY

The Shire of Kojonup's commitment to you

Our Customer Service Charter reflects our commitment to the quality of the service which we provide to you.

The Shire of Kojonup has a large number of transactions with our community each month including approximately 350 licensing transactions, emptying of 2000 rubbish/recycle bins, receipt of 210 pieces of incoming correspondence and 2,800 swimmers through the Pool. When there is an issue with this level of service, this Customer Service Charter outlines how we will deal with such issues.

Our Vision

Kojonup is a smart region featuring a technologically advanced agricultural community, an educational and historical destination and a healthy and enviable lifestyle.

Our customers include:

1. Residents, ratepayers, business proprietors, community sporting and recreation clubs, and associations;
2. Visitors to the Shire of Kojonup;
3. Employees; and
4. Government departments and non-government agencies and organisations.

We will achieve our commitment to you by:

1. Progressively reviewing and improving forms, systems and procedures from a customer's perspective;
2. Conducting regular customer service Employee training programs;
3. Incorporating customer service improvements into all Business Plans;
4. Making the development of positive customer service attitudes part of the annual performance review program for all Employees;
5. Progressively improving access to our services to people with disabilities and people from culturally and linguistically diverse backgrounds;
6. Making information available in alternative formats for people with specific requirements;
7. Improving access to Council information by utilising a wide range of media types; and
8. Ensuring all complaints are dealt with fairly, quickly and equitably.

You can assist us by:

1. Providing accurate and complete details, such as distances or road names, when contacting us with any queries or requests for assistance.
2. Contacting us to make an appointment if you have a complex enquiry or need to see a specific officer.
3. Contacting the officer nominated on correspondence sent to you and quoting the reference number of the letter.
4. Treating Employees with the same courtesy and respect given to you.
5. Acknowledging that the Shire may not have the authority to deal with your request/complaint and that you may need to refer it to another agency/organisation.

Service Standards (in general)

We will advise you of the progress of your request at least every 15 working days, until the matter is resolved.

Service Standards (in person)

We will:

1. Promptly attend to you at all times in a professional, polite and attentive manner;
2. Listen attentively in order to understand your needs;
3. Aim to attend and complete your request at the time of your visit;
4. When enquiries of a technical or specialist nature are made at the Customer Service Centre, ensure that the appropriate Employee is called, if available, or that contact is made within 24 hours to arrange an appointment;
5. Ensure all Employees who have face-to-face contact with customers wear a name badge for ease of communication; and
6. Always be appropriately dressed and wear name badges.

Service Standards (on the telephone)

We will:

1. Promptly answer all telephone calls during working hours (by a human and not a machine);
2. Introduce ourselves over the phone by name and provide a direct contact number for future communications when necessary;
3. Reply to telephone enquiries on the same day or the next working day, as appropriate;
4. Take personal responsibility for your enquiry to reduce the transfer of calls and inform you of any delays if you are 'on hold';
5. Provide a 24-hour after hours telephone service for emergency calls; and
6. Promote direct dial telephone numbers in all correspondence.

Service Standards (in writing including emails)

We will:

1. Acknowledge your written request within 10 working days of receipt;
2. Whenever possible provide a completion date when requests require in-depth research which will take longer than 10 working days;
3. Write to you in clear, concise language that is easily understood; and
4. Send out standard information within 24 hours of the request being received.

Customer Feedback

To gauge our performance in relation to our service commitments, the Council encourages responses from our customers, whether they be complaints or compliments.

This Service Charter is intended as collaboration between the Council and the community it serves. Therefore, if there is something that you feel unhappy about, please utilise our simple feedback process. Please give us the opportunity to improve our service to you. Comments, suggestions and compliments all provide an effective means by which to assess the existing service you receive.

Copies of our Complaints and Compliments Form can be downloaded from our website www.kojonup.wa.gov.au or obtained from one of our Customer Service Officers.

If we can help please contact us:

In person: Administration Centre
93-95 Albany Highway
KOJONUP WA 6395

By Mail: P O Box 163
KOJONUP WA 6395

By Telephone: 08 9831 2400

By Email: council@kojonup.wa.gov.au

3.18 ELECTED MEMBERS – INFORMATION & COMMUNICATION TECHNOLOGY (ICT)

Adopted or Reviewed by Council:	18/4/2017	Council Minute Reference:	54/17
Reviewer:	Manager Corporate and Financial Services		
Local Law:			
Procedure:	"Getting Started" instructions for Councillors available		
Delegation:			

OBJECTIVE

The purpose of this policy is to define the ICT device requirements for elected members and to clarify the provision and ownership of such.

POLICY

Reference should also be made to Council Policy 3.10 – 'Councillors Fees & Reimbursements' which sets the level of Councillor allowances, including the ICT Allowance.

Shire of Kojonup ICT Environment

The Shire of Kojonup predominately utilises the application (app) 'Docs-on-Tap' for the dissemination of agendas, minutes and other Shire documents and information. 'Docs-on-Tap' is available on mobile devices that utilise the following platforms:

- iPad – iOS 6.0 Prerequisite
- Android
- Windows 10
- Windows 8
- Windows 7

In addition to the 'Docs-on-Tap' app, email is also utilised as a primary source of communication. Councillors will be issued with a Shire of Kojonup email address in the format of *cr.surname@kojonup.wa.gov.au* which is operated through Microsoft Exchange Server. In addition to accessing email through standard email apps, email can be accessed via <https://remote.kojonup.wa.gov.au/owa> by logging in using your user name (first part of email address) and password.

The following apps are suggested for use by elected members to assist in the performance of their role:

Type of App	Suggested	Other Products
Email	Microsoft Outlook	Mail (default iPad App)
Calendar / Diary	Microsoft Outlook	Calendar (default iPad App)
Word Processor	Word (by Microsoft)	Pages (by Apple) Docs (by Google)
Spreadsheets	Excel (by Microsoft)	Numbers (by Apple) Sheets (by Google)
Presentations	PowerPoint (by Microsoft)	Keynote (by Apple) Slides (by Google)

Type of App	Suggested	Other Products
Cloud Storage	OneDrive; Dropbox; or Google Drive	iCloud (Apple default)
Note Taking	OneNote (by Microsoft)	Evernote Keep (by Google)
Other	<ul style="list-style-type: none"> • MyScript Calculator – hand drawn calculator; • YouTube – thousands of free videos, including “how-to” videos; • TED – Educational Talks; • Borrowbox, Rb Digital and Kanopy – see library staff for more information. 	

1. Ownership & ICT Requirements

Elected Members of the Shire of Kojonup shall provide their ICT device, data and communication requirements to fulfil the requirements of the position and an ICT Allowance is provided to enable this to occur. It is suggested, as a minimum, that the following be utilised to enable an elected member to undertake their duties:

- Mobile telephone – The elected member’s mobile telephone number will be publicly advertised on the Shire website and some correspondence; and
- Mobile computing device – such as a tablet, laptop computer or iPad. This device will need to be compatible with the Shire email network and Docs-on-Tap application. Assistance is available from the Manager of Corporate and Financial Services if required prior to purchase. Pre-payment of an individual Councillor’s ICT Allowance of up to \$1,000 is available for the purchase or upgrade of either of the two (2) components above, if not already privately owned.

As all devices are purchased by the individual elected member, all ownership and maintenance of such devices remains with the individual, both during and after their term of office.

2. Data/Internet Access

Each mobile computing device *should* also utilise a data pack (sim card) to increase the mobility and effectiveness of the device. This data pack will be the responsibility of the individual elected member and the service provider and monthly package chosen is at their total discretion.

When Councillors are in Shire buildings, internet access will be provided by connecting to the Shire’s wireless network (Wi-Fi) where available. Access information (password etc.) will be provided upon request. To ensure the integrity of the Shire’s computer network, the password for the Wi-Fi must never be disclosed to another party.

3. Terms and Conditions

The following terms and conditions must be adhered to at all times:-

- The Shire's Wi-Fi network must not be used to access any information, applications or videos that are deemed inappropriate by Council policies or the Chief Executive Officer (such as pornography etc.);
- A 'Bring Your Own Device' (BYOD) policy is currently being formulated by the Manager of Corporate and Financial Services. This policy will address issues such as virus protection, SPAM and security when utilising personally owned devices on the Shire network, including those of elected members covered by this policy; and
- Elected Members' computing devices such as tablets, smart phones and laptops that access the Shire's network shall be fitted with an access password to ensure security if the device is lost.

4. Reimbursement

Any applications (Apps) deemed by the Chief Executive Officer to be imperative for operations are to be funded from the ICT allowance.

5. Documents Relating to Council Use

All documents required for Council and Committee meetings, information bulletins and Council Corporate documents will be uploaded into the "Docs on Tap" App.

The agenda for all Council meetings is required to be available 72 hours prior to the meeting (*Local Government Act 1995* s. 5.5(1)). Councillors will receive an email in the week prior to the ordinary Council meeting advising that the agenda is available for viewing.

Councillors will be advised by email that new documents have been uploaded into Docs on Tap. It is the responsibility of the individual Councillor to ensure that they have read all information uploaded into the App. Any problems should be reported to the CEO immediately.

3.19 COMMERCIAL TRADERS – FACILITY HIRE

Adopted or Reviewed by Council: 17/11/15

Council Minute Reference: 183/15

Reviewer: Chief Executive Officer

Local Law:

Procedure:

Delegation:

OBJECTIVE

To ensure that commercial traders do not gain an unfair advantage over commercial businesses within the Shire of Kojonup, which have their own premises and are required to meet ongoing operational costs associated with business operations.

POLICY

That no Shire of Kojonup owned facilities be hired or made available to commercial traders that will be in direct competition with local business operators; however, this does not include local non-profit making organisations conducting prima facie commercial operations.

3.20 MOTOR VEHICLE USE – SHIRE PRESIDENT

Adopted or Reviewed by Council: 21 March 2017

Council Minute Reference: 28/17

Reviewer: Chief Executive Officer

Local Law:

Procedure:

Delegation:

OBJECTIVE

The objective of this policy is to provide clear guidelines for the use of a Council motor vehicle by the Shire President.

POLICY

A fully maintained motor vehicle will be made available to the Shire President to enable the undertaking of official duties and activities associated with the position of the office of Shire President.

The motor vehicle will be made available to the Shire President for both Business Use and Restricted Private Use within the State of Western Australia, south of the 26th parallel. At the discretion of the Shire President, the vehicle may be used by other Councillors and Staff for business use.

The Council will be responsible for all running costs of the motor vehicle including, but not limited to, all registration, insurances, fuels and oils maintenance, and repair costs. Fuel for private use to be the responsibility of the Shire President.

The following general conditions are applicable to the use of a Council motor vehicle:

1. Smoking is strictly prohibited within Council motor vehicles at all times;
2. Any person that drives the motor vehicle is financially responsible for any fines and/or infringements received during operation of the motor vehicle;
3. The Shire of Kojonup will be financially responsible for the maintenance of the motor vehicle but it is the responsibility of the primary user to ensure that the motor vehicle has a sufficient amount of fuel, oil/lubricant, water, and tyre pressure; and
4. The motor vehicle will be equipped with a first aid kit and a fire extinguisher. It is the responsibility of the primary user to ensure that the first aid kit and the fire extinguisher is adequately stocked/changed at all times or replacement stock ordered through the Council's Works and Services Division when used/expired.

The Shire President shall comply with the following conditions with respect to the motor vehicle:

1. Advise the CEO when scheduled servicing of the motor vehicle is due;
2. Wash, clean, and vacuum the motor vehicle as often as required;
3. Drive the motor vehicle responsibly and legally, observing all road rules and traffic regulations;
4. Secure the motor vehicle when parked in public/private places;
5. Report any motor vehicle accident immediately to the Chief Executive Officer or other Senior Officer; and
6. Complete prestart log book weekly and hand into the administration office.

The primary user shall immediately advise the Chief Executive Officer if his/her driver's licence is suspended or cancelled.

The primary user shall immediately surrender the motor vehicle to the Shire upon cessation of position with the Council.

The position of Shire President shall, for the purposes of carrying out the functions of the office, be entitled to receive the provision of a fully maintained local government owned vehicle.

The vehicle provided to the President:

1. Is to be in lieu of travel/mileage claims otherwise claimable by the President for use of his/her personal vehicle;
2. Can be used for personal private purposes, not for any commercial purpose, but only on the basis that the cost of that private use is fully reimbursed by the President to the local government;
3. Will not occur at the reduction of the fees, allowances and reimbursements (other than the travel/mileage claims) otherwise ordinarily payable to the Shire President's position as approved by Council in accordance with the relevant provisions of the *Local Government Act 1995*; and
4. Will be administered in accordance with any related Management Practice to this Policy that the local government has in place.

The calculation of the private use component of the vehicle costs to be reimbursed to the local government by the President is to be determined as follows:

1. A logbook is to be kept of both official and private use of the vehicle, which shall be agreed with the President as being the basis upon which the costs of private use will be calculated and subsequently required to be paid by the President to the Shire;
2. On the basis that the predominant use of the vehicle will be for official purposes, only those vehicle costs of a "variable" nature directly affected by the additional private use will be used for determining the payment for private use to be made by the President. This includes fuel, vehicle servicing costs (and then only the additional servicing costs occasioned by the private use) and depreciation where it can be shown that the additional private use has negatively impacted on the trade value of the vehicle;
3. Fuel purchased for business (Shire) use of the vehicle be made by way of Shire issued fuel card: and
4. The Shire President's log book as presented to the Shire's Finance Department be presented to the Audit Committee at the May meeting each year for verification of official and private usage.

3.21 APPOINTMENT OF OFFICERS TO ACTING CEO

Adopted or Reviewed by Council:	17/11/15 16/11/21	Council Minute Reference:	183/15 135/21
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Reviewer: Chief Executive Officer

Local Law:

Procedure:

Delegation:

OBJECTIVE

To ensure that the Shire of Kojonup maintains a continuity of the CEO's responsibilities and duties in the CEO's absence.

POLICY

That, in the absence of the CEO, the Shire of Kojonup maintains continuity of the CEO's responsibilities and duties:

Where the Chief Executive Officer is on leave for a period of two days or more, the Manager of Corporate and Financial Services or another appropriate Officer, as determined by the Chief Executive Officer, assumes the position of Acting CEO, with the salary to be set at a rate of 90% of the CEO's salary.

3.22 ** MOVED TO POLICY 5.3 **

3.23 LEGAL REPRESENTATION COSTS INDEMNIFICATION

Adopted or Reviewed by Council: 17/11/15 **Council Minute Reference:** 183/15

Reviewer: Manager of Corporate and Financial Services

Local Law:

Procedure:

Delegation:

OBJECTIVE

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

POLICY

In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good governance of the district.

1. The local government may provide financial assistance to Members and Employees in connection with the performance of their duties provided that the Member or Employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the local government or otherwise in bad faith.
2. The local government may provide such assistance in the following types of legal proceedings
 - a. Proceedings brought by Members and Employees to enable them to carry out their local government functions (e.g.; where a Member or Employee seeks a restraining order against a person using threatening behaviour);
 - b. Proceedings brought against members or employees [this could be in relation to a decision of Council or an employee which aggrieves another person (e.g. refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (e.g. defending defamation actions)]; and
 - c. Statutory or other inquiries where representation of members or employees is justified.
4. The local government will not support any defamation actions seeking the payment of damages for individual Members or Employees in regard to comments or criticisms levelled at their conduct in their respective roles. Members or Employees are not precluded, however, from taking their own private action. Further, the local government may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.

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

Applications for Financial Assistance:

1. The Council may:
 - a. refuse;

- b. grant; or
 - c. grant subject to conditions an application for payment of legal representation costs.
- 2. Decisions as to financial assistance under this policy are to be made by the Council.
- 3. A Member or Employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.
- 4. An application to the Council is to be accompanied by an assessment of the request and with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer (CEO).
- 5. A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the *Local Government Act 1995*.
- 6. Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation to the value of \$5,000 provided that the power to make such an authorisation has been delegated to the CEO in writing under s. 5.42 of the *Local Government Act 1995*.
- 7. Where it is the CEO who is seeking urgent financial support for legal services, the Council shall deal with the application.

Repayment of Assistance

Any amount recovered by a Member or Employee in proceedings, whether for costs or damages, will be offset against any moneys paid or payable by the Shire of Kojonup.

- 1. Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the Shire of Kojonup or otherwise in bad faith, or where information from the person is shown to have been false or misleading.
- 2. Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The Shire of Kojonup may take action to recover any such moneys in a court of competent jurisdiction.

3.24 FRAUD, CORRUPTION AND MISCONDUCT PREVENTION POLICY

Adopted or Reviewed by Council:	19/11/19	Council Minute Reference:	152/19
Amended by Council:	16/11/21		
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:	Public Interest Disclosure Fraud, Corruption and Misconduct Prevention Plan		
Delegation:			

BACKGROUND

This Fraud, Corruption and Misconduct Prevention Policy should be read in conjunction with Council Policies 3.1 - Code of Conduct and 2.3.5 – Risk Management and the Shire of Kojonup Public Interest Disclosure Procedure.

Sections 5.103 through to s. 5.125 of the *Local Government Act 1995* and Part 9 of the Local Government (Rules of Conduct) Regulations 2007 are relevant to this Policy.

A Public Officer or any other person may report to the Corruption and Crime Commission or the Public Sector Commission any matter they suspect on reasonable grounds may constitute serious or minor misconduct. Further information is available on the websites of these Commissions.

OBJECTIVE

To take a zero-tolerance approach to fraud, corruption and misconduct and to prevent, deter and detect incidents of fraud and corruption wherever possible. This will be strived for by raising the awareness of the risk of fraud, corruption and misconduct, taking necessary actions for its prevention (as per a Fraud, Corruption and Misconduct Prevention Plan), providing processes for the reporting and investigation of incidents, and protecting those who report suspected fraud or corruption incidents.

SCOPE

The management of fraud, corruption and misconduct is the collective responsibility of all persons associated with the Shire; that is:

- Council as the decision making body
- Councillors and Committee members as individuals
- Employees and volunteers
- Contractors, suppliers, consultants and/or service providers

DEFINITIONS

The Australian Standard on Fraud and Corruption Control AS 8001-2008 defines fraud as:

“Dishonest activity, causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal

benefit. The theft of property belonging to an entity by a person or persons internal to the entity but where deception is not used is also considered 'fraud' for the purposes of this standard."

The Australian Standard on Fraud and Corruption Control AS 8001-2008 defines corruption as:

"Dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity. The concept of 'corruption' within this standard can also involve corrupt conduct by the entity, or a person purporting to act on behalf of and in the interests of the entity, in order to secure some form of improper advantage for the entity either directly or indirectly."

The *Corruption, Crime and Misconduct Act 2003* (Section 4) defines misconduct, for public officers, as follows:

Misconduct occurs if —

- (a) a public officer corruptly acts or corruptly fails to act in the performance of the functions of the public officer's office or employment; or
- (b) a public officer corruptly takes advantage of the public officer's office or employment as a public officer to obtain a benefit for himself or herself or for another person or to cause a detriment to any person; or
- (c) a public officer whilst acting or purporting to act in his or her official capacity, commits an offence punishable by 2 or more years' imprisonment; or
- (d) a public officer engages in conduct that —
 - (i) adversely affects, or could adversely affect, directly or indirectly, the honest or impartial performance of the functions of a public authority or public officer whether or not the public officer was acting in their public officer capacity at the time of engaging in the conduct; or
 - (ii) constitutes or involves the performance of his or her functions in a manner that is not honest or impartial; or
 - (iii) constitutes or involves a breach of the trust placed in the public officer by reason of his or her office or employment as a public officer; or
 - (iv) involves the misuse of information or material that the public officer has acquired in connection with his or her functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person,

and constitutes or could constitute —

[(v) *deleted*]

- (vi) a disciplinary offence providing reasonable grounds for the termination of a person's office or employment as a public service officer under the *Public Sector Management Act 1994* (whether or not the public officer to whom the allegation relates is a public service officer or is a person whose office or employment could be terminated on the grounds of such conduct).

To delineate, clauses (a), (b) and (c) above constitute serious misconduct and clause (d) constitutes minor misconduct (Public Sector Commission/Corruption and Crime Commission '*Notifying misconduct – A guide for Principal Officers of Notifying Authorities*').

The *Corruption, Crime and Misconduct Act 2003* defines public authority and public officer as:

public authority means —

- (a) a notifying authority; or
- (b) a body mentioned in Schedule V Part 3 to the *Constitution Acts Amendment Act 1899*; or
- (c) an authority, board, corporation, commission, council, committee, local government, regional local government, regional subsidiary or similar body established under a written law; or
- (d) a body that is the governing authority of a body referred to in paragraph (b) or (c); or
- (e) a contractor or subcontractor;

public officer has the meaning given by section 1 of *The Criminal Code*;

The Criminal Code, in relation to local government, defines ‘public officer’ as —

- (d) a member, officer or employee of any authority, board, corporation, commission, local government, council of a local government, council or committee or similar body established under a written law.

RESPONSIBILITY

Councillors

Collectively, Councillors are responsible for ensuring that Council, as the decision making body:

- promotes community awareness of Council's commitment to the prevention of fraud and corruption;
- provides for the prevention of fraud and corruption by way of budgetary provision for secure storage of assets;
- ensures that, where appropriate (if the Chief Executive Officer [CEO] is the perpetrator), proper investigations are conducted into allegations that involve fraud or corruption;
- ensures that the CEO is aware of his/her responsibilities in relation to fraud and corruption through the provision of appropriate and regular training; and
- promotes a culture and environment in which fraud and corruption is actively discouraged and is readily reported should it occur.

PREVENTION

Council recognises that the most effective way to prevent the occurrence of fraud and corruption is to promote an ethical environment fully supported and demonstrated by management and in which internal control mechanisms have been implemented. Council’s fraud and corruption prevention strategies include the following elements:

- Codes of Conduct, one for Councillors and one for staff, that outline statements of values and detail unacceptable behaviour;
- Recognition from Management who adhere to, promote and maintain an ethical culture and actively promote such a culture;
- A program for communicating Council’s Code of Conducts through regular dissemination of material;
- Ongoing training in the use of codes of behaviour and ethical standards; and
- Ensuring the CEO has developed a mechanism to report ethical complaints or concerns inside and outside the normal channels of communication.

3.25 CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

Adopted or Reviewed by Council: 18/05/2021 **Council Minute Reference:** 53/21
Amended by Council:

Reviewer: Chief Executive Officer

Local Law:

Procedure:

Delegation:

Policy Purpose:

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

Division 1 — Preliminary provisions

1. Citation

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

Division 1 — Preliminary provisions

1. Citation

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

2. Terms used

(1) In this code —

Act means the Local Government Act 1995;

candidate means a candidate for election as a council member;

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

publish includes to publish on a social media platform.

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

Division 2 — General principles

3. Overview of Division

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

4. Personal integrity

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

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

(c) act lawfully; and

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

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

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

5. Relationship with others

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

6. Accountability

A council member or committee member should —

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

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

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

8. Personal integrity

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

9. Relationship with others

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and

- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

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

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

11. Complaint about alleged breach

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

12. Dealing with complaint

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

- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

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

14. Withdrawal of complaint

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

15. Other provisions about complaints

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

Division 4 — Rules of conduct

Notes for this Division:

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

16. Overview of Division

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

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

17. Misuse of local government resources

- (1) In this clause —
electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;
resources of a local government includes —
 - (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

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

19. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

- (1) In this clause —
local government employee means a person —
 - (a) employed by a local government under section 5.36(1) of the Act; or
 - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
 - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —

- (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

21. Disclosure of information

- (1) In this clause —
- closed meeting** means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
- confidential document** means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;
- document** includes a part of a document;
- non confidential document** means a document that is not a confidential document.
- (2) A council member must not disclose information that the council member —
- (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
- (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

22. Disclosure of interests

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

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

23. Compliance with plan requirement

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

3.26 CHILD SAFETY AWARENESS

Adopted or Reviewed by Council: 16/08/2022

Council Minute Reference: 73/22

Reviewer: Manager Corporate and Financial Services

Local Law:

Procedure:

Delegation:

Policy Statement

- The Shire of Kojonup (Shire) supports and values all children. Local Government makes a commitment to support the safety and wellbeing of all children, including protection from abuse. This policy aims to reduce the risk of harm and child abuse in our communities by encouraging child safe environments to be created and maintained.
- The Shire takes seriously its commitment to encourage local organisations to be child safe and ensure children are empowered, is committed to being child safe and demonstrating a zero- tolerance approach towards child abuse.
- This policy recognises that the Shire is uniquely placed within the local community to demonstrate leadership in supporting organisations to be child safe to protect children from harm or abuse.
- This policy serves as a framework that outlines our role in supporting local organisations to be child safe through access to resources, support, awareness raising and sharing information. We will be guided by the National Principles for Child Safe Organisations.

Scope

- Child safety is everyone's responsibility.
- This policy applies to all Elected Members, employees, volunteers, trainees, work experience students and interns at the Shire. It applies to occupants of Local Government facilities and venues, contractors and suppliers and anyone else who undertakes work on behalf of the Shire, irrespective of their involvement in child-related work.

Definitions

- **Child/young person:** Means a person under 18 years of age, and in the absence of positive evidence as to age, means a person who is apparently under 18 years of age.

Child Safe Organisation: Refers to organisations that:

- Create an environment where children's safety and wellbeing are at the centre of thought, values, and actions.
- Place emphasis on genuine engagement with and valuing of children and young people.
- Create conditions that reduce the likelihood of harm to children and young people.

- Create conditions that increase the likelihood of identifying any harm.
- Respond to any concerns, disclosures, allegations, or suspicions of harm (note: in the context of local governments this would involve referring to the Department of Communities or WA Police to respond as appropriate).
- **Child safe:** In this policy, child safe means protecting the rights of children/young people to be safe by taking actions that can help prevent harm and abuse.
- **Harm:** Means any detrimental effect of a significant nature on the child's or young person's wellbeing including physical, emotional, or psychological development.

Principles

- The rights of children 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.
- Children have the right to speak up, be heard and taken seriously.
- The best interests of children and young people come first when making decisions.
- Access to trusted and reliable information, including the National Principles for Child Safe Organisations, helps reduce the risk of harm and abuse.
- Communities are informed and involved in promoting child safety and wellbeing including protection from harm.
- Collaboration with the community and our partners promotes the safety, participation and empowerment of all children and young people.

Roles and responsibilities

- The Shire 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 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).
- The Shire does not have oversight, control, responsibility, or accountability for third parties to uphold legal and moral compliance for child safety, or to be a child safe organisation. The Shire is taking on a leadership role within community to support community organisations fulfil their responsibilities.
- Local Government roles involved in the implementation of this policy (examples only)
 - CEO
 - Community Services
 - Communications
 - Governance
- Local government is not responsible for developing child safe messages but is responsible for sharing them.

Related Legislation (examples only)

- *Child Care Services Act 2007*
- *Equal Opportunity Act 1984*
- *Local Government Act 1995*
- *National Principles for Child Safety Organisations*
- *United Nations Convention on the Rights of the Child (CRC)*
- *Work Health and Safety Act 2020*
- *Working with Children (Criminal Record Checking) Act 2004*

Review

- This policy will be reviewed every two years or upon the introduction of other policy or legislation related to child safety.

4 WORKS & ENGINEERING

4.1 VEHICULAR CROSSINGS (DRIVEWAYS)

Adopted or Reviewed by Council:	Council Minute Reference:	69/18
Amended by Council:	19/06/18	
Reviewer:	Manager Works & Services	
Local Law:	Activities in Thoroughfares and Public Places and Trading Local Law 2020	
Procedure:		
Delegation:	ROADS 008 – Construction of Crossing from Thoroughfare to Private Land	

OBJECTIVE

- To define the Council's requirements and financial obligations for the construction of vehicle crossovers.
- Outline the approval process for constructing crossovers.

POLICY

Definition – A crossover is the section of a driveway from the property boundary to the edge of the road carriageway.

The policy applies to the installation of crossovers for properties within the Shire of Kojonup.

In accordance with Schedule 9.1; Clause 7 of the Local Government (Uniform Local Provisions) Regulations 1996, an application to the Local Government must be made by the landowners to request approval to construct a crossover.

GUIDELINES

The following specifications set out the minimum standards for the construction of a vehicle crossover.

'Standard Crossover' means the first constructed crossover to a lot that is constructed in accordance with the specifications fixed by the resolution of Council. The specifications relate to the following types of materials used in construction:

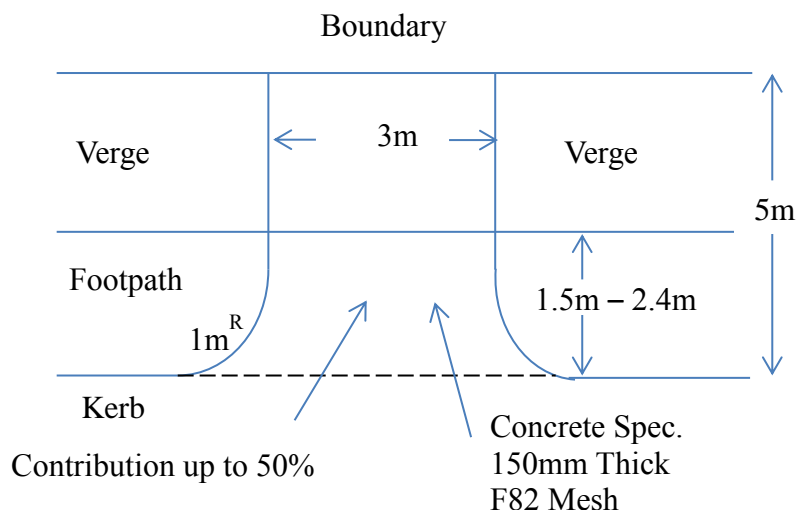
- Type 1 Concrete
- Type 2 Bitumen
- Type 3 Brick Paving
- Type 4 Gravel

Standard Crossover

1. Urban – sealed: 3.0m wide (excluding splays), constructed in gravel and sealed with bitumen.
2. Urban – unsealed: 3.0m wide (excluding splays), constructed in gravel with a minimum thickness of 200mm
3. Urban – concrete 3.0m wide (excluding splays), constructed in concrete 150mm thick with mesh
4. Rural – unsealed: 4.5m wide (excluding splays), constructed in gravel with a minimum thickness of 200mm.

5.

Example Standard Crossover



In accordance with the *Local Government Act 1995* and regulations, the Shire will permit the crossover to be constructed by a Private Contractor under the supervision of and to the satisfaction of the Shire. If the crossover is a standard crossover, or superior to a standard crossover, Council shall bear one half the cost of a standard crossover as estimated by Council but, if the crossing is a type that is inferior to a standard crossover, then Council shall bear no part of the cost thereof.

CONTRIBUTION BY COUNCIL

Crossover contribution by Shire of 50% of the cost of a standard crossover based on an area of 15m² and that crossover being the first to that lot.

Should larger than 300mm diameter pipes be required – the landowner will pay for the difference. Council will fix the position of the crossover, where the Manager of Works & Services deems necessary.

Property owners are required to complete and submit an Application for Approval to Construct a Vehicle Crossover for assessment before a crossover is constructed or modified. Construction may not commence until written permission has been granted by Council.

Approval to construct a crossover is valid for a two year period from the date it is issued. If construction of the crossover has not been commenced within this period, a new application must be submitted to the Council for consideration.

All crossovers must be constructed with Council's Specification for the Construction of Vehicle Crossovers. Where a crossing adjoins a sealed road within a townsite, a sealed crossover must be constructed. In all other cases, a sealed or unsealed crossover is permitted.

Upon application from the property owner, Council will bear one half of a standard crossover subject to the crossover being the first constructed to that lot.

4.2 STREET TREES

Adopted or Reviewed by Council: 17/11/15

Council Minute Reference: 183/15

Reviewer: Manager Works and Services

Local Law:

Procedure:

Delegation:

OBJECTIVE

To obtain and maintain uniformity of tree planting to enhance the visual aspect of streetscape and beautification of parks, gardens and reserves and to preserve public infrastructure such as electricity, sewer and drainage.

POLICY

The Shire undertakes maintenance of verge trees, including pruning and removal. Private planting, removal or pruning on all Road Reserves shall first require the approval of the Manager of Works and Services and shall be in accordance with this policy.

The length of the verge will determine how many trees will be planted. Residents should be aware that any trees planted on the verge remain the property of the Shire.

The Shire has the right to remove trees that create a hazardous situation.

A systematic program to remove all Queensland Box Trees shall be undertaken throughout the town site as budget resources permit.

A detailed policy on street tree varieties, themed locations, edible verges, fruit trees and community gardens is to be developed for the Council's consideration prior to 31 December 2014.

4.3 NAMING AND/OR CHANGING OF ROAD, STREET OR PLACE NAMES

Adopted or Reviewed by Council: 17/11/15

Council Minute Reference: 183/15

Reviewer: Manager Works and Services

Local Law:

Procedure:

Delegation:

OBJECTIVE

To ensure that aspects of the District's history are not inadvertently lost due to the changing of a name, and to provide community and public consultation.

POLICY

Requests to name and/or change either a road, street or place name in the District may not be approved until after Council has advertised the proposal in the local press and received written comments from the Kojonup Historical Society.

Council does not favour changing a road name which would result in portions of the road having different names.

4.4 TIMBER HARVEST AND HAULAGE USE OF ROADS WITHIN SHIRE OF KOJONUP

Adopted or Reviewed by Council: 17/11/15

Council Minute Reference: 183/15

Reviewer: Manager Works and Services

Local Law:

Procedure:

Delegation:

OBJECTIVE

To maintain the condition of our roads and ensure the safety of the Shire of Kojonup's residents.

POLICY

The Council will provide letters of support for Main Roads WA permits for log/woodchip haulage on roads within the Shire of Kojonup provided that the Manager of Works and Services is satisfied with the proposed haulage route and provided that the following conditions are adhered to by the tree farm companies:

1. All heavy haulage permits being obtained from Main Roads WA;
2. Neighbouring properties to access routes being notified of the commencement date and anticipated duration at least two weeks prior to the commencement of harvest;
3. Speeds being limited to 60km p/h on unsealed roads and 80km p/h on sealed roads without pavement markings or 10km p/h lower than the posted speed limit of the roads under 80km p/h;
4. Cartage being limited to daylight hours and with all care taken to absolutely avoid use of the road by trucks during school bus running hours;
5. School bus operators being notified of the commencement date and anticipated duration at least two weeks prior to the commencement of harvest;
6. 'School Bus Hours' signs are to be erected at the start of all roads concerned with the school bus routes, together with "Trucks on Road" signs along the lengths of road concerning the truck use;
7. Drivers comply with restrictions on traffic movement on school bus routes between the signed hours and contact bus operators on UHF Channel 25 to confirm safe passage during the sign posted times;
8. An audit being conducted on the condition of the proposed route(s) by the haulage company and Manager of Works & Services prior to commencement and roads being reinstated to pre haulage condition by the tree farm companies at the completion of harvest;
9. Council being advised of any gravel/pavement failures on roads within 24 hours so that repairs can be carried out;
10. Inspection of the road condition is required after any rain event prior to the re-commencement of haulage operations; Council reserves the right to suspend haulage operations based on road condition or road closure as specified in s. 3.50 of the *Local Government Act 1995*; and
11. All cartage and harvesting operators to comply with the harvest and movement of vehicle bans as ordered by the Shire of Kojonup. Operators must check the fire ban hotline on (08) 9831 0145 as required for harvest and vehicle movement ban information.

The Council reserves the right to revoke support if any of the above conditions are not adhered to, or road condition/user safety is in question.

4.5 BACK FILLING GRAVES

Adopted or Reviewed by Council: 17/11/15

Council Minute Reference: 183/15

Reviewer: Manager Works and Services

Local Law: Cemeteries Local Law 2020

Procedure:

Delegation:

OBJECTIVE

To meet cultural and religious expectations and the specific needs of families, relating to the backfill of graves where active participation is sought. Also, to provide religious and cultural groups and families an opportunity to participate in backfilling a grave following the conduct of a funeral, while ensuring that the Shire meets its obligations under the *Work Health and Safety Act 2020*.

POLICY

For religious, cultural and personal reasons, people or groups may, following the conduct of a funeral, seek to assist in the full or partial backfill of a grave. It is important that requests of this nature be managed in a way that not only protects the safety and health of individuals but follows an established process that is respectful of those involved.

Requirements:

1. Request for private backfilling is to be received no less than five (5) hours prior to the conduct of a funeral;
2. The request is to be included on the Digging Requisition submitted by the Funeral Director;
3. Participation in the backfilling of a grave will not reduce the amount of the burial fee payable;
4. Backfilling is limited to the use of hand tools by members of the public;
5. Backfilling is limited to a maximum of six people;
6. If shoring is to be removed from the grave, this will be done only by a Shire of Kojonup employee or the Shire's nominated sub-contractor; and
7. Individual family members are not permitted to enter the grave.

Families may simply request to observe the Shire of Kojonup backfilling a grave and this can be accommodated on a request being made no less than five (5) hours prior to the conduct of a funeral.

4.6 GRAVEL AND SAND EXTRACTION

Adopted or Reviewed by Council: 17/11/15

Council Minute Reference: 183/15

Reviewer: Manager Works & Services

Local Law:

Procedure:

Delegation:

OBJECTIVE

The objective of this policy is to provide clear guidelines for the Shire of Kojonup to approach and make an agreement with a landowner for the purpose of extracting gravel or sand for road works or general use.

POLICY

The Council will provide a written signed agreement between the landowner and Shire for the extraction of gravel or sand. The Manager of Works and Services will approach the landowner and will draw up the Gravel/Sand Agreement.

1. Agreement will detail the period of time.
2. The value of gravel or sand at a rate of \$#/ m³, not exceeding #/m³.
3. The Manager of Works and Services and the landowner will sign off on quantities.
4. Photos of before and after extraction will be taken and logged in Records.
5. The works will be carried out on the property which materials have been extracted from and are to be carried out as soon as practicable.
6. Agreement of the area for gravel or sand extraction is to be agreed upon prior to extraction commencing. The area of the extraction site shall be pegged.
7. The topsoil (approx. 150mm) will be windrowed to the side of the area and after the excavation is complete, the floor will be ripped and the topsoil will be respread.
8. The Shire will construct a track to the extraction site and install a new gate in the boundary fences if required. Any tracks which are used by the Council staff will be maintained during use and, where a new gate is fitted, it will be left in place after this agreement has expired.
9. The Shire undertakes to rehabilitate the track and the extraction site after excavation is complete, to the satisfaction of the landowner and the Council's authorised officer.
10. The Shire will obtain all necessary clearances for the extraction of the required materials and be in accordance with all relevant Acts and Regulations.

4.7 DIRECTIONAL SERVICE AND TOURISM SIGNAGE

Adopted or Reviewed by Council: 19/9/17

Council Minute Reference: 103/17

Reviewer: Manager Works & Services

Local Law: Activities in Thoroughfares and Public Places and Trading Local Law 2020
Local Government Property Local Law 2020

Procedure:

Delegation:

OBJECTIVE

1. Provide an environment in which efficient placement of signs enhances a street, road reserve or precinct by increasing the overall impact and effectiveness of individual signs.
2. Provide clear and logical directional signs through the use of standardised dimensions, symbols and consistent colour coding compliant with Australian Standards.
3. Maintain effectiveness of traffic control signs that regulate, warn and guide traffic and facilitate safe, efficient and orderly travel.
4. Clearly identify those facilities that may qualify for directional signs and the conditions under which they may be permitted.
5. Provide and allow for adequate and suitable promotion of local businesses.

POLICY

The Shire of Kojonup acknowledges the need to regulate signs on its road reserves, footpaths and public spaces to maintain the effectiveness of priority traffic control signs and directional signs and to ensure the amenity of the townships and rural areas is appropriate. A proliferation of signs and advertising can reduce the overall effectiveness of the sign.

REGULATORY, WARNING, GUIDE SIGNS

These signs are Traffic Control Devices (e.g.; 'Stop' sign, 'Give Way' sign) installed by Statutory Authorities. Missing or damaged signs should be reported to Main Roads WA or the Shire Office.

FINGERBOARD SIGNS

A fingerboard sign portrays the name or type of service provided by a facility, is small and rectangular in shape with the long axis horizontal (similar in characteristic to a street name sign), secured to a post and positioned directly below a street name sign. Its purpose is to advise road users of the direction to facilities located on side streets.

Fingerboard signs are to only include street name, emergency services and community service information signs. Commercial and tourist business signs not permitted as finger board signs.

A written request, addressing the following, is required to be lodged with the Shire and approved prior to the installation of all fingerboard signs:

1. Applications for new fingerboard signs should be made to the Shire in writing and may be addressed in terms of the need, the usefulness, desirability and availability of space in relation to this policy; and
2. No more than four (4) fingerboard signs may be placed on a post in accordance with Australian Standards. Street addresses are the primary means of locating particular facilities. For this reason all streets and roads should be clearly identified with street name signs. Priority for placing signs to be in the order of:
 - a. Street name

- b. Street information (e.g.; “No Through Road”)
- c. Emergency Services
- d. Community facilities

Fingerboard signs are to be installed in accordance with Australian Standards, Codes of Practice and adopted Council policies. This is to provide a consistent standard throughout the Shire and throughout the state and country.

No fees apply for fingerboard signs. Fingerboard signs may not be supported for those facilities situated on main roads. A maximum of two fingerboard signs may be supported per facility.

TOURIST SIGN

Tourist signs safely and efficiently guide visitors to their destination, identify and guide visitors along touring routes, welcome visitors to the region and inform visitors of the range of attractions and services available at the destination.

A written request, addressing the following, is required to be lodged with the Shire and approved prior to the installation of all tourist signs:

1. Applications for tourist signs to be considered in accordance with this policy;
2. Applications for new tourist signs should be made to the Shire in writing;
3. Standard fees for assessment and installation apply in accordance with Council’s current adopted Annual Fees and Charges; and
4. Premises that are predominantly retail/sales outlets should not be considered as tourist establishments but as commercial establishments.

TEMPORARY SIGN

Temporary advertising signs are defined as those signs that announce a local event of a religious, cultural, political or recreational nature, for a fixed time period.

An application is required to be lodged with the Shire and approved prior to the installation of all temporary signs.

Temporary Signs are those that announce a local event of a religious, educational, cultural, social or recreational nature or that relate to an event of a political nature. This type of sign does not require Development Approval from Council if:

1. The total area of advertisements of that type on the site is not more than 2 square metres (except for a sign advertising a federal, state or local government election), the advertisement is displayed for a period not exceeding 1 month prior to the event and 1 week after the conclusion of the event; and
2. That the advertisement does not move, flash or reflect light, so as to cause distraction to motorists, and is not internally illuminated.

Temporary Signs that are to be placed on public or Council controlled land require the permission of Council prior to their display; no fees apply for temporary signs. Council reserves the right to remove any temporary signs that:

1. Contain offensive or inappropriate wording;
2. The design or construction of is determined to be unsuitable;
3. Unreasonably restrict the use of the road; or
4. Unreasonably endangers the safety of members of the public.

COMMERCIAL SIGN

Commercial advertising signs promote a commercial activity, service or product rather than give directions to it.

A Development Application is required to be lodged with the Shire of Kojonup and approved prior to the installation of all commercial and advertising signs.

1. Commercial advertising signs require Development Approval. A Development Application form is required to be lodged with Council along with the required plans and written details. Should a person propose to erect an advertising sign on a road reserve or Council land, consent is unlikely to be granted unless circumstances are exceptional. Permission needs to be obtained from the relevant land owner (e.g.; Shire, Main Roads WA, etc.) and a Development Application needs to be lodged and approved. The applicant needs to demonstrate that they have Public Liability Insurance (in the Shire's name) to the value of \$10 million which needs to remain current for the lifetime of the sign and adequate structural plans need to be submitted with the application.
2. Commercial advertising signs are not permitted on fingerboard signs.
3. Fixed commercial advertising signs should be located only on the property of the premises being advertised.
4. Precinct signs advertising or listing individual businesses as "cluster" signs may be installed at the entrance to a recognised estate where there is an incorporated association or body that represents that estate and this body takes the responsibility for the sign.
5. Property identification displayed on signs that do not exceed a total area of 0.5m² may be erected without development approval.

EXISTING SIGNS

1. Existing signs may be allowed to remain at the Council's discretion.
2. Council maintains the right to remove any signs if any of the following occurs:
 - a. The existing sign does not comply with the Council policy in place at the time of its installation;
 - b. The facility no longer conforms with the conditions of the sign approval;
 - c. The sign is in a poor state of repair;
 - d. The facility no longer operates as an eligible community facility;
 - e. The facility ceases to operate;
 - f. There is a demonstrated need for aggregating signs in a particular location;
 - g. The road authority needs to resume the land;
 - h. The sign contains offensive or inappropriate wording;
 - i. The design or construction is determined to be unsuitable;
 - j. The sign unreasonably restricts the use of the road;
 - k. The sign unreasonably endangers the safety of members of the public; or
 - l. Replacement of any existing sign is subject to this policy and requires an application as applicable.

Replacement signs to only be approved in accordance with this policy; prior existence of signs does not infer automatic approval of new signage.

SIGN COLOURS

Directional signs to be coloured in accordance with the Australian Standards 1742.2-1994, 1742.5-1997, and 1742.6-2004 as per the table below:

	Font Size	Colours	
Category		Text	Background
Street Name – including Shire logo against post	150mm	Black	White Reflective
Street Information, e.g.; “No Through Road” Or “One Way”	As per Standard	Black	White Reflective
Emergency Services (e.g.; Police, Hospital, Ambulance)	As per Standard	White	Blue Reflective
Visitor Services Roadside & Commercial Services (e.g.; Motel, Caravan Park, Parking, Public Toilets, Information Centre)	As per Standard	White	Blue Reflective
Community Facilities Likely To Be Sought By Visitors (e.g.; Post Office, Shopping Centre, Civic Centre, Library, Art Gallery, Railway Station)	As per Standard	White	Blue Reflective
Tourist Attractions (e.g.; Lookout, Winery, Botanic Gardens)	As per Standard	White	Brown Reflective
Other Community Facilities (e.g.; Church, Sports Grounds, Youth Centre, Cemetery)	As per Standard	White	Blue Reflective
Specified Commercial And All Other Business Activities, All Other Destinations	As per Standard	White	Green Reflective



4.8 NO SPRAY REGISTER

Adopted Council: 19 June 2018

Council Minute Reference: 69/18

Reviewer: Horticultural Supervisor

Local Law:

Procedure:

Delegation:

OBJECTIVE

This policy is intended to allow property owners and residents to apply to Council to request that vegetation on Council road reserves and/or Council land directly abutting their property not be sprayed with chemical herbicides.

POLICY

Council is responsible for vegetation management within its road reserves. Management methods for the control of vegetation include hand weeding, slashing and the use of chemical herbicides to eradicate vegetation growing in the road reserve.

Council acknowledges that there will be residents within the Shire that do not wish to have the frontage of their property sprayed with chemical herbicides due to a variety of reasons including registered organic farms, where residents have a medical condition where avoidance of spray is necessary, and where residents look after their own verges.

Rural Roads – Council has responsibility for maintenance of Council owned or management of roadways. This includes, but may not be limited to, spraying verges, drains, woody weeds within the entire road reserve, around ends of culverts, marker posts and other street furniture. Declared weeds and other priority pest plants are a priority of Council to be controlled within the road reserve.

Urban Roads – Council endeavours to keep the roadway between the back edges of any kerb and the full width of footpaths free of vegetation. Additionally, Council endeavours to keep the road reserve free of declared weeds and priority pest plants in a prioritised manner which is consistent with Council's various weed management strategies.

Council Land – Council is required to manage declared and pest weeds in its reserves.

This policy applies to vegetation management on Council managed road reserves and Council land. Council will consider applications to cease spraying operations where Council road reserves and/or land abut private land on a case by case basis.

Note: This Policy does not relate to Road Reserves managed by Main Roads WA and/or the Department of Parks and Wildlife.

PROCEDURE

This policy will be administered by the Manager of Works & Services and the Horticultural Supervisor as part of the Council land and road reserves maintenance program.

Applications to No Spray Register

An advertisement will be placed in the Kojonup News, E-News Bulletin and Shire website no later than 30 March each year advising that applications are invited for road reserves frontage and for the frontage of Council land directly abutting a person's land to be placed on the No Spray Register.

An application must be undertaken in writing on the approved application form and lodged with Council no later than 30 April each year. An application can only be applicable to the entire frontage of the resident's immediate property and for the area parallel to a distance of no greater than 10m.

In completing the application, the resident agrees to take over the responsibility for:

1. Controlling all National, State and Locally-listed pest plants;
2. Keeping the road frontage clear and/or tidy;
3. Keeping drainage and/or paths free of obstruction and fully operational at all times; and
4. Ensuring kerbs, footpaths and gutters are free of vegetation growth.

Removal of native vegetation must not occur without prior written approval from Council and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

In considering an application, the following shall be taken into consideration:

1. Whether the adjoining land is used for certified organic vegetable/fruit/cereal production;
2. Existence of a medical condition in the household which may be exacerbated by exposure to herbicides or associated additives; and
3. The applicant has other mitigating circumstances that would warrant an area not being exposed to the use of herbicide chemicals.

Council reserves the right to reject any applications on the grounds that it is not within the overall interest of Council to include the area within the No Spray Register.

Upon acceptance or refusal of an application for the No Spray Register, Council Staff will reply in writing to the resident with the outcome.

Where the application is approved, Council Staff will add the property onto the No Spray Register. Applications are non-transferrable.

Residents who are not the landowner must provide written confirmation from the landowner that they do not object to the request.

If an application is refused, applicants will be informed in writing by Council Staff outlining the reasons for refusal. Applicants may reapply if they feel they can adequately address the concerns that caused Council Staff to refuse their initial applications.

No Spray Register

The register will be in the form of an electronic spreadsheet detailing the residents' details, area to be excluded from herbicide chemical spraying and the date the application was approved and date of expiry.

Each application will have a valid period of three (3) years in which the applicant will have to reapply after that expiry date.

The register shall be maintained by Council's Works and Services Department and be available in an appropriate Drive for all relevant staff to be able to access.

Failure to Comply

In agreeing to take over the responsibility for managing Council's road reserves and/or Council land abutting the applicant's property, the applicant will maintain the above areas to the same standard that can be achieved by the herbicide control method. If Council's standards for management are not being met, the following will occur;

1. Council will advise the applicant in writing that maintenance must occur within twenty one (21) days of the date of the correspondence;
2. Failure by the applicant to conduct maintenance of the area within 21 days will result in Council undertaking, without further notice, any necessary work to reduce the vegetation; and
3. The applicant will be removed from the No Spray Register at the end of the twenty one (21) day period if the required maintenance has not been completed. The applicant may reapply at the next application period.

Roadside Spraying and Slashing Contractors

In the event that the Shire employs the services of a contractor for roadside spraying, the Council Staff will ensure that the roadside spraying contractor has acknowledged the No Spray Zones and ensure that the contractor does not breach contract by spraying within the zone.

4.9 PRIVATE USE OF COUNCIL PLANT AND EQUIPMENT POLICY

Adopted by Council: 19 June 2018

Council Minute Reference:

69/18

Reviewer: Manager of Works & Services

Local Law:

Procedure:

Delegation:

OBJECTIVE

The objective of this policy is to ensure that the private use of Council's plant and equipment is transparent and to retain community confidence that the hire of plant and equipment is consistent for both Council employees and the general public.

POLICY

The policy shall apply to all parties who utilise any of Council's plant and or equipment for private or commercial use.

1. Council will not "dry hire" any plant or equipment to outside parties for commercial use.
2. Hire of plant or equipment for commercial use will be charged in accordance with plant hire and labour rates as detailed in Council's fees and charges.
3. Permission for the hire of all plant and equipment by any party must be authorised by the Manager of Works and Services.
4. Small plant and general plant/equipment, may be utilised by community groups or individual employees of Council in accordance with the following conditions:
 - a. The user shall enter into a Private Agreement with council prior to any plant or equipment being obtained for use;
 - b. In the case of a club or other organisation wishing to utilise Council plant at no cost, a community grants form must be completed and approved prior to use;
 - c. Only duly trained personnel may operate plant and equipment outside work hours for private use (including operating plant for clubs or organisations in the Shire) with no labour hire component being applied to the cost;
 - d. Actual hours and/or kilometres associated with the use of the plant, equipment and/or operator is recorded on the Private Works Agreement immediately after return so the item can be charged out appropriately;
 - e. Council's external Plant Hire Rates shall apply for private use and/or where no community grant approval has been received;
 - f. The plant and equipment is available and does not adversely inconvenience or delay Council's Works Program. No private works shall take precedence over the completion of Council's Works Program;
 - g. The plant and equipment is utilised for private use only and not for commercial gain;
 - h. The plant or equipment is returned to Council premises in a clean, tidy and fully serviceable condition;
 - i. Any damage to plant or equipment will be repaired at the employee's/organisation's/ general public's costs.
5. Where plant and equipment is operated by a Council employee in accordance with this policy:
 - a. It is to be understood by all staff that use of shire plant and equipment is not an entitlement, and that a hire fee is payable for equipment that the shire own;
 - b. That any employee who agrees to operate Shire plant and equipment such as on behalf of clubs and organisations within the Shire, does so in a voluntary capacity and no remuneration will be made to the employee;

- c. Council does not take any responsibility in relation to break downs, faults or mishaps that may occur while the plant is being used;
- d. Where plant is required to be towed by a private vehicle, it is the responsibility of the user to ensure that the vehicle has the capacity to handle the additional towing load;
- e. All plant and equipment must be secured when being transported; and
- f. Where Personal Protective Equipment (PPE) e.g.; ear plugs is required, it is the responsibility of the employee to ensure such PPE is used when operating the plant.

5 AGED CARE

5.1 SPRINGHAVEN BOND RELEASE

Adopted or Reviewed by Council: 14/11/17

Council Minute Reference: 183/15

Reviewer: Manager of Aged Care Services

Local Law:

Procedure:

Delegation:

OBJECTIVE

To provide reason for not releasing Accommodation Bonds (Bonds) held at Springhaven Aged Care Facility in Kojonup (Springhaven) until Probate has been issued on the death of residents.

Background

Council presently releases Bonds on the death of a Springhaven resident, to their Estate. The risk associated in continuing this practice is that the Shire of Kojonup (Shire) cannot be guaranteed that the Bond is being paid to the Executor or Administrator of the deceased resident's estate. This is only confirmed by production of a Grant of Probate (where there is a last Will) or Letters of Administration (where there is no Will) granted from the Supreme Court of Western Australia.

What is Probate?

1. Extract from Public Trustee WA website 9 Jan 2014:
"Probate is the process of proving and registering in the Supreme Court the last Will of a deceased person. When a person dies, somebody has to deal with their estate."
2. *It is usually the executor of their Will who administers the estate and handles the disposal of their assets and debts. In order to get authority to do this, they usually need to obtain a legal document called a 'Grant of Probate'.*
3. *To protect the interests of those who hold the deceased's assets (for example banks) the executor may be asked to prove they are authorised to administer the Will before the assets can be released. The Grant of Probate is the proof required.*
4. *To obtain a Grant of Probate, the executor named in the Will must apply to the Probate Office of the Supreme Court. If their application is approved, the executor is given a Grant of Probate to confirm the author of the Will has died, the Will is authentic and the executor is who they say they are.*
5. *An executor can be an individual or a trustee company like the Public Trustee. Once a Grant of Probate has been given, management of the deceased's assets can safely be transferred to the executor.*
6. *All Grants of Probate are stored, along with the corresponding Will, at the Supreme Court. These are public documents. If a deceased person does not have a Will, validation of their estate and benefactors is not done with a Grant of Probate, but with a similar document known as 'Letters of Administration'.*
7. *In these circumstances, the Probate Registry refers to the Administration Act 1903 to assess applications."*

Implications

Without the production of a Grant of Probate or Letters of Administration the Shire of Kojonup is at risk of providing the refund of any Bond to the incorrect person and can be liable for the debts of the deceased particularly where the Bond is the only asset of the estate and there are debts of the estate to be settled.

POLICY

Bonds will not be released by the Shire until a Grant of Probate or Letters of Administration, or a certified copy of same, have been provided by the Executor/Administrator.

Interest accrued from the day following the date of death of the Resident will be calculated based on/as determined by the MPRI (maximum permissible rate of interest) as at the date of the contract. The balance of the Bond is payable together with the interest earned thereon from the day following the date of the death of the Resident upon production to the Shire of the original or certified copy of the Grant of Probate or Letters of Administration.

Recommendation for Current Residents

Obtain information as to whether they each hold a valid Will and where it is currently lodged.

All future Resident Agreements to include the process for release of Bonds and the interest payable after death to the Executor/Administrator.

5.2 SPRINGHAVEN POLICY MANUAL

Adopted or Reviewed by Council: 17/11/15

Council Minute Reference: 183/15

Reviewer: Manager of Aged Care Services

Local Law:

Procedure:

Delegation:

OBJECTIVE

To provide a range of guidelines and procedures for staff to follow in response to various services, practices, improvements, regulatory compliance, procedures, standard operating procedures, health care and medical treatments etc.

POLICY

Council adopts the Policies regarding Management Systems, Staff, Health Care, Residents Lifestyle and Safety and Security as developed for the residents of Springhaven Lodge.

All Staff employed at the Springhaven Lodge are required to familiarise themselves and comply with the Policies.

The Springhaven Policy Manual is located in the Manager's Office at Springhaven and is reviewed annually.

5.3 INDEPENDENT LIVING UNITS

Adopted or Reviewed by Council:	13/12/16 19/11/19	Council Minute Reference:	172/16 156/19
Reviewer:	Chief Executive Officer		
Local Law:			
Procedure:			
Delegation:			

OBJECTIVE

To provide Independent Living Units to the elderly (Over 55 as per the R-Code definitions) of Kojonup, ensuring that:

- They are able to remain living locally, maintain family connections and age 'in place' in familiar surroundings; and
- Larger homes in the Shire become available for family structures with more occupants.

POLICY

Loton Close Units

The Shire of Kojonup has built 13 Independent Living Units situated in Loton Close, Kojonup. The Shire of Kojonup recognises that the elderly in the district are proud of and loyal to Kojonup and wish to remain in the community that they call home.

The following guidelines apply:

Eligibility:

To help keep our elderly in town, preference is given to:

1. Locals (defined as those currently residing in the Shire of Kojonup); and
2. At least one permanent resident to be Over 55

Process:

1. Two lists of interested tenants is maintained by the Shire with priority given to those listed on the 'Local' list over those listed on the 'Non-Local' list;
2. The list is prioritised in date order when prospective tenants lodge an interest (first in, first served);
3. When a unit becomes vacant, it is offered to the first person on the list. If the first person offered declines, then it is offered to the next person on the list until such time as a prospective tenant accepts;
4. If a prospective tenant refuses an offer, they retain their position on the list;
5. The shire does not maintain a priority list;
6. Once an Independent Living Unit is leased, the lease agreement is valid until such time as the lessee may not operate independently as defined under the lease agreement;
7. Carers are permitted to live-in but once a lease holder ceases occupation, the Carer must vacate the premises as well.

Costs/Lease Conditions:

The units are on a weekly rental basis with a bond of 4 weeks' rent being applicable. The rent is reviewed annually and is set by the Council as part of the annual Fees and Charges. Tenants are liable for power and water usage and are sub-metered. All telecommunications are between the tenant and the supplier of their choice. All building maintenance is to be performed by the Shire. The gardens are to be maintained by the tenant.

Soldier Road Units:

The following process and criteria applies to the three (3) independent living units located at Soldier Road.

Note:

These units were funded through Royalties for Regions (Regional Aged Accommodation Program (RAAP)) Funding via the State Department of Primary Industries and Regional Development and this eligibility criteria for these units should not be altered without first seeking written approval of the Department.

Process:

1. Three (3) lists of interested and eligible tenants is maintained by the Shire (see eligibility criteria below);
2. Each list is prioritised in date order when prospective eligible tenants lodge an interest (first in, first served);
3. When a unit becomes vacant, it is offered to the first person on the list for Band A. If the first person offered declines, then it is offered to the next person on the list until such time as a prospective tenant accepts;
4. If the unit cannot be tenanted from the list for Band A, it is offered to the first person on the list for Band B. If the first person offered declines, then it is offered to the next person on the list until such time as a prospective tenant accepts;
5. If a prospective tenant refuses an offer, they retain their relevant position on the list;
6. The Shire does not maintain a priority list;
7. Once a Unit is leased, the lease agreement is valid until such time as the lessee may not operate independently as defined under the lease agreement;
8. Carers are permitted to live-in but once a lease holder ceases occupation, the Carer must vacate the premises as well.

Eligibility Criteria:

To be eligible to be placed onto the list for Band A or Band B referred to above, residents must:

- a) Satisfy the means testing outlined in the (former) Department of Housing 'Community Housing Income and Asset Limits' Policy – refer to http://www.housing.wa.gov.au/HousingDocuments/CH_Income_and_Asset_Limits_Policy.pdf; and
- b) Be over the age of 65 years at the commencement of the lease (over the age of 55 years for indigenous Australians);

If there are no applicants on the waiting list that meet the criteria above, or if the offer to lease is not taken by anyone on the list for Band A or List for Band B, then the unit may be offered to residents on the Loton Close waiting list in accordance with the policy or procedure for those units.

6 REGULATORY SERVICES

6.1 FIRE MANAGEMENT PLAN

Adopted or Reviewed by Council:	19/9/17	Council Minute Reference:	115/17
Reviewer:	Manager Regulatory Services		
Local Law:			
Procedure:			
Delegation:			

POLICY

The Wheatbelt Regional Fire Management Plan 2012-2017 is adopted in its entirety to be the Council's policy.

DOCUMENT (Inbound)**Summary**

Sundell Group - Elmach PtyLtd - Tites Pty Ltd - Request to waiver outstanding rates - 122 Albany Hwy Kojonup - 20 October 2022

Information**Comments/Notes****DETAILS**

Status New **Deadline** 03/11/2022
Priority Medium **Received** 20/10/2022 10:25:01 AM
Type Email **Ref** IN22/6E331009
On Hold No

RELATED APPS (0)

System Name	Ref ID	Meta-data
No records found.		

RELATED DOCUMENTS**PEOPLE (2)**

Owner Heather Marland
Manager Grant Thompson
Reader

CONTACTS (0)

Name	Company	Email	Phone
No records found.			

FOLDER (1)

Number	Part	Name	Organisat	Unit
FM.LEV.2	1	FINANCIAL MANAGEMENT/LEVIE OF DIFFERENTIAL RATES		

WORKFLOW

No records found.

CONTENT**Attachments:**

File Name	Size (kb)	Attac by	Attached On
SKM_C650i22090613570.pdf	737.5	Jenn Clark	20 Oct 2022 10:49:48 AM
Unimproved_Value_Report_for_1	438.4	Jenn Clark	20 Oct 2022 10:49:49 AM

Links:

File Name	Size (kb)	Cre by	Created On
No records found.			

From: Property Management <property@threecrowns.com.au>

Date: Thu Oct 20 10:25:01 AM AWST 2022

To: Heather Marland <sfo@kojonup.wa.gov.au>; Shire of Kojonup Council <council@kojonup.wa.gov.au>; Kellie Francis <kscarfe@threecrowns.com.au>

CC:

BCC:

Subject: Proposal for Kojonup Council to acquire Lot 30 /122 Albany Highway WA - TITES
 Good morning,

For your attention:

Heather Marland - Senior Finance Officer - Shire of KOJONUP
 PO Box 163 Kojonup WA 6395 ; 08 98312400.

RE: Request Council to waiver all outstanding rates owing by T.I.T.E.S P/L and purchase the property for the unimproved value of \$10000.

This proposal refers to only one of the 122 Albany Hwy (referred to as Lot 30) properties in Kojonup WA, there are TWO properties with the same number but different lot numbers.

Lot 2 on D025093 (Sold by us in October 2013) and Lot 30 Plan 2933 still owned by T.I.T.E.S P/L.

On further investigation we found the Easement Burden (T12113/1959) listed on the Certificate of Title prevents any construction on the block as it was created to allow access only. The easement could be removed possibly but to no benefit only more costs.

Further, Lot 30 dimensions - three metres of street frontage and is sixty metres in length, a perfect size for a pedestrian access lane.

Possibly could have been 122A Albany Hwy as what our Company is left with is an unsaleable block and due to the Easement Burden the property is locked out of any development as it is an access route to other Council owned access lanes that connect to Lot 30.

Our Company being T.I.T.E.S Pty Limited sold one of the 122 Albany Hwy Kojonup WA in October 2013 thinking we sold all ownership but this is not the case.

Five years later (September 2018) we received a rates notice that represents 5 years of unpaid rates being the first notification we have received for the other 122 Albany Hwy. Kojonup (Lot 30 on Plan 293).

For reasons unknown Lot 30 failed to be included in the Sale in October 2013. But you could assume that TWO properties with the same number next to each other would be rare and not one often checked on conveyance.

The new rates notice details arrears of rates, levy's and interest charges over the concerned period.(Attached)

Rates for this property will forever be ongoing unless we relinquish Ownership by way of sale to the Kojonup Council or by way of negotiations with the Council as no one would purchase a block with these dimensions and easement restrictions along with the outstanding rates owing.

Council would benefit by acquiring the property as it connects with other access lanes owned by the Council.

As well on one side of Lot 30 for 60 m is a large car park area and Lot 30 seems to be used for access to Albany Hwy after parking their cars this alleviates the need to walk around behind other parked cars possibly.

We would greatly appreciate Kojonup Council acquiring this property for reasons mentioned as it would only be a financial burden to our Company indefinitely with no benefit whatsoever. This property also attracts Land Tax costs to our Company.

Thank you for your assistance in this matter and please do not hesitate to open discussions at your earliest convenience.

Kind Regards

Peter Hogan
Operations Manager
Mobile: 0457209520

SUNDELL GROUP

ELMACH PTY LTD
TITES PTY LTD

PO BOX 91 Pennant Hills NSW 1715

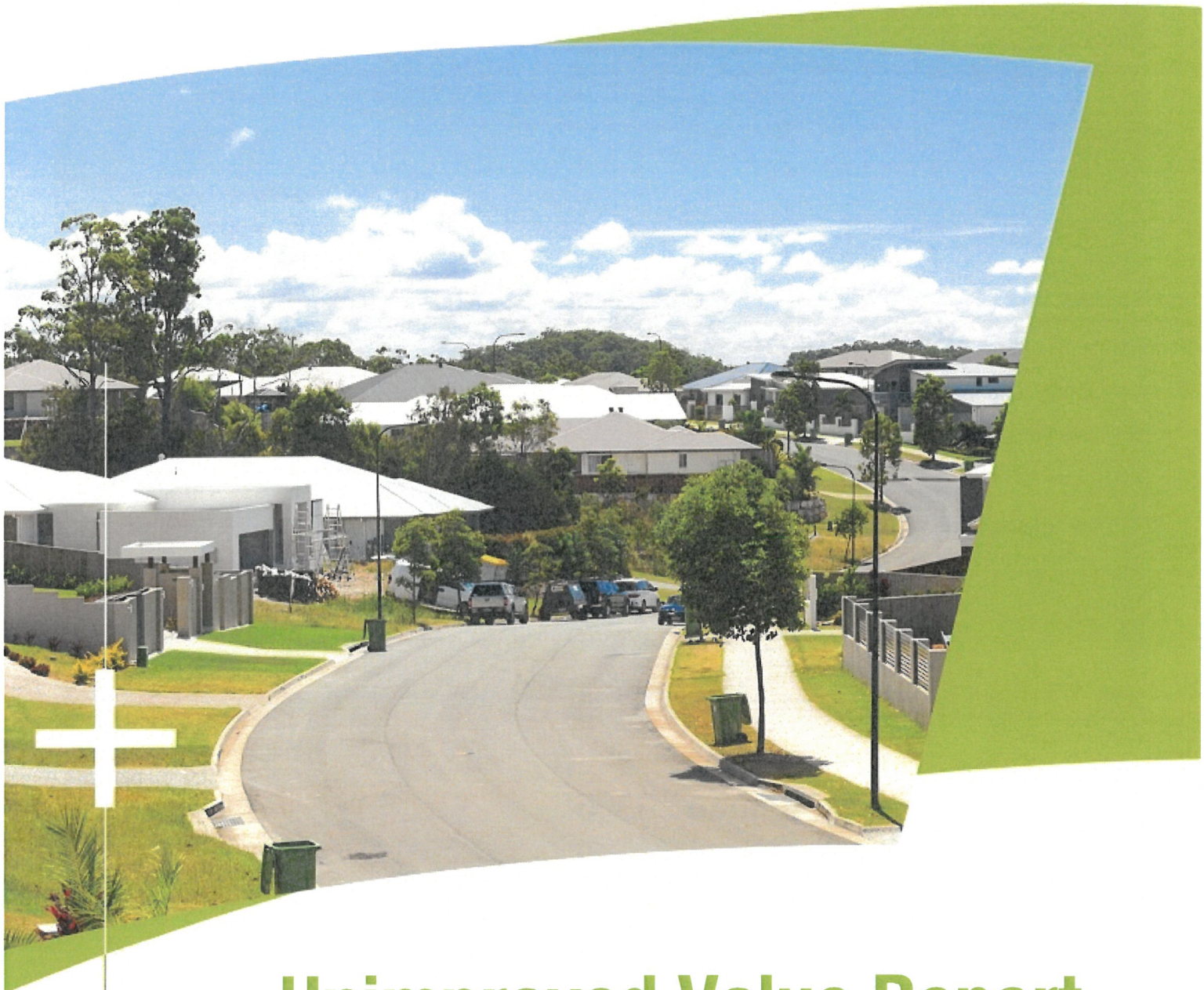
Tel 02 99657317 Fax 02 99188439

property@threecrowns.com.au

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Please be cautious

This email was sent outside of your organisation



Unimproved Value Report

122 Albany Highway, Kojonup 6395

landgate.wa.gov.au



Image captured

122 Albany Highway, Kojonup 6395

Year built	N/A
Building area	N/A
Type of property	Vacant Land
Property use	Vacant
Wall/Roof type	N/A
Local Government Authority	Kojonup
Zoning	Commercial (COM)
Land area	154 m ²
Land ID	Lot 30 On Plan 2933
Certificate of title number	1033/164

Selected Date: 04/12/2019

Property Details

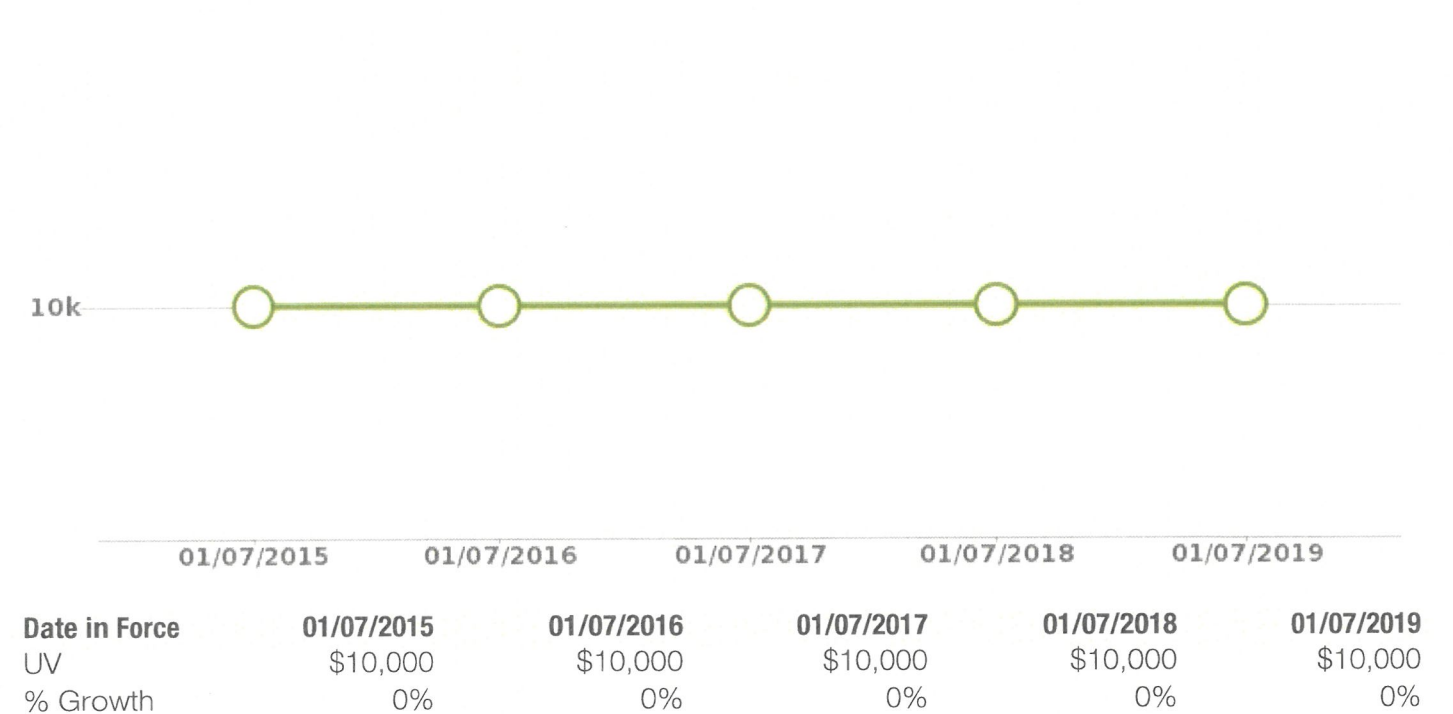
Land ID	Land Area (m ²)	Certificate of Title	Property Type	Local Government Authority	Valuation Entity (VEN)	PIN
30P2933	154	CT1033/164	VACANT LAND	KOJONUP	1141246	650522

Valuations

Unimproved Value	Date in Force	Current Revaluation Date	Previous Revaluation Date	Proposed Next Revaluation Date
\$10,000	01/07/2019	01/07/2019	01/07/2018	01/07/2020
\$10,000	01/07/2018	01/07/2018	01/07/2017	01/07/2019
\$10,000	01/07/2017	01/07/2017	01/07/2016	01/07/2018

Unimproved Value

Unimproved Values (UVs) are used by the Office of State Revenue, Department of Treasury and Finance as a base to assess land tax. Unimproved values are determined annually relative to vacant land sales at or close to the date of valuation. The below chart presents a past to present view of the values along with the growth percentages.



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landgate.wa.gov.au

Image on cover for illustrative purposes only

Done

Kojonup rates letter.docx



12th September 2022

Shire of Kojonup
Kojonup WA

Richard Tuna
2 Amblin Green
Noranda WA 6062

Reference : 107 Albany Highway Kojonup Assessment
Number : A8938

I am writing regarding the above property which I am still struggling through family court to acquire possession of the property from the Trustee of Tania Wakefield (bankrupt) which I was told would settle several months ago and seems to still be ongoing.

I have a \$82,000 mortgage relating to this property, and I am 64 years old am only working part time as my work is too physically demanding for me.

I understand that I have struggled to pay the rates for the past 5 years, and with so many problems with tenancy I seem to be going backwards.

In light of this I would like to ask the Council at your next meeting, if you would consider crediting the interest fees on the account, as I am able to withdraw \$10,000 from my superannuation, but as the account stands at over \$12,000 with the interest, I would never be able to catch up.

Once a settlement through the family court is reached, and consent orders are issued, then I will be in a better position to be able to deal with the property, and I hope to do that without the extra encumbrance of more rates and interest to pay this year.

Your consideration is much appreciated, and I await to hear your reply

Kind Regards



Richard Tuna
Ph: 0417 550 111
Richie.fish@hotmail.com



(Aerial Photograph showing Lot 162)



DENMARK YOUTH OUTREACH

DYO is a free outreach support service available to young people living in the Shire of Denmark who may be in crisis or experiencing difficulty with family, school, mental health and relationships. We provide mentoring, and information to enhance young people's health and wellbeing. We provide advocacy, referrals and support to access specialist services, including AYSA homelessness services.

TRACKS

Tracks – Youth Severe

Tracks is a Central Great Southern program that supports young people aged 12 to 25, and their families, to improve the wellbeing and mental health of young people. Tracks provides youth work, case management and shared-cared response from a range of services who will work together to care and support the young person and their family.

Tracks works with young people who are at risk of developing a serious mental illness like psychosis, depression and anxiety.

Tracks support to young people will be by providing holistic support that targets factors that are impacting young people and their family's wellbeing.

ALBANY YOUTH SUPPORT ASSOCIATION INC

ABN 63 512 707 525

12 Young Street, Albany WA 6330

Phone: (08) 9842 2082

Email: admin@aysa.org.au

www.aysa.org.au

AYSA gratefully acknowledges our funding partners:

Department of Communities, Child Protection & Family Support,
Commonwealth Government
Department of Social Services, Commonwealth Government
Healthway, State Government
Mission Australia
Shire of Denmark
WA Primary Health Alliance (WAPHA)



AYSA provides safe spaces
and support to young people
and their families through
our network and programs.

YOUNG HOUSE

YOUTH CRISIS REFUGE

Young House provides supported crisis accommodation for young people aged 15 to 25 years who are homeless, or at risk of homelessness. Priority is given to accommodating young people under 20 years of age. **Young House** operates 24 hours a day, 7 days a week.

Youth workers support young people to develop independent living skills, connect with education and employment and move towards a return to home or independent living.

SHOT

SUPPORTED HOUSING OUTREACH & TENANCY

SHOT youth workers support young people 15 to 25 years of age, in the transition to independent living.

Free of charge assistance can be given to those who are tenants in Community Housing units or who need help to find suitable accommodation.

AYO

ALBANY YOUTH OUTREACH

AYO youth workers support young people 12 to 18 years of age to prevent crisis. This free of charge service is provided to any young person in Albany in crisis or experiencing difficulty with family, school, mental health and relationships.

Young people can be assisted with mentoring, relationships, access to educational supports, referrals to appropriate services, advocacy and information.

RECONNECT

PREVENTING YOUTH HOMELESSNESS

Reconnect is for young people aged 12 to 18 years who are at risk of homelessness or are homeless.

Supportive outreach youth workers assist young people to improve their lives by providing mentoring, advocacy, information, family mediation and referrals to relevant specialist services.

The service is free of charge and available in Albany, Denmark and Mt Barker.

OPEN ACCESS

YOUTH ARTS STUDIO

Young people are encouraged to bring their creative ideas to life at the **Drug Aware Open Access studio**. Open Access Youth Arts Studio is for young people (aged between 12 and 22 years) with an interest in the arts or youth culture.

The studio is a safe and supportive space for aspiring young people and artists to participate in arts activities including music, multimedia, various painting mediums and urban art projects.

All **Open Access** programs are free of charge. These programs are staffed by qualified youth workers who can provide referrals to other youth support services. Community artists and guest facilitators are employed to run the arts activities and workshops.

OPEN ACCESS PROVIDES A FREE PICK-UP AND DROP OFF SERVICE AVAILABLE FOR NORTH ALBANY SENIOR HIGH SCHOOL STUDENTS AND OTHERS WITHIN THE ALBANY AREA.

HEALTHY REFRESHMENTS AND SNACKS ARE AVAILABLE FREE OF CHARGE.

**CALL US IF YOU OR SOMEONE
YOU KNOW NEEDS HELP**

08 9842 2082

clientintake@aysa.org.au

NAVIG8

LEAVING CARE SERVICE

Navig8 provides transitional support to young people between 14 and 25 years who are leaving, or have left the care of the Department of Child Protection and Family Support (CPFS).

Navig8 provides case management and support during and after the transition from care to independence through practical support and advice, mentoring, advocacy and referrals to government agencies and/or other community organisations.



ALBANY
YOUTH SUPPORT
ASSOCIATION



EXPRESSION OF INTEREST

Shire of Kojonup 'Springhaven' Aged Care Services

Submissions close 28 February 2023

Enquiries and site visit requests:

Grant Thompson, Chief Executive Officer, Shire of Kojonup

ceo@kojonup.wa.gov.au

Ph: 08 9831 2400

CONTACT DETAILS

All communications and enquiries relating to this document and the opportunity it presents should be directed solely to the Shire of Kojonup (Shire). Proponents must submit all questions requiring clarification in writing by email to: ceo@kojonup.wa.gov.au.

Failure to comply may result in exclusion from the process. The Shire reserves the right to supply relevant questions and responses to all Expression of Interest (EOI) participants. Please include a contact telephone number and email address.

All questions concerning the EOI process must be directed to:

Chief Executive Officer, Grant Thompson

Email: ceo@kojonup.wa.gov.au

Phone: 0419903363

All emails will be responded to within three (3) business days.

Any communication in regard to the EOI with personnel (staff or Councillors of the Shire), other than the nominated contact person(s), may result in disqualification from the EOI process.

For further information about the Shire of Kojonup please visit <https://www.kojonup.wa.gov.au/>

Disclaimer

Please note: The material contained herein is provided for information purposes only and is not a complete list of all matters relevant to the offering. The Shire of Kojonup ("Shire" or the "Council" and their respective officers, employees and agents), gives no warranty and makes no representation as to the accuracy or sufficiency of any description, photograph, plan, diagram, statement, or opinion contained in or omitted from this document except for any liability which cannot be excluded as a matter of law. Any projection or forecast may be based on assumptions which may or may not prove to be correct and they are not intended to be a representation as to any future matter on which a Proponent can rely. Proponents must make their own independent investigations and analysis of the offering. This document is for the sole purpose of the intended reader and not for distribution. Information presented within this document is relevant as at the date provided.

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Introduction

The Shire of Kojonup (Shire) is calling for Expressions of Interest (EOI) from interested parties for the operation and management (as the approved provider) of its Springhaven Residential Aged Care Facility.

For clarity, the Shire’s Loton Close Independent Living Units are not being considered as a part of this EOI and are a separate facility to be managed by the Shire.

The Shire is open to receiving EOIs from interested organisations based on any model (e.g.; lease and/or management agreement etc) which will result in the best outcome for the quality of care for local aged persons now and in the future.

The buildings and land assets are to be retained in the ownership of the Shire.

The decision to seek an alternative service delivery model was made by Council in response to recent local, State and Commonwealth Government aged care reforms and follows a review of the Shire’s aged care services and capability portfolio to manage the future needs of its residents in this sector.

The Shire seeks to:

1. reduce the risk to the Shire of being the approved provider in an increasingly complex industry that is not the Shire’s core business;
2. reduce the financial risk for the Shire by having a known financial outcome for the service/s; and
3. explore the potential for an enhanced service to the community.

The Shire’s objective is to maintain Aged Care facilities and services in the Shire. As such, the Shire remains committed to ensuring a high quality of care and accommodation is maintained and enhanced to support the community’s commitment to providing positive ageing solutions for the older population.

EOIs are welcomed from existing and proposed Aged Care Approved Providers including those in the for-profit, not-for-profit, and faith-based sectors.

This document provides an overview of the services. Further information in areas such as staffing, resident profiles, financial performance and funding may be provided upon request following the receipt of a signed ‘Non-Disclosure Confidentiality’ form.

Depending on the outcome of this EOI process, short listed organisations may be invited to provide a formal proposal and/or to enter into negotiation regarding the service/s to be delivered.

PLEASE NOTE:

This Expression of Interest process does not commit the Shire to accepting any of the responses received. The Shire will determine whether any proposal received represents a greater community benefit than that which can be offered by the Shire.

The transfer of services and any associated funding will be subject to approval by relevant funding bodies.

Should any Proposal be accepted, the provider shall enter into an agreement for any existing Shire facility/ies needed to deliver the required service. This will be negotiated and determined as per service type.

The Location

About Kojonup

Area: 2,931km² including the localities of Boscabel, Jingalup, Kojonup, Muradup, Qualeup

Population: approx. 2000

Electors: 1287

Councillors: 8

Kojonup is an extremely old area and has been inhabited by the Keneang Noongar people for thousands of years. Settled by Europeans since 1837 and nestled in the rural heartland of the Great Southern region, Kojonup is an idyllic place to live and bears all the trademarks of a traditional country settlement, with its historic buildings and friendly, safe atmosphere. The Shire of Kojonup owns and operates a 22 Bed Aged Care Facility - Springhaven, 50m Kevin O’Halloran Swimming Pool, cultural/heritage icon - The Kodja Place, and Black Cockatoo Café.



The name Kojonup has historical significance, referring to the “Kodj” or stone axe made by the Aborigines from local stone.



At the heart of Kojonup is the freshwater spring (The Spring).

European settlers established an old Military Barracks. Constructed in 1845, it is one of the oldest surviving military buildings in Western Australia.

Located on Albany Highway, Kojonup is just a 2.5 hour drive from Perth, and a short 1.5 hours from Albany and Denmark. It is the administrative and commercial centre

of a prosperous pastoral district, offering a wealth of business and lifestyle opportunities. Today, Kojonup is a thriving shire, proud of its heritage and looking to grow.



The Offering

SPRINGHAVEN AGED CARE FACILITY (SPRINGHAVEN)

Note: this facility forms the primary and essential offering in this EOI process. The EOI must address this service and any non-conforming EOI may not be accepted without this service being included.



- 22 bed Residential Aged Care (RAC) Facility set in spacious grounds. All rooms are single with toilet ensuites and external patio doors.
- Three (3) year accreditation achieved until February 2025 with all standards met.
- Well maintained facility with recent refurbishments.
- Meals are currently provided internally and a commercial kitchen exists on site which was refurbished in 2020.
- All laundry is done on site in a commercial laundry, also refurbished in 2020.
- Conditions of employment are set by the Aged Care Award provisions. Staff are paid above the award rate as a recruitment and retention strategy.
- The current staff for the RAC facility include:
 - o Manager – 1 FTE – Contract
 - o Activities Coordinator - 0.6FTE – Casual or PPT
 - o Administration & Domestic Coordinator – 1 FTE – PFT
 - o Personal Care Assistants – 8 – 12 FTE (shift based roster system) – Casual or PPT
 - o Registered Nurse – 2 FTE – PFT
 - o Enrolled Nurse – 0.5 FTE – Casual
 - o Cook – 2 FTE – Casual or PPT
 - o Kitchenhand – 2 FTE – Casual or PPT
 - o Cleaner – 2 FTE – Casual or PPT

The Opportunity

There is an opportunity to improve financial performance by increasing the current funding, capitalising on economies of scale if the provider operates other facilities, and an increase in offering value added services.

Bed Licence Retention in Kojonup

Bed licences must be retained in the Shire of Kojonup and not transferred to another location.

Asset Use, Maintenance and Improvement

The provider will be required to enter into a legal agreement in relation to lease, hire, or licence agreement of any Shire building included in their service delivery.

Equipment on Shire Property

The provider will be required to enter into an arrangement for the lease, hire, or purchase of any Shire equipment required.

Undertaking as to Confidentiality

All dealings with the Shire are confidential and information will be supplied to you solely for the purpose of evaluation of the offering outlined in the Expression of Interest and, in turn, submitting a Proposal (subject to your evaluation). Confidentiality will extend to all documentation and systems shown or explained to you and all resident and personnel details, plans and methods of operation to which you are given access and knowledge.

Financial Information

Shortlisted organisations will be required to provide financial information including profit and loss statements and balance sheets for the last two financial years.

Site Information

Proponents will have the opportunity to inspect the relevant sites by appointment on weekdays during normal business hours.

Proponents may register up to three attendees for the site inspections of the operating facilities. Unless otherwise agreed by the Shire, attendees can only be officers, employees or contractors of the Proponent who are bound by confidentiality undertakings acceptable to the Shire and who have a current Flu vaccination certificate.

To arrange an appointment, please send an email to ceo@kojonup.wa.gov.au noting the attendees, position within the organisation, and at least two possible days convenient for you to attend.

Selection Criteria

In order to ensure a uniform review process and to obtain the maximum degree of comparability, it is required that the proposals be presented in the manner specified below:

1. Cover Page

Please include contact details. Include the full details (name, address and contact details) of all parties involved in the Expression of Interest.

2. Background and Credentials

- Entity Type

Please submit evidence of the proposing entity's type, organisational structure and business registration.

- Accreditation and Compliance

If presently accredited as an Aged Care Approved Provider:

- Please provide evidence that the proposing organisation is an approved provider of aged care under the *Aged Care Act 1997* (the Act), and which services are approved i.e. residential care, home care or flexible care.
- Please submit a summary of the proposing organisation's most recent accreditation reports.

If not presently accredited as an Aged Care Approved Provider, please demonstrate how this requirement will be met.

- Current/Future Services and Location (if applicable)

Please list current service/s and location/s as well as those planned for the foreseeable future.

- Organisation Profile, Service Delivery and Financial Overview

- Relevant previous experience as an aged care service provider (if applicable).
- Vision, mission, values, and service delivery ethos. Please provide a statement regarding why the organisation is interested in this EOI and how it fits with the organisation's vision.

- Current staffing organisational structure with number of staff per service.
- Please provide a summary of the proposing organisation's approach to:
 - Governance;
 - Care provision, Quality Assurance and Improvement Initiatives;
 - Risk Management and Assessment;
 - Business Continuity Management and Recovery; and
 - Aged Care Regulatory Standards.

3. **Proposed Approach**

- Please list services to be included in this EOI.
- Proposed management and operation structure for the facility detailing the style and type of management proposed.
- Please outline the proposed conditions under which the service/s will be managed by the proposing organisation and how the approach will provide value for money for the Shire while maintaining a high-quality service.
- Please outline opportunities available for the continued employment of current staff, transmission of business in compliance with the Industry Award, *Fair Work Act 2009* and other industrial agreements employed.
- Please outline how local placement preferences will be enabled.
- Please demonstrate how opportunities for the engagement of the community and volunteers will be maximised.
- Please detail if and how an expanded scope of services (from the Shire's present portfolio) could be delivered by the proponent within the Shire of Kojonup.
- Outline your expectations on indicative (non-binding) commercial terms – value proposition proposed e.g.; expected terms, proposed custom items/clauses/conditions you may require. Outline value points the relationship will generate and share with the Shire, if any.
- Evidence that the Respondents can execute their claims on the proposed EOI.

4. **Signed Undertaking as to Confidentiality Form**

Failure to submit a signed undertaking as to confidentiality "Non-Disclosure" form will result in disqualification. Please keep a copy for your referral.

5. **Any Additional Information**

You are welcome to attach any additional information which supports the Expression of Interest proposal. Please provide headers for each additional information included, clearly indicating the relevance of information supplied.

Legislation

The *Local Government Act 1995* requires that the disposal of any local government property (including by way of lease) be advertised in the event that the local government has agreed the method and terms of disposal without having utilised a tender or auction process.

As such, respondents are advised that, following successful negotiation with any party with respect to an outcome, the Council will undertake a statutory period of advertising (minimum period of 14 days) and must consider a submission made with respect to this matter before it is able to enter into any legal agreement with the preferred party.

Deadline for Expression of Interest

The deadline for the Expression of Interest is Tuesday, 28 February 2023 at 4.00pm.

A submission will be rejected without consideration of its merits in the event that:

- it is not received before the deadline; or
- it may be rejected if it fails to comply with any other requirements of the Expressions of Interest.

Lodgement of Submission

Submissions in response to this invitation may be lodged in any of the following manner, provided they arrive before the closing time (as specified in the newspaper advertisement).

If a Respondent, whether personally or by an agent, canvasses any of the Shire's Elected Members or Officers with a view to influencing the acceptance of any Respondent then, regardless of such canvassing having any influence on the acceptance of such Submission, the Shire may, at its discretion, omit the Respondent from consideration.

The Proposal must be submitted in electronic format or hard copy marked private and confidential by the deadline to the contact details below:

Electronic Submission

Private and Confidential – EOI 'Springhaven' Aged Care Services

Chief Executive Officer, Mr Grant Thompson ceo@kojonup.wa.gov.au

Mail (Hard Copy) Submission

Hard copies should be contained within a sealed envelope clearly labelled:

Private and Confidential - EOI 'Springhaven' Aged Care Services

Mr Grant Thompson
Chief Executive Officer
EOI 'Springhaven' Aged Care Services
PO Box 163
Kojonup WA 6395

Submissions will not be returned.

Proposals received after the deadline cannot be accepted. It is the Proponent's responsibility to ensure that a Proposal is received prior to the closing time detailed above.

1. Proposal Acknowledgement

By submitting a proposal, the Proponent certifies that they have fully read and understand the proposal method and has full knowledge of the scope, nature, and quality of work to be performed.

2. Proposal Contents

Please refer to the required EOI Contents section as to the requirements to be included in the submission. Please submit information and documents in the order prescribed. All information required by this Expression of Interest process must be supplied to constitute a complete proposal. Failure to address a component may disqualify a proposal.

3. Term of Proposal

For purposes of review, proposals shall remain valid for a period of 120 calendar days after the submission deadline. Proponents may withdraw their proposal at any time.

4. Incurred Expenses

The Shire is not responsible for any expenses which Proponents may incur by preparing and submitting their proposal/s called for in the Request for Expressions of Interest.

5. Request for Additional Information

The Shire reserves the right to conduct oral interviews or require presentations with Proponents as part of the evaluation process. The Shire will not be liable for any costs incurred by the Proponent in connection with such interviews/presentations (i.e.; travel, accommodation, equipment, etc.)

The Shire may request for an on-site visit to the Proponent's existing facilities before evaluation is finalised. The Shire reserves the right to conduct research related to the Proposal as it deems appropriate.

6. Acceptance, Rejection, Modification to Proposals

This Expression of Interest process does not commit the Shire to accepting any of the responses received. The Shire reserves the right to reject any and all proposals, or to waive minor irregularities in the proposals. Council will determine whether any offer received represents a greater community benefit than that which can be offered by the Shire.

No negotiations, decisions, or actions shall be initiated or executed by the Proponent as a result of any discussions with any Shire employee. Only those communications that are in writing from the Chief Executive Officer or designee may be considered as a duly authorised expression.

Photos



END OF DOCUMENT