



ATTACHMENTS

Special Council Meeting – 21 December 2021

- 6.1.1(1) Policy Review Table
- 6.1.1(2) Amended Policies
- 6.1.1(3) Policies to be Rescinded
- 6.1.1(4) Policies with No Change
- 6.1.1(5) Current Policies Prior to Amendment
- 6.1.1(6) EXE-CP-8-Policy Framework

POLICY REVIEW TABLE

Service Unit	Policy ID	Title	Change/Reason					
			Minor Amended	Major Amended	Re-classify	Rescind	No Change	
EXE	EXE/CP-8	Policy Framework					1	Adopted 22 September 2021
EM	EM/CP-1	Council Member Induction, Training and Professional Development					1	Adopted 23 October 2019
EXE	EXE/CP-1	Commercial Lease					1	Adopted 24 February 2021
COMD	COMD/CP-3	Community Engagement Framework					1	Adopted 24 March 2021
COMD	COMD/CP-4	Community Townscape Activities					1	Adopted 28 April 2021
COMD	COMD/CP-1	Community Grants Funding Scheme					1	Adopted 28 October 2020
EXE	EXE/CP-5	Attendance at Events and Functions					1	Adopted 24 November 2021
CHR	HR/CP-4	Temporary Employment or Appointment of CEO					1	Adopted 24 November 2021
BUILD	5.3	Footing Details			1			Information to be built into Guidelines and Fact Sheets
BUILD	5.5	Balconies or Verandahs erected over Road Reserves			1			Information to be built into Guidelines and Fact Sheets
BUILD	5.9	Requirement for Survey			1			Information to be built into Guidelines and Fact Sheets
BUILD	5.4	Foundation Levels and Stormwater Requirements			1			Information to be built into Guidelines and Fact Sheets - See Sec 4.8 Animals, Environment and Nuisance Local Law & LPP as per the Better Urban Water Management
BUILD	5.10	Retaining Walls			1			Information to be built into Information Sheets - Governed by the Building Act 2011
BUILD	5.7	Owner Builder Occupation of Town Site Land			1			Information to be built into Information Sheets - Part 2 Regulation 11 Caravan and Camping Grounds Regulations 1997
BUILD	5.8	Owner Builder Occupation of Rural Land			1			Information to be built into Information Sheets - Part 2 Regulation 11 Caravan and Camping Grounds Regulations 1997
EXE	1.2	Smoking in Council Buildings and Vehicles			1			Re-classified - Administration Policy
COMD	2.24	Community Events Board			1			Re-classified - Administration Policy
COMD	2.30	Playing Fields and Amenities - General Use			1			Re-classified - Administration Policy
EXE	2.35	Use of Pool Vehicles			1			Re-classified - Administration Policy
RANGR	2.36	Close Circuit Television (CCTV)			1			Re-classified - Administration Policy
WRKS	4.22	Requirements for Subdivisional Land Developments			1			Re-classified - Administration Policy
WRKS	4.28	Requests for Upgrades or Expansions of Council Assets			1			Re-classified - Administration Policy
WRKS	4.7	Construction Crossovers			1			Re-classified - Administration Policy
WASTE	6.6	Balingup Waste Transfer Station			1			Re-classified - Administration Policy
WRKS	4.27	Stormwater Management Private Land			1			Re-classified - Administration Policy and an Operational Procedure - See Sec 4.8 Animals, Environment and Nuisance Local Law
EXE	1.2	Public Interest Disclosures			1			Re-classified -Operational Procedure
COMD	2.1	Hiring of Council Hall Equipment or Other Property			1			Re-classified -Operational Procedure
COMD	2.6	Hiring of Council Halls			1			Re-classified -Operational Procedure
FIN	3.5	Rates Recovery			1			Re-classified -Operational Procedure
FIN	3.9	Petty Cash			1			Re-classified -Operational Procedure
WRKS	4.26	Gravel Acquisition			1			Re-classified -Operational Procedure
EMERG	8.6	Procedures for Hiring Contractors & Equipment for Fire Fighting			1			Re-classified -Operational Procedure
EMERG	2.40	Emergency Generator for Community Events					1	Generator should not be hired out
ASS	3.2	Vandalism - Council Property					1	High risk policy to have
EMERG	8.2	Bush Fire Advisory Committee Meetings					1	Information contained in BFAC Terms of Reference
EM	1.16	Media Spokesperson					1	Information contained in EXE/CP-8-Communications and Social Media
EM	1.9	Committee Membership (Under Review)					1	Information contained in the Committee book on Shire website
ASS	2.39	Leased Hall Maintenance					1	Information contained in the Standard Community Lease maintenance schedule
CEM	2.31	Cemeteries Flower and Ornament					1	Information is already in the Cemeteries Local Law
EXE	2.33	CEO Vehicle Use					1	Information is in the CEO's contract
FIN	2.41	Governance of Accommodation Bonds					1	Management outsourced
FIN	3.6	Tuia Lodge Accommodation Bonds Liquidity Strategy					1	Management outsourced
WASTE	6.5	Waste Management Levy Exemption					1	No longer relevant due to changes to the WML
FIN	3.1	Payment for Private Works Performed by the Shire					1	Private Works are rarely undertaken

POLICY REVIEW TABLE

EM	1.13	Councillor- Staff Contact				1	Sec.20 of the Code of Conduct for Council Members Committee Members and Candidates 2021
ADM	1.11	Council Elected Members records				1	This information is in ADM/CP -1
EM	1.12	Use of Shire Specific Email Addresses by Elected Members				1	This information is in ADM/CP -1
COMD	3.1	Financial Assistance to Organisations and Clubs				1	This information is in COMD/CP -1
EM	1.5	Civic Receptions - Invitations List				1	This is already written in the Act s2.8 Role of Mayor or President
EXE	2.42	Integrated Workforce Planning and Management				1	This is compulsory under sec 5.56(2) of the act, no need for a policy
FIN	FIN/CP-9	Related Party Disclosure				1	Renumbered from 1.19 Related Party Disclosure
EXE	EXE/CP-4	Welcome to and Acknowledgement of Country				1	Reviewed & Renumbered from 1.15 Acknowledgement of Country and Welcome to Country
EM	EM/CP-2	Audio Recording of Council Meetings				1	Reviewed & Renumbered from 1.17 Audio Recording of Council Meetings
EM	EM/CP-6	Caretaker				1	Reviewed & Renumbered from 1.18 Caretaker
EM	EM/CP-5	Elected Members Allowances and Entitlements				1	Reviewed & Renumbered from 1.21 Elected Members Allowances and Entitlements & 1.3 Elected Members - Reimbursement of Fees, Expenses and Allowances
EM	EM/CP-4	Honorary Freeman of Local Government				1	Reviewed & Renumbered from 1.4 Honorary Freeman of Local Government
EM	EM/CP-3	Legal Representation for Elected Members and Employees				1	Reviewed & Renumbered from 1.8 Legal Representation costs Indemnification
EXE	EXE/CP-7	Occupational Safety and Health				1	Reviewed & Renumbered from 2.44 Occupational Safety and Health
WRKS	WRKS/CP-2	Rural Verge Management				1	Reviewed & Renumbered from 4.24 Rural Verge Management
WRKS	WRKS/CP-3	Urban Verge Management				1	Reviewed & Renumbered from 4.25 Urban Verge management
WRKS	WRKS/CP-1	Land Resumption Compensation				1	Reviewed & Renumbered from 4.3 Land Resumption
EMERG	EMERG/CP-2	Permits for Road Verge Burning				1	Reviewed & Renumbered from 8.3 Road Verge Burning of Shire Controlled Roads
EMERG	EMERG/CP-1	Fireworks at Events				1	Reviewed & Renumbered from 8.5 Fireworks Event
FIN	FIN/CP-5	Regional Price Preference				1	Reviewed, renamed & renumbered 2.21 Regional Price Preference
EXE	EXE/CP-2	Document Execution and Application of the Common Seal				1	Reviewed, renamed & renumbered from 2.32 Use of the Shire of Donnybrook Balingup Common Seal
EXE	EXE/CP-9	Communications and Social Media				1	Reviewed, renamed & renumbered from 2.49 Use of Social Media Channels and Communications for the Shire of Donnybrook Balingup
FIN	FIN/CP-2	Investments				1	Reviewed, renamed & renumbered from 3.4 Investment of Funds
CHR	HR/CP-3	Employee Recreation Centre Subsidy				1	Reviewed, renamed & renumbered from 6.11 Staff Usage of Donnybrook Recreation Centre
ADM	ADM/CP-1	Records Management				1	Reviewed, renumbered and merged with 1.11 Council Elected Members records & 1.12 Use of Shire Specific Email Addresses by Elected Members
CHR	HR/CP -2	Gratuity Payments				1	No review done - Only renumbered from 1.16 Gratuity Payments
ASS	ASS/CP-1	Infrastructure Asset Management				1	No review done - Only renumbered from 2.38 Infrastructure Asset Management
EXE	EXE/CP-6	Organisational Risk Management				1	No review done - Only renumbered from 2.45 Organisational Risk Management
EXE	FIN/CP-8	Building Insurance				1	No review done - Only renumbered from 2.46 Building Insurance
FIN	FIN/CP-4	Purchasing				1	No review done - Only renumbered from 2.48 Purchasing , Tendering and Buy Local
FIN	FIN/CP-7	Credit Card				1	No review done - Only renumbered from 3.7 Use of Corporate Credit Cards
FIN	FIN/CP-3	Debt				1	No review done - Only renumbered from 3.8 Debt
WRKS	WRKS/CP-4	Road Use Approval for Restricted Access Vehicles (RAVs) on Councils Road Network				1	No review done - Only renumbered from 4.23 Road Use Approval for Restricted Access Vehicles (RAVs) on Councils Road Network
COMD	COMD/CP-5	Tourism in Donnybrook Balingup				1	No review done - Only renumbered from 7.1 Donnybrook Balingup Tourism
FIN	FIN/CP-1	COVID19 Hardship Policy				1	No review done - Only renumbered from EM/CP-11 - COVID19 Financial Hardship Policy

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Amended Policies	
ADM/CP-1	Records Management
ASS/CP-1	Infrastructure Asset Management
COMD/CP-5	Tourism in Donnybrook Balingup
EM/CP-2	Audio Recording of Council Meetings
EM/CP-3	Legal Representation for Elected Members and Employees
EM/CP-4	Honorary Freeman of Local Government
EM/CP-5	Elected Members Allowances and Entitlements
EM/CP-6	Caretaker
EMERG/CP-1	Fireworks at Events
EMERG/CP-2	Permits for Road Verge Burning
EXE/CP-2	Document Execution and Application of the Common Seal
EXE/CP-4	Welcome to and Acknowledgement of Country
EXE/CP-6	Organisational Risk Management
EXE/CP-7	Occupational Safety and Health
EXE/CP-9	Communications and Social Media
FIN/CP-1	COVID19 Hardship Policy
FIN/CP-2	Investments
FIN/CP-3	Debt
FIN/CP-4	Purchasing
FIN/CP-5	Regional Price Preference
FIN/CP-7	Credit Card
FIN/CP-8	Building Insurance
FIN/CP-9	Related Party Disclosure
HR/CP -2	Gratuity Payments
HR/CP-3	Employee Recreation Centre Subsidy
WRKS/CP-1	Land Resumption Compensation
WRKS/CP-2	Rural Verge Management
WRKS/CP-3	Urban Verge Management
WRKS/CP-4	Road Use Approval for Restricted Access Vehicles (RAVs) on Councils Road Network

STRATEGIC OUTCOME SUPPORTED: 11 - Strong, visionary leadership.

1. OBJECTIVE

- 1.1. The purpose of this policy is to provide guidance and direction on the creation and management of records and to clarify responsibilities for recordkeeping within the Shire of Donnybrook.

2. SCOPE

- 2.1. The policy applies to all Shire of Donnybrook Balingup Elected Members, employees and outsourced contractors.
- 2.2. This policy applies to all external and internal records, which are handled, received or generated by the Shire, regardless of their physical format or media type.

3. DEFINITIONS

- 3.1. **Custody** means the responsibility for the care of State records usually based on their physical possession. Custody does not include legal ownership, or the right to control access to the records.
- 3.2. **Control** means the responsibility for keeping a record but does not include the responsibility for creating it.
- 3.3. **Ephemeral Records** means any record that has no continuing value to the Shire and is generally only needed for a few hours or a few days. The Shire uses the guidelines contained within the General Disposal Authority for Local Government Records to determine which records are considered ephemeral.
- 3.4. **General Disposal Authority (GDA)** a document designed to provide consistency throughout government organisations in disposal activities and decisions. It covers records common to all State organisations such as Human Resource Management and Financial and Accounting. The GDA for Local Government covers records common to local governments and may eliminate the necessity for each to prepare its own Schedule.
- 3.5. **Record** means any record of information however recorded and includes:
 - a. anything on which there is writing or Braille; or
 - b. a map, plan, diagram or graph; or
 - c. a drawing, pictorial or graphic work, or photograph; or
 - d. anything on which there are figures, marks, perforations, or symbols, having a meaning for persons qualified to interpret them; or
 - e. anything from which images, sounds or writings can be reproduced with or without the aid of anything else; or
 - f. anything on which information has been stored or recorded, either mechanically, magnetically, or electronically.

- 3.6. **Recordkeeping Plan** ensures that records are created, managed and maintained over time and disposed in accordance with legislation. It is the primary means of providing evidence of compliance with the *State Records Act 2000*. All government organisations must have a Recordkeeping Plan that is approved by the State Records Commission.

4. POLICY STATEMENT

- 4.1. Records are recognised as an important information resource within the Shire of Donnybrook Balingup and will ensure that appropriate practices are established to facilitate the ease of capture and management of all records which contribute to the overall efficiency and effectiveness of the organisation.

Creation of Records

- 4.2. Employees, Elected Members and contractors will ensure that full and accurate records are created to provide evidence of business transactions and decisions and that these records will be registered in the Shire of Donnybrook Balingup's recordkeeping system.
- 4.3. All records created or received during the course of business belong to the Shire of Donnybrook Balingup not to the individuals who created them.

Capture and Control of Records

- 4.4. All records created and received in the course of Shire's business will be captured at the point of creation (wherever possible), regardless of format, with required metadata into the recordkeeping system or appropriate business system.
- 4.5. Records created when using social media applications will also be captured in the Shire of Donnybrook Balingup's recordkeeping system.
- 4.6. Records will not be maintained in email folders, shared drives, personal drives, external storage media or personal cloud services (such as Dropbox, OneDrive, Share Point), as these lack the necessary functionality to protect business information and records over time.

Security and Protection of Records

- 4.7. Records will be maintained in a safe and secure environment ensuring their usability, reliability, authenticity and preservation for as long as they are needed.
- 4.8. Records will not be removed from the Shire's sites unless in accordance with the approved retention and disposal schedule, they are being transferred to the Shire's archive storage provider, or they are in the custody of an officer performing official business. It is preferred that wherever possible only copies of records are removed by those officers performing official business.

Access to Records

- 4.9. Access to the Shire's records by employees and contractors will be in accordance with designated access and security classifications and in accordance with the requirements of their role.

- 4.10. Access to the Shire's records by the general public will be in accordance with the *Local Government Act 1995* and the *Freedom of Information Act 1992*.
- 4.11. Access to the Shire's records by Elected Members will be via the Chief Executive Officer in accordance with the *Local Government Act 1995*.

Appraisal, Retention and Disposal of Records

- 4.12. All records kept by the Shire of Donnybrook Balingup will be disposed of in accordance with the General Disposal Authority (GDA) for Local Government Records, published by the State Records Commission of Western Australia.
- 4.13. Employees and Elected Members must not personally undertake destruction of any records.
- 4.14. Records identified for destruction will be subject to review and approval by the Records Officer or the Manager of the business unit the records relate to, and the Chief Executive Officer.
- 4.15. Copies/duplicates may be disposed of after use by employees and Elected Members ensuring any such records that contain personally identifiable information or information that is not publicly available are placed into confidential destruction bins or given to the Records Officer to dispose of.

Roles and Responsibilities

- 4.16. Chief Executive Officer will ensure that records and documents of the local government are properly kept for the purpose of the *Local Government Act 1995* in accordance with section 5.41(h) and any other written law and best practice standards.
- 4.17. Directors are to manage the control and custody of records during the transfer of any Shire functions, organisational restructures or the creation of new business units.
- 4.18. Managers will ensure that all employees (and contractors) under their supervision comply with this policy, associated records management procedures/guidelines and the Shire of Donnybrook Balingup's Recordkeeping Plan.
- 4.19. Employees are to create, collect and retain records relating to business activities they perform. They are to identify significant records; ensure those records are registered into the record keeping system and that all records are handled in a manner in accordance with legislation and the Shire's policies and procedures for record keeping.
- 4.20. Elected Members:
- a. The State Records Commission's policy on Local Government Elected Members' Records requires that all records generated and received by Elected Members that relate to Shire business is subject to the *State Records Act 2000*, the Shire's Records Management Policy and Recordkeeping Plan, and as such must be retained within the Shire's recordkeeping system.
 - b. Elected Members are to refer to the Records Management Advice - Local Government Elected Members' Records on www.wa.gov.au.

COUNCIL POLICY ADM/CP-1 RECORDS MANAGEMENT



- c. Each Elected Member is provided with a Shire of Donnybrook Balingup email address which is to be used for electronic correspondence between the community and the Elected Members for any Shire related business.
- d. The Shire will copy each email received and sent by Elected Members using the Elected Member's email account to the Shire's recordkeeping system.
- e. Access to the copies of the emails will be restricted to:
 - i. The Elected Member; and
 - ii. The Chief Executive Officer; and
 - iii. The Records Officer; and
 - iv. The Freedom of Information Coordinator.

5. DELEGATION AND AUTHORISATION

5.1. NIL

6. LEGISLATION

- 6.1. *Corruption and Crime Commission Act 2003*
- 6.2. *Criminal Code Act Compilation Act 1913*
- 6.3. *Electronic Transactions Act 2011*
- 6.4. *Evidence Act 1906*
- 6.5. *Freedom of Information Act 1992*
- 6.6. *Interpretation Act 1984*
- 6.7. *Local Government Act 1995*
- 6.8. *State Records Act 2000*
- 6.9. State Records Commission: Principles and Standards
- 6.10. Australian Standard on Records Management: AS ISO 15489

7. POLICY VERSION

Related Policies:			
Related Procedure:			
Responsible Department:		Administration	
Reviewer:		Corporate Planning and Governance Officer	
Review Frequency:		Triennial	Next Due: July 2024
Version Date:		22/07/2021	Synergy #:
Policy Version Details			
Initial Adoption Date:		Decision Reference:	
Version Decision Date:		Decision Reference:	
Version Synopsis:			

STRATEGIC OUTCOME SUPPORTED: 6 - The built environment is responsibly planned and well maintained.

1 Objective

To set guidelines for implementing consistent asset management processes throughout the Donnybrook Balingup Shire and to ensure adequate provision is made for the long-term replacement of major assets by:

- Ensuring that Council's services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment.
- Safeguarding Council assets including physical assets and employees by implementing appropriate asset management strategies and appropriate financial resources for those assets.
- Creating an environment where all Council employees take an integral part in overall management of Council assets by creating and sustaining asset management awareness throughout the organisation by training, development and resourcing.
- Meeting legislative requirements for asset management.
- Ensuring resources and operational capabilities are identified, and responsibility for asset management is allocated.
- Demonstrating transparent and responsible asset management processes that align with demonstrated best practice.

2 Scope

This policy applies to all Council activities.

3 Policy

3.1 Background

3.1.1 Council is committed to resourcing and implementing a systematic asset management methodology in order to apply appropriate asset management best practices across all areas of the organisation. This includes ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's priorities for service delivery.

3.1.2 Council owns and uses non-current assets to support its core business of delivery of service to the community.

3.1.3 Asset management practices impact directly on the core business of the organisation and appropriate asset management is required to achieve our strategic service delivery objectives.

3.1.4 Adopting asset management principles will assist Council in achieving its Strategic Longer-Term Plan and Long Term Financial objectives.

COUNCIL POLICY ASS/CP-1 INFRASTRUCTURE ASSET MANAGEMENT



3.1.5 A strategic approach to asset management will ensure that the Council resources and delivers the most appropriate level of service through its assets. This will provide positive impact on;

- Members of the public and staff;
- Council's financial position;
- The ability of Council to deliver the agreed level of service and infrastructure;
- The political environment in which Council operates; and
- The legal liabilities of Council.

3.2 Principles

3.2.1 A consistent Asset Management Strategy must exist for implementing systematic asset management and appropriate asset management best-practice throughout all Departments of Council.

3.2.2 All relevant legislative requirements together with political, social and economic environments are to be taken into account in asset management.

3.2.3 Asset management principles will be integrated within existing planning and operational processes.

3.2.4 Asset Management Plans will be developed for the major service and asset categories:

- Transport (including):
 - Roads (Pavement , Subgrade, Surface Structure)
 - Kerb & Surface Water Channel
 - Footpaths & Cycleways
 - Drainage (Culverts & Pits
 - Bridges
- Property (including):
 - Buildings
 - Freehold Land
 - Furniture & Equipment
- Recreation (including):
 - Parks & Gardens
 - Playground Equipment
 - Recreation Facilities
- Plant & Equipment
 - Heavy
 - Light

COUNCIL POLICY ASS/CP-1 INFRASTRUCTURE ASSET MANAGEMENT



- Equipment
- Waste Management
 - Landfill sites
 - Transfer stations

The plans will be informed by community consultation and financial planning and reporting.

3.2.5 An inspection regime will be used as part of asset management to ensure agreed service levels are maintained and to identify asset renewal priorities.

3.2.6 Asset renewals required to meet agreed service levels and identified in adopted asset management plans and long term financial plans will be priority considerations for full funding in the annual budget estimates.

3.2.7 Service levels agreed through the budget process and defined in adopted Asset Management Plans will be priority considerations for full funding in the annual budget estimates.

3.2.8 Asset renewal plans will be prioritised and implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.

3.2.9 Systematic and cyclic reviews will be applied to all asset classes and are to ensure that the assets are managed, valued and depreciated in accordance with appropriate best practice and applicable Australian Standards.

3.2.10 Future life cycle costs will be reported and considered in all decisions relating to new services and assets and upgrading of existing services and assets.

3.2.11 Future service levels will be determined in consultation with the community.

3.2.12 Training in asset and financial management will be provided for councillors and relevant staff.

4.0 Legislation

- Local Government Act 1995.
- Regulations under the Act.

5.0 Related Documents

- Asset Management Strategy and associated Asset Management Plans.

6.0 Responsibility

- Council is responsible for adopting the policy and ensuring that sufficient resources are applied to manage the assets. Council will also determine the level of service for each asset class.
- The Chief Executive Officer (CEO) has overall responsibility for developing an asset management strategy, plans and procedures and reporting on the status and effectiveness of asset management within Council.
- The Asset Management Team (AMT) consisting of the CEO, Manager of Finance and Administration (MFA), Manager of Works & Services (MWS), Manager of Development and Environmental Services (MDES) is responsible for ensuring that

COUNCIL POLICY ASS/CP-1 INFRASTRUCTURE ASSET MANAGEMENT



Council's Asset Management Strategy is achieved and that Asset Management Plans are prepared and maintained in line with Council's Policy on Asset Management

- Manager Finance and Administration (MFA) is responsible for resource allocation associated with achieving Council's Asset Management Strategy. The MFA reports to the CEO in relation to Asset Management resource allocation.
- Manager Development and Environmental Services (MDES) is responsible for supporting and facilitation of the AMT and ensuring that resources are commissioned to assist the AM Working Group achieve its objectives. The MDES reports to the CEO on all matters relating to Asset Management.
- All Managers are responsible for ensuring that the resources under their control are appropriately allocated to resource asset management and in particular the Asset Management Team. All Managers report to the CEO on all matters relating to Asset Management under their area of control.

7.0 Consultation

The Shire of Donnybrook-Balingup will engage the community and key stakeholders to assist in determining the levels of service outcomes for infrastructure and assets.

8.0 Review Date

This policy will be reviewed annually in line with normal Council Policy review.

POLICY VERSION

Related Policies:			
Related Procedure:			
Responsible Department:			
Reviewer:			
Review Frequency:		Next Due:	
Version Date:		Synergy #:	
Policy Version Details			
Initial Adoption Date:		Decision Reference:	
Version Decision Date:		Decision Reference:	
Version Synopsis:			

STRATEGIC OUTCOME SUPPORTED: 10 - A popular destination for visitors and tourists.

Objective

In establishing a tourism policy, Council has as its major objectives:

- 1.1** To recognise tourism as a social and economic force and as a major or potential major employer within the Council area.
- 1.2** To foster and create a community awareness of the benefits of tourism in the Council's area.
- 1.3** To ensure that Council will guide and influence the development of tourism in the Council area.
- 1.4** To provide the basic facilities and infrastructure sufficient to encourage development.
- 1.5** To ensure that facilities within the area cater for both visitors and residents.

2. Policy Document Guidelines

The following guidelines provide a basis for consideration and adoption by Council to guide and direct the development of tourism throughout the Council area, and to ensure a consistent approach to this development.

- 2.1** Council will work closely with the Donnybrook Regional Tourism Association and Balingup & District Tourist Association, the Bunbury Geographe Tourism Partnership, Australia's SouthWest, WA Tourism Association, and other relevant Tourism and Government Departments, in all aspects of tourism development.
- 2.2** Council will provide an adequate budget allocation for tourism expenditure and ensure that all grants issued are properly acquitted.
- 2.3** Council will endeavour to assist (financially and by other means) tourist organisations or events which have the potential to develop tourism in the Donnybrook Balingup region. Upon Council approval, community events may be assisted in the first year, but are expected to be financially independent thereafter.
- 2.4** Council will, as required, provide representation on local tourist associations.
- 2.5** In the formulation and review of its planning instruments, Council take into consideration policies on tourism and other leisure related issues, and requirements of tourism development.
- 2.6.** In the preparation of local laws and regulations, Council will have regard to their impact on tourism and the balanced development of the Council's area.
- 2.7** Council will encourage tourism product development and investment throughout the area and will assist the development application process through other agencies as required.

COUNCIL POLICY COMD/CP-5 TOURISM IN DONNYBROOK BALINGUP



- 2.8 Council will encourage a high standard of design and aesthetics in all forms of tourist development.
- 2.9 Council will ensure the welfare of the whole community when supporting tourism development and the provision of facilities.
- 2.10 When considering tourism developments, Council will consider the social, cultural, economic and environmental impact of the proposal within the area and will consult with the community where tourism plans have the potential to impact upon the wider community.
- 2.11 Council will ensure that where sensitive environmental, historic or cultural areas exist on Council managed land these areas will be adequately protected in relation to development or usage.
- 2.12 Council will assist with the provision of facilities to encourage destination and day trip visitors.
- 2.13 Council will seek financial involvement from other sources wherever possible in the provision of tourist facilities.
- 2.14 Council will encourage the landscaping of residential and commercial centres within Council's area (through garden competitions etc).
- 2.15 Council will, where practicable, support the establishment of sustainable and viable National Parks; enhancement of specific natural features; conservation areas of outstanding beauty; and recognise items of heritage significance.

In addition, more specific policies may relate to such issues as:

- a) Tourist information services and distribution
- b) Major regional events
- c) Licensing of seasonal entertainment and attractions
- d) Scenic routes and lookouts
- e) Use of old buildings for tourism purposes
- f) Proposals for specific areas of land
- g) Traffic flows and generation
- h) Levels of environmental impact
- i) Protection of areas of outstanding scenic beauty

1. POLICY VERSION

Related Policies:	Nil
Related Procedure:	Nil
Responsible Department:	Community Development
Reviewer:	Manager Community Development
Review Frequency:	Next Due: June 2022

COUNCIL POLICY COMD/CP-5 TOURISM IN DONNYBROOK BALINGUP



Version Date:	23 July 2021	Synergy #:	
Policy Version Details			
Initial Adoption Date:		Decision Reference:	
Version Decision Date:		Decision Reference:	
Version Synopsis:			

AMENDED DRAFT

COUNCIL POLICY EM/CP-2 AUDIO RECORDING OF COUNCIL MEETINGS



STRATEGIC OUTCOME SUPPORTED: 11 - Strong, visionary leadership.

1. OBJECTIVE

- 1.1. The purpose of this policy is to outline the Shire's position in regard to the audio recording of Council and Committee Meetings.

2. SCOPE

- 2.1. This policy applies to all Council and Committee Meetings.

3. DEFINITIONS

- 3.1. **Absolute privilege** an absolute defence to an otherwise defamatory statement because of the venue or context in which the statement was made.
- 3.2. **Audio recording** means any recording made by any electronic device capable of recording sound.
- 3.3. **Record** means any record of information however recorded

4. POLICY STATEMENT

- 4.1. Opinions expressed or statements made by persons during the course of Council Meetings, and contained within the audio recording, are the opinions or statements of those individual persons, and are not opinions or statements of the Shire. The recording is not, and shall not be taken to be, a confirmed official record of council, or of any meeting or discussion to which it relates or may appear to relate.
- 4.2. The official record of the meeting will be the written minutes prepared in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* - not the audio recording.
- 4.3. Attendance at Council Meetings does not provide any elected member, employee or member of the public with absolute privilege. It does not protect individuals from defamation in relation to behaviour or statements made.

Recording of Proceedings

- 4.4. All Ordinary and Special Council Meetings and Committee Meetings will, wherever technically possible, be recorded by the Shire on sound recording equipment, excluding where council has resolved to close the meeting to members of the public in accordance with Section 5.23 of the *Local Government Act 1995*.
- 4.5. Audio recordings of Council and Committee Meetings will be published on the Shire's website by no later than the publishing of the unconfirmed Minutes on the Shire website.
- 4.6. Other than in accordance with this policy, a person must not use any electronic, visual or audio recording device or instrument to record the proceedings of a council or committee meeting as per section 6.16, *Meeting Procedures Local Law 2018*.

COUNCIL POLICY EM/CP-2 AUDIO RECORDING OF COUNCIL MEETINGS



4.7. If a person is permitted to record proceedings under this clause, the Presiding Member is to advise the meeting, immediately before the recording is commenced, that the recording is permitted and the extent of that permission.

Public notification of recording of meetings

4.8. Members of the public attending Council meetings will be advised that an audio recording of the meeting will be made. The wording of the advice will be as follows:

“This meeting is being digitally recorded in accordance with council policy.”

“Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the chairperson.”

Retention and access of audio recording

4.9. Audio recordings of parts of a meeting declared confidential and closed to the public will not be released for public access.

4.10. Recordings will be stored in accordance with the *State Records Act 2000*.

4.11. The Shire retains copyright over its recordings of its Council Meetings.

5. DELEGATION AND AUTHORISATION

5.1. NIL

6. LEGISLATION

6.1. *Local Government Act 1995*

6.2. *Local Government (Administration) Regulations 1996*

6.3. *Freedom of Information Act 1992*

6.4. *State Records Act 2000*

6.5. *Shire of Donnybrook Balingup Meeting Procedures Local Law 2018*

7. POLICY VERSION

Related Policies:	NIL		
Related Procedure:	NIL		
Responsible Department:			
Reviewer:	Corporate Planning and Governance Officer		
Review Frequency:	Triennial	Next Due:	July 2024
Version Date:		Synergy #:	
Policy Version Details			
Initial Adoption Date:		Decision Reference:	
Version Decision Date:		Decision Reference:	
Version Synopsis:			

COUNCIL POLICY EM/CP-3 LEGAL REPRESENTATION FOR ELECTED MEMBERS AND EMPLOYEES



STRATEGIC OUTCOME SUPPORTED: 12 - A well respected, professionally run organisation.

1. OBJECTIVE

- 1.1. To set out guidelines to assist Council in determining when it is appropriate to pay legal representation costs.

2. SCOPE

- 2.1. The policy applies to any current or former Elected Member or employee of the Shire, subject to meeting the criteria set out in the policy.

3. DEFINITIONS

3.1. **Approved lawyer** means:

- a. a 'certified practitioner' under the Legal Practices Act 2003; or
- b. a law firm on the Shire's panel of legal service providers, unless the Council considers that this is not appropriate – for example where there is or may be a conflict of interest or insufficient expertise, approved in writing by the Council or the CEO.

3.2. **CEO** means Chief Executive Officer, Shire of Donnybrook Balingup

3.3. **Shire** means the Shire of Donnybrook Balingup.

3.4. **Legal proceedings** may be civil, criminal or investigative.

3.5. **Legal representation** is the provision of legal services, to or on behalf of a relevant person, by an approved lawyer that is in respect of a matter or matters arising from the performance of the functions of the relevant person; and legal proceedings involving the relevant person that have been, or may be, commenced.

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

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

3.8. **Payment** by the Shire of legal representation costs may be either by:

- a. a direct payment to the approved lawyer (or firm); or
- b. a reimbursement to the relevant person.

3.9. **Relevant person** means a current or former elected member, non-elected members of a committee or employee.

COUNCIL POLICY EM/CP-3 LEGAL REPRESENTATION FOR ELECTED MEMBERS AND EMPLOYEES



4. POLICY STATEMENT

Payment Criteria

4.1. There are three major criteria for determining whether the Shire will pay the legal representation costs of a relevant person. These are:

- a. the legal representation costs must relate to a matter that arises from the performance, by the relevant person, of his or her functions;
- b. in performing his or her functions, to which the legal representation relates, the relevant person must have acted in good faith, and must not have acted unlawfully or in any way that constitutes improper conduct; and
- c. the legal representation costs must not relate to a matter that is of a personal or private nature.

Legal Representation costs that may be approved

4.2. If the criteria in clause 1 are satisfied, the Shire may approve the payment of legal representation costs:

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

4.3. Subject to clause 2, the Shire will not approve, other than in exceptional circumstances, the payment of legal representation costs in respect of legal proceedings instituted by a relevant person, such as a defamation action or negligence action.

Application for payment

4.4. A relevant person who seeks assistance under this policy is to make written application to the Council as per the Operational Procedure (EM/OP – 1 – Application for Payment of Legal Representation for Elected Members and Employees).

COUNCIL POLICY EM/CP-3 LEGAL REPRESENTATION FOR ELECTED MEMBERS AND EMPLOYEES



- 4.5. The application is to contain a declaration by the applicant that he or she has acted in good faith and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.
- 4.6. An application is also to be accompanied by a report prepared by the CEO or, where the CEO is the applicant, by a Director.

Council's Powers

- 4.7. Council may refuse, grant or grant subject to conditions, including a financial limit, an application for payment of legal representation costs.
- 4.8. In assessing an application, regard may be had to any insurance benefits that may be available to the applicant under the Shire's existing insurance policy.
- 4.9. Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.
- 4.10. Council may determine that a relevant person whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved:
 - a. not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
 - b. given false or misleading information in respect of the application.
- 4.11. A determination may be made by the Council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry. Where the Council makes a determination, the legal representation costs paid by the Shire are to be repaid by the relevant person.

Repayment of Legal Representation Costs

- 4.12. A relevant person whose legal representation costs have been paid by the Shire is to repay the Shire:
 - a. all or part of those costs – in accordance with a determination by the Council; or as much of those costs as are available to be paid by way of set-off – where the relevant person receives monies paid for costs, damages or settlement, in respect of the matter for which the Shire paid all or part of the legal representation costs.
- 4.13. The Shire may act in a court of competent jurisdiction to recover any monies due it under this policy.

COUNCIL POLICY EM/CP-3 LEGAL REPRESENTATION FOR ELECTED MEMBERS AND EMPLOYEES



5. DELEGATIONS AND Authorisations

5.1. In cases where a delay in the approval of an application would be detrimental to the legal rights of the applicant, the CEO may authorise financial assistance for legal representation costs. The application is to be submitted to the next meeting of the Council which may exercise any of its powers under this policy.

6. LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. Local Government Operational Guidelines No.14 – legal Representation for Council Members and Employees

7. POLICY VERSION

Related Policies:	N/A		
Related Procedure:	EM/OP-1 - Application for Payment of Legal Representation for Elected Members and Employees		
Responsible Department:	Executive Services		
Reviewer:	Corporate Planning and Governance Officer		
Review Frequency:	Biennial	Next Due:	February 2022
Version Date:	14/02/2021	Synergy #:	
Policy Version Details			
Initial Adoption Date:		Decision Reference:	N/A
Version Synopsis:	Initial creation of the policy		

STRATEGIC OUTCOME SUPPORTED: 13 - Increased community capacity.

1. OBJECTIVE

- 1.1. The purpose of this policy is to set guidelines for the nomination, selection and awarding of the prestigious title of 'Honorary Freeman of the Shire of Donnybrook Balingup' to an individual.

2. SCOPE

- 2.1. This discretionary council policy applies to all applications for the award of 'Honorary Freeman of the Shire of Donnybrook Balingup'.

3. DEFINITIONS

- 3.1. **Freeman** means a person who has been bestowed certain privileges by the Shire.
- 3.2. **Simple majority** means more than 50% of the members present and voting.

4. POLICY STATEMENT

Eligibility

- 4.1. Nominees for selection must ordinarily be a resident of the Shire of Donnybrook Balingup and must have given distinguished service to the community, preferably in more than one capacity. A current Elected Member cannot be nominated.

Selection Criteria

- 4.2. Nominees will be judged on their record of service to the community on the basis of the following criteria:
 - a. should ordinarily have lived within the Shire for a significant number of years (significant would usually mean at least 15 years) and had a close association and identification with the Shire.
 - b. should have provided long and distinguished service to the local or State community such that the nominee's contribution can be seen to stand above the contributions made by most other people.
 - c. should have displayed an outstanding level of achievement in the field (or fields) of activity; and
 - d. should have demonstrate both outstanding leadership and personal integrity.

Nomination and Acceptance Procedure

- 4.3. In bestowing the title of 'Honorary Freeman of the Shire of Donnybrook Balingup', the nomination procedure is as follows:
 - a. the nomination must be made in writing and be addressed to the Chief Executive Officer in the strictest confidence without the nominee's

COUNCIL POLICY EM/CP-4 HONORARY FREEMAN SHIRE OF DONNYBROOK BALINGUP



- knowledge. The nomination should outline in chronological order the history of community service.
- b. a nomination must be sponsored by an Elected Member and supported in writing by at least three other Elected Members, the nomination and consideration of proposals shall be dealt with in strictest confidence.;
 - c. a confidential report will be presented by the Chief Executive Officer to the next ordinary meeting of Council.
 - d. a Council decision to support the nomination is to be by a simple majority vote.
 - e. the recommendation by Council shall be treated as a confidential business pursuant to section 5.93(3) of the *Local Government Act 1995*.
 - f. no record of the nominee's name shall be recorded in the Council minutes whether supported or not by Council.
 - g. once Council has accepted the nomination, the nominee shall be contacted by the Chief Executive Officer on a confidential basis to determine whether the award will be accepted. Should a nominee decline to accept the award, all Elected Members will be informed, and the matter will lapse.
 - h. on confirmation of the acceptance all Elected Members will be informed and a suitable media statement shall be prepared for release under the President's name; and
 - i. conferral of the title shall be carried out at a Council meeting or other formal Council function.

Entitlements

- 4.4. Any individual declared an 'Honorary Freeman of the Shire of Donnybrook Balingup':
- a. may designate themselves 'Honorary Freeman of the Shire of Donnybrook Balingup'.
 - b. will be presented with a badge depicting their 'Honorary Freeman of the Shire of Donnybrook Balingup' title together with a certificate to commemorate receiving of the award.
 - c. will have their name engraved/included on the Honour Board in the Council Chambers; and
 - d. will be invited to all civic events and functions of the Shire and acknowledged formally.

5. DELEGATION AND AUTHORISATION

- 5.1. NIL

6. LEGISLATION

**COUNCIL POLICY EM/CP-4
HONORARY FREEMAN SHIRE OF DONNYBROOK
BALINGUP**



6.1. *Local Government Act 1995*

6.2. *Shire of Donnybrook Balingup Meeting Procedures Local Law 2018*

7. POLICY VERSION

Related Policies:	Nil		
Related Procedure:	Nil		
Responsible Department:	Executive		
Reviewer:	Corporate Planning and Governance Officer		
Review Frequency:	Triennial	Next Due:	January 2023
Version Date:	28/01/2020	Synergy #:	
Policy Version Details			
Initial Adoption Date:		Decision Reference:	
Version Decision Date:		Decision Reference:	
Version Synopsis:			

STRATEGIC OUTCOME SUPPORTED: 11 - Strong, visionary leadership

1. OBJECTIVE

- 1.1. To provide elected members with an appropriate level of remuneration and entitlements to ensure that they are able to effectively fulfil their role. This policy specifies the type of allowances payable including annual allowances instead of reimbursement for particular types of expenses.

2. SCOPE

- 2.1. This policy outlines the framework surrounding the allowances and entitlements of elected members of the Shire of Donnybrook Balingup.

3. DEFINITIONS

- 3.1. **Determined** means determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B.
- 3.2. **Percentile** (or a centile) is a measure used in statistics indicating the value below which a given percentage of observations in a group of observations falls. For example, the 20th percentile is the value (or score) below which 20% of the observations may be found.

4. POLICY STATEMENT

4.1. Allowances

Presidents Annual Allowance

- 4.1.1. Pursuant to section 5.98(5) of the Act, the Shire President shall be paid an annual Presidents allowance within the prescribed range determined by the SAT which shall be set by Council as part of the annual budget adoption process, with the allowance based on the 25th percentile of the allowance for a band 3 Local Government. This allowance is in addition to any fees or reimbursement of expenses payable to the President under section 5.98 of the LG Act.

Deputy Presidents Annual Allowance

- 4.1.2. Pursuant to section 5.98A (1) of the LG Act, the Deputy President shall be paid an annual Deputy Presidents allowance of the percentage that is determined by the Tribunal of the annual allowance to which the president is entitled under section 5.98(5) of the LG Act. This allowance is in addition to any fees or reimbursement of expenses payable to the Deputy President under section 5.98 of the LG Act.

Elected Member Annual Attendance Allowance

- 4.1.3. Pursuant to section 5.99 of the LG Act, a Council member shall be paid an annual attendance allowance within the prescribed range determined by the SAT which shall be set by Council as part of the annual budget adoption process, with the allowance based on the 25th percentile of the allowance for a band 3 Local

COUNCIL POLICY EM/CP-5 ELECTED MEMBER ALLOWANCES AND ENTITLEMENTS



Government. This payment is in lieu of Council meeting, committee meeting and prescribed meeting attendance fees in accordance with section 5.98(1)(b) of the LG Act.

Annual Information Communication and Technology (ICT) Allowance

4.1.4. Elected members shall be paid an annual ICT allowance within the prescribed range determined by the SAT which shall be set by Council as part of the annual budget adoption process, with the allowance based on the 75th percentile of the allowance for a band 3 Local Government for the Shire President. All elected members other than the Shire President is based on the 17th percentile of the allowance for a band 3 Local Government. This payment is in lieu of reimbursing ICT expenses in accordance with section 5.99A of the Act instead of reimbursement under 5.98(2).

ICT expenses means:

- a) *rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the LG Regulations; or*
- b) *any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations;*

Reimbursement of Statutory Travel Expenses

4.1.5. Pursuant to Section 5.98(2) of the Act and Administration Regulation 31. Elected members have a statutory entitlement to be reimbursed for travel expenses incurred by the elected member as a result of attendance at a council meeting or a meeting of a committee of which he or she is member.

4.1.6. The rate of reimbursement will be in accordance with that specified by the Local Government Officers' (Western Australia) Interim Award 2011.

4.1.7. Expenses are reimbursed upon submission of a Councillor Claim request form.

Reimbursement of Statutory Child Care Expenses

4.1.8. Pursuant to Section 5.98(2) of the Act and Administration Regulation 31 elected members have a statutory entitlement to be reimbursed for childcare expenses incurred by the elected member as a result of attendance at a Council meeting, a meeting of a committee of which he or she is member or authorised training and Council related business.

4.1.9. Child care costs will not be paid where the care is provided by a member of the immediate family or relative living in the same premises as the elected member.

4.1.10. The Shire of Donnybrook Balingup will reimburse child care costs either at the actual cost per hour or the prescribed amount set by SAT, whichever is the lesser amount. Formal receipts must be kept and attached to the claim for reimbursement.

4.1.11. Expenses are reimbursed upon submission of a Councillor Claim request form.

COUNCIL POLICY EM/CP-5 ELECTED MEMBER ALLOWANCES AND ENTITLEMENTS



Payment of Allowances

4.1.12. Allowances shall generally be paid quarterly in arrears. Where an elected member does not hold office throughout the payment period, an amount of one twelfth of the annual allowance is to be paid for each month or part of a month that the member held office.

Reduced Payments

4.1.13. Elected members can opt for a lesser level of payment by making application to the Chief Executive Officer. The payment must be within the prescribed range determined by the SAT and cannot fall below the minimum payment.

4.2. Other Entitlements

Information Technology

4.2.1. Elected members will be provided with appropriate information technology to enable the distribution of Agendas and Minutes by electronic means, for email communication and for seeking information through the internet.

4.2.2. The equipment will remain the property of the Shire of Donnybrook Balingup and will be maintained by the Shire. Elected members must not install software that is not the property of the Shire of Donnybrook Balingup.

Information Technology Training

4.2.3. Appropriate training will be provided to elected members to assist them in the effective and efficient use of the equipment and other information technology so that they may fulfil their role at Council and committee meetings utilising the software provided.

4.2.4. Any elected members leaving their position with Council shall return, within ten working days any information technology equipment provided by the Council.

Business Cards

4.2.5. Elected members will be allocated adequate business cards. Business cards must be used for Council business only and must not be used for electioneering purposes.

Uniform

4.2.6. Shire branded attire can be made available upon request from an elected member. A name badge will be issued at the commencement of their term.

5. DELEGATION AND AUTHORISATION

5.1. Nil

6. LEGISLATION

6.1. *Local Government Act 1995*

6.2. *Local Government (Administration) Regulations 1996*

COUNCIL POLICY EM/CP-5 ELECTED MEMBER ALLOWANCES AND ENTITLEMENTS



6.3. *Salaries & Allowances Act 1975* – Section 7B

7. POLICY VERSION

Related Policies:	Nil		
Related Procedure:	Nil		
Responsible Department:	Executive		
Reviewer:	Corporate Planning and Governance Officer		
Review Frequency:	Biennial	Next Due:	2023
Version Date:	26/03/2021	Synergy #:	
Version Synopsis:	Formatting changes – numbered paragraphs, moved the policy version		
Policy Version Details			
Initial Adoption Date:	26/06/2019	Decision Reference:	84/19
Version Decision Date:	26/06/2019	Decision Reference:	84/19
Version Synopsis:	Initial policy adoption		

STRATEGIC OUTCOME SUPPORTED: 11 - Strong, visionary leadership.

1. OBJECTIVE

- 1.1. The objective of this policy is to ensure Council avoids making major decisions, prior to an election, that would bind an incoming Council, prevent the use of public resources in ways that are seen as advantageous or disadvantageous to elected members seeking re-election or new candidates; and recognising the requirement for the Shire's administration to act impartially in relation to all candidates.

2. SCOPE

- 2.1. The discretionary policy to Elected Members and employees of the Shire of Donnybrook Balingup.
- 2.2. Whilst electoral candidates that are not sitting Elected Members cannot be compelled to comply with a policy of the Council, such candidates will be made aware of this policy and encouraged to cooperate with its implementation.

3. DEFINITIONS

- 3.1. **The Act** means *Local Government Act 1995*
- 3.2. **CEO** means Chief Executive Officer, Shire of Donnybrook Balingup
- 3.3. **Caretaker Period** means the period of time when the caretaker practices are in place prior to the election. The caretaker practices will apply from the close of nominations (37 days prior to the Election Day – Section 4.49 (a) of the Act) until 6.00pm on Election Day.
- 3.4. **Election Day** means the day fixed under the Act for the holding of any poll needed for an election but excludes an extraordinary election other than an extraordinary election to elect a new Shire President.
- 3.5. **Electoral Material** means any advertisement, handbill, pamphlet, notice, letter or article that is intended or calculated to affect the result in an election but does not include:
 - a. An advertisement in a newspaper announcing the holding of a meeting (Section 4.87 (3) of the Act).
 - b. Any materials exempted under Regulation 78 of the *Local Government (Elections) Regulations 1997*.
 - c. Any materials produced by the Shire relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election.
- 3.6. **Extraordinary Circumstances** means a situation that requires a major policy decision of the Council because:

- a. In the CEO's opinion, the urgency of the issue is such that it cannot wait until after the election;
- b. Of the possibility of legal and/or financial repercussions if a decision is deferred; or
- c. In the CEO's opinion, it is in the best interests of the Council and/or the Shire for the decision to be made as soon as possible.

3.7. Major Policy Decision means any:

- a. Decisions relating to the employment, termination or remuneration of the CEO or any other designated senior officer, other than a decision to appoint an Acting CEO, or suspend the current CEO (in accordance with the terms of their contract), pending the election.
- b. Decisions relating to the Shire entering into a sponsorship arrangement with a total Shire contribution that would constitute substantial expenditure unless that sponsorship arrangement has previously been granted "in principle" support by the Council and sufficient funds have been included in the Council's annual budget to support the project.
- c. Decisions relating to the Shire entering into the disposition of property or a commercial enterprise as defined by Sections 3.58 and 3.59 of the Act.
- d. Decisions that would commit the Shire to substantial expenditure or actions that, in the CEO's opinion, are significant, such as that which might be brought about through a Notice of Motion by an Elected Member.
- e. Decisions that, in the CEO's opinion, will have a significant impact on the Shire of Donnybrook Balingup or the community.
- f. Reports requested or initiated by an Elected Member, candidate or member of the public that, in the CEO's opinion could, be perceived within the general community as an electoral issue and has the potential to call into question whether decisions are soundly based and in the best interests of the community.

3.8. Public Consultation means a process which involves an invitation to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy but does not include consultation required to be undertaken in order to comply with a written law.

3.9. Substantial Expenditure means expenditure that exceeds 0.1% of the Shire of Donnybrook Balingup's annual budgeted revenue (inclusive of GST) in the relevant financial year.

4. POLICY STATEMENT

Scheduling Consideration of Major Policy Decisions

- 4.1. So far as is reasonably practicable, the CEO should avoid scheduling major policy decisions for consideration during a Caretaker Period, and instead ensure that such decisions are either:

- a. Considered by the Council prior to the Caretaker Period; or
 - b. Scheduled for determination by the incoming Council.
- 4.2. Where extraordinary circumstances prevail, the CEO may submit a major policy decision to the Council (refer to clause 4.4).

Decisions made prior to Caretaker Period

- 4.3. This Policy only applies to decisions made during a Caretaker Period, not the announcement of decisions made prior to the Caretaker Period. Whilst announcements of earlier decisions may be made during a Caretaker Period, as far as practicable any such announcements should be made before the Caretaker Period begins or after it has concluded.

Role of the CEO in Implementing Caretaker Practices

- 4.4. The role of the CEO in implementing the caretaker practices outlined in this policy is as follows:
- a. The CEO will ensure as far as possible, that all Elected Members and shire employees are aware of this policy and practices at least 30 days prior to the start of the Caretaker Period.
 - b. The CEO will ensure, as far as possible, that any major policy or significant decisions required to be made by the Council are scheduled for Council resolution prior to the Caretaker Period or deferred where possible for determination by the incoming Council.
 - c. The CEO will endeavour to make sure all announcements regarding decisions made by the Council, prior to the Caretaker Period, are publicised prior to the Caretaker Period.
 - d. The CEO will provide guidelines for all relevant shire employees on the role and responsibilities of shire employees in the implementation of this policy.

Extraordinary Circumstances Requiring Exemption

- 4.5. Despite clause 4.1, the CEO may, where extraordinary circumstances exist, permit a matter defined as a 'major policy decision' to be submitted to the Council for determination during the Caretaker Period.

Appointment or Removal of the CEO

- 4.6. Whilst clause 3.7 a. above establishes that a CEO may not be appointed or dismissed during a Caretaker Period, the Council may, where the substantive officer is on leave, appoint an Acting CEO, or in the case of an emergency, suspend the current CEO (in accordance with the terms of their contract) and appoint a person to act in the position of CEO, pending the election, after which date a permanent decision can be made.

Inclusion of Caretaker Statement

- 4.7. To assist the Council to comply with its commitment to appropriate decision making during the Caretaker Period, a Caretaker Statement will be included in each report

submitted to the Council where the Council's decision would, or could, be a Major Policy Decision. The Caretaker Statement will state:

- a. *“The decision the Council may make in relation to this item could constitute a ‘Major Policy Decision’ within the context of the Shire of Donnybrook Balingup Caretaker Policy, however, an exemption should be made because, (insert the circumstances for making the exemption)”.*

Prohibition

- 4.8. It is prohibited under this policy for public consultation to be undertaken during the Caretaker Period (either new consultation or existing) on an issue which, in the CEO's opinion, could be perceived as intended or calculated to affect the result of an election, unless authorised by the CEO.
- 4.9. This Policy does not prevent any mandatory public consultation required by the Act or any other relevant Act which is required to be undertaken to enable the Shire to fulfil its functions.

Approval for Public Consultation

- 4.10. Given the prohibition under clause 4.8 of this policy, the Council should not commission or approve any public consultation where it is likely that such consultation will continue into the Caretaker Period.
- 4.11. Where public consultation is approved to occur during the Caretaker Period, the results of that consultation will not be reported to the Council until after the Caretaker Period, except where otherwise approved by the CEO or necessary for the performance of the Shire's functions as prescribed in Act or any other relevant Act.

Public Events Hosted by External Bodies

- 4.12. Elected Members may continue to attend events and functions hosted by external bodies during the Caretaker Period.

Shire Organised Civic Events/Functions

- 4.13. Events and/or functions organised by the Shire and held during the Caretaker Period will be limited to only those that the CEO considers essential to the operation of the Shire and should not in any way be associated with any issues that in the CEO's opinion, are considered relevant to, or likely to influence the outcome of, an election.
- 4.14. All known candidates are to be invited to civic events/functions organised by the Shire during the Caretaker Period.

Addresses by Elected Members

- 4.15. Excluding the President and Deputy President fulfilling their functions as prescribed by sections 2.8 and 2.9 of the Act, respectively, Elected Members that are also candidates should not, without the prior approval of the CEO, be permitted to make speeches or addresses at events/functions organised or sponsored by the Shire during the Caretaker Period.

Use of Shire Resources

- 4.16. The Code of Conduct for Council Members, Committee Members and Candidates and the *Local Government (Code of Conduct) Regulations 2021* provide that the Shire's resources are only to be utilised for authorised activities (for example - no use of employees for personal tasks or no use of equipment, stationery, or hospitality for non-Council business). This includes the use of resources for electoral purposes. It should be noted that the prohibition on the use of the Shire's resources for electoral purposes is not restricted to the Caretaker Period.
- 4.17. The Shire's employees must not be asked to undertake any tasks connected directly or indirectly with an election campaign and should avoid assisting Elected Members in ways that could create a perception that they are being used for electoral purposes. In any circumstances where the use of Shire resources might be construed as being related to a candidate's election campaign, advice is to be sought from the CEO.

Electoral Information and Assistance

- 4.18. All candidates will have equal rights to access public information, such as the electoral rolls (draft or past rolls), monthly enrolment details, and information relevant to their election campaigns from the Shire administration.
- 4.19. Any assistance and advice provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.

Media Advice

- 4.20. Any requests for media advice or assistance from Elected Members during the Caretaker Period will be referred to the CEO. No media advice will be provided in relation to election issues or in regard to publicity that involves specific Elected Members. If satisfied that advice sought by an Elected Member during the Caretaker Period does not relate to the election or publicity involving any specific Elected Member(s), the CEO may authorise the provision of a response to such a request.

Publicity Campaigns

- 4.21. During the Caretaker Period, publicity campaigns, other than for the purpose of conducting (and promoting) the election will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Shire activity, it must be approved by the CEO. In any event, the Shire's publicity during the Caretaker Period will be restricted to communicating normal Shire activities and initiatives.

Election Process Enquiries

- 4.22. All election process enquiries from candidates, whether current Elected Members or not, will be directed to the Returning Officer or, where the matter is outside of the responsibilities of the Returning Officer, to the CEO.

5. DELEGATION AND AUTHORISATION

- 5.1. Nil

COUNCIL POLICY EM/CP-6 CARETAKER



6. LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *Local Government (Elections) Regulations 1997*
- 6.3. *Local Government (Code of Conduct) 2021 Regulations 2021*

7. POLICY VERSION

Related Policies:	Nil		
Related Procedure:	Nil		
Responsible Department:	Executive Services		
Reviewer:	Corporate Planning and Governance Officer		
Review Frequency:	Biennial	Next Due:	2023
Version Date:		Synergy #:	
Policy Version Details			
Initial Adoption Date:	23/08/2017	Decision Reference:	
Version Decision Date:	23/05/18	Decision Reference:	
Version Synopsis:			

STRATEGIC OUTCOME SUPPORTED: 2 - A safe and healthy community.

1. OBJECTIVE

- 1.1. To provide guidance on the manner in which The Shire of Donnybrook will consider applications for permission to conduct a fireworks event to minimise fire risks.

2. SCOPE

- 2.1. This policy applies to all fireworks events held within the Shire of Donnybrook Balingup.

3. DEFINITIONS

- 3.1. **Prohibited Burning Times** means 15 December to 14 March, subject to change.
- 3.2. **Restricted Burning Times** means 1 November to 14 December and 15 March to 26 April, subject to change.

4. POLICY STATEMENT

- 4.1. Written approval by the Chief Executive Officer is required to conduct fireworks events at any time.
- 4.2. No approvals will be granted during the Prohibited Burning Times for a fireworks display.
- 4.3. During the bush fire restricted burning times a Permit may be granted subject to the following:
- a. Fire risk levels including weather and fuel loads;
 - b. Availability of firefighting personnel and equipment;
 - c. Consultation with the Captain of the Donnybrook Fire & Rescue Service and the Donnybrook Chief Fire Control Officer;
 - d. Consideration of any other issue as deemed necessary by the Shire Chief Executive Officer (ie. location, nature of event etc).
- 4.4. Any approval issued by the Chief Executive Officer for a fireworks event are to include the following conditions:
- a. Compliance with the 'Safe Use of Outdoor Fireworks in Western Australia' Code of Practice, produced by the Department of Mines and Petroleum Resources Safety;
 - b. Provision of suitable portable fire extinguishers at the fireworks firing point;
 - c. Provision of additional adequate firefighting equipment and personnel in accordance with any such Permit for the fireworks event

COUNCIL POLICY EMERG/CP-1 FIREWORKS EVENTS



granted by the Department of Mines & Petroleum Resources Safety, or as directed by the local fire emergency services agency;

- d. Details of the above arrangements must be notified to the Shire in writing prior to the event.
- e. The authorised fireworks operator must contact the Department of Fire & Emergency Services Communications Centre ten minutes prior to firing time.
- f. If an Extreme Weather Warning has been issued by the Bureau of Meteorology prior to or during the time of firing the display must be cancelled.

5. DELEGATION AND AUTHORISATION

- 5.1. Delegation 3.1.5 Control of Operations Likely to Create Bush Fire Danger
- 5.2. In the event of a change to the Prohibited Burning Times that impacts on a pre-approved fireworks event application, the Chief Executive Officer in liaison with the Captain of the Donnybrook Fire & Rescue Service and the Donnybrook Chief Fire Control Officer is authorised to permit the fireworks event to proceed subject to any conditions deemed necessary.

6. LEGISLATION

- 6.1. *Bush Fire Regulations 1954*
- 6.2. *Dangerous Goods Safety Act 2004*
- 6.3. *Dangerous Goods Safety (Explosives) Regulations 2007*

7. POLICY VERSION

Related Policies:	N/A		
Related Procedure:	N/A		
Responsible Department:	Emergency Services		
Reviewer:	Community Emergency Services Manager		
Review Frequency:	Triennial	Next Due:	March 2024
Version Date:	16/03/21	Synergy #:	Decision Reference:
Version Synopsis:	Renumbered, reformatted, scope added, definitions moved, Authorisation moved, "Shire CEO" changed to "CEO", corrected DMPRS, legislation added, delegation added in the Captain of the Donnybrook Fire & Rescue Service		
Policy Version Details			
Initial Adoption Date:	23/05/01	Decision Reference:	N/A
Version Date:	28/04/16	Decision Reference:	Synergy #:
Version Synopsis:	N/A		

STRATEGIC OUTCOME SUPPORTED: 4 - Shared responsibility for sustainability.

1. OBJECTIVE

- 1.1. To provide clear guidelines for the burning of road verges throughout the Shire of Donnybrook Balingup.

2. SCOPE

- 2.1. This applies to all burning permits being issued by the Shire of Donnybrook Balingup for the burning of any road verge within the Shire of Donnybrook Balingup.
- 2.2. This is a discretionary Council Policy.

3. DEFINITIONS

- 3.1. Nil

4. POLICY STATEMENT

- 4.1. A Permit is to be issued prior to any road verge burn in accordance with this policy.
- 4.2. Burns are to be conducted by the relevant Bush Fire Brigade or authorised Shire staff. No road verge burning may be carried out by individuals unless authorised.
- 4.3. No authority can be given by an officer of Council or Fire Control Officer to burn roadside verges that are not under the control of Council unless written approval has been received from the controlling body.
- 4.4. Site inspections will take into consideration the environmental impact on the road verge, the potential hazard the verge would pose in the event of bush fire and the weather patterns and forecasts for that time of year.
- 4.5. Permits to burn road verges will only be issued to Brigade Fire Control Officers and authorised Shire staff and are to state the measures that must be taken using the following broad guidelines:
 - a. Prevent damage to infrastructure (i.e., Telstra infrastructure, culverts and fencing).
 - b. Minimise damage to native vegetation by completing a desktop assessment during the planning phase.
 - c. Ensure acceptable weather conditions have been considered.
 - d. Comply with normal permit requirements.
 - e. Only one side of a road to be burnt in any one year.
 - f. No single hazard reduction burn to exceed 500 metres within 3kms along a single road verge subject to environmental approval;
 - g. Adjoining strips may not be burnt within three years.

COUNCIL POLICY EMERG/CP-2 PERMITS FOR ROAD VERGE BURNING



- 4.6. The use of fire to abate fire hazards and to clear roadside drains should be confined to areas where distinct hazards, high ignition risks and high values can be identified. In general, these relate to road verges where native plant species have been replaced by annual weeds and grasses. Where possible, mowing and approved herbicide treatment is to be used as opposed to road verge burns.
- 4.7. On approval of a road verge burn, a Traffic Control Plan will be prepared and implemented when necessary by Shire staff or its appointed contractors.

5. DELEGATION AND AUTHORISATION

- 5.1. Delegation 3.1.2 Prohibited Burning Times - Vary
- 5.2. The Chief Executive Officer or nominated representative are the only officers authorised to issue burning permits for hazard reduction burns along road verges, and only after a site inspection has been carried out by authorised Shire staff.

6. LEGISLATION

- 6.1. *Bush Fire Act 1954*
- 6.2. *Bush Fire Regulations 1954*

7. POLICY VERSION

Related Policies:	Nil		
Related Procedure:	Nil		
Responsible Department:	Emergency		
Reviewer:	Community Emergency Services Manager		
Review Frequency:		Next Due:	2023
Version Date:		Synergy #:	
Version Synopsis:	Rename, renumber, reformatted, added scope, remove Shire CEO & replaced with CEO, authorisation moved from body text and added to delegation and authorisation section, added legislation, made changes as per Council Resolution 79/21.		
Policy Version Details			
Initial Adoption Date:	23/01/2008	Decision Reference:	N/A
Version Decision Date:	28/04/2016	Decision Reference:	
Version Synopsis:			

COUNCIL POLICY EXE/CP-2 DOCUMENT EXECUTION AND APPLICATION OF THE COMMON SEAL



STRATEGIC OUTCOME SUPPORTED: 12 - A well respected, professionally run organisation.

1. OBJECTIVE

- 1.1. To provide guidance for affixing the Shire's common seal and determining whether a document is executed by way of common seal or signed by an authorised employee.

2. SCOPE

- 2.1. The provisions of this discretionary policy apply to all documents requiring the Shire's execution.

3. DEFINITIONS

- 3.1. **Authorised Officer** is a person or designated holder of an office; Council has conferred its power or imposed a duty on.
- 3.2. **Executed** means completed and formally signed a document, such as a deed, contract, or lease.
- 3.3. **Common Seal** is the official stamp or 'signature' of the corporate body 'Shire of Donnybrook Balingup'.
- 3.4. **CEO** means Chief Executive Officer, Shire of Donnybrook Balingup.
- 3.5. **Shire** means the Shire of Donnybrook Balingup.
- 3.6. **President** means Shire President, Shire of Donnybrook Balingup.

4. POLICY STATEMENT

- 4.1. In accordance with section 9.49A of the *Local Government Act 1995*, a document is duly executed by a local government if the common seal is affixed to it or it is signed by an officer authorised to do so.
- 4.2. The execution requirements, including the making, varying or discharge of documents pursuant to section 9.49B of the *Local Government Act 1995*, shall be as outlined in Table 1 of this policy.

Affixing the Common Seal

- 4.3. The common seal should be affixed as outlined in associated operational procedure - Method of affixing the common seal.

Witnessing of Signature

- 4.4. The common seal may only be affixed in the presence of both the President and the CEO (or the Deputy President and/or the Acting CEO), each of whom is to sign the document to attest that the common seal was so affixed.

COUNCIL POLICY EXE/CP-2 DOCUMENT EXECUTION AND APPLICATION OF THE COMMON SEAL



Register to be maintained

- 4.5. Details of all transactions where the common seal has been affixed shall be recorded in the common seal register, recording each date on which the common seal was affixed to a document, the nature of the said document, and the parties to any agreement to which the common seal was affixed. The register is to record each transaction with a record number that may be retrieved in the Shire's records management system.
- 4.6. A list of documents to which the common seal has been affixed will be provided in the quarterly Council Information Bulletin.

Deputising or Signing on Behalf of Another Person

- 4.7. In accordance with section 9.49A (4) of the *Local Government Act 1995*, which requires authority for execution of documents to be resolved by Council, a document may only be executed by a person who holds a position authorised by Council's adoption of this policy.
- 4.8. Therefore, in the absence of a person authorised by this policy another person may deputise where they have been appointed in writing to act in the authorised person.

5. DELEGATION AND AUTHORISATION

- 5.1. The President and CEO are authorised to affix and sign all documents to be executed under the common seal; however, in the absence of the President and/or the CEO, the Deputy President and the Acting CEO are authorised to affix the common seal.

Authority to Sign Documents on Behalf of the Shire

- 5.2. There is no legal requirement for the common seal to be affixed in order for a document to be executed where Council has resolved to authorise the CEO or any other employee to sign a document pursuant to section 9.49A of the *Local Government Act 1995*.
- 5.3. Employees authorised under section 9.49A of the *Local Government Act 1995* may sign the documents identified for that purpose in Table 1 of this policy. Despite the authorisation, the common seal may still be affixed in the following circumstances:
 - a. if the authorised officer is of the opinion the document carries a high level of financial risk, legal complexity or political sensitivity that the document should be executed by way of common seal; or
 - b. the other party has reasonably requested the document be executed by way of common seal.

COUNCIL POLICY EXE/CP-2 DOCUMENT EXECUTION AND APPLICATION OF THE COMMON SEAL



5.4. Table 1 – Execution of Documents

Document Type	Common Seal Required	Authorised Employee
Local Laws	Yes	None
Planning Schemes	Yes	None
State of Commonwealth Government Funding Agreements	Yes	None
Any document requiring the common seal pursuant to statutory obligation	Yes	None
Council has resolved that the document be executed by way of common seal	Yes	None
Power of Attorney to act for the Shire	No	CEO
Loans and Debentures	No	As per the WATC Master Lending Agreement
Grants and Funding Agreements with private agencies	No	CEO
Land Transaction documents including sale, purchase, vesting, leases, licences, transfers, contributed assets, easements, restrictive covenants, caveats, memorials, notifications, deeds and withdrawal of instruments.	No	CEO
Memorandum of Understanding	No	CEO
Ceremonial Certificates	No (but President must sign)	CEO
All other documents that were the subject of a Council decision including, but not limited to, procurement contracts, service agreements, non-disclosure agreements, enterprise bargaining agreement and employment contracts.	No	CEO
All other documents that are not the subject of a Council decision but are part of the ordinary operations of the local government including, but not limited to, casual hire agreements, procurement contracts (no Council decision), short term lease and sponsorship agreements.	No	CEO and Directors where the document concerns subject matter wholly within their directorate

**COUNCIL POLICY EXE/CP-2
DOCUMENT EXECUTION AND APPLICATION OF THE
COMMON SEAL**



6. LEGISLATION

6.1. *Local Government Act 1995*

6.2. *Interpretations Act 1984*

7. POLICY VERSION

Related Policies:	N/A		
Related Procedure:	EXE/OP – Method of affixing the common seal		
Responsible Department:	Executive		
Reviewer:	Corporate Planning and Governance Officer		
Review Frequency:	Biennial	Next Due:	2022
Version Date:	19/02/2020	Synergy #:	
Policy Version Details			
Initial Adoption Date:		Decision Reference:	
Version Decision Date:		Decision Reference:	
Version Synopsis:	Initial adoption of policy		

STRATEGIC OUTCOME SUPPORTED: 1 - A diverse and growing population.

1. OBJECTIVE

- 1.1. To ensure that the Shire of Donnybrook Balingup acknowledge and show respect for the Noongar people, who are the traditional owners of the land, upon which the Shire of Donnybrook Balingup is situated.

2. SCOPE

- 2.1. This policy applies to elected members and all staff organising events, ceremonies, commemorations, public functions and meetings as well as documentation on behalf of the Shire where Welcome to Country and Acknowledgement of Country should be included.

3. DEFINITIONS

- 3.1. **Traditional Owners** are Aboriginal representatives of the traditional language group that inhabited the area prior to European settlement and are recognised as traditional owners by local Aboriginal communities.
- 3.2. **Welcome to Country** is where the traditional custodians formally welcome people to their land. This ceremony is undertaken by Elders acknowledged as such by their family and community.
- 3.3. **South West Aboriginal Land and Sea Council (SWALSC)** is the native title representative body of the Noongar people, the traditional owners of the South West of Western Australia extending from Leeman in the north-west to Cape Arid in the south-east.

4. POLICY STATEMENT

- 4.1. The South West Aboriginal Land and Sea Council (SWALSC) produce a Noongar Protocols documents which will be used to guide staff and elected members when organising Welcome to and Acknowledgement of Country.

Welcome to Country

- 4.2. The Welcome to Country will be held at the beginning of the following events:
 - a. The opening of a new significant building involving State or Federal Government representatives; and
 - b. Major civic ceremonies or functions.

Acknowledgement of Country

- 4.3. An Acknowledgement of Country will be delivered at these events:
 - a. Significant events where members of the public, representatives of governments and/or the media are present; and
 - b. Council Meetings; and

COUNCIL POLICY EXE/CP-4 WELCOME TO AND ACKNOWLEDGEMENT OF COUNTRY



- c. Forums, briefing sessions, community workshops where the public are present; and
- d. Conferences or seminars; and
- e. NAIDOC celebrations; and
- f. Citizenship Ceremonies.

4.4. An Acknowledgement of Country will be included in these documents:

- a. Strategic plans, strategies and studies; and
- b. Council and committee agendas and minutes; and
- c. Plaques erected on Shire-owned facilities; and
- d. Shire website.

5. DELEGATION AND AUTHORISATION

5.1. NIL

6. LEGISLATION

6.1. NIL

7. POLICY VERSION

Related Policies:	Nil		
Related Procedure:	Nil		
Responsible Department:	Executive Services		
Reviewer:	Corporate Planning & Governance Officer		
Review Frequency:	Triennial	Next Due:	March 2024
Version Date:	8/03/2021	Synergy #:	
Policy Version Details			
Initial Adoption Date:		Decision Reference:	
Version Decision Date:		Decision Reference:	
Version Synopsis:	Re-numbered, renamed, Objective - change Council to Shire and reworded to include the Noongar people, added a Scope listing the events and documents effected by the policy, removal of procedural information, referenced the SWALSC and their protocols, added definitions		

STRATEGIC OUTCOME SUPPORTED: 12 - A well respected, professionally run organisation.

Purpose

The Shire of Donnybrook-Balingup Organisational Risk Management Policy documents the Shire's commitment to and objectives around managing risks that may impact the Shire from achieving its strategies, goals or objectives.

Policy

It is the policy of the Shire of Donnybrook-Balingup to achieve best practice in the management of all risks that threaten to affect the Shire, its customers, people, assets, functions, objectives, operations or members of the community.

Risk management shall, wherever possible, form part of all activities and functions of the Shire, including adopted policies and procedures.

The Executive Management Team will determine and communicate the Organisational Risk Management Policy, objectives and procedures, as well as guide and monitor implementation, practice and performance throughout the Shire of Donnybrook-Balingup.

Every employee within the Shire is recognised as having a role in risk management for awareness and application of the risk management process, particularly in risk identification, and shall be encouraged to participate in the process.

Specialist consultants or staff may be engaged at times to advise and assist with risk management, or management of specific categories of risk.

Definitions (from AS/NZS ISO 31000:2009)

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.

Risk Management Objectives

- To ensure Risk Management is adopted and integrated throughout the Shire of Donnybrook-Balingup as a management practice.

COUNCIL POLICY EXE/CP- 6 ORGANISATIONAL RISK MANAGEMENT



- To ensure all employees are aware of the need to manage risk and encourage a culture of participation in the Risk Management Process.
- To protect the Shire of Donnybrook-Balingup from adverse incidents, to reduce its exposure to loss and to mitigate and control loss should it occur.
- To ensure the ongoing capacity of the Shire of Donnybrook-Balingup to fulfil its vision, perform its key functions, meet its objectives and serve its customers.
- To aid effective governance and adherence to relevant legislation and Australian or International Standards.
- To reduce the costs of risk to the Shire of Donnybrook Balingup.

Risk Tolerance

The Shire has defined its risk tolerance through the development and adoption of the Shire's Risk Assessment and Acceptance Criteria (also called the Risk Matrix) of which is included as part of this Policy. A procedure for use of the Risk Matrix has also been developed to guide its use and application.

All organisational risks to be reported at an organisational level are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making of staff, Management and Council.

Roles, Responsibilities & Accountabilities

All Shire employees have a responsibility for managing risk relevant to their duties in accordance with the Shire's Risk Management Process and are accountable for their actions. The Executive Management Team is responsible for developing, implementing, communicating and monitoring the Shire's Risk Management Process, including this Policy and associated procedures, to ensure it is effective, practical and relevant to the Shire.

Risk management awareness and training will be provided to all staff. Risk management will be included within the employee induction process to ensure new employees are introduced to the Shire's risk management culture.

Monitor & Review

The Shire of Donnybrook-Balingup will implement a monitor and review process to report on the achievement of the Risk Management Objectives, the management of individual risks and the ongoing identification of issues and trends.

This Policy will be reviewed annually by the Shire's Executive Management team and relevant staff. The Shire's Risk Management Process including systems and procedures will be reviewed every two years in accordance with Regulation 17 of the *Local Government (Audit) Regulations 1996*, and the results of the review presented to the Councils' Audit Committee.

POLICY VERSION

Related Policies:	Nil
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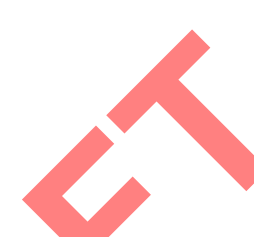
**COUNCIL POLICY EXE/CP- 6
ORGANISATIONAL RISK MANAGEMENT**



Related Procedure:	Nil		
Responsible Department:	Executive		
Reviewer:	Manager Executive Services		
Review Frequency:		Next Due:	
Version Date:		Synergy #:	
Policy Version Details			
Initial Adoption Date:	27 August 2014	Decision Reference:	N/A
Version Decision Date:	25 May 2016	Decision Reference:	N/A
Version Synopsis:	Amended		

AMENDED DRAFT

COUNCIL POLICY EXE/CP- 6 ORGANISATIONAL RISK MANAGEMENT



SHIRE OF DONNYBROOK-BALINGUP

RISK ASSESSMENT & ACCEPTANCE CRITERIA

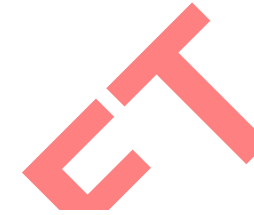
EXISTING CONTROLS RATING

LEVEL	RATING	FORESEEABLE	DESCRIPTION
E	Excellent	Doing more than what is reasonable under the circumstances	Controls are fully in place, are being well addressed / complied with, are subject to ongoing maintenance and monitoring and are being continuously reviewed and tested
A	Adequate	Doing what is reasonable under the circumstances	Controls are in place, are being addressed / complied with and are subject to periodic review and testing
I	Inadequate	Not doing some or all things reasonable under the circumstances	Controls do not exist, or are not being addressed / complied with, or have not been reviewed or tested for some time

MEASURES OF CONSEQUENCE

LEVEL	RATING	HEALTH & SAFETY	FINANCIAL	SERVICE INTERRUPTION	COMPLIANCE	REPUTATION	PROPERTY	ENVIRONMENT
1	Insignificant	Negligible injuries	Less than \$2,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, localised low impact on community trust, low profile or no media item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
2	Minor	First aid injuries	\$2,000 - \$20,000 Or < 5% variance in cost of project	Temporary interruption to an activity – backlog cleared with existing resources	Some temporary non compliances	Substantiated, localised impact on community trust or low media item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
3	Moderate	Medical type injuries	\$20,001 - \$100,000 Or > 5% variance in cost of project	Interruption to Service Unit/(s) deliverables – backlog cleared by additional resources	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact on community trust or moderate media profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
4	Major	Lost time injury	\$100,001 - \$1M	Prolonged interruption of Service Unit core service deliverables – additional resources; performance affected	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, widespread high impact on community trust, high media profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
5	Catastrophic	Fatality, permanent disability	More than \$1M	Indeterminate prolonged interruption of Service Unit core service deliverables	Non-compliance results in criminal charges or significant damages or penalties	Substantiated, public embarrassment, widespread loss of community trust, high widespread multiple media profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

COUNCIL POLICY EXE/CP- 6 ORGANISATIONAL RISK MANAGEMENT



SHIRE OF DONNYBROOK-BALINGUP

RISK ASSESSMENT & ACCEPTANCE CRITERIA

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 may 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 Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		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 FOR RISK ACCEPTANCE	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 excellent controls, managed by senior management / executive and subject to monthly monitoring	Executive Manager / CEO
EXTREME	Unacceptable	Risk only acceptable with excellent 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

STRATEGIC OUTCOME SUPPORTED: 12 - A well respected, professionally run organisation.

1. OBJECTIVE

- 1.1. The objective of this policy is to ensure that continuous improvement in Occupational Safety and Health is achieved to ensure as far as is practicable, a working environment is maintained in which employees, councillors, contractors and visitors are not exposed to foreseeable risks and hazards that can have an adverse effect on their safety and health.

2. SCOPE

- 2.1. This Policy applies to all Councillors, Employees, Contractors and Visitors to Shire workplaces.

3. DEFINITIONS

- 3.1. NIL

4. POLICY STATEMENT

- 4.1. The Shire of Donnybrook Balingup is dedicated to maintaining the safety and health of all people associated with its operations including Councillors, employees, contractors and visitors. The shire adheres to the following principles in all we do:
 - a. Management commitment supporting high standards of safety and health, performance and the continual improvement of behaviours and processes.
 - b. Sustaining effective mechanisms for consultation between management and employees.
 - c. Hazard and risk management ensuring safe work methods and a safe work environment through reporting, identification, assessment and control of hazards and their associated risks.
 - d. Appropriate training and development for managers, employees and contractors, ensuring they are equipped with the knowledge and skills to carry out their duties in a safe manner.
 - e. Planning for the establishment and maintenance of essential safety management systems to continuously improve workplace safety and health.
 - f. Clear accountability of Occupational Safety and Health responsibilities at all levels.
 - g. Compliance with legislation and relevant Australian Standards, Codes of Practice and Guidance Notes.

5. DELEGATION AND AUTHORISATION

- 5.1. NIL

COUNCIL POLICY EXE/CP-7 OCCUPATIONAL SAFETY AND HEALTH



6. LEGISLATION

- 6.1. *Occupational Safety and Health Act 1984*
- 6.2. *Occupational Safety and Health Regulations 1996*

7. POLICY VERSION

Related Policies:	NIL		
Related Procedure:	EXE/OP-1-Safe Work Instruction (SWI) EXE/OP-2-Fire Emergency Evacuation EXE/OP-3-Incident Reporting and Investigation EXE/OP-4-Safety and Health Representatives Election EXE/OP-6-Confined Space EXE/OP-7-Occupational Safety and Health Responsibilities EXE/OP-8-Outdoor Workers uniform and PPE EXE/OP-9-Visitors EXE/OP-10-Hard Hat EXE/OP-11-Management Safety Observation EXE/OP-12-Occupational Safety and Health Issue Resolution EXE/OP-13-Dangerous goods and Hazardous Substances		
Responsible Department:	Executive Services		
Reviewer:	Manager Executive Services		
Review Frequency:	Annual	Next Due:	July 2022
Version Date:		Synergy #:	
Policy Version Details			
Initial Adoption Date:		Decision Reference:	
Version Decision Date:		Decision Reference:	
Version Synopsis:			

STRATEGIC OUTCOME SUPPORTED: 12 - A well respected, professionally run organisation.

1. OBJECTIVE

- 1.1. This policy details legislative obligations and establishes protocols applicable to the Shire of Donnybrook Balingup's official communications with the community, to ensure Shire of Donnybrook Balingup is professionally and accurately represented and to maximise a positive public perception of the Shire of Donnybrook Balingup.

2. SCOPE

- 2.1. This policy scope applies to:
 - a. Communications initiated or responded to by the Shire of Donnybrook Balingup with our community; and
 - b. Elected Members when making comment in either their Shire of Donnybrook Balingup role or in a personal capacity about matters relevant to the Shire; and
 - c. Employees, contractors and consultants working for the Shire of Donnybrook Balingup.

3. DEFINITIONS

- 3.1. NIL

4. POLICY STATEMENT

Official Communications

- 4.1. The purposes of the Shire of Donnybrook Balingup's official communications include:
 - a. Sharing information required by law to be publicly available.
 - b. Sharing information that is of interest and benefit to the Community.
 - c. Promoting Shire of Donnybrook Balingup events and services.
 - d. Promoting Public Notices and community consultation / engagement opportunities.
 - e. Answering questions and responding to requests for information relevant to the role of the Shire of Donnybrook Balingup.
 - f. Receiving and responding to community feedback, ideas, comments, compliments and complaints.
- 4.2. The Shire of Donnybrook Balingup's official communications will be consistent with relevant legislation, policies, standards and the positions adopted by the Council. Communications will always be respectful and professional.

- 4.3. The Shire of Donnybrook Balingup will use a combination of different communication modes to suit the type of information to be communicated and the requirements of the community or specific audience, including:
- a. Website; and
 - b. Advertising and promotional materials; and
 - c. Radio (local, regional and state-wide as required); and
 - d. Media releases prepared for the Shire President / CEO, to promote specific Shire of Donnybrook Balingup positions; and
 - e. Social media; and
 - f. Community newsletters, letter drops, and other modes of communications undertaken by the Shire of Donnybrook Balingup's Administration at the discretion of the CEO.

Speaking on behalf of the Shire of Donnybrook Balingup

- 4.4. The Shire President is the official spokesperson for the Shire of Donnybrook Balingup, representing the Local Government in official communications, including speeches, comment, print, electronic and social media. In accordance with s.2.8(1)(d) of the *Local Government Act 1995*.
- 4.5. Where the Shire President is unavailable, the Deputy Shire President may act as the spokesperson in accordance with s.2.9 and s.5.34 of the *Local Government Act 1995*.
- 4.6. The CEO may speak on behalf of the Shire of Donnybrook Balingup, where authorised to do so by the Shire President in accordance with s.5.41(f) of the *Local Government Act 1995*.
- 4.7. The provisions of the *Local Government Act 1995* essentially direct that only the Shire President, or the CEO if authorised, may speak on behalf of the Local Government. It is respectful and courteous to the Shire President to refrain from commenting publicly, particularly on recent decisions or contemporary issues, until such time as the Shire President has had opportunity to speak on behalf of the Shire of Donnybrook Balingup.
- 4.8. Communications by Elected Members and employees, whether undertaken in an authorised official capacity or as a personal communication, must not:
- a. Bring the Shire of Donnybrook Balingup into disrepute; or
 - b. Compromise the person's effectiveness in their role with the Shire of Donnybrook Balingup; or
 - c. Imply the Shire of Donnybrook Balingup's endorsement of personal views
 - d. Imply the Elected Member or employee is speaking on behalf of the Shire of Donnybrook Balingup, unless authorised to do so; or
 - e. Disclose, without authorisation, confidential information.

- 4.9. Social media accounts or unsecured website forums must not be used to transact meetings which relate to the official business of the Shire of Donnybrook Balingup.
- 4.10. Elected member communications must comply with the Code of Conduct for Elected Members, Committee Members and Candidates.

Responding to Media Enquiries

- 4.11. All enquiries from the Media for an official Shire of Donnybrook Balingup comment, whether made to an individual Elected Member or employee, must be directed to the CEO or a person authorised by the CEO. Information will be coordinated to support the Shire President or CEO (where authorised) to make an official response on behalf of the Shire of Donnybrook Balingup.
- 4.12. Elected Members may make comments to the media in a personal capacity – refer to clause 4.25 below.

Website

- 4.13. The Shire of Donnybrook Balingup will maintain an official website, as our community's on-line resource to access to the Shire of Donnybrook Balingup's official communications.

Social Media

- 4.14. The Shire of Donnybrook Balingup uses social media to facilitate interactive information sharing and to provide responsive feedback to our community. Social media will not however, be used by the Shire of Donnybrook Balingup to communicate or respond to matters that are complex or relate to a person's or entity's private affairs.
- 4.15. The Shire of Donnybrook Balingup maintains the following social media accounts:
 - a. Social networks, for example Facebook, LinkedIn; and
 - b. Media Sharing networks, for example Instagram and YouTube; and
 - c. Micro-blogging networks, for example Twitter.
- 4.16. The Shire of Donnybrook Balingup may also post and contribute to social media hosted by others, so as to ensure that the Shire of Donnybrook Balingup's strategic objectives are appropriately represented and promoted.
- 4.17. The Shire of Donnybrook Balingup actively seeks ideas, questions and feedback from our community however, we expect participants to behave in a respectful manner. The Shire of Donnybrook Balingup will moderate its social media accounts to address and where necessary delete content deemed to be:
 - a. Offensive, abusive, defamatory, objectionable, inaccurate, false or misleading; or
 - b. Promotional, soliciting or commercial in nature; or
 - c. Unlawful or incites others to break the law; or

- d. Information which may compromise individual or community safety or security; or
- e. Repetitive material copied and pasted or duplicated; or
- f. Content that promotes or opposes any person campaigning for election to the Council, appointment to official office, or any ballot; or
- g. Content that violates intellectual property rights or the legal ownership of interests or another party; or
- h. Any other inappropriate content or comments at the discretion of the Shire of Donnybrook Balingup.

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

Shire President Social Media Official Accounts

4.19. The Shire of Donnybrook Balingup supports the Shire President in using official social media account/s to assist the Shire President in fulfilling their role under s 2.8 of the *Local Government Act 1995*, to speak on behalf of the Local Government. The content will be administered and moderated in accordance with this policy. These official Shire of Donnybrook Balingup accounts must not be used by the Shire President for personal communications.

Use of Social Media in Emergency Management and Response

- 4.20. The Shire of Donnybrook Balingup will use the following channels to communicate and advise our community regarding Emergency Management:
- a. Facebook; and/or
 - b. Website; and/or
 - c. Email.

Record Keeping and Freedom of Information

- 4.21. Official communications undertaken on behalf of the Shire of Donnybrook Balingup, including on the Shire of Donnybrook Balingup's Social Media accounts and third-party social media accounts must be created and retained as local government records in accordance with the Shire of Donnybrook Balingup's Record Keeping Plan and the *State Records Act 2000*. These records are also subject to the *Freedom of Information Act 1992*.
- 4.22. Elected Member communications that relate to their role as a Elected Member are subject to the requirements of the Shire of Donnybrook Balingup's Record Keeping Plan and the *State Records Act 2000*. Elected Members are responsible for transferring these records to the Shire of Donnybrook Balingup's administration. Elected Member records are also subject to the *Freedom of Information Act 1992*.

Personal Communications

- 4.23. Personal communications and statements made privately; in conversation, written, recorded emailed, texted or posted in personal social media, have the potential to be made public, whether intended or not. On the basis that personal or private communications may be shared or become public at some point in the future, Elected Members and employees should ensure that their personal or private communications do not breach the requirements of this policy, the Code of Conduct for Elected Members, Committee Members and Candidates, or the Code of Conduct for Employees.

Elected Member Statements on Shire Matters

- 4.24. An Elected Member may choose to make a personal statement publicly on a matter related to the business of the Shire of Donnybrook Balingup.
- 4.25. Any public statement made by an Elected Member, whether made in a personal capacity or in their Local Government representative capacity, must:
- a. Clearly state that the comment or content is a personal view only, which does not necessarily represent the views of Shire of Donnybrook Balingup; and
 - b. Be made with reasonable care and diligence; and
 - c. Be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment laws; and
 - d. Be factually correct; and
 - e. Avoid damage to the reputation of the local government; and
 - f. Not reflect adversely on a decision of the Council; and
 - g. Not reflect adversely on the character or actions of another Elected Member or Employee; and
 - h. Maintain a respectful and positive tone and not use offensive or objectionable expressions in reference to any Elected Member, Employee or community member.
- 4.26. An Elected Member who is approached by the media for a personal statement may request the assistance of the CEO.
- 4.27. Comments which become public, and which breach this policy, or the Code of Conduct for Elected Members, Committee Members and Candidates may constitute a minor breach of the *Local Government Act 1995* and may be referred for investigation.

1. DELEGATION AND AUTHORISATION

- 5.1. NIL

2. LEGISLATION

- 2.1. *Local Government Act 1995*

COUNCIL POLICY EXE/CP-9 COMMUNICATIONS AND SOCIAL MEDIA



- 2.2. *State Records Act 2000*
- 2.3. Code of Conduct for Elected Members, Committee Members and Candidates
- 2.4. Code of Conduct for Employees

3. POLICY VERSION

Related Policies:	Records Management		
Related Procedure:	Social Media		
Responsible Department:	Executive Services		
Reviewer:	Communications Officer		
Review Frequency:	Biennial	Next Due:	July 2023
Version Date:		Synergy #:	
Policy Version Details			
Initial Adoption Date:	24/04/2019	Decision Reference:	38/19
Version Synopsis:	Creation of policy		
Version Decision Date:		Decision Reference:	
Version Synopsis:	Renumbered and reformatted, Removed references to <i>Local Government (Rules of Conduct) Regulations 2007</i> Included references to the Code of Conduct for Elected Members, Committee Members and Candidates and Employee's Code of Conduct Removed Council delegation 1.1 as this is no longer relevant. Added Employees, contractors and consultants working for the Shire of Donnybrook Balingup to the Scope.		

STRATEGIC OUTCOME SUPPORTED: 2 - A safe and healthy community.

1. OBJECTIVE

- 1.1. To give effect to our commitment to support the whole community to meet the challenges arising from the COVID-19 pandemic, the Shire of Donnybrook Balingup recognises that these challenges will result in financial hardship for our ratepayers.
- 1.2. This Policy is intended to ensure 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.

2. SCOPE

- 2.1. This policy applies to:
 - a. Outstanding rates and service charges as at the date of adoption of this policy; and
 - b. Rates and service charges levied for the 2020/21 financial year.
- 2.2. As we deal with the effects of the pandemic that those with the capacity to pay rates will continue to do so. For this reason, the Policy is not intended to provide rate relief to ratepayers who are not able to evidence financial hardship and the statutory provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996 will apply.

3. DEFINITIONS

- 3.1. **CEO** means Chief Executive Officer, Shire of Donnybrook Balingup
- 3.2. **Act** means *Local Government Act 1995*

4. POLICY STATEMENT

Payment difficulties, hardship and vulnerability¹

- 4.1. Payment difficulties, or short-term financial hardship, occur where a change in a person's circumstances result in an inability to pay a rates or service charge debt.
- 4.2. 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. The Shire of Donnybrook Balingup 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.

¹Adapted from the Ombudsman Western Australia publication, Local government collection of overdue rates for people in situations of vulnerability: Good Practice Guidance:
<http://www.ombudsman.wa.gov.au/>

Anticipated Financial Hardship due to COVID-19

- 4.3. 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.
- 4.4. 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.

Financial Hardship Criteria

- 4.5. 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:
 - a. Recent unemployment or under-employment;
 - b. Sickness or recovery from sickness;
 - c. Low income or loss of income; or
 - d. Unanticipated circumstances such as caring for and supporting extended family.
- 4.6. 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.

Payment Arrangements

- 4.7. 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:
 - a. That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
 - b. The payment arrangement will establish a known end date that is realistic and achievable;
 - c. The ratepayer will be responsible for informing the Shire of Donnybrook Balingup of any change in circumstance that jeopardises the agreed payment schedule.

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

Interest Charges

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

Deferment of Rates

- 4.10. Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:
- remains as a debt on the property until paid;
 - becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
 - may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
 - does not incur penalty interest charges.

Debt recovery

- 4.11. 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.
- 4.12. 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.
- 4.13. Rates and service charge debts that remain outstanding at the end of the 2021/22 financial year, will then be subject to the rates debt recovery procedures prescribed in the Local Government Act 1995.

Review

- 4.14. 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.

COUNCIL POLICY FIN/CP-1 COVID 19 FINANCIAL HARDSHIP



Communication and Confidentiality

- 4.15. We will maintain confidential communications at all times, and we undertake to communicate with a nominated support person or other third party at your request.
- 4.16. 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.
- 4.17. We recognise that applicants for hardship consideration are experiencing additional stressors and may have complex needs. We will provide additional time to respond to communication and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.

5. LEGISLATION

5.1. *Local Government Act 1995*

5.2. *Local Government (Financial Management) Regulations 1996*

6. POLICY VERSION

Related Policies:	N/A				
Related Procedure:	N/A				
Responsible Department:	Corporate Services				
Reviewer:	Director Corporate Community				
Review Frequency:	Triennial	Next Due:	March 2024		
Version Date:	12/03/021	Synergy #:		Decision Reference:	
Version Synopsis:	Renumbered and formatted, moved from Elected Member Service Unit to Finance Service Unit				
Policy Version Details					
Initial Adoption Date:	14/04/2020	Decision Reference:	50/20		
Version Date:	14/04/20	Decision Reference:	50/20	Synergy #:	NPP5038
Version Synopsis:	Initial policy developed				

STRATEGIC OUTCOME SUPPORTED: 11 - Strong, visionary leadership.

1. OBJECTIVE

- 1.1. 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 requirements are being met.

2. SCOPE

- 2.1. This policy applies to all future investments made by the Shire of Donnybrook Balingup.

3. DEFINITIONS

- 3.1. Nil

4. POLICY STATEMENT

- 4.1. While exercising the power to invest, consideration is to be given in preservation of capital, liquidity, and the return of investment:
- a. 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. This includes managing credit and interest rate risk within identified thresholds and parameters.
 - b. 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.
 - c. The investment is expected to achieve a 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.

Risk Management Guidelines

- 4.2. Investments obtained are to comply with three key criteria relating to:

Overall Portfolio Limits

- 4.2.1. To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %
AAA	A-1+	100%
AA	A-1	100%
A	A-2	60%

Counterparty Credit Framework

4.2.2. Exposure to an individual counterparty/institution will be restricted by its credit rating so that single entity exposure is limited, as detailed in the table below.

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %
AAA	A-1+	45%
AA	A-1	35%
A	A-2	20%

4.2.3. If any of the local government investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable.

Term to Maturity Framework

4.2.4. The investment portfolio is to be invested within the following maturity constraints.

Overall Portfolio Term to Maturity Limits	
Portfolio % < 1year	100 Max; 40% Min
Portfolio % > 1year	60%
Portfolio % > 3year	35%
Portfolio % > 5year	25%
Individual Investment Maturity Limits	
ADI	1 year
Non ADI	1 year

Exceptions (Bendigo Bank)

4.2.5. In the interest of maintaining a face-to-face local banking service within Donnybrook, Council has elected to vary its policy to provide for the investment of funds in the Bendigo Bank, through the Donnybrook branch.

4.2.6. The Donnybrook branch of the Bendigo Bank is administered by Donnybrook Capel Districts Financial Services in accordance with the operational guidelines of the Bendigo Bank.

4.2.7. Funds invested through the Donnybrook branch are invested with the principal Bendigo Banking Group. Bendigo Banks current long-term S&P rating is BBB+ and the short-term rating is A-2.

4.2.8. Council has approved a maximum portfolio limit of 75% with Bendigo Bank.

Investment Advisor

4.3. The local government's investment advisor must be licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products

COUNCIL POLICY FIN/CP-2 INVESTMENTS



being recommended; and is free to choose the most appropriate product within the terms and conditions of the investment policy.

Measurement

- 4.4. The investment return for the portfolio is to be regularly reviewed. The market value is to be assessed at least once a month to coincide with monthly reporting.

Benchmarking

- 4.5. Performance benchmarks need to be established.

Investments	Performance Benchmark
Cash	Cash Rate
Enhanced/Direct Investments	UBSWA Bank Bill

Reporting

- 4.6. A monthly report will be provided to Council in support of the monthly statement of activity. The report will detail the investment portfolio, percentage exposure of total portfolio, maturity date and changes in market value.
- 4.7. Documentary evidence must be held for each investment and investments are to be recorded in an Investment Register with all details pertaining to the investment such as investment source, date of lodgement, interest rate, maturity date and all investment transactions recorded on a ledger sheet.

5. DELEGATION AND AUTHORISATION

- 5.1. The power to invest and manage investments has been delegated to the Chief Executive officer and nominated sub-delegates as per delegation 1.2.22 Power to Invest and Manage Investments.

6. LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *The Trustees Act 1962*
- 6.3. *Local Government (Financial Management) Regulations 1996*

7. POLICY VERSION

Related Policies:	N/A		
Related Procedure:	N/A		
Responsible Department:	Corporate Services		
Reviewer:	Executive Manager Corporate Community		
Review Frequency:		Next Due:	
Version Date:	10/03/021	Synergy #:	Decision Reference:
Version Synopsis:	Rename, renumbered, Scope added, reformatted, Admin info removed, Delegation 1.2.22 info added. Change of wording to report and review to Reporting and removed duplicated information.		

**COUNCIL POLICY FIN/CP-2
INVESTMENTS**



		Removed "The CEO has delegated authority to appoint an investment adviser when considered appropriate"- Day to day management no need for extra authorisation.	
Policy Version Details			
Initial Adoption Date:		Decision Reference:	
Version Date:		Decision Reference:	Synergy #:
Version Synopsis:			

AMENDED DRAFT

STRATEGIC OUTCOME SUPPORTED: 11 - Strong, visionary leadership

1 Objective

This Debt Policy document sets out the manner in which the Shire of Donnybrook Balingup (the “Shire”) may establish and manage a debt portfolio. The objective of this Debt Policy is to ensure the sound management of the Shire’s existing and future debt.

This Debt Policy outlines the Shire’s debt strategy and provides for the responsible financial management of loan funding by ensuring that the level of indebtedness is maintained within acceptable limits and is managed appropriately.

2 Compliance

The Shire will enter into contractual funding arrangements only where such activities and arrangements comply with the relevant legislative and non-legislative requirements.

Adherence to this Debt Policy will be reviewed annually.

2.1 Legislation

Western Australian legislation relative to the Shire includes, but is not limited to
The Local Government Act 1995 (as amended)
Local Government (Financial Management) Regulations 1996 (as amended)
Trustees Act 1962 (as amended)

2.2 Non-Legislative Requirements

In addition, borrowing activities and contractual funding arrangements entered into by the Authority must also comply with the following:

- Australian Accounting Standards

2.3 Lending Agreements

Any and all borrowing activities and contractual funding arrangements entered into by the Shire with Western Australian Treasury Corporation (or another party) must be consistent with:

- The Shire’s Master Lending Agreement with the Western Australian Treasury Corporation
- The particular loan repayment schedule with the Western Australian Treasury Corporation relevant to the specific loan.

3 Policy Objectives

The purpose of this Debt Policy is to establish a set of principles for the efficient management of the Shire's existing and future debt.

This includes prudent interest rate risk management so that an appropriately structured and managed portfolio of debt funding may contribute to the growth and protection of the long-term economic value of the Shire.

3.1 Minimise Risk

In general, the Shire is risk averse and seeks to reasonably minimise risk in all aspects of its operations.

3.2 Minimise interest costs

Specifically, the Shire seeks to minimise interest costs without introducing undue volatility in annual interest costs.

The Council notes that there is a trade-off between minimising risk in the portfolio and minimising the interest costs of the portfolio.

4 Policies

4.1 Enactment

The Debt Policy will become effective immediately after approval by Council.

As per the provision of Section 2.7(2) of the Local Government Act 1995, once enacted, the Debt Policy may not be altered, in whole or in part, except by resolution of the Council.

4.2 Conditions for Debt Raising

- Debt funding may be used for capital works and the purchase of development of assets and infrastructure assets.
- Debt funding may not be used to finance operating activities or recurrent expenditure.
- Before borrowing funds, the Shire would generally consider using existing surplus funds in the first instance.

4.3 Lending Counterparties

- In its evaluation of borrowing proposals, the Authority will consider counterparty risk, that is, the risk that the lender fails to perform in accordance with its contractual obligations under the terms of the loan.
- The Shire will seek to reasonably minimise counterparty risk from lenders.

- The Shire recognises that the Western Australian State Government has established a Central Borrowing Authority, the Western Australian Treasury Corporation (WATC) for the purpose of providing funding to government including Local Government Authorities.
- The Shire recognises the advantages of obtaining funding through a Central Borrowing Authority, such as WATC, which has very low counterparty risk and is able to provide significant benefits to its clients through its ability to access highly liquid funds in large volumes on behalf of its clients, and therefore provide lower-cost funding than is generally available from other lenders.
- Contractual lending arrangements between the Shire and WATC may be in any form recommended by WATC and approved by the Council.
- The Shire, at its discretion, may seek quotes from lenders other than WATC, and may proceed with funding in cases where another lender is able to provide lower-cost funding, and where the Shire believes that the degree of counterparty risk is acceptable.

4.4 Borrowing Arrangements

- When entering into borrowing arrangements, the Shire will seek to minimise interest costs over the medium and long-term without introducing undue volatility in annual interest costs, and subject to an acceptable degree of counterparty risk.
- Borrowing arrangements may be entered into on a project-by-project basis, with particular loans assigned to particular projects.
- Each project-specific loan will be entered into with the aim of obtaining the most competitive interest cost for the loan, subject to the preferred debt structure as determined by the Shire.
- Where borrowings are required and approved as per the provisions of Section 6.20 and Section 6.21 of the Local Government Act 1995, only a person or persons duly authorised by Council may give instructions in relation to drawing down loan funds.
- Furthermore, a Delegated Authority Register maintained by the Shire in accordance with the Local Government Act will contain a list of person(s) duly authorised by Council to sign documents in relation to the drawing down of loan funds.
- Documentation of each specific loan will be in accordance with a lending agreement or other appropriate loan documentation that has been approved by the Council.

4.5 Structure of Borrowings

The Shire's borrowings will be appropriately structured to constrain risk and will be consistent with the following parameters:

- Council will consider the appropriateness of the various types of debt products available.
- The Shire will not seek to position any of the borrowings in an attempt to gain from anticipated in the shape or level of the yield curve.
- The tenor of a loan will not be greater than the expected useful life of the asset being funded by the loan. The intention is to maintain a balance within the debt portfolio such that the value of the liabilities does not exceed the value of the assets.

- In order to eliminate currency risk, all debt will be denominated in Australian dollars and no debt will be raised in foreign currencies.

4.6 Repayments

- The Shire intends to maintain a repayment schedule consistent with 'principal and interest' repayment calculations.
- The repayment schedules for new and existing borrowings will be set on an individual basis as determined by the nature of the project, and other considerations such as:
- Expected revenue streams in future year; and
- Anticipated capital works and asset acquisition programs in future years.
- Loan repayments will be made in a regular schedule, such as quarterly, semi-annually or otherwise as determined by the Shire.

4.7 Breaches

- Where any breach of, or divergence from the Debt Policy occurs, the CEO and Manager Finance and Administration of the Shire are to be advised immediately, and the Council is to be advised no later than the next Council Meeting, or earlier at the CEO's discretion.
- Advice to the relevant parties will outline what will be done, or what has been done, to rectify the breach or will seek approval for continuance of the breach.
- In the first instance, temporary approval may be provided by the CEO and the Manager Finance and Administration pending subsequent ratification by Council resolution.

5 CONTROLS

5.1 Review and Monitoring

- The Shire's funding requirements and funding strategy will be periodically reviewed by the Council.
- The Council agenda for each relevant Council Meeting will contain a report with advice to the Council as to the current debt position. In providing this report, the Shire will monitor the performance of the debt portfolio and periodically reassess financing options and portfolio structure to determine the relative risks and benefits and report outcomes of this activity to Council.

5.2 Schedules of Planned Debt

- The Shire's planning for anticipated borrowing requirements over future years will be consistent with the Department of Local Government's requirements for a 10-year financial plan.

COUNCIL POLICY FIN/CP-3 DEBT



- The Council will review the Authority's anticipated borrowing requirements and relevant sustainability ratios in the preparation of each financial year's budget and for the period covered by the 10-year financial plan.

6 Sustainability Ratios

The Council will, as a minimum, monitor the sustainability ratios prescribed by the *Local Government (Financial Management) Regulations 1996* as an input to its assessment of the financial management of its borrowings.

POLICY VERSION

Related Policies:	Nil		
Related Procedure:	Nil		
Responsible Department:	Finance		
Reviewer:			
Review Frequency:		Next Due:	
Version Date:		Synergy #:	
Policy Version Details			
Initial Adoption Date:		Decision Reference:	
Version Decision Date:		Decision Reference:	
Version Synopsis:			

STRATEGIC OUTCOME SUPPORTED: 11 - Strong, visionary leadership

1. OBJECTIVE

- 1.1. The objectives of this Policy are to ensure that all purchasing activities:
- a. demonstrate that best value for money is attained for the Shire
 - b. are compliant with relevant legislations, including the Act and Regulations;
 - c. are recorded in compliance with the State Records Act 2000 and associated records management practices and procedures of the Shire;
 - d. mitigate probity risk, by establishing consistent and demonstrated processes that promotes openness, transparency, fairness and equity to all potential suppliers;
 - e. ensure that the sustainable benefits, such as environmental, social and local economic factors are considered in the overall value for money assessment; and
 - f. are conducted in a consistent and efficient manner across the Shire and that ethical decision making is demonstrated.

2. SCOPE

- 2.1. This policy is applicable to all purchases made by the Shire of Donnybrook Balingup.

3. DEFINITIONS

- 3.1. Nil

4. POLICY STATEMENT

- 4.1. The Shire of Donnybrook Balingup is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance and complies with the *relevant legislation*.

Ethics and Integrity

- 4.2. All officers and employees of the Shire undertaking purchasing activities must have regard for the Code of Conduct requirements and shall observe the highest standards of ethics and integrity. All officers and employees of the Shire must act in an honest and professional manner at all times which supports the standing of the Shire.

COUNCIL POLICY FIN/CP-4 PURCHASING



- 4.3. 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 the Shire's policies and Code of Conduct;
 - c. purchasing is to be undertaken on a competitive basis where 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, audit requirements and relevant legislation;
 - e. any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
 - f. any information provided to the Shire's by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

Value for Money

- 4.4. Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for Council. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.
- 4.5. An assessment of the best value for money outcome or any purchasing should consider:
- a. all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal;
 - b. the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality, including but not limited to an assessment of levels and currency of compliances, value adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications etc.

COUNCIL POLICY FIN/CP-4 PURCHASING



- c. financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
 - d. a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable;
 - e. the safety requirements associated with both the product design and specification offered by suppliers and the evaluation of risk when considering purchasing goods and services from suppliers;
 - f. purchasing of goods and services from suppliers that demonstrate sustainable benefits and good corporate social responsibility; and
 - g. providing opportunities for businesses within the Shire's boundaries to be given the opportunity to quote for providing goods and services wherever possible.
- 4.6. Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

Sustainable Procurement

- 4.7. Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.
- 4.8. Council is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with Council's sustainability objectives.
- 4.9. Practically, sustainable procurement means that Council shall endeavour at all times to identify and procure products and services that:

COUNCIL POLICY FIN/CP-4 PURCHASING



- a. Have been determined as necessary;
- b. Demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling.
- c. Demonstrate environmental best practice in water efficiency.
- d. Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;
- e. Products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.
- f. For motor vehicles – select vehicles featuring high fuel efficiency, based on vehicle type and within the designated price range;
- g. For new buildings and refurbishments – where available use renewable energy and technologies.

Purchasing Requirements

- 4.10. The requirements that must be complied with by the Shire, including purchasing thresholds and processes, are prescribed within the Regulations, this Policy and associated purchasing procedures in effect at the Shire.
- 4.11. Purchasing that is \$150,000 or below in total value (excluding GST) must be in accordance with the purchasing requirements under the relevant threshold as defined under section 4.3 of this Purchasing Policy.
- 4.12. Purchasing that exceeds \$150,000 in total value (excluding GST) must be put to public Tender when it is determined that a regulatory Tender exemption, as stated under 5.4 of this Policy, is not deemed to be suitable.

Purchasing Value Definition

- 4.13. Determining purchasing value is to be based on the following considerations:
 - a. Exclusive of Goods and Services Tax (GST);
 - b. The actual or expected value of a contract over the full contract period, including all options to extend; or the extent to which it could be reasonably expected that the Shire will continue to purchase a particular category of goods, services or works and what total value is or could be reasonably expected to be purchased. A best practice suggestion is that if a purchasing threshold is reached within three years for a particular

COUNCIL POLICY FIN/CP-4 PURCHASING



category of goods, services or works, then the purchasing requirement under the relevant threshold (including the tender threshold) must apply.

Purchasing from Existing Contracts

4.14. Where the Shire has an existing contract in place, it must ensure that goods and services required are purchased under these contracts to the extent that the scope of the contract allows. When planning the purchase, the Shire must consult its Contracts Register in the first instance before seeking to obtain quotes and tenders on its own accord.

Purchasing Thresholds

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

Purchase Value Threshold	Purchasing Requirement
Up to \$2,000	<p>Where the Shire has established a panel of pre-qualified suppliers, the purchase can be made directly from a supplier on the panel, in accordance with the contract documentation.</p> <p>Where the purchasing requirement is not suitable to be met through a panel of pre-qualified suppliers, purchase directly from a supplier using a Purchase Order.</p>
Over \$2,000 and up to \$5,000	<p>Where the Shire has established a panel of pre-qualified suppliers, the purchase can be made directly from a supplier on the panel, in accordance with the contract documentation.</p> <p>Where the purchasing requirement is not suitable to be met through a panel of pre-qualified suppliers, seek at least one (1) written quotation from a suitable supplier, either from:</p> <ol style="list-style-type: none"> a. a pre-qualified supplier on the WALGA Preferred Supply Program or State Government Common Use Arrangement (CUA); or b. from the open market.
Over \$5,000 and up to \$20,000	<p>Where the Shire has established a panel of pre-qualified suppliers, the purchase can be made directly from a supplier on the panel, in accordance with the contract documentation.</p> <p>Where the purchasing requirement is not suitable to be met through a panel of pre-qualified suppliers, seek at least two (2) written quotation from a suitable supplier, either from:</p> <ol style="list-style-type: none"> a. a pre-qualified supplier on the WALGA Preferred Supply Program or State Government Common Use Arrangement (CUA); or b. from the open market.

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<p>Over \$20,000 and up to \$40,000</p>	<p>Where the Shire has established a panel of pre-qualified suppliers, the purchase can be made directly from a supplier on the panel, in accordance with the contract documentation.</p> <p>Where the purchasing requirement is not suitable to be met through a panel of pre-qualified suppliers, seek at least three (3) written quotations from suppliers following a brief outlining the specified requirement, either from:</p> <ul style="list-style-type: none"> a. a pre-qualified supplier on the WALGA Preferred Supply Program or State Government CUA; or b. from the open market.
<p>Over \$40,000 and up to \$150,000</p>	<p>Where the Shire has established a panel of pre-qualified suppliers, the purchase can be made directly from a supplier on the panel, in accordance with the contract documentation.</p> <p>Where the purchasing requirement is not suitable to be met through a panel of pre-qualified suppliers, seek at least three (3) written quotations from suppliers by formal invitation under a Request for Quotation, containing price and detailed specification of goods and services required. The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy.</p> <p>Quotations within this threshold may be obtained from:</p> <ul style="list-style-type: none"> a. a pre-qualified supplier on the WALGA Preferred Supply Program or State Government CUA; or b. from the open market. <p>Requests for quotation from a pre-qualified panel of suppliers (whether administered by the Shire through the WALGA preferred supply program or State Government CUA) are not required to be invited using a Request for Quotation form, however at least three written quotes are still required.</p>
<p>Over \$150,000</p>	<p>Where the purchasing requirement is not suitable to be met through a panel of pre-qualified suppliers, or any other tender-exempt arrangement as listed under section 5.4 of this Policy, conduct a public Request for Tender process in accordance with Part 4 of the <i>Local Government (Functions and General) Regulations 1996</i>, this policy and the Shire's tender procedures. The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy.</p>

Tender Exemptions

- 4.16. Public tenders are not required under the *Local Government (Functions and General) Regulations 1996*, Regulation 11(2) when:

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- a. the supply of goods or services is to be obtained from expenditure authorised in an emergency as defined in section 6.8(1)(c) of the *Local Government Act 1995*; or
- b. goods or services are obtained through the WALGA Preferred Supplier Program (eQuotes). If procuring through the WALGA Preferred Supplier Program, the over \$40,000 and up to \$150,000 purchasing requirement is to be complied with; or
- c. within the last 6 months:
 - i. The local government has publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
 - ii. The local government has sought expressions of interest but no person was listed as an acceptable tenderer;
- d. the contract is to be entered into by auction which has expressly been authorised by Council; or
- e. the goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA and the contract is worth \$250,000 or less; or
- f. the goods or services are to be supplied by an Australian Disability Enterprise; or
- g. the contract is for petrol, oil, or other liquid or gas used for internal combustion engines; or
- h. the provision of goods or services is provided under warranty or relates to specific manufacturer repairs; or
- i. when any of the other exclusions under Regulation 11 apply.
- j. It is also not necessary to invite public submissions if the term of the original contract is being renewed or extended where:
 - i. the original contract was entered into after a public submission period
 - ii. the invitation to tender included the option for a renewal or extension
 - iii. the original contract contained an option to renew or extend; and
 - iv. the supplier's tender included a requirement for such an option.

Inviting Tenders Under the Tender Threshold

- 4.17. Where considered appropriate and beneficial, the Shire may consider publicly advertising Tenders in lieu of undertaking a Request for Quotation for purchases under the tender threshold. This decision should be made after considering the benefits of this approach in comparison with the costs, risks, timeliness and compliance requirements.
- 4.18. If a decision is made to undertake a public Tender for contracts expected to be \$150,000 or less in value, the Shire's tendering procedures must be followed in full.

Sole Source of Supply (Monopoly Suppliers)

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- 4.19. Where the purchasing requirement is over the value of \$5,000 and of a unique nature that can only be supplied from one supplier, the purchase is permitted without undertaking a tender or quotation process. This is only permitted in circumstances where the Shire is satisfied and can evidence that there is only one source of supply for those goods, services or works.
- 4.20. The Shire must use its best endeavours to determine if the sole source of supply is genuine by exploring if there are any alternative sources of supply. Once determined, the justification must be endorsed by the Chief Executive Officer, prior to a contract being entered into. Written confirmation must be kept on file for later audit.
- 4.21. From time to time, the Shire may publicly invite an expression of interest to effectively determine that one sole source of supply still genuinely exists.

Anti-Avoidance

- 4.22. The Shire shall not enter into two or more contracts or create multiple purchase order transactions of a similar nature for the purpose of "splitting" the value of the purchase or contract to take the value of the consideration of the purchase below a particular purchasing threshold, particularly in relation to Tenders and to avoid the need to call a public Tender.

Emergency Purchases

- 4.23. An emergency purchase is defined as an unanticipated and unbudgeted purchase which is required in response to an emergency situation as provided for in the *Local Government Act 1995*. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken.
- 4.24. An emergency purchase does not relate to purchases not planned for due to time constraints. Every effort must be made to anticipate purchases required by the Shire in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

Tender Criteria

- 4.25. Council shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.
- 4.26. The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.
- 4.27. Requests with a total estimated (Ex GST) price of:
- a. Over \$40,000 and up to \$150,000, the evaluation panel must contain a minimum of 2 members; and
 - b. Over \$150,000, the evaluation panel must contain a minimum of 3 members.

Advertising Tenders

- 4.28. Tenders are to be advertised in a state wide publication e.g. “The West Australian” newspaper, Local Government Tenders section, preferably on a Wednesday or Saturday. Advertising may also be carried out locally.
- 4.29. The tender must remain open for at least 14 days after the date the tender is advertised. Care must be taken to ensure that 14 full days are provided as a minimum.
- 4.30. The notice must include;
- a. A brief description of the goods or services required;
 - b. Information as to where and how tenders may be submitted;
 - c. The date and time after which tenders cannot be submitted;
 - d. Particulars identifying a person from who more detailed information as to tendering may be obtained;
 - e. Detailed information shall include;
 - i. such information as Council decides should be disclosed to those interested in submitting a tender;
 - ii. detailed specifications of the goods or services required;
 - iii. the criteria for deciding which tender should be accepted;
 - iv. whether or not Council has decided to submit a tender; and
 - v. whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

Issuing Tender Documentation

- 4.31. Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.
- 4.32. This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for Council not to compromise its duty to be fair.

Tender Deadline

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

Opening of Tenders

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- 4.34. No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the Tender Deadline.
- 4.35. If tenders are received by email, a separate email inbox is created and no tenders are opened until the application period has closed.
- 4.36. Tendere are to be opened in the presence of the Chief Executive Officer or the Chief Executive Officer's delegated nominee and at least one other Council Officer. The details of all tenders received and opened shall be recorded in the Tenders Register.
- 4.37. Tendere are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as commercial-in-confidence to the Shire of Donnybrook-Balingup. Members of the public are entitled to be present.
- 4.38. The Tenderer's Offer form, Price Schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two Council Officers present at the opening of tendere.

No Tendere Received

- 4.39. Where Council has invited tendere, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:
 - a. a sufficient number of quotations are obtained;
 - b. the process follows the guidelines for seeking quotations over \$40,000 and up to \$150,000;
 - c. the specification for goods and/or services remains unchanged;
 - d. purchasing is arranged within 6 months of the closing date of the lapsed tender.

Tender Evaluation

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

Addendum to Tender

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

Minor Variation

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- 4.42. If after the tender has been publicly advertised and a successful tenderer has been chosen but before Council and tenderer have entered into a Contract, a minor variation may be made by Council, provided:
- a. The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
 - b. The variation is a renewal or extension of the original term of the contract (in accordance with Regulation 11(2)(j)).

Notification of Outcome

- 4.43. Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:
- a. The name of the successful tenderer;
 - b. The total value of consideration of the winning offer.

- 4.44. The details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender.

Records Management

- 4.45. Records of all purchasing activity must be retained in compliance with the *State Records Act 2000 (WA)*, the Shire's Records Management Plan and associated procurement procedures.

- 4.46. For a tender process this includes:
- a. Tender documentation;
 - b. Internal documentation;
 - c. Evaluation documentation;
 - d. Enquiry and response documentation;
 - e. Notification and award documentation.

- 4.47. For a direct purchasing process this includes:
- a. Quotation documentation;
 - b. Internal documentation;
 - c. Order forms and requisitions.

Buy Local Policy

- 4.48. As much as practicable, the Shire must:
- a. where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
 - b. consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);

- c. ensure that procurement plans address local business capability and local content;
 - d. explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
 - e. avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid; and
 - f. provide adequate and consistent information to potential suppliers.
- 4.49. To this extent, a qualitative weighting may be afforded in the evaluation of quotes and tenders where suppliers are located within the boundaries of the Shire, or substantially demonstrate a benefit or contribution to the local economy.
- 4.50. A regional price preference may be afforded to locally based businesses for the purposes of assessment. Provisions are detailed within the Shire's Regional Price Preference Policy.

Purchasing from Disability Enterprises

- 4.51. Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the Shire is not required to publicly invite tenders if the goods or services are to be supplied from an Australian Disability Enterprise, as registered on www.ade.org.au. This is contingent on the demonstration of value for money.

Purchasing from Aboriginal Businesses

- 4.52. Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the Shire is not required to publicly invite tenders if the goods or services are to be supplied from a person registered on the Aboriginal Business Directory published by the Small Business Development Corporation on www.abdwa.com.au, where the expected consideration under contract is worth \$250,000 or less. This is contingent on the demonstration of value for money.

Panels of pre-qualified suppliers

- 4.53. In accordance with Regulation 24AC of the *Local Government (Functions and General) Regulations 1996*, a Panel of Pre-qualified Suppliers ("Panel") may be created where most of the following factors apply:
- a. the Shire determines that a range of similar goods and services are required to be purchased on a continuing and regular basis;
 - b. there are numerous potential suppliers in the local and regional procurement-related market sector(s) that satisfy the test of 'value for money';

- c. the purchasing activity under the intended Panel is assessed as being of a low to medium risk;
 - d. the Panel will streamline and will improve procurement processes; and
 - e. the Shire has the capability to establish, manage the risks and achieve the benefits expected of the proposed Panel.
- 4.54. The Shire will endeavour to ensure that Panels will not be created unless most of the above factors are firmly and quantifiably established.

Establishing a Panel

- 4.55. Should the Shire determine that a Panel is beneficial to be created, it must do so in accordance with Part 4, Division 3 the *Local Government (Functions and General) Regulations 1996*.
- 4.56. Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the Panel.
- 4.57. Panels may be established for a minimum of two (2) years and for a maximum length of time deemed appropriate by the Shire.
- 4.58. Evaluation criteria for deciding which applications will be accepted for placement onto the panel must be determined and communicated in the application process by which applications will be assessed and accepted.
- 4.59. Where a Panel is to be established, the Shire will endeavour to appoint at least two (2) suppliers to each panel or panel category, on the basis that best value for money is demonstrated. Where less than two (2) suppliers are to be appointed to the panel or panel category, the panel or panel category may not be established.
- 4.60. In each invitation to apply to become a pre-qualified supplier (through a procurement process advertised through a state-wide notice), the Shire must state the expected number of suppliers it intends to put on the panel.
- 4.61. Should a Panel member leave the Panel, they may be replaced by the next ranked Panel member determined in the value for money assessment should the supplier agree to do so, with this intention to be disclosed in the detailed information set out under Regulation 24AD(5)(d) and (e) when establishing the Panel.

Distributing Work Amongst Panel Members

- 4.62. To satisfy Regulation 24AD(5) of the Regulations, when establishing a Panel of pre-qualified suppliers, the detailed information associated with each invitation to apply to join the Panel must either prescribe whether the Shire intends to:
- a. Obtain quotations from each pre-qualified supplier on the Panel with respect to all purchases, in accordance with Clause 10.4; and/or

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- b. Purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; and/or
 - c. Purchase goods and services on a rotational basis from each pre-qualified supplier and endeavour to provide an even amount of work amongst pre-qualified suppliers.
- 4.63. In considering the distribution of work among Panel members, the detailed information must also prescribe whether:
- a. each panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; and/or
 - b. service requests that are not possible to obtain a fixed price may be rotated between pre-qualified supplier(s) to obtain the most advantageous result for the Shire which may take into account the existing familiarity with a suppliers previous work on a specific Council asset; and/or
 - c. should the list of panel members be exhausted with no panel member accepting the offer to provide goods/services under the Panel, the Shire may then invite suppliers that are not on the panel to provide the goods/services in line with the purchasing thresholds as listed in section 5.3.
- 4.64. In every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond 12 months, which includes options to extend the contract.

Purchasing from the Panel

- 4.65. The invitation to apply to be considered to join a panel of pre-qualified suppliers must state whether quotations are either to be invited to every member (within each category, if applicable) of the Panel for each purchasing requirement, whether a ranking system is to be established, or otherwise.

Recordkeeping

- 4.66. Records of all communications with Panel members, with respect to the quotation process and all subsequent purchases made through the Panel, must be kept.
- 4.67. For the creation of a Panel, this includes:
- a. The Procurement initiation document such as a procurement business case which justifies the need for a Panel to be created;

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- b. Procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the Panel;
 - c. Request for Applications documentation;
 - d. Copy of public advertisement inviting applications;
 - e. Copies of applications received;
 - f. Evaluation documentation, including clarifications sought;
 - g. Negotiation documents such as negotiation plans and negotiation logs;
 - h. Approval of award documentation;
 - i. All correspondence to applicants notifying of the establishment and composition of the Panel such as award letters;
 - j. Contract Management Plans which describes how the contract will be managed; and
 - k. Copies of framework agreements entered into with pre-qualified suppliers.
- 4.68. The Shire is also to retain itemised records of all requests for quotation, including quotations received from pre-qualified suppliers and contracts awarded to Panel members. A unique reference number shall be applied to all records relating to each quotation process, which is to also be quoted on each purchase order issued under the Contract.
- 4.69. Information with regards to the Panel offerings, including details of suppliers appointed to the Panel, must be kept up to date, consistent and made available for access by all officers and employees of the Shire

5. DELEGATION AND AUTHORISATION

- 5.1. Delegation 1.2.14 Tenders for Goods and Services – Call Tenders
- 5.2. Delegation 1.2.15 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options
- 5.3. Delegation 1.2.16 Tenders for Goods and Services - Exempt Procurement
- 5.4. Delegation 1.2.17 Expressions of Interest for Goods and Services
- 5.5. Delegation 1.2.18 Panels of Pre-Qualified Suppliers for Goods and Services
- 5.6. Delegation 1.2.19 Application of Regional Price Preference Policy
- 5.7. Delegation 1.2.32 Renewal or Extension of Contracts during a State of Emergency
- 5.8. Delegation 1.2.33 Procurement of Goods or Services required to address a State of Emergency

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5.9. Delegation 1.3.5 Appoint Persons (other than employees) to Open Tenders

6. LEGISLATION

1.1. *Local Government Act 1995*

1.2. *Local Government (Functions and General) Regulations 1996*

1.3. *State Records Act 2000*

7. POLICY VERSION

Related Policies:	N/A		
Related Procedure:	N/A		
Responsible Department:	Corporate Services		
Reviewer:	Executive Manager Corporate Community		
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Version Date:	16/07/21	Synergy #:	Decision Reference:
Version Synopsis:	Re-format, renumber, update delegations		
Policy Version Details			
Initial Adoption Date:		Decision Reference:	
Version Date:		Decision Reference:	Synergy #:
Version Synopsis:			

AMENDED DRAFT

STRATEGIC OUTCOME SUPPORTED: 11 - Strong, visionary leadership

1. OBJECTIVE

- 1.1. To support local and regional business and industry by providing price preference to regional suppliers tendering for contracts with Council.
- 1.2. To ensure that when purchasing goods and services, Council achieves the best possible outcome for the amount of money spent, whilst where possible give preference to local suppliers.

2. SCOPE

- 2.1. This policy applies to all tenders invited by the Shire of Donnybrook Balingup.

3. DEFINITIONS

- 3.1. **Local Tender** shall be deemed to be a tenderer whose business is located within the boundary of the Shire of Donnybrook-Balingup or Boyup Brook.

4. POLICY STATEMENT

- 4.1. Where possible and within reasonable limits set out herein, the Shire of Donnybrook Balingup will support local businesses through the application of this Regional Price Preference Policy.

Local Preference

- 4.2. A preference may be given to a local/regional tender by assessing the tender from the supplier as if the price bids were reduced as outlined. The application of a price preference **MUST** be clearly outlined as to whether it will be applied or not prior to the tender process commencing.

- 4.3. When the supplier is located within the Shire of Donnybrook Balingup:

- a. Where the total 'net cost' of the lowest submitted tender is between \$5,000 and \$25,000 10% shall be applied to the 'net cost', up to a maximum of \$1,000. If tender relates to Building Services (Construction) 5% will apply.
- b. Where the total 'net cost' of the lowest submitted tender is between \$25,001 and \$50,000 5% shall be applied to the 'net cost'.
- c. Where the total 'net cost' of the lowest submitted tender is greater than \$50,001 5% shall be applied to the 'net cost', up to a maximum of \$10,000.

- 4.4. When the supplier is located within the Shire of Boyup Brook, 2.5% shall be applied in all cases.

Local/Regional Content

- 4.5. Although goods or services that form part of a tender submitted by a local/regional tenderer may be:

- a. Wholly supplied from regional sources; or

COUNCIL POLICY FIN/CP-5 REGIONAL PRICE PREFERENCE



- b. Partly supplied from regional sources, and partly supplied from non-regional sources;
- 4.6. Only those goods or services identified in the tender as being from local/regional sources may be included in the discounted calculations that form part of the assessments of a tender when a regional price preference policy is in operation.
- 4.7. A supplier of goods or services who submits a tender is regarded as being a regional tenderer for the purposes of this part if that supplier has been operating a business continuously out of premises in the appropriate region for at least 6 months before the time after which further tenders cannot be submitted.
- 4.8. Despite the allowed percentage preferences, price is only one of the factors to be assessed when the local government is to decide which of the tenders it determines would be most advantageous to the local government to accept.

5. DELEGATION AND AUTHORISATION

- 5.1. 1.2.19 Application of Regional Price Preference Policy

6. LEGISLATION

- 6.1. *Local Government (Functions and General) Regulations 1996*

7. POLICY VERSION

Related Policies:	Purchasing Policy		
Related Procedure:	Nil		
Responsible Department:	Executive Services		
Reviewer:	Corporate Planning & Governance Officer		
Review Frequency:	Biennial	Next Due:	2023
Version Date:	July 2021	Synergy #:	
Policy Version Details			
Initial Adoption Date:	9/08/2006	Decision Reference:	N/A
Version Decision Date:	26/04/2016	Decision Reference:	N/A
Version Synopsis:	N/A		

STRATEGIC OUTCOME SUPPORTED: 11 - Strong, visionary leadership

Objective

The purpose of this policy is to provide guidance for the use, allocation, control and safe custody of corporate credit cards and to meet Council's objective of Open and Accountable Local Government.

Policy

Council has approved the provision of a corporate credit card to the Chief Executive Officer (CEO) who is entitled to use the credit cards to make purchases for reasonable business-related expenses incurred within the approved budget adopted by Council. It is to be noted that:

- Use of corporate credit cards for personal expenditure or cash withdrawals is prohibited.
- All reward schemes (Fly Buys etc.) shall belong to the Shire of Donnybrook Balingup and not the card holder.
- The maximum limit for any single purchase on a corporate credit card is \$2,500.
- In using the above card or when delegating the use of corporate credit cards to other officers of the Shire, the CEO is to always be cognisant of the contents of the Local Government Operational Guideline No 11.

POLICY APPLICATION / PROCEDURE

The policy applies to the CEO as card holder for all purchases and related matters when using the corporate credit card under that officer's control.

1. Approvals and use

The credit card holder is entitled to use the corporate credit card to make purchases for reasonable expenses incurred within the approved budget adopted by Council.

2. Transfer / Surrender

The Credit card is not transferable to other users. If surrendered the credit card or expired credit cards are to be returned to the Shire Accountant for recording, cancellation and destruction.

Note: The Local Government Act 1995 does not allow credit cards to be issued to elected members, as a local government can only pay elected members allowances or reimburse expenses.

POLICY VERSION

Related Policies:	NIL
Related Procedure:	NIL
Responsible Department:	Finance
Reviewer:	Director Corporate and Community

**COUNCIL POLICY FIN/CP-7
CREDIT CARD**



Review Frequency:	Annual	Next Due:	July 2022
Version Date:		Synergy #:	
Policy Version Details			
Initial Adoption Date:		Decision Reference:	
Version Decision Date:		Decision Reference:	
Version Synopsis:			

AMENDED DRAFT

STRATEGIC OUTCOME SUPPORTED: 6 - The built environment is responsibly planned and well maintained.

1. OBJECTIVE

- 1.1. The purpose of this policy is to outline certain requirements for insuring Shire buildings.

2. SCOPE

- 2.1. This policy applies to all Shire-owned buildings and/or improvements located in the Shire of Donnybrook Balingup. It also prescribes other related insurance matters.

3. DEFINITIONS

- 3.1. NIL

4. POLICY STATEMENT

- 4.1. Council has determined that a strategic approach is required with regards to the relationship between levels and type of building insurance to ensure that the best value for money is obtained for each building covered. When determining the appropriate type of insurance to be applied to a particular building, certain information pertaining to this building needs to be obtained so that staff can properly insure a building. Buildings, where practicable, should be assessed on the basis of their Service Level Hierarchy (SLH), which is based on an asset management assessment. To this end staff will work towards using SLH as a determinant of the type of insurance being used, albeit it is recognised that insurance forms such as Indemnity, Demolition Only and No Insurance will still rarely be used. A later report from the CEO is to recommend suitable changes to this policy in this regard. In the interim Staff are to use replacement insurance only for all Shire owned buildings.
- 4.2. A Certified Practising Valuer (CPV) is to provide suitable insurance valuations at least every three years for all Shire-owned buildings (usually timed to coincide with asset revaluations). These values will then form the basis of each building's insurance cover and will be indexed each financial year by the Perth Consumer Price Index (CPI) until such time as an updated insurance valuation is provided.
- 4.3. With the exception of leased buildings, the Shire will not insure buildings valued at under \$5,000, unless the CEO considers it necessary, due to special circumstances, to take out a separate policy of insurance in respect to a particular building. The Shire believes its existing Building Reserve sufficiently provides for the insurance needs of such buildings.
- 4.4. All leased buildings and improvements are to be insured for replacement/reinstatement value. Subject to the provisions of the lease agreement, lessees are required to reimburse the Shire to the full extent of the cost of insurance for leased buildings. Third party contents held within leased buildings are not ordinarily the responsibility of the Shire to insure. The CEO is to exercise discretion to differentiate between commercial and not-for-profit organisations.

COUNCIL POLICY FIN/CP-8 BUILDING INSURANCE



- 4.5. The CEO is to exercise discretion when faced with insuring infrastructure other than buildings. For example it is recognised that bridges will be insured on the basis of replacement costs, whereas skate parks are not critical infrastructure, and do not face a large risk of total destruction. To insure for full replacement cost may not be judicious. Therefore judgments at times will be made with certain non-building infrastructure albeit Indemnity value is to be the minimum insurance level to otherwise apply.
- 4.6. Council confirms that it approves “new for old” insurance for plant and equipment items less than two years old (light plant & equipment) and less than one years old (heavy plant & equipment, with indemnity insurance to apply for such assets older than two or one year respectively at the commencement of a new insurance year.” (N.B. Such does include fire control equipment and is part of the standard LGIS policy wording).

5. DELEGATION AND AUTHORISATION

5.1. NIL

6. LEGISLATION

6.1. NIL

7. POLICY VERSION

Related Policies:	
Related Procedure:	
Responsible Department:	
Reviewer:	
Review Frequency:	Next Due:
Version Date:	Synergy #:
Policy Version Details	
Initial Adoption Date:	Decision Reference:
Version Decision Date:	Decision Reference:
Version Synopsis:	

STRATEGIC OUTCOME SUPPORTED: 11 - Strong, visionary leadership.

1. OBJECTIVE

- 1.1. To define the parameters for Related Party Transactions and the level of disclosure and reporting required for council to achieve compliance with the Australian Accounting Standard AASB124 – Related Party Disclosures.

2. SCOPE

- 2.1. This policy addresses the four (4) different types of related party relationships that must be considered by Council:
- Entities related to Council; and
 - Key Management Personnel (KMP); and
 - Close family members of Key Management Personnel; and
 - Entities that are controlled or jointly controlled by either b. or c. above.

3. DEFINITIONS

- 3.1. **Key Management Personnel (KMP)** means those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity.
- 3.2. **Shire of Donnybrook Balingup KMP** means:
- Elected Members; and
 - Chief Executive Officer; and
 - Persons employed under section 5.36 of the *Local Government Act 1995* in the capacity as a Director.
- 3.3. **AASB 124** means Australian Accounting Standards Board, Related Party Disclosures Standard 124.
- 3.4. **Close family members of KMP** means family members who may be expected to influence, or be influenced by, that KMP in their dealings with the Shire of Donnybrook Balingup and include:
- the KMP's children, and spouse or domestic partner;
 - the KMP's parents or step-parents;
 - children of that KMP's spouse or domestic partner; and dependants of the KMP or the KMP's spouse or domestic partner.
- 3.5. **Entity** means a body corporate, a partnership or a trust, incorporated, or unincorporated group or body.
- 3.6. **Entity related to a KMP** means entities that are:
- controlled* or jointly controlled by a KMP;

COUNCIL POLICY FIN/CP - 9 RELATED PARTY DISCLOSURE



- b. where a KMP has significant influence over, or is a member of the key management personnel of the entity or parent of the entity (apart from Council itself); or
- c. controlled or jointly controlled by a close family member of a KMP of Council.

**A person or entity is deemed to have control if they have:*

- *power over the entity;*
- *exposure, or rights, to variable returns from involvement with the entity; or*
- *the ability to use power over the entity to affect the amount of returns.*

To jointly control, a person or entity must have contractual rights or agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

3.7. **Entity Related to Council** means any entity that is either controlled, controlled jointly or is an entity over which Council has a significant influence. A person or entity is a Related Party of Council if any of the following apply:

- a. they are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others);
- b. they are an associate or belong to a joint venture of which Council is part of.
- c. they and Council are joint venturers of the same third party;
- d. they are part of a joint venture of a third party and Council is an associate of the third party;
- e. they are on a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council;
- f. they are controlled or jointly controlled by close family members of the family of a KMP;
- g. they are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of Council; or
- h. they, or any member of a group of which they are a part, provide KMP services to Council.

3.8. **Material (materiality)** means the assessment of whether by omitting it or misstating a transaction (either individually or in aggregate with other transactions), it could influence decisions that users make on the basis of an entity's financial statements. For the purpose of this Policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

3.9. **Ordinary Citizen Transaction** means a transaction that an ordinary member of the community would undertake in the ordinary course of business with the Shire of Donnybrook Balingup.

3.10. **Related Party** means a person or entity that is related to the entity preparing its financial statements.

- 3.11. **Related Party Transaction** means a transfer of resources, services or obligations between the Shire of Donnybrook Balingup and a related party, regardless of whether a price is charged.
- 3.12. **Significant (significance)** means likely to influence the decisions that users of the Council's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/ taxpayer relationship.

4. POLICY STATEMENT

- 4.1. All KMPs are responsible for assessing and disclosing their own, their close family members' and their related entities' relationship with Council. All related parties must be included in the self-assessment. A disclosure form will be provided by the CEO.

Ordinary Citizen Transactions

- 4.2. For the purpose of this policy, an Ordinary Citizen Transaction is one that occurs between Council and KMP and/or related parties which satisfy the following criteria. The transaction must:
- a. occur during the normal course of Council delivering its public service goals;
 - b. be under the same terms that would be available to a member of the community; and
 - c. belong to a class of transaction that an ordinary member of the community would normally transact with Council.
- 4.3. This includes for example facility hire, and the payment of rates and dog registrations.
- 4.4. There is no obligation to disclose Ordinary Citizen Transactions. However, if the terms and conditions of what would normally be considered an Ordinary Citizen Transaction differ from normal practice, it must be disclosed.

Non-ordinary Citizen Transactions

- 4.5. All related party transactions that do not satisfy the definition of an Ordinary Citizen Transaction (cl 4.2) must be disclosed in accordance with AASB 124.
- 4.6. The following are examples of transactions that must be disclosed if they are with a related party and are not an Ordinary Citizen Transaction:
- a. purchases of sales or goods (finished or unfinished); or
 - b. purchases or sales of property or other assets; or
 - c. rendering or receiving services; or
 - d. leases; or
 - e. transfers of research and development; or
 - f. transfers under licence agreements; or
 - g. transfers under finance arrangements (including loans and equity contributions in cash or kind); or

COUNCIL POLICY FIN/CP - 9 RELATED PARTY DISCLOSURE



- h. provisions of guarantees or collateral; or
- i. commitments to do something if a particular event occurs or does not occur in the future, including execution of contracts (recognised or unrecognised); or
- j. settlement of liabilities on behalf of Council or by Council on behalf of the related party.

Shire Disclosure

- 4.7. AASB 124 provides that Council must disclose the following financial information in its financial statements for each financial year period:
- a. the nature of any related party relationships; and
 - b. the amount of the transactions; and
 - c. the amount of outstanding balances, including commitments, including:
 - i. their terms and conditions, whether they are secured, and the nature of the consideration to be provided in settlement; and
 - ii. details of any guarantees given or received.
 - d. provisions for doubtful debts related to the amount of outstanding balances; and
 - e. the expense recognised during the period in respect of bad or doubtful debts due from related parties.
- 4.8. The following matters must be considered in determining the materiality and significance of any related party transactions:
- a. significance of transaction in terms of size; and
 - b. whether the transaction was carried out on non-market terms; and
 - c. whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets; and
 - d. whether the transaction is disclosed to regulatory or supervisory authorities; and
 - e. whether the transaction has been reported to senior management; and
 - f. whether the transaction was subject to Council approval.
- 4.9. Regard must also be given for transactions that are collectively, but not individually significant.
- 4.10. All transactions involving related parties will be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are Ordinary Citizen Transactions (OCTs), and to determine the significance of each of the transactions.

KMP Disclosure

4.11. KMP's must provide a Related Party Disclosure in the form provided by the CEO yearly, no later than 30 June each year.

Review of Related Parties

4.12. A review of KMP's and their related parties will be completed every 12 months. Events, such as a change of Councillors, Chief Executive Officer or Senior employees or a corporate restructure will also trigger a review of Council's related parties immediately following such an event.

4.13. The CEO shall implement a suitable system to identify related parties. The primary identification method of close family members and associated entities of KMP shall be by (but not limited to) KMP self-assessment. KMP have a responsibility to identify and report any changes to their related parties as they occur.

4.14. The CEO shall identify suitable methodology and procedures for identifying and reporting on related party transactions such that accurate data will be collated from 01 July 2017. Identification and reporting methods shall consider:

- a. transactions occurring via Council's accounting and electronic records management systems; and
- b. other transactions not passing through Council's electronic accounting / management systems; and
- c. the identification of the associated terms and conditions of the related party transactions; and
- d. declarations in the Financial Interests Register; and
- e. information provided in Primary and Annual Returns.

4.15. If any elected member or employee believes a transaction may constitute a related party transaction, they must notify the Chief Executive Officer who will, in consultation with the Director Corporate and Community, make a determination on the matter.

Access to Information

4.16. The following persons are permitted to access, use, and disclose the information provided in a related party disclosure or contained in a register of related party transactions for the purposes of cl 4.17.

- a. the Chief Executive Officer; and
- b. the Director Corporate and Community; and
- c. an Auditor of Council (including an Auditor from the WA Auditor General's Office); and
- d. other staff as determined by the Chief Executive Officer.

COUNCIL POLICY FIN/CP - 9 RELATED PARTY DISCLOSURE



Permitted Purposes

- 4.17. Persons specified in 4.16 may access, use, and disclose information in a related party disclosure or contained in a register of related party transactions for the following purposes:
- a. assess and verify the disclosed related party transaction; or
 - b. reconcile identified related party transactions against those disclosed in the related party disclosure or contained in a register of related party transactions; or
 - c. comply with the disclosure requirements of AASB 124; or
 - d. verify compliance with the disclosure requirements of AASB 124.

Confidentiality

- 4.18. The following information is classified as confidential and is not available for inspection by or disclosure to the public.
- a. information (including personal information) provided by a KMP in a related party disclosure; and
 - b. personal information contained in a register of related party transactions.

5. DELEGATION AND AUTHORISATION

5.1. NIL

6. LEGISLATION

6.1. *Local Government Act 1995*

7. POLICY VERSION

Related Policies:	[Name of policies that relate to this policy]				
Related Procedure:	[Name of procedures that relate to this policy]				
Responsible Department:	[Department responsible for the review]				
Reviewer:	[Position Title]				
Review Frequency:	[Annual/Biennial/Triennial]	Next Due:	[Year]	Version Date:	[DD/MM/YY]
Policy Version Details					
No.	Version Synopsis:	Version Decision Date:	Decision Reference:	Synergy #:	
1	[Initial adoption of policy]	[DD/MM/YY]	[###/YY]	[Record #]	
2	[Amendment to.....- Delete line if not required]	[DD/MM/YY]	[###/YY]	[Record #]	

COUNCIL POLICY HR/CP-2 GRATUITY PAYMENTS



STRATEGIC OUTCOME SUPPORTED: 10 - A popular destination for visitors and tourists.

SUNSET CLAUSE

This policy applies to staff that were employed for a period of 10 years prior to 25 July 2018 to the amount of \$1,000 when they separate from the organisation except in the event of employment termination.

The Gratuity Payments policy will be exhausted after the last employee that falling into this category separates from the organisation, as per council resolution from the Ordinary Council Meeting 25 July 2018 (Confidential Item). *(See separate CONFIDENTIAL Attachment listing eligible employees).*

Moved: Cr Van Der Heide

Seconded: Cr Mills

That Council:

- 1) Acknowledge the staff feedback for the current Gratuity Payments Policy;
- 2) Acknowledge the WALGA Employee Relations feedback for the current Gratuity Payments Policy;
- 3) Rescind Council Policy 1.16 – Gratuity Payments subject to the sunset clause being exhausted;
- 4) Apply a sunset clause to Policy 1.16 – Gratuity Payments for staff that were employed for a period of 10 years prior to 25 July 2018 to the amount of \$1,000 when they separate from the organisation except in the event of employment termination;
- 5) Endorse the establishment and coordination of an annual Service Recognition program, by the Chief Executive Officer, to recognise length and continuity of service of staff, Councillors and local community committee members.

Carried 8/1

COUNCIL POLICY HR/CP-2 GRATUITY PAYMENTS



POLICY VERSION

Related Policies:	Nil		
Related Procedure:	Nil		
Responsible Department:	Finance		
Reviewer:	Director of Corporate and Community		
Review Frequency:	Nil	Next Due:	Nil
Version Date:		Synergy #:	
Policy Version Details			
Initial Adoption Date:		Decision Reference:	
Version Decision Date:		Decision Reference:	
Version Synopsis:			

OBJECTIVE

The aim of this policy is to establish guidelines for the consideration of Gratuity Payments to employees in accordance with Section 5.50 of the Local Government Act 1995 ('the Act').

Pursuant to Section 5.50 of the Act, this gratuity policy outlines the circumstances in which gratuity payments may be made to an employee. These payments, when made, are in addition to any amount which the employee is entitled to under a contract of employment, enterprise agreement or award. This policy shall not be considered as a contractual entitlement under the employment relationship.

NOTE: As required by Section 5.50 of the Act this policy was advertised through Local Public Notice and prior to adoption and the Shire of Donnybrook/Balingup has not made any payments to employees prior to the giving of the public notification.

POLICY STATEMENT

1. Eligibility to Gratuity Payments

It is the position of the Shire of Donnybrook Balingup that when an employee's services are ceasing with Council for any of the reasons identified below, the employee may be entitled to a gratuity payment as outlined within this policy based on the completed years of service:

- Resignation (not as a result of any performance management or investigation being conducted by the Local Government)
- Retirement
- Redundancy

The Gratuity Payment identified within this policy does not apply to an employee who has been dismissed by the Shire of Donnybrook Balingup for any reason other than redundancy.

2. Determining Service

For the purpose of this policy, continuous service shall deem to include:

COUNCIL POLICY HR/CP-2 GRATUITY PAYMENTS



- Any period of absence from duty of annual leave, long service leave, accrued paid bereavement leave, accrued paid personal leave and public holidays.
- Any period of authorized paid absence from duty necessitated by sickness or injury to the employee but only to the extent of three months in each calendar year but not including leave without pay or parental leave.
- Any period of absence that has been supported by an approved workers compensation claim up to a maximum absence of 1 year.

For the purpose of this policy, continuous service shall not include:

- Any period of unauthorised absence from duty unless the Local Government determines otherwise.
- Any period of unpaid leave unless the Local Government determines otherwise.
- Any period of absence from duty on Parental leave unless the Local Government determines otherwise.

3. Gratuity Amount

The Gratuity amount referred to in this policy shall be as follows:

Number of Years' Service	Amount of Gratuity
10 to a maximum of 15 Years Continuous Service	Up to a maximum of \$3,000.00
15 to a maximum of 20 Years Continuous Service	Up to a maximum of \$4,000.00
Above 20 Years' Service	Up to a maximum of \$5,000.00
A pro-rata payment applies to part-time employees	

The maximum amount payable under this policy shall be \$5,000.00.

The Council acknowledges that at the time that this policy was introduced, employees may be entitled to payments in addition to this policy as a result of accrued unused long service leave benefits, redundancy payments or notice periods as prescribed by the appropriate award, legislation or industrial instrument and that the Council has taken into consideration these provisions when setting the prescribed amount.

4. Financial Liability for Taxation

The employee accepts full responsibility for any taxation payable on the Gratuity Payment, and agrees to fully indemnify the Local Government in relation to any claims or liabilities for taxation in relation to the Gratuity Payment.

5. Payments in addition to this Policy

COUNCIL POLICY HR/CP-2 GRATUITY PAYMENTS



The Local Government agrees not to make any payment in addition to that contained within this policy until the Policy has been amended to reflect the varied amount and caused local public notification to be given in relation to the variation.

6. Financial Implications

The Council acknowledged that at the time of the policy's introduction they were fully aware of the financial implications to the Local Government and that the financial implications had been investigated based on the current workforce position.

7. Variation to Policy

This policy may be varied or cancelled from time to time at the discretion of Chief Executive Officer after the endorsement by Council.

The Local Government is committed to taking reasonable action to ensure that any variation or cancellation to this policy is notified to all employees prior to the variation taking effect, including (but not limited to) notifying all employees via normal correspondence of the variation including the proposed reasons for such variation. All employees shall be given an opportunity to provide feedback regarding the variation and these shall be taken into consideration by Council prior to variation.

DEFINITIONS

Nil

LEGISLATION

- *Local Government Act 1995*

COUNCIL POLICY HR/CP-3 EMPLOYEE RECREATION CENTRE SUBSIDY



STRATEGIC OUTCOME SUPPORTED: 12 - A well respected, professionally run organisation.

1. OBJECTIVE

- 1.1. This policy outlines the terms of the Recreation Centre Subsidy and promotes the health and wellbeing of the Shire of Donnybrook Balingup employees.

2. SCOPE

- 2.1. The Recreation Centre Subsidy is offered to all Shire of Donnybrook Balingup employees. The subsidy is offered only at the Donnybrook Recreation Centre.

3. DEFINITIONS

- 3.1. **Group fitness class** means any recreation centre run programs that are organised and delivered by Shire employees.

4. POLICY STATEMENT

- 4.1. Employee attendance records are to be kept and recorded on the shire's records management system.
- 4.2. Where an employee takes the place of a paying member of public and the group fitness class is full, the employee must pay the appropriate fee for that activity.
- 4.3. Where an employee nominates for an activity with an independently run group or for a team sport, they must pay the associated fees.
- 4.4. Costs relating to employee family members are not subsidised.

5. LEGISLATION

- 5.1. *Local Government Act 1995*

6. POLICY VERSION

Related Policies:	N/A		
Related Procedure:	Employee Recreation Centre Subsidy		
Responsible Department:	Human Resources		
Reviewer:	Corporate Planning and Governance Officer		
Review Frequency:	Biennial	Next Due:	March 2023
Version Date:		Synergy #:	
Policy Version Details			
Initial Adoption Date:		Decision Reference:	

**COUNCIL POLICY HR/CP-3
EMPLOYEE RECREATION CENTRE SUBSIDY**



Version Decision Date:		Decision Reference:	
Version Synopsis:			

AMENDED DRAFT

STRATEGIC OUTCOME SUPPORTED: 12 - A well respected, professionally run organisation.

1. OBJECTIVE

- 1.1. To guide the Shire of Donnybrook Balingup on the compensation to landowners when dealing with land resumption under the *Local Government Act 1995* and *Land Administration Act 1997*.

2. SCOPE

- 2.1. This discretionary policy of Council relates to compensation for any land required by the Shire of Donnybrook Balingup for land resumption and/or road boundary adjustments when proposing to undertake works that will be located within private property, Crown Land, Local and/or State Government reserves.

3. DEFINITIONS

- 3.1. **Compulsory resumption** means land brought back by State or local government and a variety of statutory authorities as stated in Parts 9 and 10 of the *Land Administration Act 1997*.
- 3.2. **Shire** means Shire of Donnybrook Balingup.

4. POLICY STATEMENT

- 4.1. Land additional to existing road reserves is commonly required for the Shire to construct roads and drainage to meet current standards, achieve required level of service outcomes, or to address road safety issues.

Compensation

- 4.2. The proposed land resumption shall be discussed with the landowner/s at the earliest possible occasion. Through this process, consideration can be given to offsetting any losses with other assets (i.e., surplus road reserve) to achieve an amicable outcome to both parties.
- 4.3. Once the final land area is determined a written agreement will be negotiated with the landowner/s with the following requirements and conditions:
 - a. The Shire will fund and arrange all surveying, settlement agency, legal, deed change, and gazettal proceedings to fully complete the resumption administration procedures.
 - b. Where there is existing fencing, The Shire will construct new fencing on the newly created road frontage, including gateways, access points etc on a "like for like" basis.
 - c. The Shire will obtain and pay for a valuation from the Valuer-General (VG). This valuation shall form the basis of negotiation for compensation between the Shire and the landowner/s. Where the parcel of land to be resumed is

COUNCIL POLICY WRKS/CP- 1 LAND RESUMPTION COMPENSATION



of minimal size and value, and agreement is reached with the landowner, there is no requirement to obtain a valuation.

- d. If agreed, the compensation value may be in the form of works by the Shire machinery on the private property and including materials, pipes or access points installed etc.

4.4. When compulsory resumption is required, the offer of compensation will be in accordance with the relevant Act and the VG's valuation, however, the above points can be considered, if the impacted parties agree to reach an amicable resolution of the matter during the compulsory acquisition process, and State Lands have no objection to the negotiated agreement.

5. DELEGATION AND AUTHORISATION

5.1. The Chief Executive Officer is authorised to compensate a landowner up to 10% of the valuation obtained at cl 4.3c to progress an agreement. The amount of compensation is at the discretion of the Chief Executive Officer to finalise voluntary negotiations.

5.2. Delegation 1.2.3 Powers of Entry.

6. LEGISLATION

6.1. *Local Government Act 1995*

6.2. *Land Administration Act 1997*

7. POLICY VERSION

Related Policies:	Nil		
Related Procedure:	WRKS/OP-1- Land Resumption		
Responsible Department:	Works and Services		
Reviewer:	Manager Works and Services		
Review Frequency:	Triennial	Next Due:	2024
Version Date:	24/05/2021	Synergy #:	
Policy Version Details			
Initial Adoption Date:	1 January 1993	Decision Reference:	Not provided
Version Decision Date:		Decision Reference:	
Version Synopsis:	Amended to: <ul style="list-style-type: none"> • Add an Object, scope, definitions and delegation, • Renumbered, reformatted, • Remove the additional allowance, and • Remove procedural information regarding actions staff is to take after an agreement has been finalised. 		

STRATEGIC OUTCOME SUPPORTED: 3 - The natural environment is well managed for the benefit of current and future generations.

1. OBJECTIVE

- 1.1. To provide guidelines for the effective management of rural road verges within the Shire of Donnybrook Balingup.

2. SCOPE

- 2.1. The purpose of this discretionary Council policy is to ensure the management of rural verges owned or managed by the Shire of Donnybrook Balingup.

3. DEFINITIONS

- 3.1. **Shire** means Shire of Donnybrook Balingup.

4. POLICY STATEMENT

Fallen Trees on Roads

- 4.1. Where storms or other natural events cause trees to fall onto roads, the Shire will remove the tree from the carriageway to reopen the roadway to traffic as soon as practicable. Where fallen trees do not present a roadside hazard, they may be left on the verge to encourage native habitat.

Fallen Trees on Fenced and/or Private Property

- 4.2. Where storms or other natural events cause trees to fall from Shire owned or managed reserves onto fences or into properties, it is the responsibility of the landowner to carry out repairs to any damaged infrastructure within their land. The Council expects landowners to have suitable insurance cover for the risk of this type of event occurring on their property.
- 4.3. Landowners/occupiers may request the assistance from the Shire in the form of plant, machinery and labour to remove a portion of the tree from the fence line, if the tree is too large for the landowner/occupier to manage. These requests will only be actioned if Shire resources allow, and the landowners/occupiers have consented to these works. These works may be charged to the landowner/occupier.
- 4.4. The Shire accepts no responsibility for any damage during the removal of the tree.
- 4.5. The disposal of the fallen tree in private property is the responsibility of the landowner.

Cleaning Within Rural Road Reserves

- 4.6. Unless otherwise authorised, landowners are not allowed to prune/remove a tree on land owned or managed by the Shire. Any unauthorised pruning or removal of trees is an offence and prosecution can occur under the *Local Government Act 1995*, Schedule 9.1 clause 2, and the *Local Government (Uniform Local Provisions) Regulations 1996*, Regulation 5, Clause 1. Native vegetation is also protected by the

Environmental Protection Act 1986, which also contains powers of prosecution, administered by the Department of Water and Environmental Regulation.

Crossover Clearing

4.7. Appropriate clearing will be permitted to provide access for construction of crossovers through the crossover application process.

Roadside Fence Line Clearing

4.8. Clearing of vegetation along fence lines within the road reserve can only occur once the Shire has issued a Roadside Fence line Clearing Permit. It is the applicant's responsibility to comply with the permit conditions.

4.9. Roadside Fence line Clearing Permit Application and Crossover Application forms can be obtained from the Shire's website.

4.10. It is also the applicant's responsibility to ensure protection of any existing services located within the verge, during these approved works.

Removal/Pruning of Dangerous Trees

4.11. The Shire will prune/remove dangerous trees that:

- a. Impede sight distances for road users,
- b. have been subject to storm damage, and
- c. have an imminent threat to public safety, in accordance with the *Environmental Protection Act 1986*.

4.12. If the Shire receives a request to remove dangerous limb(s) or tree(s), the Shire will have the tree inspected and a risk assessment completed by a qualified staff member. The risk assessment will specify:

- a. No Action – Tree considered not dangerous or not the Shire's responsibility.
- b. Pruning – The Shire will arrange for pruning of the tree to reduce the hazard.
- c. Removal – The Shire will arrange for the removal of the tree to reduce the hazard.
- d. Further Investigation Required – The Shire will carry out further investigation to determine the condition of tree prior to recommending an action.

4.13. Anyone who considers their reasons for the pruning/removal of a tree have not been appropriately considered, may make a written application for reconsideration subject to including a report from a qualified arborist which details the justification for the pruning/removal. The justification for the pruning/removal of the tree must still meet one of the above circumstances in which a tree may be pruned/removed. The applicant will be responsible for engaging and paying for the qualified arborist, however, if the tree pruning/removal is approved based on the recommendations by the arborist, then up to \$300 (subject to providing a copy of the arborists tax invoice) of the cost of the arborist report will be refunded to the applicant, and the Shire will arrange to have the tree pruned/removed.

Timber Disposal on Road Verges

4.14. Pursuant to Section 139 of the *Conservation and Land Management Act 1984* the Shire can remove and sell timber from road reserves as a result of construction and maintenance of roads, bridges, culverts and fences.

Burning on Road Verges

4.15. Refer to Councils Policy on Permits for Road Verge Burning.

Enhancement of Rural Road Verges

4.16. Landowners adjacent to road verges may carry out a higher level of maintenance than already provided to reduce weed growth and fire hazards. All rural enhancement works must have Shire approval.

Shire Maintenance of Rural Road Verges

4.17. The *Environmental Protection Act 1986* in association with *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* allows the Shire to carry out activities to maintain the integrity of road infrastructure within the designated maintenance corridor, shown in *Diagram 1*, if the road was originally cleared within 10 years.



Diagram 1 Designated Maintenance Corridor

Control of Weeds and Vegetation

4.18. The Shire undertakes a scheduled annual weed spraying program, which targets selected roads, to control vegetation within the maintenance corridor, shown in *Diagram 1*.

4.19. The Shire also sprays declared noxious weeds, within Shire controlled land, on an as required basis.

COUNCIL POLICY WRKS/CP-2 RURAL VERGE MANAGEMENT



4.20. Landowners who do not want spraying to occur on their verge are required to advise the Shire, in writing, assuming responsibility for control of vegetation. If landowners do not manage vegetation to the Shire's satisfaction, the Shire reserves the right to continue to manage this area in accordance with typical work practices. The Shire does not spray vegetation on private property.

Pruning

4.21. It may be necessary to prune vegetation that impedes sight distances for motorists or impacts on the performance of drainage. The Shire refers to Austroads Engineering Guidelines to determine road visibility and safety requirements. The Shire engages a contractor to remove vegetation for selective pruning and are completed using work methods that suit the type of vegetation.

5. DELEGATION AND AUTHORISATION

5.1. Nil

6. LEGISLATION

6.1. *Conservation and Land Management Act 1984*

6.2. *Environmental Protection Act 1986*

6.3. *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*

6.4. *Local Government Act 1995*

6.5. *Local Government (Uniform Local Provisions) Regulations 1996*

7. POLICY VERSION

Related Policies:			
Related Procedure:			
Responsible Department:	Operations		
Reviewer:	Manager Works & Services		
Review Frequency:		Next Due:	June 2022
Version Date:	October 2021	Synergy #:	
Policy Version Details			
Initial Adoption Date:		Decision Reference:	
Version Decision Date:		Decision Reference:	
Version Synopsis:			

STRATEGIC OUTCOME SUPPORTED: 3 - The natural environment is well managed for the benefit of current and future generations.

1. OBJECTIVE

- 1.1. To provide guidelines for the effective management of urban road verges within the Shire of Donnybrook Balingup.

2. SCOPE

- 2.1. The purpose of this discretionary Council policy is to ensure the management of urban verges within the Shire of Donnybrook Balingup.

3. DEFINITIONS

- 3.1. **Shire** means Shire of Donnybrook Balingup.
- 3.2. **Urban Verge Area** are defined as Residential, Rural Residential, Commercial or Industrial zonings under the current Local Planning Scheme of the Shire on the Shire's website.

4. POLICY STATEMENT

Trees/Vegetation

- 4.1. The Shire recognises the importance of preserving trees for the current community and for future generations. Maintenance of verge trees is typically only undertaken to assist the health and vitality of a tree. Pruning is also programmed to maintain mandatory clearances around public utilities/infrastructure and comply with line-of-sight clearance regulations.
- 4.2. The Shire may prune/remove trees from land it owns or manages under the following circumstances:
 - a. The tree is unsafe because it is dead or in decline.
 - b. The tree has been deemed, by a suitably qualified person, as a hazard to persons or infrastructure and no reasonable pruning techniques can alleviate the hazard.
 - c. The tree is diseased or damaged past the point of recovery and no remedial treatment will be effective.
 - d. The tree has been planted by a resident without the Shire's approval and may be removed at the resident's expense.
 - e. The tree is deemed by a qualified staff member to be an inappropriate species for that location.
- 4.3. The Shire will not remove trees for the following reasons:
 - a. Falling leaves, fruit, nuts, seed, bark or flowers causing a nuisance.
 - b. The variety is disliked, or a resident's preference is for a different species.

COUNCIL POLICY WRKS/CP-3 URBAN VERGE MANAGEMENT



- c. A perceived danger that the tree or a limb may fail.
 - d. Perceived damage to infrastructure.
 - e. The tree shades lawns, gardens, houses, pools, solar panels or the like.
 - f. To enhance or clear views, inclusive of advertising signage.
 - g. For the installation of any crossovers or verge treatments (If a landowner is prepared to fund the trees removal, this may be considered as part of the crossover application process).
- 4.4. If the Shire receives a request to remove dangerous limb(s) or tree(s) on an urban verge, the Shire will have the tree inspected and a risk assessment completed by a qualified staff member. The risk assessment will specify:
- a. No Action – Tree considered not dangerous or not the Shire’s responsibility.
 - b. Pruning – The Shire will arrange for pruning of the tree to reduce the hazard.
 - c. Removal – The Shire will arrange for the removal of the tree to reduce the hazard.
 - d. Further Investigation Required – The Shire will carry out further investigation to determine the condition of tree prior to recommending an action.
- 4.5. Anyone who considers their reasons for the pruning/removal of a tree have not been appropriately considered, may make a written application for reconsideration subject to including a report from a qualified arborist which details the justification for the pruning/removal. The justification for the pruning/removal of the tree must still meet one of the above circumstances in which a tree may be pruned/removed. The applicant will be responsible for engaging and paying for the qualified arborist, however, if the tree pruning/removal is approved based on the recommendations by the arborist, then up to \$300 (subject to providing a copy of the arborists tax invoice) of the cost of the arborist report will be refunded to the applicant, and the Shire will arrange to have the tree pruned/removed.
- 4.6. Unless otherwise authorised by the Shire, any persons are not allowed to prune/remove a tree on land owned or managed by the Shire. Any unauthorised pruning or removal of trees is an offence and prosecution may occur under the *Local Government Act 1995*, Schedule 9.1 clause 2, and the *Local Government (Uniform Local Provisions) Regulations 1996*, Regulation 5, Clause 1. Native vegetation is also protected by the *Environmental Protection Act 1986*, which also contains powers of prosecution, administered by the Department of Water and Environmental Regulation.

Crossover Clearing

- 4.7. Appropriate clearing will be permitted to provide access for construction of crossovers through the crossover application process.

Roadside Fence line Clearing

- 4.8. Clearing of vegetation along fence lines within the road reserve can only occur once the Shire of Donnybrook-Balingup has issued a Roadside Fence line Clearing Permit. It is the applicant’s responsibility to comply with the permit conditions.

- 4.9. Roadside Fence line Clearing Permit Application and Crossover Application forms can be obtained from the Shire's website.
- 4.10. It is also the applicant's responsibility to ensure protection of any existing services located within the verge, during these approved works.

Fallen Trees on Roads

- 4.11. Where storms or other natural events cause trees to fall onto roads, the Shire will remove the tree from the carriageway to reopen the roadway to traffic as soon as practicable. Occasionally, trees may be moved to the verge and will be removed as time permits.

Fallen Trees on Fences and/or Private Property

- 4.12. Where storms or other natural events cause trees to fall from Shire owned or managed reserves onto fences or into properties, it is the responsibility of the landowner to carry out repairs to any damaged infrastructure within their land. The Council expects landowners to have suitable insurance cover for the risk of this type of event occurring on their property.
- 4.13. Landowners/occupiers may request the assistance from the Shire in the form of plant, machinery and labour to remove a portion of the tree from the fence line, if the tree is too large for the landowner/occupier to manage. These requests will only be actioned if Shire resources allow, and the landowners/occupiers have consented to these works. These works may be charged to the landowner/occupier.
- 4.14. The Shire accepts no responsibility for any damage during the removal of the tree.

Burning on Road Verges

- 4.15. Refer to Councils Policy on Permits for Road Verge Burning.

Enhancement of Urban Verges

- 4.16. It is accepted that road verges form a significant proportion of public open space available to residents for improving their streetscape and lifestyle. For all verge enhancements other than planting lawn, the landowner must apply in writing to the Shire for approval prior to undertaking the works at their own cost. Verge enhancements requests will be assessed on an individual basis against the following criteria:
- a. safety,
 - b. drainage,
 - c. water conservation,
 - d. ongoing maintenance,
 - e. appearance, and
 - f. impact on others including public services.
- 4.17. All verge enhancements must be maintained by the adjoining landowner. Where there is a change in ownership, the new owner will become responsible for any ongoing maintenance.

- 4.18. Landowners must complete a Dial Before You Dig (1100) to locate and avoid any services that may be affected by their verge enhancements, and the Shire will not be responsible for any damage or cost caused by landowners or their contractors.
- 4.19. The Shire reserves the right to modify any approved or non-approved treatments if required.

Other Shire Maintenance Activities

- 4.20. The Shire undertakes maintenance of various areas within the Shire including road verges. Maintenance tasks and frequency for individual areas vary and is largely dependent on Shire resources. For maintenance of verges adjacent residential properties, the Shire undertakes the following maintenance tasks:

Mowing/Slashing

- 4.20.1. These verges are programmed for mowing approximately twice a year (rural residential once a year only). Many factors can affect the growth rate of vegetation, and there may be periods of excessive grass growth between Shire mows.

Spraying

- 4.20.2. Spraying typically occurs once a year controlling weeds around the following assets:
- a. Kerbs
 - b. Edge of roadway
 - c. Pathways
 - d. Street trees
 - e. Drains
 - f. Other Shire infrastructure
 - g. Public Service infrastructure
- 4.20.3. Landowners who do not want spraying to occur on their verge are required to advise the Shire, in writing, assuming responsibility for control of vegetation. If landowners do not manage vegetation to the Shire's satisfaction, the Shire reserves the right to continue to manage this area in accordance with typical work practices. The Shire does not spray vegetation outside of areas listed above, or on private property.
- 4.20.4. The Shire encourages landowners to maintain verges adjoining their property, especially as many landowners like to maintain the verge area to a higher standard than Shire resources allow.

5. DELEGATION AND AUTHORISATION

- 5.1. Nil

6. LEGISLATION

COUNCIL POLICY WRKS/CP-3 URBAN VERGE MANAGEMENT



- 6.1. *Environmental Protection Act 1986*
- 6.2. *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*
- 6.3. *Local Government Act 1995*
- 6.4. *Local Government (Uniform Local Provisions) Regulations 1996*

7. POLICY VERSION

Related Policies:	Nil		
Related Procedure:	Nil		
Responsible Department:	Operations		
Reviewer:	Manager Works & Services		
Review Frequency:		Next Due:	June 2022
Version Date:	October 2021	Synergy #:	
Policy Version Details			
Initial Adoption Date:		Decision Reference:	
Version Decision Date:		Decision Reference:	
Version Synopsis:			

COUNCIL POLICY WRKS/CP-4 ROAD USE APPROVAL FOR RESTRICTED ACCESS VEHICLES (RAVS) ON COUNCIL'S ROAD NETWORK



STRATEGIC OUTCOME SUPPORTED: 9 - A thriving economy.

PURPOSE

To ensure Council's compliance with the Traffic (Vehicles) Act 2012, when issuing Shire Approval for Restricted Access Vehicles (RAVs) on Council's Road Network.

POLICY STATEMENT

The Commissioner of Main Roads WA is responsible for granting road access to Restricted Access Vehicles (RAVs). On 1 December 2012, Main Roads WA (MRWA) consolidated the Prime Mover Trailer and Truck Trailer combination Period Permits into a single Notice for approved vehicle combinations.

RAVs can only operate on roads that are on the RAV Network and in accordance with any conditions applied by MRWA or the road owner (Shire) approving the use of the road.

When approval is required from the Shire of Donnybrook-Balingup (as the road owner), a 'Restricted Access Vehicle (RAV) Approval Application Form' must be submitted. This Application Form includes additional terms and conditions applied by the Shire of Donnybrook-Balingup.

The Shire of Donnybrook-Balingup will meet its obligations and responsibilities in accordance with the Traffic (Vehicles) Act 2012 when issuing Shire Approval for road users to use restricted access vehicles on Council's road network.

Applications for RAV Permits are processed and approved by MRWA. Applicants should apply directly to MRWA.

MRWA is responsible for administering the RAV Network and any requests to add or amend a road on the RAV Network shall be submitted directly to MRWA by the applicant.

GUIDELINES/PROCEDURES

When Shire approval is required for Restricted Access Vehicles (RAVs) to operate on Council's road network, the following guidelines and procedures shall apply;

- Complete a 'Restricted Access Vehicle (RAV) Approval Application Form' (Application Form) and submit to the Shire of Donnybrook-Balingup (Shire).
- If the application is approved, a Letter of Approval (Approval) will be sent to the applicant. The Approval expires 30 June each year and it is the responsibility of the applicant to reapply. The Shire will not send reminder notices. The Approval is subject to the Shire's conditions and any other conditions deemed necessary.
- The Shire reserves the right to request MRWA to remove any roads under the responsibility of the Shire, from the RAV Network.
- The Shire reserves the right to cancel or suspend any Approval if operators are not adhering to the Shire's terms and conditions listed on the Application Form.

COUNCIL POLICY WRKS/CP-4 ROAD USE APPROVAL FOR RESTRICTED ACCESS VEHICLES (RAVS) ON COUNCIL'S ROAD NETWORK



- Reporting of potential breaches by RAVs operators, sighting the registration number of the vehicle, should be made to Main Roads WA on 138 486.

DEFINITIONS

Approved Vehicle Combination - any vehicle combination stipulated in the 'Prime Mover, Trailer Combination Operating Conditions' or the 'Truck, Trailer Combination Operating Conditions' issued by Main Roads WA (MRWA).

RAV Permits - Oversize Permits, Oversize Road Train Permits, Concessional Loading Permits, Tri Drive Road Train Permits and Exceptional Circumstances Permits)

RELATED LEGISLATION

Traffic (Vehicles) Act 2012

POLICY VERSION

Related Policies:	NIL		
Related Procedure:	NIL		
Responsible Department:	Works and Services		
Reviewer:	Coordinator Technical Services		
Review Frequency:		Next Due:	June 2022
Version Date:		Synergy #:	
Policy Version Details			
Initial Adoption Date:		Decision Reference:	
Version Decision Date:		Decision Reference:	
Version Synopsis:			

Policies to be rescinded	
1.2	Smoking in Council Buildings and Vehicles
1.5	Civic Receptions - Invitations List
1.9	Committee Membership (Under Review)
1.11	Council Elected Members records
1.12	Use of Shire Specific Email Addresses by Elected Members
1.13	Councillor- Staff Contact
1.16	Media Spokesperson
1.20	Public Interest Disclosures
2.1	Hiring of Council Hall Equipment or Other Property
2.6	Hiring of Council Halls
2.24	Community Events Board
2.30	Playing Fields and Amenities - General Use
2.31	Cemeteries Flower and Ornament
2.33	CEO Vehicle Use
2.35	Use of Pool Vehicles
2.36	Close Circuit Television (CCTV)
2.39	Leased Hall Maintenance
2.40	Emergency Generator for Community Events
2.41	Governance of Accommodation Bonds
2.42	Integrated Workforce Planning and Management
3.1	Financial Assistance to Organisations and Clubs
3.2	Vandalism - Council Property
3.5	Rates Recovery
3.6	Tuia Lodge Accommodation Bonds Liquidity Strategy
3.9	Petty Cash
3.10	Payment for Private Works Performed by the Shire
4.7	Construction Crossovers
4.22	Requirements for Subdivisional Land Developments
4.26	Gravel Acquisition
4.27	Stormwater Management Private Land
4.28	Requests for Upgrades or Expansions of Council Assets
5.3	Footing Details
5.4	Foundation Levels and Stormwater Requirements
5.5	Balconies or Verandahs erected over Road Reserves
5.7	Owner Builder Occupation of Town Site Land
5.8	Owner Builder Occupation of Rural Land
5.9	Requirement for Survey
5.10	Retaining Walls
6.5	Waste Management Levy Exemption
6.6	Balingup Waste Transfer Station
8.2	Bush Fire Advisory Committee Meetings
8.6	Procedures for Hiring Contractors & Equipment for Fire Fighting



1.2 Smoking in Council Buildings and Vehicles

PURPOSE

To ensure a smoke free environment for all Council employees and eliminate exposure to environmental tobacco smoke in the workplace.

POLICY STATEMENT

All Council buildings and vehicles shall be smoke free.

DEFINITIONS

Nil

RELATED LEGISLATION

Tobacco Products and Control Regulations 2006

RELATED DOCUMENTATION

Nil

Adopted:	1 January 1991
Last Amended:	27 February 2008
Last Reviewed:	23 May 2018
Next Review Date:	23 May 2021
Responsible Department:	Finance & Administration



1.5 Civic Receptions - Invitations List

PURPOSE

To fulfil its civic objectives the Shire Donnybrook Balingup will conduct various civic functions and receptions, as well as official openings of Council facilities and other specific receptions or functions from time to time as the need arises.

POLICY STATEMENT

Civic Functions and Receptions

1. The President, in conjunction with the Chief Executive Officer shall have discretion to determine whether a civic reception is to be held.
2. The date, time and invitation list shall be determined by the President, in conjunction with the Chief Executive Officer.
3. At the discretion of the President and Chief Executive Officer, the President may host functions and receptions for visiting dignitaries, local residents who are recipients of awards or prizes and visitors from other local authorities from Australia and overseas. The invitation list shall be at their discretion.

DEFINITIONS

Not applicable

RELATED LEGISLATION

Local Government Act 1995

RELATED DOCUMENTATION

Nil

Adopted:	1 January 1993
Last Amended:	27 February 2008
Last Reviewed:	23 May 2018
Next Review Date:	23 May 2021
Responsible Department:	Council



1.9 Committee Membership (Under review)
Other Than Committees Comprising Council Members Only

Adopted:	28 April 2004
Last Amended:	14 June 2006
Last Reviewed:	23 May 2018
Next Review Date:	23 May 2021
Responsible Department:	Council

RESCIND



1.11 Council Elected Members Records

PURPOSE

- To ensure compliance with the *State Records Act 2000* and its amendments and the Shire of Donnybrook-Balingup Record Keeping Plan.
- To establish procedures for capturing relevant Elected Members' records that falls within the scope of this policy.
- To properly maintain and preserve records of continuing value for legal, evidential, administrative, financial purposes or historical value.

POLICY STATEMENT

The State Records Commission requires that communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business be recorded.

Elected members **must** create and keep records of communications or transactions, which convey information relating to **local government business or functions**. These records should be forwarded on a weekly basis to the local government administration for capture into the official record-keeping system.

Communications and Transactions are:

1. Communications in any form (i.e. - email, letter, fax, verbal etc.) –
 - complaints and compliments;
 - correspondence concerning corporate matters;
 - submissions, petitions and lobbying;
 - information for Council's interest relating to local government business activity and functions.
2. Telephone, meetings and other verbal conversations between an elected member and another party, that are directly related to the formal decision making function of elected members regarding local government projects or business activities. Details of the discussion should be noted in an email and forwarded to the Records Keeping Officer.
3. Created emails, responses and emails received by an elected member regarding local government projects or business activity.
4. Work diaries containing information that may be significant to the conduct of the elected member on behalf of the local government.



SHIRE OF DONNYBROOK BALINGUP

Council Policy

5. Presentations and speeches delivered as part of an elected member's official duties.

Records NOT required for Record Keeping

1. Duplicated copies of Council meeting agenda, minutes and papers.
2. Draft documents or working papers which are already captured by the Shire Record Keeping Officer.
3. Publications such as newsletters, circulars and journals.
4. Invitations to community events where an elected member is **not** representing Council or the Shire of Donnybrook-Balingup.
5. Telephone, meetings and other verbal conversations which –
 - convey routine information only; or
 - do not relate to local government business or functions
6. Electioneering or party political information.
7. Personal records not related to an elected member's official duties.

DEFINITIONS

Nil

RELATED LEGISLATION

State Records Act 2000

RELATED DOCUMENTATION

Shire of Donnybrook Balingup Guidelines/Procedures - Use of Shire Specific Email Addresses by Elected Members

Adopted:	28 April 2010
Last Amended:	
Last Reviewed:	23 May 2018
Next Review Date:	23 May 2021
Responsible Department:	Finance and Administration



1.12 Use of Shire Specific Email Addresses by Elected members

PURPOSE

To provide Elected Members with the opportunity to establish an email address for the purpose of receiving and issuing correspondence in their role as Councillor.

POLICY STATEMENT

The adoption of the email address is optional.

DEFINITIONS

Not applicable

RELATED LEGISLATION

Nil

RELATED DOCUMENTATION

Shire of Donnybrook Balingup Policies - Guidelines & Procedures - Use of Shire Specific Email Addresses by Elected members

Adopted:	23 November 2016
Last Amended:	
Last Reviewed:	23 May 2018
Next Review Date:	23 May 2021
Responsible Department:	Council / Executive



1.13 Councillor-Staff Contact

PURPOSE

To establish a protocol to maintain a professional, effective and cordial relationship between Elected Members and staff.

POLICY STATEMENT

Council's role is to set policy and strategic direction for the Shire, whilst the Chief Executive Officer's (CEO) role is to implement that policy and strategic direction, using the staff and other resources made available by Council through the setting of the budget.

Elected Members have no power of authority over the staff, including the CEO. Only the Council, at a formally convened meeting, can give direction to the CEO. Furthermore, an Elected Member has no authority to expend local government funds.

All Elected Member contact with the Shire's Administration is to be made through the CEO (or Office of the CEO), whether by email, telephone, in person or via other communications methods.

The CEO (or Office of the CEO) will either respond to the query or assign the appropriate staff member to respond to the inquiry.

Each initial contact must start with the CEO (or Office of the CEO), unless expressly approved otherwise by the CEO, in writing. If approval is given by the CEO to an Elected Member to contact a staff member other than the CEO on a particular matter, this is not approval for that Elected Member to contact that staff member continually or on future matters.

DEFINITIONS

Nil

RELATED LEGISLATION

Local Government Act 1995 (s.5.103 – Codes of Conduct)

Local Government (Administration) Regulations 1996 (Regs 34B and 34C).

RELATED DOCUMENTATION

Shire of Donnybrook Balingup Guidelines/Procedures – Councillor / Staff Contact.

Shire of Donnybrook-Balingup Code of Conduct 2017-2018

Adopted:	26 June 2013
Last Amended:	23 August 2017
Last Reviewed:	23 May 2018
Next Review Date:	23 May 2021
Responsible Department:	Executive



1.16 Media Spokesperson

PURPOSE

- To define those people who may speak to the media or issue a media release on behalf of Council.
- To clarify when persons other than those authorised under the *Local Government Act 1995* (the Act) are permitted to speak or issue a media release on behalf of Council to the media.

POLICY STATEMENT

1. In accordance with Section 2.8(d) of the Act, the President is the authorised spokesperson of the Council.
2. In accordance with Section 5.41(f) of the Act, the Chief Executive Officer may also be the spokesperson of the Council if the President agrees (refer Council Delegation 1.1).
3. If the President is not available or unable to be the spokesperson (Section 5.34) then the Deputy President may perform this function.
4. In accordance with Section 5.44(1) of the Act, the Chief Executive Officer may delegate authority to other officers to be the spokesperson and/or to issue a media release.
5. If a Councillor or Employee is approached by the press to answer questions or make a comment on council business, unless specifically authorised by the President (if a Councillor) or the Chief Executive Officer (if an officer) the member of the press be referred to the authorised spokespersons of the Council for response.
6. Unless a Councillor or employee have been authorised by the President (Councillors) or Chief Executive Officer (employees) they are to refrain from speaking on behalf of Council and should refer the media to the authorised person (President or Chief Executive Officer).
7. Nothing in this policy shall prevent a Councillor expressing his/her personal opinion to the media. However, as a general principle, Councillors having dealings with the media when approached by it to make a statement or private comment on a matter of Council business, should have regard to any resolutions of the Council affecting the matter in question.

DEFINITIONS



SHIRE OF DONNYBROOK BALINGUP

Council Policy

Nil

RELATED LEGISLATION

Local Government Act 1995 sections 2.8(d), 5.41(f) and 5.41(1)

RELATED DOCUMENTATION

Nil

Adopted:	27 April 2016
Last Amended:	
Last Reviewed:	23 May 2018
Next Review Date:	23 May 2021
Responsible Department:	Council / Executive

RESCINING



1.20 Public Interest Disclosures

PURPOSE

To affirm Council's commitment in receiving, investigating, taking appropriate action and reporting disclosures of public interest information in accordance with the provisions of the Public Interest Disclosure Act 2003.

POLICY STATEMENT

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

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

The Shire will take all reasonable steps to provide protection to employees who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure.

The Shire of Donnybrook Balingup does not tolerate any of its officers, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.

DEFINITIONS

A Public Interest Disclosure (PID) is a disclosure about wrongdoing in the public sector that serves the public interest.

RELATED LEGISLATION

Public Interest Disclosure Act 2003

Public Interest Disclosure Regulations 2003

State Records Act 2000

RELATED DOCUMENTATION

Shire of Donnybrook Balingup Guidelines / Procedures - Public Interest Disclosure

Adopted:	22 August 2018
Last Amended:	
Last Reviewed:	
Next Review:	22 August 2021
Responsible Department:	Executive



SHIRE OF DONNYBROOK BALINGUP

Administration Policy

2.1 Hiring of Council Hall Equipment or Other Property

Objective

The objective of this policy is to outline the terms of hire of the Council Hall equipment and other property.

Policy

This policy applies to equipment in the Donnybrook and Balingup Halls and the Donnybrook Recreation Centre.

a) Crockery and Cutlery

Crockery and Cutlery is available for hire only within the hall it has been assigned to, at the ruling rate of hire charge. It may not be transferred from one Council facility to another and is not available for hire outside of a Council facility.

Quantities required for hire to be booked through the Shire Office at least three (3) days prior to the required date. After use, all crockery and cutlery to be washed and stacked in the hall kitchen, where the caretaker will check all items. Any breakages to be paid for by the hirer.

b) Hall Chairs

The interchange of chairs between Council Buildings is permitted at no charge provided chairs are picked up and returned to the lending Hall within one day of the event, or sooner if the hall is booked for a Function.

Adopted:	1 January 1993
Last Amended:	25 May 2016
Last Reviewed:	22 April 2016
Next Review Date:	2017
Responsible Department:	Finance & Administration



SHIRE OF DONNYBROOK BALINGUP

Administration Policy

2.6 Hiring of Council Halls

Users of any Council Controlled Building or facility are required to pay a bond, refundable upon clearance by authorised Council staff, provided that the building is left in a clean and hygienic condition and that all crockery and cutlery is clean and appropriately stored. Where alcohol is to be served the bond will be a minimum of \$300.

The hall caretaker will check all items on return and report any missing items to the Shire Office. Replacement cost to be paid by the hirer for missing items.

Waiver of Charges Policy

- a) Hirers of all hall and recreational facilities are to be advised at the time of hiring that Council does not reduce or waive fees.
- b) Council authorised functions are not be levied for hire charges, i.e. bushfire brigade meetings, public meetings, civic functions or meetings initiated to improve community/social issues e.g. Apple Festival.
- c) In extreme financial or special circumstances the CEO has delegated authority under Delegation Number 2.1 to waive or reduce hall hire fees. Bond will remain payable in advance.

Adopted:	1 January 1993
Last Amended:	27 April 2011
Last Reviewed:	22 April 2016
Next Review Date:	2017
Responsible Department:	Finance & Administration



2.24 Community Events Boards

2.24.1 Objective

To provide consistent and controlled locations on Shire land where signage can be placed to advertise upcoming community events.

Background

At the Ordinary Council meeting 21 December 2005 it was resolved that a structure that could display four (4) signs (1200 x 600) on each side of the structure be built on the corner of Marmion Street and South Western Highway. The intent is to limit the uncontrolled display of advertising signage on Shire owned or controlled land. A second structure was installed at the northern end of town in 2014.

The Southern Events Board is located at the corner of Marmion Street and South Western Highway. The Northern Events Board is located at the southern end of town and on South Western Highway at the northern end of town. Both are visible to traffic travelling north and south on the highway.

2.24.2 Usage and Content

- a) Advertising can be used to promote community activities within the Shire of Donnybrook-Balingup.
- b) Four panels are available on each side of each board. To be seen by traffic travelling both north and south, applicants can provide one or two signs per board.
- c) Political, commercial and non-community event advertising (e.g. shopping specials, real estate etc.) are not permitted.
- d) Events such as private parties, weddings etc. are not permitted.
- e) Final decision of permissible content will be made by the Chief Executive Officer.
- f) The Chief Executive Officer reserves the right to request changes to the sign content and/or colour.
- g) It is the responsibility of the applicant to install signs on the exact date requested, depending on other signage already in place. It is the responsibility of the applicant to remove signs on the date agreed.
- h) If insufficient space is available, the Chief Executive Officer will decide which events shall be advertised; based on event size and/or relevance to the wider community.
- i) Council will not be responsible for any damage that may occur to the applicant's sign while attached to either of the events boards.
- j) Events promoter/coordinator/applicant will be responsible for all aspects of the sign, design, cost, preparation and/or manufacturing.



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Administration Policy

- k) Generally in the Donnybrook townsite, event advertising will only be allowed on the specified signboards. The Chief Executive Officer may at his discretion allow advertising at other sites.
- l) A first in, first booked application process will apply.
- m) There is no cost to place a sign on the Community Events Boards other than manufacturing costs which is the event handler's responsibility.

2.24.3 Application Process

Item	Description	Due
1.	Application form (Appendix 1) to be completed and submitted to Council.	2 months prior to event
2.	Application processed and will be approved, approved with conditions or rejected.	Shire reply within 5 working days
3.	If approved, Event Promoter is permitted to install sign/s.	Prior to event on the agreed date
4.	Event Promoter to remove sign/s immediately after event.	Remove sign within 2 days

Adopted:	27 September 2006
Last Amended:	27 May 2016
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Community Development



SHIRE OF DONNYBROOK BALINGUP

Administration Policy

2.30 Playing Fields and Amenities – General Use

OBJECTIVES

To control the use of playing fields and amenities in the Shire of Donnybrook-Balingup under the Local Government Act.

POLICY STATEMENT

Council will approve the use of playing fields and amenities subject to compliance with the conditions set down by the Chief Executive Officer.

1. Conditions of hire to be determined by the Chief Executive Officer.
2. Hire fees and fines to be paid in accordance with Councils adopted Fees & Charges.
3. Authorised special events must comply with all conditions as detailed in the special event approval.
4. Long term use to be regulated by Lease Agreements as determined by the Chief Executive Officer.

SUPPORTING PROCEDURES & DOCUMENTS

The following procedures are also to be made available to sporting groups to assist in the management of Council facilities:

- Sports Grounds Allocations – Seasonal Use.
- Advertising on Sporting Grounds.
- Floodlights on Council Reserves by Sporting Organisations.
- Sports Club Ground Management.

The following documents are also to be made available to sporting groups to assist in the management of Council facilities:

- Match Day Ground Inspection sheet.
- General Facility Inspection sheet.

Adopted:	28 May 2008
Last Amended:	
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Finance & Administration



Administration Policy Cemeteries Flower & Ornament

This policy applies to the Donnybrook, Balingup and Upper Preston Cemeteries.

Objective

1. Provide clear direction and a consistent approach to the placing of floral and other tributes.
2. Provide a safe, clean and tidy environment for all visitors.
3. Reduce the amount time spent maintaining the cemetery collecting refuse.
4. Reduce the environmental impact on the surrounding bush land.

2. GENERAL CEMETERY GUIDELINES

1. Flowers can be placed on or around a grave, as long as they do not encroach on any neighbouring graves or walkways.
2. Floral tributes, both fresh and artificial, or other items that do encroach on any neighbouring graves or walkway will be removed without notice.
3. Fresh or artificial flowers should be housed in non-glass or non-breakable containers. Visitors are encouraged to remove such items when they become weathered, withered or broken. Loose Glass items such as glass jars detract from the general appearance of the cemetery as well as pose a significant safety issue and are not permitted and will be removed.
4. All refuse removed from graves should be placed in the bins provided within the cemetery.
5. The planting of flowers and plants near or on a grave and unsecured pot plants is prohibited.
6. The picking of flowers and plants within the cemetery is prohibited.
7. Markers of any kind outlining a gravesite or rocks, pebbles or pavers placed without prior approval of Council will be removed.
8. Should it become necessary for Council staff to remove vases, glass receptacles and any other item that staff considers a safety issue.

3. BUSH MEMORIAL SECTION INCLUDING NICHE WALL – Donnybrook Cemetery

To maintain the integrity of the natural bush setting and surrounds of this area floral tributes, fresh or plastic; glass jars or vases, or other receptacles; ornaments; photo frames; toys; windmills etc are **not** permitted within this section of the cemetery.

This will help to ensure that this natural bush memorial section and the surrounding bushland is kept free of refuse and protect the native flora and fauna in the area.

Adopted:	26 August 2009
Last Amended:	
Last Reviewed:	10 May 2013
Next Review Date:	2014
Responsible Department:	Governance

RESCIND



SHIRE OF DONNYBROOK BALINGUP

Administration Policy

2.33 Vehicle Use - CEO

As a part of the CEO Contract of Employment a motor vehicle is provided for unlimited private use under the following conditions.

Objective

To establish the rules that applies to the private use of the motor vehicle by the Chief Executive Officer.

Policy

As part of his Employment Contract the Chief Executive Officer is provided with a motor vehicle for the private use of the Officer, additional to business use which includes access by other employees. The terms and conditions in relation to private use of the vehicle are as follows –

1. The vehicle is available to the CEO at all times during the term of the contract including annual and long service leave, and also during “other leave” (only up to 4 weeks duration unless with Councils specific approval) as set out in accordance with the award.
2. The officer is responsible to comply with all laws and regulations pertaining to the use and operation of motor vehicles.
3. Council is responsible for all repairs and maintenance of the vehicle, including periods of leave.
4. The officer is responsible for ensuring the vehicle is in a roadworthy condition and will liaise with Council’s mechanic to ensure the vehicle is regularly serviced. The employee will carry out usual daily safety checks on the vehicle.
5. The officer is responsible for washing and cleaning of the vehicle, keeping the vehicle in a clean and tidy state as expected of an officer of Council having the privilege of the use of a Council vehicle.
6. All fuel purchased for the vehicle during any period of annual, long service, and other leave, and also for private weekend use is to be the Officers responsibility. (The intent of the “weekend” condition is for fill-ups on long private weekend trips are to be the Officers cost). A record of fuel consumed and paid for private use by the officer should be maintained and provided to Council’s Accountant in April of each year for FBT purposes.
7. The custodian of the vehicle is required to maintain a log book detailing all business kilometres travelled by themselves and must ensure the log book records detail both private use and business use of the vehicle by other employees. When the vehicle is used by other employees for private use a declaration form must be completed and provided to the Accountant. The custodian is required to present the log book to Council’s Accountant at the beginning of each calendar month for FBT and record keeping purposes.



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8. Prior Council approval in writing is required before the vehicle is taken outside the state.
9. The vehicle is to be available for the use by other employees of Council during normal working hours, such use is to be authorised by the custodian of the vehicle prior to use and will not be approved unless the other employee has an immediate need for the vehicle. Limited private use by other employees and Councillors will be permitted to facilitate attendance at authorised conferences and meetings (e.g. vehicle taken home overnight prior to, or after, the event).

Adopted:	26 May 2010
Last Amended:	
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Finance & Administration



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Administration Policy

2.35 Use of Pool Vehicles

Council may purchase a vehicle to be designated as the pool vehicle, notwithstanding other vehicles owned by the Shire and in the care of other officers are also available for use by Council staff on Council business.

Objective

To establish the rules that applies to the use of the pool vehicle.

Policy

In the circumstances where the Shire purchases a vehicle for use as a pool vehicle the following conditions are to apply:

1. The Chief Executive Officer shall assign the vehicle to an officer of Council to care for the vehicle after hours and impose conditions of use (The Caretaker).
2. The caretaker is responsible to comply with all laws and regulations pertaining to the use and operation of motor vehicles.
3. The caretaker of the vehicle shall be responsible for keeping the vehicle in a clean and tidy state.
4. The caretaker is responsible for ensuring the vehicle is in a roadworthy condition and will liaise with Council's mechanic to ensure the vehicle is regularly serviced. The employee will carry out usual daily safety checks on the vehicle.
5. The caretaker is granted occasional private use of the vehicle, inclusive of commuting rights to work from their usual place of residence on the following conditions:
 - a) A maximum of 5,000km per year applies to private use exclusive of commuting.
 - b) The caretaker is responsible for fuel costs where fuel is required during private use. A record of fuel consumed and paid for private use by the officer should be maintained and provided to Council's Accountant in April each year for FBT purposes.
6. The custodian of the vehicle is required to maintain a log book detailing all business kilometres travelled by themselves and must ensure the log book records detail both private use and business use of the vehicle by other employees. When the vehicle is used by other employees for private use a declaration form must be completed and provided to the Accountant. The custodian is required to present the log book to Council's Accountant at the beginning of each calendar month for FBT and record keeping purposes.
7. The pool vehicle is not available to the caretaker during leave of any nature, inclusive of annual leave, sick leave, long service leave and other leave as prescribed in the Local Government Officers (WA) Award, inclusive of Workers Compensation; where that leave is of a duration of a period greater than 24 hours,



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- in such circumstances the vehicle will be handed over to the Chief Executive Officer for continued use by the Shire employees and/or Councillors.
8. Where the caretaker is on leave for any reason for a duration greater than 24 hours the Chief Executive Officer shall assign the vehicle to another officer. This policy shall also apply to that other officer.
 9. Unless on approved business use the vehicle must not be taken beyond the boundaries of any local authority adjoining the Shire of Donnybrook-Balingup or the City of Bunbury. The CEO may approve private use beyond these boundaries either for a specific occasion or through employment condition negotiations.
 10. During normal working hours the pool vehicle is to be available for employees of Council and elected members for Council business use.
 11. Where a dispute arises with respect to use of the vehicle the Chief Executive Officer is to intervene, the Chief Executive Officers decision, including removing the vehicle from the caretakers care and assigning a new caretaker; is final.
 12. The Chief Executive Officer is to assign the pool car to a caretaker, in writing, such advice to include a copy of this policy.
 13. The vehicle to be driven only by the officer, other Council employees or Council members unless with specific prior approval of the Chief Executive Officer. The officer's partner may drive the vehicle after work hours subject to the approval of the Officer and limited to occasions when the officer is too fatigued to drive.

Adopted:	26 May 2010
Last Amended:	
Last Reviewed:	26 April 2015
Next Review Date:	2017
Responsible Department:	Finance & Administration



SHIRE OF DONNYBROOK BALINGUP

Administration Policy

2.36 Close Circuit Television (CCTV)

Objective

To provide guidance for the operation of CCTV operated and controlled by the Shire of Donnybrook-Balingup –

- within, on or around Shire buildings;
- installed in public spaces; and
- future acquisition and implementation of CCTV within the Shire.

Policy

1. This policy applies to The Shire of Donnybrook-Balingup owned, leased and operated CCTV systems only.
2. Reducing crime and improving safety are key priorities for the Shire. The Shire of Donnybrook-Balingup is committed to 'working in partnership to progress Crime reduction and community safety within the Shire' (Community Safety and Crime Prevention Plan).
3. This Policy deals with the installation of CCTVs as a strategic element of the Shire's commitment to safety and crime reduction.

Guidelines and Policy Procedures for Use of Closed Circuit Television (CCTV)

1. Principles

The Shire of Donnybrook-Balingup recognises best practice in administering operation of all Shire owned operated, leased CCTV systems.

All CCTV systems and future acquisition of CCTV will comply and meet minimum standards as prescribed in:

- *State CCTV Strategy*
- *ANZPAA Police Recommendations for CCTV Systems, including variations under the State CCTV Strategy*
- *Australian Standard 4806.1 – Closed Circuit Television (CCTV) Management and Operation – Code of Practice.*
- *Australian Standard 4806.2 – Closed Circuit Television (CCTV) Application Guidelines.*



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Administration Policy

The CCTV system will attain an appropriate balance between the personal privacy of individuals utilising Shire infrastructure or public spaces with the objective of recording incidents of alleged criminal or unwanted behaviour.

The system will be operated equitably, within applicable law, and only for the purposes to which it is established.

2. Code of Practice

Signage

Prominent and appropriate signage will be permanently displayed in the general location of camera coverage to notify employees, council members and members of public of the presence of CCTV cameras.

Access to CCTV equipment

All CCTV equipment will be located within secure areas and not accessible to unauthorised persons.

Recording and Storage of information

Recording of video images or still photographs will only occur if the Chief Executive Officer is of the opinion that an offence against a Statute Law is being or is likely to be committed. At no time shall the CCTV system be used with the intent to examine individuals going about their lawful business.

Any person requesting a video recording shall apply to the WA Police Service and give reasons for such requests.

At no time shall any original or copied video recordings, or still photographs, be released to any media organisation, journalist, individual or group without the prior approval of the Chief Executive Officer.

Liaison with WA Police

Members of the WA Police may request the cooperation of the Shire of Donnybrook-Balingup and usage of CCTV systems.

All requests made by the WA Police or any other law enforcement agency should be referred to the Chief Executive Officer.

Privacy principles

CCTV usage in the Shire will be guided by confidentiality and privacy provisions in Western Australian law included within the:



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- *Freedom of Information Act 1992*
- *Surveillance Devices Act 1998*
- *Telecommunications (Interception) Western Australia Act 1996*

Complaints

All complaints will be investigated and reviewed and where requested, complainants will be notified of the results of the investigation, in accordance with Council's Customer Service Charter.

Responsibility

The Chief Executive Officer is responsible for the management of the Shire's CCTV system, including maintenance of the CCTV system and protection of privacy interests of individual members, the Shire of Donnybrook-Balingup council members, staff and members of public from invasive monitoring.

The Chief Executive Officer will ensure that all employees involved in recording, observation and capture of images are informed, through training or through other means, of their responsibility to act in an ethical and lawful manner as per the relevant legislation.

If evidence is provided that an individual or individuals are using the system inappropriately, the Shire will take appropriate action to cease or minimise recurrence. Inappropriate use of the CCTV system will be considered a breach of the Shire's Code of Conduct and will be dealt with accordingly.

Adopted:	26 May 2010
Last Amended:	25 May 2016
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Finance & Administration



SHIRE OF DONNYBROOK BALINGUP

Administration Policy

2.39 Maintenance of Leased Halls

Objective

To clarify the responsibilities of Council and Lessees in regards to Council-owned halls.

Policy

Council is responsible for maintaining the overall structural integrity of the hall. This includes major items such as the walls, floors, and roof of the building.

Individual hall committees are responsible for the preventative maintenance of the hall. Council allocates resources in its annual budget to assist with the cost of preventative and general maintenance. Preventative and general maintenance includes such works as, but not necessarily limited to the following: painting, repairs of damage caused by the everyday use of the building, cleaning and pumping of effluent from the septic systems, electricity, fees and charges etc.

Individual hall committees shall be responsible for structural damage if the damage occurred through the omission of preventative maintenance.

It is recommended that items of major capital expenditure will be directed to Council in the annual Budget.

Adopted:	27 September 2000
Last Amended:	26 May 2010
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Development & Environmental Services



SHIRE OF DONNYBROOK BALINGUP

Administration Policy

2.40 Use of Emergency Generator for Community Events

This policy applies to the use of the Council-owned emergency generator for community events. The generator was funded by Emergency Management Australia specifically for use in bushfires and other emergencies. As such, the generator must be available for emergency use at all times.

Objective

To establish the rules that apply to the loan of the generator for community events.

Policy

14. The generator may be loaned for community events as a back-up unit only. Event organisers should secure their own generator and must not rely on the Council-owned emergency generator as a primary power source.
15. If the generator is loaned to an event, Council may at any time in the lead up to, or during the event, move the generator from that event for use in an emergency.
16. Council cannot guarantee the availability of the generator as a back-up unit for events.
17. If the generator is loaned to an event the following procedures must be observed:
 - The generator is to be picked up and returned to the Shire Depot in Cherrydale Way, Donnybrook between the hours of 7am to 3pm Monday to Thursday.
 - Installation of the generator must be undertaken by a suitably qualified electrical contractor and comply with *AS/NSW 3002:2008 Electrical Installations – Shows and carnivals*.
 - The electrical contractor is to certify electrical installations by completing and submitting to the Shire a 'Form 5' from the *Health (Public Buildings) Regulations 1992*.
 - A 4.5kg dry chemical powder fire extinguisher is to be located adjacent to the generator.
 - The generator is to be used only by appropriately inducted personnel.
 - Clear access must be provided at all times so that Council staff may remove the unit should the need arise.
 - Every attempt is to be made to ensure the safety and security of the generator.



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- The generator is to be used only in the event of failure of the event's primary power source.
- Any fuel used must be replaced before the unit is returned.

Adopted:	23 January 2013
Last Amended:	
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Finance & Administration

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SHIRE OF DONNYBROOK BALINGUP

Administration Policy

2.41 Governance of Accommodation Bonds

Objective

On 1 October 2011, clearer and stronger arrangements were introduced to protect residents' savings held in the form of accommodation bonds and entry contributions to residential aged care facilities through amendments to the *Aged Care Act 1997* and the *User Rights Principles 1997*.

These arrangements included limiting the use of accommodation bonds to specific permitted uses that reflect the intended purposes for accommodation bonds – to provide a source of capital for investment in aged care infrastructure.

This policy aims to ensure that the Shire of Donnybrook-Balingup meets the requirements of the *Aged Care Act 1997* (the Act) and the *User Rights Principles 1997* (the Principles) in managing aged care accommodation bonds.

The Act sets out the purposes for which aged care accommodation bonds can be used. The *Aged Care Amendment Bill 2011* was introduced as part of the National Health Reform and places greater restrictions on the use of accommodation bonds. The specific requirements are set out in a Governance Standard issued by the Department of Health and Ageing, which took effect on 1 February 2012.

To comply with the Governance Standard, approved providers that hold accommodation bonds are required to implement and maintain a documented governance system for managing accommodation bonds.

This policy sets out the Shire of Donnybrook-Balingup's governance and prudential system for accommodation bonds. It should be read in conjunction with the Act and Principles.

Policy

Definitions

- **Approved Provider** is the Shire of Donnybrook-Balingup.
- **Authorised Deposit-taking Institution (ADI)** refers to a body corporate granted an authority to carry on a banking business in Australia under subsection 9 (3) of the Banking Act 1959 (Commonwealth).
- **Bond** means an accommodation bond or entry contribution charged to residents who enter the Shire of Donnybrook-Balingup's residential aged care facility known as **Tuia Lodge**.

Liquidity Standard



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- The Shire of Donnybrook-Balingup has implemented and maintains a liquidity management strategy, pursuant to the requirements of the Act and Principles, to ensure sufficient funds are available for the refund of all bond balances that fall due.
- The liquidity management strategy is a written policy document adopted by the Council of the Shire of Donnybrook-Balingup – refer policy number 3.6. All Council policies are subject to an annual review by the Council.

Records Standard

- The Shire of Donnybrook-Balingup maintains a bond register pursuant to the requirements of the Act and Principles.
- The bond register incorporates all requirements listed in the Principles, including resident details, bond receipts, deduction and refund details.

Governance Standard

- The Shire of Donnybrook-Balingup has implemented and maintains a governance system that ensures bonds are only used as permitted and that refunds occur within the timeframes required by the Act.
- The system is hereby documented in writing and will be kept up to date. Documentation covers all requirements of the Act and Principles.
- The following events would result in a review of this governance system policy;
 - Changes to key personnel
 - Change to corporate structure
 - Acquisition or divestment of aged care services
 - Awareness the governance system no longer complies with the requirements of the Governance Standard.
- The Shire of Donnybrook-Balingup will ensure that bond balances are only used for purposes permitted under the Act and that all uses are reported to Council.
Permitted uses include:
 - Expenditure to acquire land on which are, or to be built, premises needed for providing residential or flexible care;
 - Expenditure to acquire, erect, extend or significantly alter premises used or proposed to be used for providing residential care or flexible care; and
 - Expenditure to acquire or install furniture, fittings or equipment for premises used or proposed to be used for providing residential care or flexible care, when those premises are initially erected or following an extension, a significant alteration or a significant refurbishment.



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- The total of bond balances will be reconciled monthly between the Shire of Donnybrook-Balingup financial records and the investment statements of the financial institution(s) with which funds are invested. The reconciliations will be under the responsibility of the Finance and Administration section of the Shire of Donnybrook-Balingup.
- The Council of the Shire of Donnybrook-Balingup is provided with a monthly financial report which details all investments, including accommodation bonds, held by the Council.
- The Manager of Finance and Administration will be responsible for the administration of bond retention amounts, interest and bond refunds, pursuant to the requirements of the Act and Principles, in conjunction with the Manager of Tuia Lodge.
- The Manager of Tuia Lodge will be responsible for the accuracy and compliance of the Bond Register pursuant to the requirements of the Act and Principles.
- The Manager of Tuia Lodge will administer arrangements associated with bond terms, agreements and payments, pursuant to the requirements of the Act and Principles, in conjunction with the Manager Finance and Administration.
- It is the policy of the Shire of Donnybrook-Balingup to ensure that all deductions from accommodation bonds are agreed in writing with residents, or their representatives, on entry or as their circumstances change, in accordance with the Aged Care Act 1997 and User Rights Principles 1997.
- It is the policy of the Shire of Donnybrook-Balingup to comply with the 14 day accommodation bond timeframe as contained in the Aged Care Act 1997 and User Rights Principles 1997.
- It is the policy of the Shire of Donnybrook-Balingup to maintain, at all times appropriate delegated authorities to ensure effective delivery of services while ensuring compliance with the legislation contained within the Aged Care Act 1997 and User Rights Principles 1997.
- Responsibilities and delegations relating to accommodation bonds are schedules in Table A attached.

Investment Management Strategy

- The total of bond balances held by the Shire of Donnybrook-Balingup, net of contributions used, will be invested independently of other Shire of Donnybrook-Balingup investments.
- Investments will be undertaken in accordance with the Shire of Donnybrook-Balingup's Investments Policy number 3.4 and will be restricted to investment in ADI's for all bond balances. The Investment



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Policy of the Shire of Donnybrook-Balingup provides a framework for the investing of Council funds at the most favourable rate of interest available at the time whilst having due consideration of risk and security for that investment type and ensuring that liquidity and legislative requirements are being met.

- Investment delegations are covered in the delegations and sub-delegations framework of the Shire of Donnybrook-Balingup and must also be observed.

Disclosure Standard

- Disclosure requirements of the Principles will be met fully within the timeframes specified and this will include prescribed information being provided to care recipients (or their representatives):
 - By 31 October each year; or
 - Within seven (7) days of requests being made under the Principles.
- The Shire of Donnybrook-Balingup will complete an Annual Prudential Compliance Statement pursuant to the requirements of the Act and Principles. The statement will be supported by an independent audit of its contents by the appointed auditor of the Shire of Donnybrook-Balingup.
- Any event of non-compliance with the Aged Care Act 1997 or User Rights Principles 1997 will be identified during the audit of the Annual Prudential Compliance Return and will be reported to the Chief Executive Officer of the Shire of Donnybrook-Balingup. Appropriate action will be taken by these personnel to ensure there is no further non-compliance with the Act and Principles.

Responsible Personnel Training

- It is the policy of the Shire of Donnybrook-Balingup to support responsible personnel in the delivery of their roles with respect to the management of Accommodation bonds through the provision of training in Governance and Financial management including the requirements of the Aged Care Act 1997 and the User Rights Principles 1997.



SHIRE OF DONNYBROOK BALINGUP

Administration Policy

TABLE A

Responsibilities	Purpose	Position
Negotiation of Accommodation Bonds	Entering into negotiation with new residents or their representatives	Manager Tuia Lodge
Signing of Residents Agreements	Signing of Resident's Agreements on behalf of Shire of Donnybrook-Balingup	Manager Tuia Lodge
Permitted Uses	Determining how bonds are used	Approved Provider – Shire of Donnybrook-Balingup
Bond Refunds	Calculating and processing bond refunds	Manager Finance and Administration Shire Accountant
Authorising expenditure	Refunding Bond balances	Chief Executive Officer Manager Finance and Administration
	Checking bond refunds	Shire Accountant
	Checking bond authorisations	Manager Finance and Administration
	Capital expenditure	Council staff as delegated
	Checking expenditure costing	Shire Accountant
	Checking authorisations	Manager Finance and Administration
Bond Register	Maintenance of Accommodation Bond Register	Manager Tuia Lodge
	Annual Review	Manager Finance and Administration Shire Accountant
	Annual Certification	Shire of Donnybrook-Balingup
Monthly Retention Amounts	Calculation of monthly retention amounts	Shire Accountant Manager Finance and Administration
Interest	Calculation of interest	Shire Accountant Manager Finance and Administration
Information	Responding to requests for information	Manager Tuia Lodge Shire Accountant Manager Finance and Administration
Delegations	Review of sub-delegation framework	Chief Executive Officer



SHIRE OF DONNYBROOK BALINGUP

Administration Policy

Responsibilities	Purpose	Position
<i>Continued</i>		
Reconciliations	Regular reconciliations of total bond balances to General ledger and ADI statements	Shire Accountant Manager Finance and Administration
Approved Provider of Care	Council's delegate under the Aged Care Act 1997	Shire of Donnybrook-Balingup
Key Personnel (under delegated authority of the Approved Provider)		<ul style="list-style-type: none"> a) Members of Council; b) The Chief Executive Officer (by delegated authority of Council); c) The Manager Tuia Lodge The Manager Finance and Administration (by delegated authority of the Chief Executive Officer) and d) The Shire Accountant (by delegated authority of the Chief Executive Officer)

<p>Adopted: 22 May, 2013 Last Amended: 27 May 2016 Last Reviewed: 26 April 2016 Next Review Date: 2017 Responsible Department: Finance & Administration</p>
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Administration Policy Integrated Workforce Planning and Management Policy

Objective

To demonstrate that the Shire is committed to ensuring that strategic, operational and legislative objectives are met by effective workforce planning and resourcing to demonstrate compliance with the Integrated Planning requirements of the *Local Government Act 1995*, Section 5.56(2).

Definition of Workforce Planning

Workforce planning is a continuous process of shaping the workforce to ensure it is capable of delivering organisational objectives into the future. It provides the framework for assessing the demand and supply of the workforce and aims to have the right people in the right place at the right time to affect the delivery of organisational goals, resourced through effective long term financial and business plans.

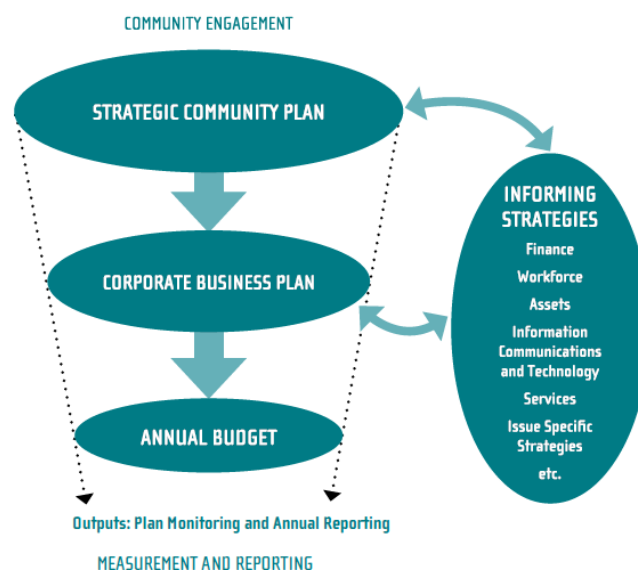
Principles – Framework – Process

The Shire considers workforce planning to be an essential management function in its operations. The Shire recognises that the achievement of all goals and objectives are reliant on the appropriate capacity, skills and knowledge of the workforce.

Council is committed to resourcing workforce requirements through its integrated planning processes as outlined in the diagram right. Council also recognises that the responsibility for managing people lies with the person who has the executive responsibility for the objectives of the service / activity / function of their division

The Shire will ensure the Workforce Plan addresses current and future best practice human resource management practices that include:

Elements of the Integrated Planning Framework



- Effective and efficient recruitment and retention;
- Role and responsibility definition and appropriate performance management;
- Support and encouragement for staff to perform;
- Staff training and development;
- Legislative compliance'
- Staff health and wellbeing (OSH); and
- Flexibility in employment and work practices to meet organisational and employee needs.

Responsibilities

- Executive, managers and supervisors have the responsibility and accountability for ensuring that all staff are managed appropriately within their own work areas.
- In each of these areas, current and future demand and supply should be assessed as part of the annual and strategic planning cycles.
- All managers will ensure effective setting of KPIs and performance criteria for their staff that will meet relevant organisational objectives.
- Staff appraisals will incorporate training and development plans to ensure the current and future skills and knowledge needs are met wherever practicable, with gaps and omissions reported to the CEO or other designated officer for inclusion in the Workforce Planning process.
- The Executive team will collect and monitor relevant workforce data and statistics.
- The relevant organisational planning and performance monitoring personnel will research any relevant workforce data, demographics and trends as part of the integrated planning cycle.
- All Elected Members and officers involved in organisational, operational or project planning will ensure that workforce implications are considered and included in all strategic or operational plans.

Monitor and Review

The Shire will implement a robust reporting and recording system that will be regularly monitored to ensure human resource supply and demand management is appropriately implemented and sustained across the organisation and there is ongoing identification of issues and trends.

Workforce planning key performance indicators, relating to both organisational and personal performance will be developed, implemented and monitored by the Shire's Executive and Council as appropriate and reported as required, being mindful of human resource management confidentiality requirements.

Adopted:	26 June 2013
Last Amended:	
Last Reviewed:	
Next Review Date:	2014
Responsible Department:	Executive



Finance Policy

3.1 Financial Assistance to Organisations and Clubs

Objective

To assist community organisations to provide key services to the community and encourage the development of projects and activities that benefit the community.

1. Eligible Organisations

This policy relates to financial assistance by Council to organisations and clubs occupying land owned by, or vested in, Council. Financial assistance will not be given to clubs or organisations occupying Crown Land or Private Property unless Council is authorised to do so under the provisions of the *Local Government Act*.

Organisations and Clubs are not to expect as of right any financial assistance from the Council, as requests will only be considered in respect to the overall priorities of other projects within the Shire and will also be subject to the availability of finance.

- a) Where the proposed facility will benefit the public, as well as the group concerned, Council may assist in a three way, equal shares funding arrangement between the group, Council and the State Government.

Under this arrangement Council's input would be limited to 33.33% of the total project cost. The community group would be expected to contribute cash; donated materials and voluntary input may also be considered as an "in kind" contribution.

- b) Only in special or extenuating circumstances will Council consider a contribution larger than 33.33%. It will be the responsibility of the group concerned to prove to Council that a larger contribution is justified and reasonable.
- c) When a facility is for the exclusive use of one organisation, assistance will only be given, after the organisation demonstrates it has the capacity to fully repay any costs and agrees to do so.
- d) Licensed Clubs, under the Liquor Act, will be required to re-pay in full any financial assistance from Council.

- e) Any self-supporting loans in excess of \$10,000 will only be funded if the organisation can provide private guarantors to the loan.
- f) Community groups will be responsible for all costs associated with establishment of a loan agreement and/or loan guarantee documentation. Interest will be payable on all self-supporting loans at a rate to be determined by Council.

2. Prerequisites of Financial Assistance

- a) Requests for financial assistance should normally be received before the Budget (say before the 1st of April of each year).
- b) Two options are available to community groups, see Appendix 1 for details.
- c) Where organisations wish finance to be made available quickly, without first referring the application to a third party funding body, the financial assistance available from Council will be limited to a maximum of 33.33% and the organisation will be required to meet the balance of 66.7%. This statement is designed to encourage groups to forward plan and is aimed at encouraging that maximum funds from other sources is obtained for projects within this district.
- d) Policy is not retrospective.
- e) This Policy shall only apply where works of a capital nature are being undertaken.

Appendix 1

Option 1 – Council Auspices Grant

1. Community group makes written application, requesting that Council assess the grant. Group to provide budget showing source of funds for the project based on the table below.

Source	Item	Amount (excluding GST)	Status ✓ If confirmed x If not confirmed
Community Group	Cash (see Note *1)	\$	
	Voluntary labour (in kind)	\$	
	Donated materials (in kind)	\$	
Shire	Amount requested	\$	
Other sources	Name:	\$	
	Name:	\$	
	Name:	\$	
TOTAL		\$	

Important Note *1: Evidence must be provided that the community group has the ability to make the cash contribution e.g. provide a copy of current bank statement and Minutes of Meeting confirming commitment of funds to the project. If the group does not have the cash immediately available, the names of club members who are prepared to guarantee the Club cash contribution are to be provided to Council.

2. Request is submitted to Council for approval. If approved, Council auspices the project, submits the funding application and completes the acquittal to recover the grant from the funding body at the end of the project.

Option 2 - Community Group Auspices the Grant

1. Community group makes written application requesting that Council provides funds for the project. Group to provide budget showing source of funds for the project based on the table in Option 1.
2. Request submitted to Council for approval. If approved, Council undertakes to provide funds for the project and agrees the payment schedule (payment may be made subject to completion of agreed project milestones).
3. Community group applies for the grant and manages the project. All invoices are paid for by the group and copies of those invoices and any other project costs are to be forwarded to Council for acquittal purposes on completion of the project or on completion on agreed milestones.
4. Community group acquits grant.

Adopted:	1 January 1993
Last Amended:	26 May 2010
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Finance



Finance Policy

3.2 Vandalism – Council Property

Objective

To deter theft and vandalism occurring on council property and encourage community participation in reporting acts of vandalism.

Policy

That Council offer up to \$1000 reward to any person providing information which leads to the conviction of offenders of any act of vandalism to Council property.

Adopted:	1 January 1993
Last Amended:	26 May 2010
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Finance



Finance Policy

3.5 Rates Recovery Procedure

Objective

To provide procedures for the recovery of rates and charges.

3.5.1 Collection of Rates from Issue of Original Rate Notice

- (a) Rate notices are posted mid-August, and ratepayers are given 35 days until the due date for full payment or the first instalment payment.
- (b) Rates can be paid in two or four instalments. If the two instalments plan is chosen, payment of the first half of the account is due 35 days following the issue of the rate notice. The second payment is due mid to late January. Interest is applied to the outstanding amount and an administration fee is charged.

If the four instalments plan is chosen, payment of the first quarter of the account is due 35 days following the issue of the rate notice. The other three payments are due at the end of November, middle of January, and end of March. Interest is applied to the outstanding amount and an administration fee is charged.

- (c) If the instalment option is not selected by the due date penalty interest will accrue at 11% per annum until account paid in full.
- (d) Final notices are posted to ratepayers 14 days after the rate notice due date.
- (e) Ratepayers may be accepted onto the instalment option if payment is received by the due date of the final notice. Once the due date of the final notice has passed the instalment option is no longer available. Alternative arrangements will need to be made.
- (f) If no payment has been received within 14 days of sending out the final notice, an "overdue rate account" letter is posted to the ratepayer (excluding registered pensioners) advising that they :
 - i) have seven days to make payment in full or legal action will be instigated against them for collection of outstanding rates.
 - ii) The ratepayer is advised that if they are experiencing financial difficulties they can apply for a special arrangement to pay in either weekly, fortnightly or monthly instalments.

- iii) Ratepayers applying for a special arrangement are requested to complete a direct debit authorization form, authorizing Council to withdraw the specified regular payment amount from the debtor's nominated bank account. The ratepayer is to be advised that he/she is responsible for payment of any costs incurred by Council for rejected direct debit transactions due to insufficient funds or account closure.
 - iv) If the ratepayer can demonstrate satisfactory reasons as to why they cannot enter into direct debit arrangements they may continue to pay as per the special arrangement and will be responsible for the due date they will not receive any reminders.
 - v) The charges will be raised against the relevant rates assessment as administration costs. If a special arrangement is requested and approved by Council the special arrangement and a payment schedule are placed in a diarised file and the Rates Officer on a weekly basis monitors subsequent payments.
- (g) If no payment has been received within 7 days of sending out the "overdue rate account" letter, the matter is referred to a Council approved Debt Collection Agency (currently Austral Mercantile Collections Pty Ltd – a W.A.L.G.A approved supplier).
- (h) A "final demand" letter is sent to the ratepayer by an approved debt collection agency. If the ratepayer does not make contact after 7 days of the letter being posted, the approved debt collection agency will proceed with legal action upon instruction. A "General Procedure Claim" is prepared and lodged by the approved debt collection agency and served on the ratepayer at the last known address (provided to the approved debt collection agency by the Rates Officer). From the date the ratepayer is served the "General Procedure Claim" they have 14 days to respond either by making payment in full, making a payment arrangement with Council. If after 14 days there is no response from the ratepayer then further legal action is taken by the Debt Collection Agency.

The approved debt collection agency on instruction from Council to recover the outstanding rates and associated legal fees. The approved debt collection agency liaise regularly with the Rates Officer regarding payments received and prior to any further action being taken.

- (i) If rates on a property are more than three years in arrears, Council has the option to sell the property in order to recoup the debt.

3.5.2 Collection of Rates Where Ratepayer Defaults on Special Arrangement

If a ratepayer applies for a special arrangement to pay his/her rates and does not make the elected payments, the procedure for collection outstanding rates is as above. An "outstanding rates" letter is sent, 7 days later the Debt Collection Agency are requested to send a "final demand" letter, and if no response is received in 7 days, a "General Procedure Claim" is prepared and lodged by the Debt Collection Agency. A "General Procedure Claim" shall not be prepared where the overdue amount is less than \$300.

3.5.3 Collection of Rates Where Ratepayer Defaults on Instalment Plan

- (a) Ratepayers who elect to pay their rates using the two or four instalments option are posted an instalment notice 28 days prior to the payment due date.
- (b) If the two instalment option was chosen and the final payment in January/February isn't received within 14 days of the due date a Final Notice will be issued. (excluding registered pensioners)
- (c) If the four instalment option was chosen and the final payment in March/April isn't received within 14 days of the due date a Final Notice will be issued. (excluding registered pensioners)
- (d) If payment has not been received within 14 days of the final notice an "overdue rate account" letter is posted to the ratepayer advising that they have seven days to make payment or legal action will be instigated against them for collection of outstanding rates.
- (e) If rates are still outstanding 7 days later the Debt Collection Agency are requested to send a "final demand" letter, and if no response is received within 7 days, a "General Procedure Claim" is prepared and lodged by the Debt Collection Agency. A "General Procedure Claim" shall not be prepared where the overdue amount is less than \$100.

Note

Ratepayers who are experiencing financial difficulty can apply for a special arrangement to pay their rates at any time during the rates collection procedure.

Adopted:	28 February 2001
Last Amended:	26 May 2010
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Finance & Administration



Finance Policy

3.6 Tuia Lodge Accommodation Bond Liquidity Strategy

Objective

The objective of this policy is to ensure compliance with Statutory Prudential requirements. It is designed to ensure that residents receive repayment of bond balance entitlements on a timely basis within legislated timeframes.

Administration Procedure

The policy will be reviewed annually with the amount required to be held as cash at the end of each financial year determined by the following formula.

- The total value of accommodation bonds held at the end of the financial year.
- The total number of accommodation bonds held at the end of each financial year.
- The value of bonds received during financial year.
- The value of bonds refunded during financial year.
- The number of bonds refunded during financial year.
- The number of bonds received.
- The largest bond held.

Historic information over a rolling 4 year period will provide average call on funds and determine if trends in bond movements require greater amounts of bond funds to be held as current liquid assets.

All bonds held will be invested in approved financial institutions in accordance with Council's Investment Policy No. 3.4 and are available at short notice.

It is a requirement that the minimum amount of bonds held and available for immediate release must equal the largest bond held or 25% of the total amount of bonds held whichever is the greatest.

As the number of residents and the value of bonds varies so will the trend analysis.

Therefore at the end of the financial year an analysis will be conducted on the probability of the likely call on bond funds held within the next 12 months. The analysis will identify the level of bonds held and will estimate the likelihood of the bonds being replaced with bonds of a similar level.

The above analysis, combined with the LMS identified in the policy, will form the basis of the assessment as to the minimum cash backed bond funds to be held.

Adopted:	28 March 2007
Last Amended:	25 November 2009 (attachment updated 22 May 2013)
Last Reviewed:	1 May 2015
Next Review Date:	2016
Responsible Department:	Finance

RESCIND

TUIA LODGE ACCOMMODATION BOND LIQUIDITY STRATEGY – LIQUIDITY REQUIREMENTS

Name of Facility/Organisation	Tuia Lodge			
Number of Beds	26			
LIQUID FUNDS REQUIRED AS AT	30th June 2015			
Year ended	30/6/2012	30/6/2013	30/6/2014	30/6/2015
Number of Bonds Held	14	13	11	11
Value of Bonds Held	1,691,140	1,577,997	1,317,093	1,201,646
Total value of bonds x 25%	422,785	394,499	329,273	300,412
Average Bond Value	121,000	121,000	120,000	109,000
Average Annual Value Increment	26%	0%	(1%)	(9%)
Simple Trend	18%	15%	15%	11%
Number of Bonds Refunded in the year	2	4	5	2
Value of Refunds in the year	(121,910)	(611,994)	(626,775)	(291,066)
Number of New Bonds in the year *	4	4	3	2
Value of New Bonds in the year **	597,832	524,762	331,000	200,000
Net call on funds	475,922	(87,232)	(295,775)	(91,066)
As a % of Bonds	n/a	n/a	n/a	n/a
Largest Bond Held				300,000
Largest Annual Negative Call on Funds				0
Adjust for Trend				0
Safety Margin				150%
Worst case plus safety margin				0
Liquidity required				300,412
(Must equal or exceed largest bond held, or 25% of total bonds held)				300,412
As a percentage of Bonds Held				25%
If the last four years have shown no net call on funds the largest bond held is the default liquidity requirement or as calculated with adjustment for safety margin.				
Total Bonds held at 30th June 2015	1,201,646			
Less Funds Utilised (Capital works)	-187,229			
Equals Cash Backed Funds	<u>1,014,417</u>			
Minimum amount to be cash backed	<u>300,412</u>			
Cash held exceeds minimum assessed liquidity	<u>714,006</u>			
Coloured cells require input, all others are formulae driven.				
* Only new bonds included in number - not periodic payments.				
** Total includes \$ value of all bonds received during the year.				



Finance Policy

3.9 Petty Cash Policy

Objective

To establish procedures in relation to the Petty Cash System required by Section 2.7 (2) (a) and (b) of the *Local Government Act 1996* and Regulation 11 (1) (b) of the *Local Government (Financial Management) Regulations 1996*.

To clearly identify the procedures required to control and maintain Petty Cash Systems at the Shire of Donnybrook-Balingup Administration Office, Donnybrook Recreation Centre, Tuia Frail Aged Lodge, Donnybrook Community Library and Balingup Library.

This policy must be adhered to with consideration to Council's Purchasing and Tender Policy 2.26.

Policy

Issuing of Petty Cash Floats

Applications by a Department to have a petty cash float are to be approved by the Manager Finance and Administration and the CEO who will also approve the limit of the advance, taking into account the usage and requirements for which the float is established. Any variations to existing floats will require prior approval from the Manager Finance and Administration and the CEO.

Petty Cash Floats will be advanced from account number 175210. The re-banking of petty cash advances will be receipted to the same account.

Restrictions on Use

- Petty cash is not to be used as a substitute for the normal purchasing system. The use of petty cash is restricted to the use of items required at short notice. Any planned purchases should be made via the normal purchasing system using Council's preferred or approved suppliers.
- The maximum amount of any petty cash transaction is not to exceed \$25 unless prior approval has been obtained from the Manager Finance and Administration.
- Staff should never intentionally split a purchase into two or more receipts to circumvent the petty cash limit.

- Petty cash is not to be used to reimburse staff for fuel purchased for Council vehicles unless prior arrangements have been made with their Manager, as fuel is to be obtained from either Council's Depot or its approved retail supplier.
- Petty cash shall not be used for personal expenditure of any kind, including loans or advances.
- Staff who do not have delegated authority to purchase goods or services must have their Manager or supervisor approve the payment from petty cash.
- Under no circumstances are staff allowed to authorise their own expenditure from petty cash.

Administration of Petty Cash

- An officer will be appointed to be responsible for each petty cash float. When that officer is on leave the float must be reconciled and signed over to another person designated by the appropriate Manager.
- Each float, together with vouchers and receipts that make up any payments made between reimbursements, must be kept in a lockable tin stored in a secure location.
- All petty cash floats may be checked at any time by Council's external auditors or by the manager Finance and Administration or the Accountant. At all times cash, dockets and receipts must verify to the full float value. The officer responsible for the float must be present while the float is checked.
- Each claim for petty cash expenditure is to be supported by either a receipt or a petty cash docket (in the approved form). The claimant must provide the relevant expenditure account number to be charged and must sign the petty cash receipt or petty cash docket as proof that the disbursement has been received. All petty cash dockets or receipts are to be stamped with a "Paid" stamp to clearly distinguish that the disbursement has been made.
- Any income received at the work location must be receipted to the appropriate income account and should not be used to "top up" the petty cash float.
- The responsible officer will maintain a petty cash recoup spreadsheet in a form approved by the Manager of Finance and Administration. This form will record all petty cash transactions and will be used to reconcile the float. The officer responsible for the petty cash float will arrange for the float to be recouped on a regular basis to ensure sufficient petty cash is always available. For example once more than 60% of the float has been utilised then the responsible officer should arrange a recoup.

- The officer will make arrangements with Accounts Payable staff for the float recoup and will provide all receipts, petty cash recoup forms and the petty cash recoup spreadsheet to the Accounts Payable staff. The officer seeking reimbursement of the float will also prepare a payment requisition form to accompany the float recoup which must be authorised in advance of the recoup by the Department Manager.
- All staff designated with the responsibility of maintaining a petty cash float are to be provided with a copy of this policy. Staff are required to sign a copy of the document as evidence that they have read and understood the requirements of the policy.

Adopted:	26 June 2013
Last Amended:	
Last Reviewed:	28 April 2016
Next Review Date:	2017
Responsible Department:	Finance

RESCIND



Finance Policy

3.10 Payment for Private Works Performed by the Shire

Objective

To provide an outline of policy requirements when engaging the Shire in private works.

Payment for Private Works Performed

Upon request of all private works, the CEO is to prepare a cost estimate of the works to be undertaken, which may be paid for by the applicant:

1. in full, before the work commences;
2. in the form of a bank guarantee before commencing work, with progress payments being made through the construction period and the bank guarantee being reduced accordingly; or
3. in the form of a purchase order or other acceptable guarantee to the satisfaction of the CEO.

With amounts greater than \$2,000, a 50% payment must be received prior to the works commencing, unless this requirement is waived by the CEO.

True costs of works are to be invoiced as calculated by reference to the current fees & charges adopted by Council.

Any major private works with a total cost of \$20,000 (including GST) or more are to be brought to the notice of Councillors for information.

Adopted:	25 May 2016 (Based on and replacing Engineering Policy 4.10)
Last Amended:	
Last Reviewed:	
Next Review Date:	2017
Responsible Department:	Finance & Administration



Engineering Policy

4.7 Construction Crossovers

PURPOSE

To ensure Council's compliance with Local Government Regulations 1996 when approving requests from landowners to construct a crossover.

POLICY STATEMENT

The Shire of Donnybrook-Balingup will meet its obligations and responsibilities in accordance with Schedule 9.1, Clause 7 of the *Local Government (Uniform Local Provisions) Regulations 1996*, when assessing and approving requests from landowners to construct a crossover.

The Shire may contribute towards the construction of a crossover as per the adopted Budget under fees and charges provided the crossover is approved by the Shire in accordance with this Policy's Guidelines and Procedures which includes Minimum Crossover Design and Construction Specifications and Standard Drawings.

GUIDELINES/PROCEDURES

- A Crossover Application Form completed by the landowner/s shall be submitted to the Shire of Donnybrook-Balingup (Shire) for all crossovers. Construction of a crossover shall not commence until the Shire has granted approval outlining any conditions of the approval.
- Shire approval is valid for two years from the date of the approval letter. After such time, landowners will have to re-apply for the approval and the new approval may or may not have the same conditions as previous approvals.
- Landowners are responsible for arranging a suitably qualified person to complete the works in accordance with the Shire's approval, Policy 4.7 (Construction of Crossovers), Minimum Crossover Design & Construction Specifications and Standard Drawings adhered to these Guidelines and Procedures.
- All crossovers which abut a sealed road with an existing kerb shall be constructed from brick/block pavers, concrete, bitumen or asphalt.
- Landowners are responsible for the ongoing maintenance of the crossover.

- The Shire are responsible for the maintenance of drains underneath crossovers however any damage to drainage infrastructure is the responsibility of the landowners.
- The Council may contribute towards the construction of a crossover providing that the crossover is;
 - the property's first crossover,
 - approved by the Shire,
 - constructed in accordance with the Shire's approval and Policy 4.7 (Construction of Crossovers), and
 - **not** part of the creation of new lots via a subdivision process where it's a condition of the approval to provide constructed crossovers to the new lots.

A copy of the invoice for construction, together with a signed ATO Declaration (Statement by Supplier Form) is to be provided to the Shire at the time of requesting Council's Crossover Contribution.

The Council' Crossover Contributions are outlined in the annual adopted budget under Fees & Charges.

All costs above this shall be borne by the landowner/s and any additional crossovers shall be at the full cost of the landowner/s.

- Once the crossover is completed, the landowner/s or contractor is to notify the Shire for a final inspection. Once a final inspection is complete, a request from the landowner/s can then be made for Council Contribution (as per 7 above).

MINIMUM CROSSOVER DESIGN AND CONSTRUCTION SPECIFICATIONS

The following specifications shall be read in conjunction with the following drawings:

- | | |
|--|-------------|
| • Brick/Block Paved Crossover | SoDB202-X01 |
| • Concrete Crossover | SoDB202-X02 |
| • Gravel/Bitumen/Asphalt Crossover | SoDB202-X03 |
| • Crossover Requiring Culvert/ Spoon Drain | SoDB202-X04 |

Site Lines

Crossovers are to be positioned such that sight lines between path and road users are unobstructed by permanent fixtures.

Distance to Obstructions

All elements of the crossover shall be located at a minimum distance to obstructions as follows:

- Drainage Pits 1.0m
- Street/Verge Trees 2.0m
- Utility Boxes 1.0m
- Streetlights 1.0m
- Power Poles 1.0m

Grades and Levels

Crossovers shall have a minimum grade of +2% and a maximum of +6% for the first 2.5m from the back of the kerb. Where no kerb is present, the crossover is to tie into the existing road shoulder and verge levels.

The remainder of the crossover/access/driveway will be assessed by the Shire to ensure it complies with Australian Standards AS/NZS2890.1:2004.

Landowners need to give consideration to overland stormwater flows that may pass through their property when planning driveway and structures, and undertake measures to mitigate the risk (within their land) if present.

Position

The crossover shall be at right angles to the road, a minimum of 6.0m from the tangent point of any corners and a minimum 1.5m from the side boundary. Refer to Crossover Specifications and Drawings.

Properties abutting a road which is the responsibility of Main Roads WA shall also obtain approval from Main Roads WA.

Dimensions

Residential crossovers shall have a minimum width of 3.0m and a maximum width of 6.0m. Residential crossovers shall also include wings of 1.5m wide by 1.5m long.

Commercial and industrial properties requesting to exceed the above dimensions are required to submit detailed plans of the crossover with the Crossover Application for Shire approval.

Materials

Crossover shall be constructed from brick/block paving, concrete (including exposed aggregate), gravel, bitumen or asphalt. The crossover shall be constructed so that no loose material spills onto the carriageway.

Construction shall be as per the following specifications and the Shire's standard drawings.

Construction Material	Specifications
Brick/Block Paving	A minimum layer of 20mm bedding sand is required on top of a 100mm compacted sub-base. Brick/Block

	<p>pavers shall be of type recommended by the manufacture for driveway construction.</p> <p>All free edges shall be restrained by a concrete edge restraint as per SoDB202-X01</p>
Concrete	<p>All concrete used for residential crossovers shall develop a minimum compressive strength of 25MPa at 28 days with a maximum slump of 80mm. Commercial crossovers shall develop a minimum compressive strength of 32MPa at 28 days with a maximum slump of 80mm.</p> <p>Minimum thickness shall be 100mm and the Shire recommends the use of SL62 reinforcing mesh.</p> <p>Expansion and contraction joints shall be as per SoDB202-X02</p>
Gravel	<p>Gravel crossovers shall be constructed of a minimum 150mm thick compacted gravel whilst commercial crossovers shall be a minimum 200mm compacted thickness. The gravel base course shall be on a suitably compacted sub-grade.</p> <p>Gravel shall be good quality laterite gravel free from vegetation, silt and any other foreign matter. The gravel is to be spread, rolled, water bound and graded as required.</p>
Bitumen	<p>As a minimum, a two coat bitumen seal (usually a 7mm and 10mm aggregate) shall be applied on a 150mm thick compacted gravel base course, on a suitably compacted sub-grade.</p>
Asphalt	<p>An asphalt seal with a minimum thickness of 25mm shall be applied on a minimum 150mm thick compacted gravel base course, on a suitably compacted sub-grade.</p>

Box Out/Excavation

Landowners are responsible to have dated photographic evidence of the pre-existing condition of the verge prior to works commencing. Landowners may be liable for any damage as a result of the works.

Where necessary, the crossover site shall be cleared of all top soil, vegetation, roots and any other humus material. The site shall then be cut or filled as required to form a sub-grade. The subgrade depth shall be a minimum of 250mm and compacted to a minimum of 95% Maximum Modified Dry Density (MMDD).

Landowners shall obtain a Dial Before You Dig (1100) prior to commencing construction. Any damage to existing assets or services (including those underground) is the responsibility of the landowner.

Landowners are required to obtain approval from the relevant authority for any relocation or alterations to existing assets or services which are not the responsibility of the Shire. The Shire is not responsible for any costs related to the relocation or alteration of any assets or services.

Kerbing

Existing kerbing may only be removed with approval of the Shire. The extent of kerb to be removed will be confirmed by the Shire and the landowners are responsible for reinstating any removed kerb.

Crossover kerbing shall make a smooth transition into existing kerb profile.

Paths, Street Furniture and Street Trees

Unless approved in writing by the Shire, paths, street furniture and street trees cannot be removed for the purposes of constructing a crossover. Landowners will be responsible for all costs associated with the removal of paths, street furniture or street trees.

If approval is not granted, landowners will be responsible for the repairs to any damaged paths or street furniture.

Culverts

All crossovers over an open drain require a reinforced concrete culvert with concrete or stoned pitched headwalls.

The pipe size will be determined by the Shire's Works and Services Department, but will be a minimum 300mm diameter Class 2 concrete pipe. Pipes shall be placed at the same grade and level as the existing open drain.

Landowners may require a bridge structure over a watercourse to access their property. Unless otherwise noted, all construction, maintenance and renewal of the structure remains the responsibility of the landowners.

Site Clean Up

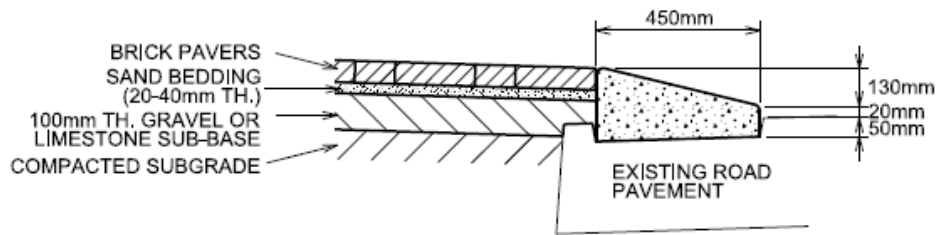
The landowners are responsible for leaving the site in clean state, free of debris, spoil and trip hazards.

Surplus materials (including acids) are not to be disposed of on Shire verges, reserves, open drains or washed down drainage pits. Any evidence of this practice will require the landowner or contractor to remove the disposed concrete at their cost.

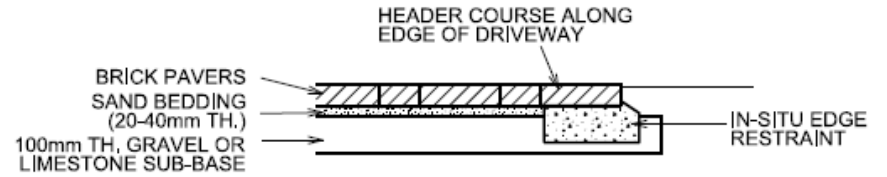
Traffic Management

Traffic management may be required and, if required, will be stipulated as a condition of the crossover approval.

RESCIND

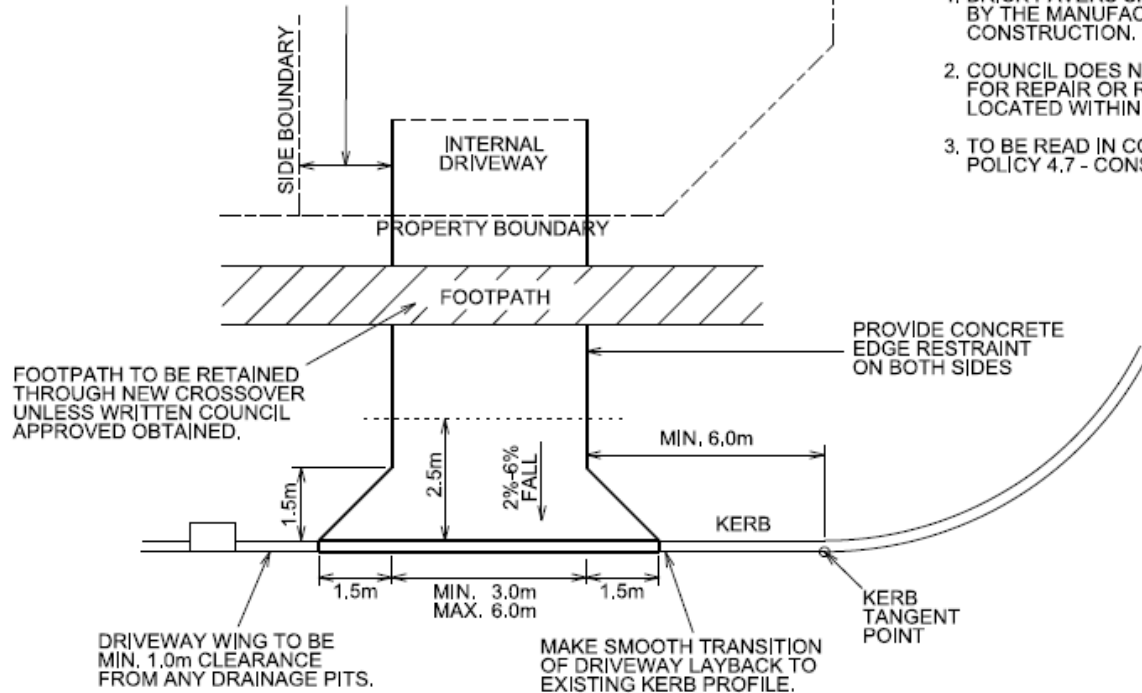


DRIVEWAY LAYBACK / DETAIL



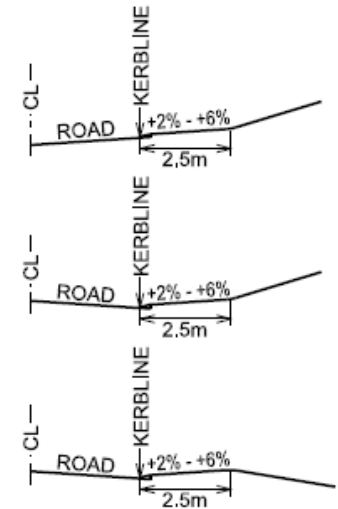
EDGE RESTRAINT DETAIL

CLEARANCE TO SIDE BOUNDARY:
GENERAL MINIMUM, 1.5m.
ABSOLUTE MINIMUM, 0.5m AT COUNCIL'S DISCRETION.



NOTES:

1. BRICK PAVERS SHALL BE OF TYPE RECOMMENDED BY THE MANUFACTURER FOR DRIVEWAY CONSTRUCTION.
2. COUNCIL DOES NOT ACCEPT ANY RESPONSIBILITY FOR REPAIR OR REPLACEMENT OF BRICK PAVING LOCATED WITHIN THE ROAD RESERVE.
3. TO BE READ IN CONJUNCTION WITH COUNCIL POLICY 4.7 - CONSTRUCTION OF CROSSOVERS.



VERGE GRADING DETAIL



Civil Infrastructure Design - Project & Asset Management
P.O. Box 2209 BUNBURY WA 6231
Phone : 0409 879 059
Email : coatescivilconsulting@bigpond.com

DESIGNED: C. COATES	DATE: AUG 2017
DRAWN: C. COATES	DATE: AUG 2017

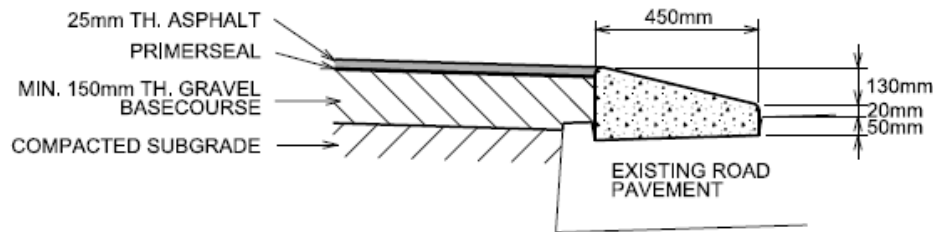
SCALE:
N.T.S.

CLIENT:

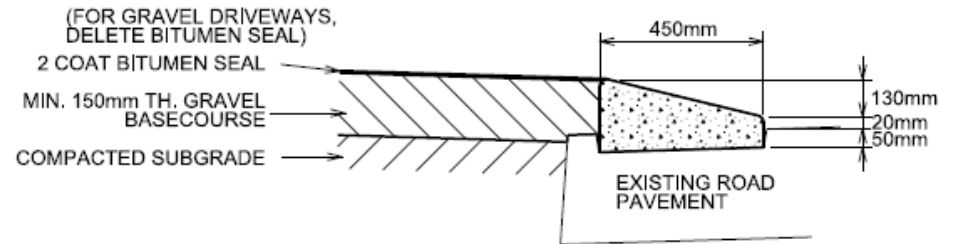
SHIRE OF DONNYBROOK-BALINGUP

**RESIDENTIAL DRIVEWAY
CROSSOVER DETAILS**
BRICK/BLOCK PAVED CROSS-OVER

DRAWING No. DB202-X01
SHEET No. 1 OF 4
ISSUE DATE: AUG 2017

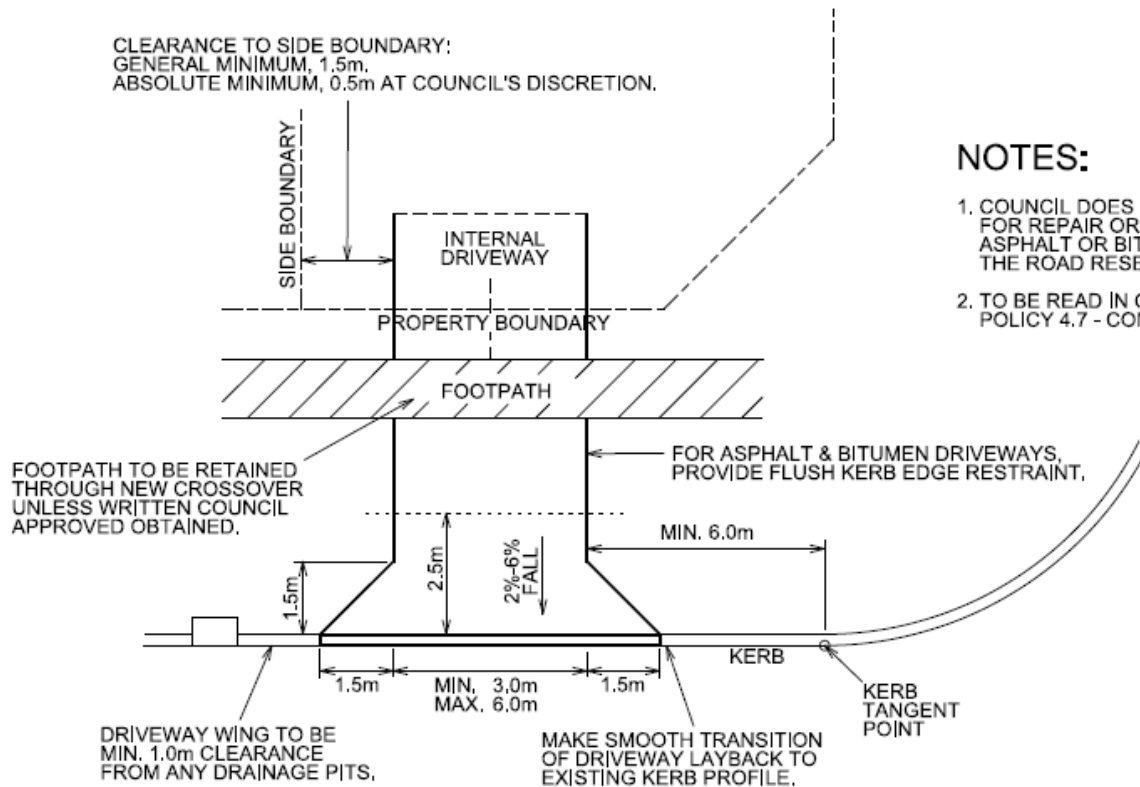


ASPHALT DRIVEWAY LAYBACK / DETAIL



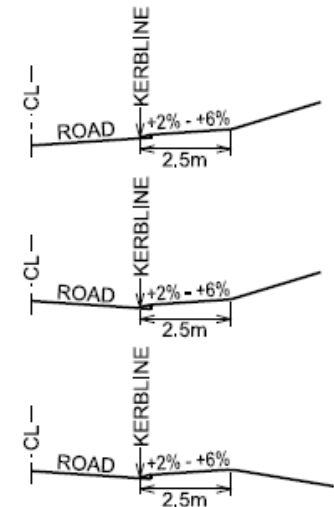
BITUMEN/GRAVEL DRIVEWAY LAYBACK / DETAIL

CLEARANCE TO SIDE BOUNDARY:
GENERAL MINIMUM, 1.5m.
ABSOLUTE MINIMUM, 0.5m AT COUNCIL'S DISCRETION.



NOTES:

1. COUNCIL DOES NOT ACCEPT ANY RESPONSIBILITY FOR REPAIR OR REPLACEMENT OF SPECIALIST ASPHALT OR BITUMEN FINISHES LOCATED WITHIN THE ROAD RESERVE.
2. TO BE READ IN CONJUNCTION WITH COUNCIL POLICY 4.7 - CONSTRUCTION OF CROSSOVERS.



VERGE GRADING DETAIL



Civil Infrastructure Design - Project & Asset Management
P.O. Box 2209 BUNBURY WA 6231
Phone : 0409 879 059
Email : coatescivilconsulting@blgpond.com

DESIGNED: C. COATES DATE: AUG 2017

DRAWN: C. COATES DATE: AUG 2017

SCALE: N.T.S.

CLIENT:



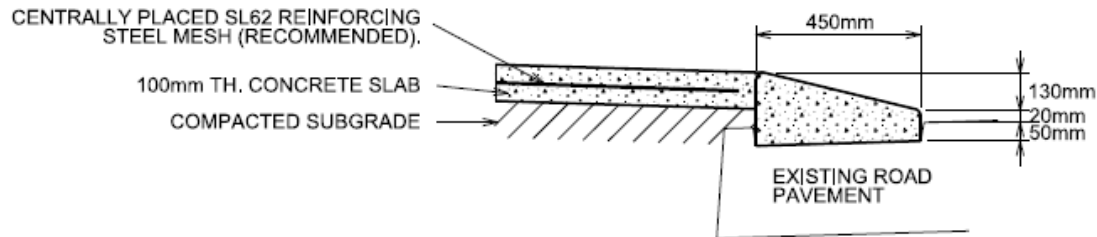
SHIRE OF DONNYBROOK-BALINGUP

**RESIDENTIAL DRIVEWAY
CROSSOVER DETAILS
GRAVEL/BITUMEN/ASPHALT
CROSS-OVER**

DRAWING No. DB202-X03

SHEET No. 3 OF 4

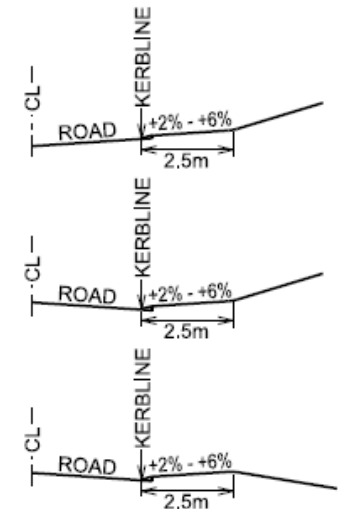
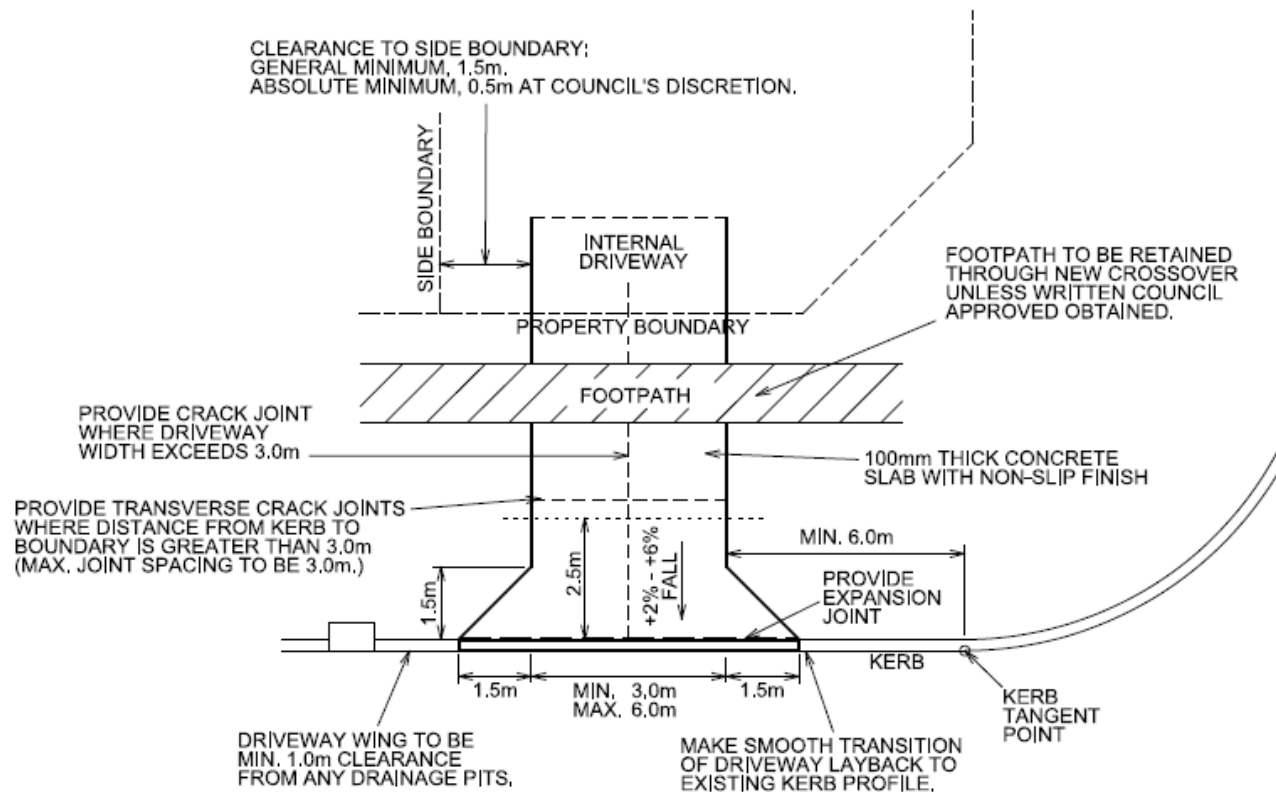
ISSUE DATE: AUG 2017



DRIVEWAY LAYBACK / DETAIL

NOTES:

1. COUNCIL DOES NOT ACCEPT ANY RESPONSIBILITY FOR REPAIR OR REPLACEMENT OF SPECIALIST CONCRETE FINISHES LOCATED WITHIN THE ROAD RESERVE.
2. TO BE READ IN CONJUNCTION WITH COUNCIL POLICY 4.7 - CONSTRUCTION OF CROSSOVERS.



VERGE GRADING DETAIL



Civil Infrastructure Design - Project & Asset Management
P.O. Box 2209 BUNBURY WA 6231
Phone : 0409 879 059
Email : coatescivilconsulting@bigpond.com

DESIGNED: C. COATES DATE: AUG 2017
DRAWN: C. COATES DATE: AUG 2017

SCALE: N.T.S.

CLIENT:



SHIRE OF DONNYBROOK-BALINGUP

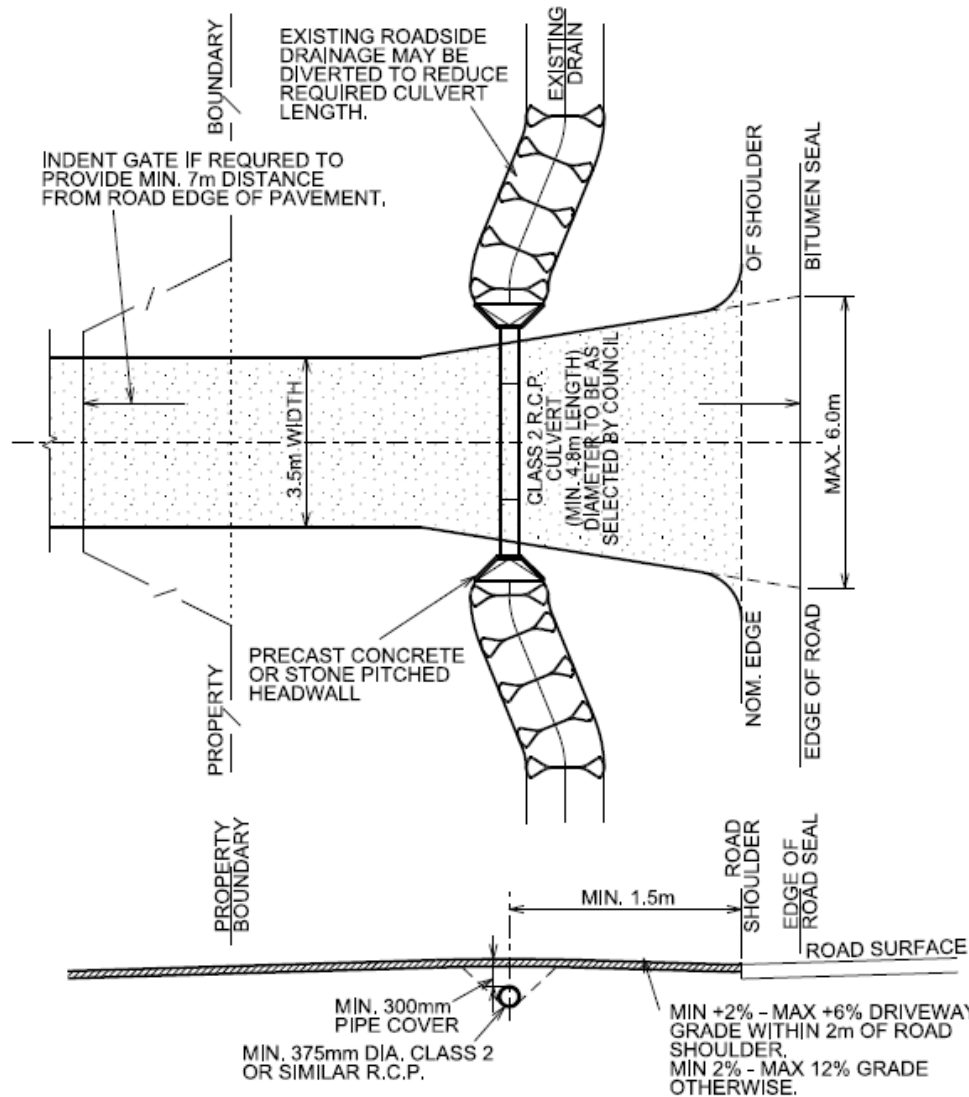
RESIDENTIAL DRIVEWAY
CROSSOVER DETAILS

CONCRETE CROSS-OVER

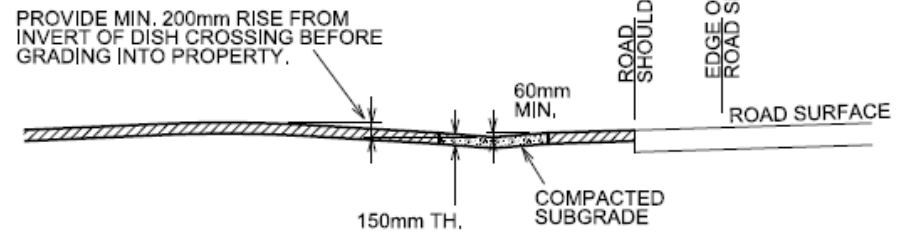
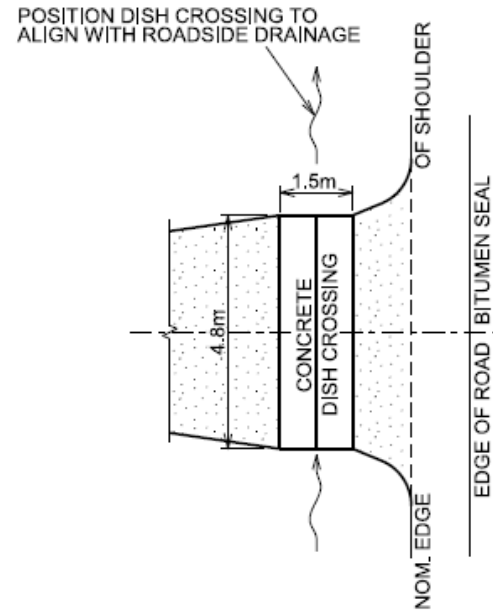
DRAWING No.
DB202-X02

SHEET No. 2 OF 4

ISSUE DATE:
AUG 2017



**TYPE 1 CROSS-OVER
(CULVERT)**



**TYPE 2 CROSS-OVER
(SPOON DRAIN)**

NOTES:

1. COUNCIL INSPECTING OFFICER IS TO BE CONSULTED AS TO APPROPRIATE TYPE OF CROSS-OVER TO BE CONSTRUCTED.
2. CULVERT PIPES TO BE AS SPECIFIED BY COUNCIL.
3. NOMINAL MIN. 300mm COVER TO BE PROVIDED FROM TOP OF PIPE TO DRIVEWAY SURFACE LEVELS. PIPES ARE TO BE PROPERLY BACKFILLED TO COUNCIL REQUIREMENTS.
4. SCOUR PROTECTION MAY BE REQUIRED AT DOWNSTREAM END OF CULVERT OR DISH CROSSING SLAB.
5. TO BE READ IN CONJUNCTION WITH COUNCIL POLICY 4.7 - CONSTRUCTION OF CROSSOVERS.



Civil Infrastructure Design - Project & Asset Management
P.O. Box 2209 BUNBURY WA 6231
Phone : 0409 879 059
Email : coatescivilconsulting@bigpond.com

DESIGNED: DATE:
C. COATES AUG 2017

DRAWN: DATE:
C. COATES AUG 2017

SCALE:
N.T.S.

CLIENT:



SHIRE OF DONNYBROOK-BALINGUP

**RESIDENTIAL DRIVEWAY
CROSSOVER DETAILS**
**CROSSOVERS REQUIRING
CULVERT OR SPOON DRAIN**

DRAWING No.
DB202-X04

SHEET No. **4** OF **4**

ISSUE DATE:
AUG 2017

DEFINITIONS

Crossover - the section of a driveway from the property boundary to the edge of the road carriageway.

RELATED LEGISLATION

- Local Government (Uniform Local Provisions) Regulations 1996

RELATED DOCUMENTATION

Adopted:	1 January 1993
Last Amended:	28 November 2018
Last Reviewed:	28 November 2018

RESCIND



Engineering Policy

4.22 Requirements for Subdivisional and Land Developments

PURPOSE

To achieve a high standard of subdivisional developments throughout the Shire of Donnybrook-Balingup

POLICY STATEMENT

All works associated with subdivision and land development within the Shire of Donnybrook-Balingup shall comply with (or exceed) the minimum standards specified in the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development, Edition 2.3, and any subsequent updated versions.

The Manager of Works or Services may refer to relevant Australian Standards or typical Local Government requirement if they consider the outlined document does not address the requirement fully.

Where appropriate, minimum standards should be encouraged to be exceeded, particularly where cost-efficiencies and longevity of materials and infrastructure provide longer term economic advantage.

Specific to subdivisional development within the Shire of Donnybrook-Balingup, the following will apply:

- Roads created within a subdivision shall be sealed when:
 - The subdivision is an extension from an existing sealed road, and/or;
 - The vehicle count per day exceeds 32 VPD beyond a given point. The VPD shall be calculated from (No. of lots x 8 trips per day), and/or;
 - The topography is such that sealing is desirable. For example:
 - a. Grades in excess of 8% shall be sealed.
 - b. Radii under 120 m shall be sealed.
 - c. Crest with a design speed below 80kp/h shall be sealed.
 - d. The dust from moving traffic creates a social or environmental problem

- Upgrades to existing Shire infrastructure not directly abutting the subdivisional site may be requested by the Shire to the Department of Planning, Lands and Heritage if it is considered that the proposed subdivision increases the priority for the upgrade works.
- All new residential lots to be created within the Shire are to be provided suitable stormwater drainage house connection points.

DEFINITIONS

VPD – Vehicles per day

RELATED LEGISLATION

Institute of Public Works Engineering Australia Local Government Guidelines

RELATED DOCUMENTATION

Adopted:	1 January 1993
Last Amended:	28 November 2018
Last Reviewed:	28 November 2018



Engineering Policy

4.26 Gravel Acquisition

PURPOSE

To ensure Council's compliance with the Local Government Act 1995 when acquiring gravel from local landowners.

POLICY STATEMENT

The Shire of Donnybrook-Balingup (Shire) will meet its obligations and responsibilities in accordance with Section 3.27, and further, Schedule 3.2, of the Local Government Act 1995 when entering private property by consultation and agreement with the local landowner/s for acquiring gravel for road construction and maintenance purposes within the Shire of Donnybrook-Balingup.

An Agreement, outlining terms and conditions, including the applicable compensation rate to the landowner will be entered into between both parties being the Shire and the landowner/s or their authorised representative.

The applicable compensation rate is outlined in the annual adopted Budget under Fees & Charges, and is applicable where the Shire, or Contractor appointed by the Shire, is required to mine and stockpile the gravel. This rate includes payment of compensation for the landowner to undertake additional rehabilitation work above and beyond reinstatement works that the Shire is required to do as per the terms and conditions of the signed Gravel Supply Agreement.

GUIDELINES/PROCEDURE

The Shire may approach (or be approached by) local landowners for the taking of gravel from private property for Shire road construction and maintenance purposes. Factors to be considered when identifying potential gravel sources are;

- Quantity and quality of the gravel source
- Proximity to planned road works
- Road access for haulage vehicles
- Cost of extraction – machinery requirements, site access and environmental issues
- Lifespan of pit and potential to stage extraction works

The following guidelines and procedures shall apply;

- An amicable onsite meeting shall be arranged with the landowner/s or their authorised representative so the Shire can conduct an assessment of the gravel and identify the location of the gravel source.
- If the gravel source is suitable, a meeting between both parties shall be arranged to clarify terms and conditions of the proposed Agreement.

Typical items to be addressed on the Terms and Conditions of the Gravel Supply Agreement include, but are not limited to;

- Landowner details
 - Consent from the landowner for the Shire to enter the property, carry out all the necessary assessments, extract, stockpile and remove gravel for use on Shire projects as per Schedule 3.2 of the Local Government Act 1995.
 - Description of the material.
 - Description of the location.
 - Estimated amount of gravel required.
 - Access (fences and gates).
 - Associated works and potential cost to achieve access.
 - Maintenance of access.
 - Period of Agreement
 - Responsibility of the Shire and any Contractors engaged by the Shire used to extract the gravel.
 - Reinstatement of excavated area (reinstate top soil only).
 - Procurement and gravel recording process.
 - Weight and measurement.
 - Compensation rate for gravel as outlined in the annual adopted Budget under Fees & Charges.
 - Ownership of the extracted gravel.
 - The landowner who has entered into an Agreement with the Shire under Schedule 3.2 of the Local Government Act is not permitted to mine and/or sell gravel extracted under this agreement to any other party than the Shire.
- A Gravel Supply Agreement will be prepared and executed by both the landowner/s or their authorised representative and a Shire representative.
 - Agreements between the landowner/s and the Shire will be reviewed after the existing gravel stockpile is exhausted and if a future gravel source is required.

- The taking of materials from private land under Schedule 3.2 of the Local Government Act may not occur where the material is to be extracted from a pit where the landowner has been granted an Extractive Industry Licence. The Shire may however, utilise Schedule 3.2 of the Local Government Act to access gravel from another portion of the same property, where it is clear that that the Shire’s extraction activities are separate from the private extraction activities of the landowner who has been issued with the Extractive Industry Licence.

DEFINITIONS

Authorised representative of Shire of Donnybrook-Balingup – a person who has authority or responsibility for planning, directing or controlling the activities of the Engineering Department at that time.

Landowner/s or their authorised representative – the landowner or a person who has legal authority or responsibility on behalf of the landowner.

Gravel Supply Agreement – A signed document signed by both parties adhering to terms and conditions thereof.

Compensation – proceeds awarded to compensate for entering private land and taking of gravel.

RELATED LEGISLATION

- Schedule 3.2 of the Local Government Act — Particular things local governments can do on land even though it is not local government property.

RELATED DOCUMENTATION

Adopted:	28 November 2018
Last Amended:	
Last Reviewed:	28 November 2018



Engineering Policy

4.27 Stormwater Management Private Land

PURPOSE

To ensure that stormwater run-off from private land is appropriately managed to:

- Avoid or minimise risk to the receiving natural environment.
- Avoid or minimise the risk of erosion.
- Ensure that stormwater infiltration and run-off rates post development have no more of an off-site impact than pre-development rates.
- Consider the potential impact on the existing and planned built environment.
- Avoid adverse impact on Council's existing stormwater drainage network.
- Preserve significant overland flood routes and minimize the risk of localised flooding.

POLICY STATEMENT

The Shire of Donnybrook-Balingup will require any development of private land to ensure they manage stormwater in accordance with:

- The Local Government Act 1995
- Residential Design Codes of Western Australia and other applicable planning Policies
- The Building Code of Australia
- Shire of Donnybrook-Balingup Polices, Local Laws, Guidelines and/or Procedures

This policy will typically relate to land of 4000m² or less (principles will remain consistent for larger properties), and the management of the following flows:

Overland Stormwater Flows

The overland flow path of stormwater can easily be determined on undulating ground. The development and subsequent building on land can influence these flows and must be considered in the design process, and be managed by the landowner post development to ensure that there is no adverse impact on both the natural and built environment for their land, or adjoining land.

Overland flows may be contributed to by runoff coming from reserves, including Shire road reserves, and landowners must consider and accommodate the management of these flows.

Stormwater Flows from Impervious Surfaces within Your Lot

Where stormwater runoff is collected and directed via gutters, downpipes kerbing or contouring from impervious surfaces, it is the individual landowner's responsibility to manage and dispose of stormwater in a way that does not adversely affect adjoining land.

If available, the Shire will allow disposal of your stormwater to our existing open or piped drainage system, provided it has passed through a buffer tank. Detail on these requirements can be found below. All cost to connect to Shires drainage network are to be borne by the developer.

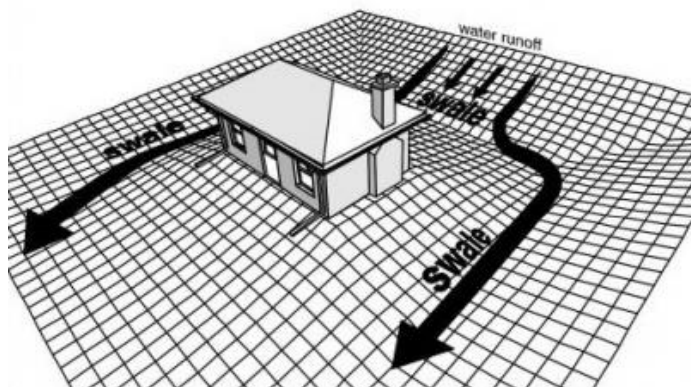
Any new residential lots to be created through subdivisional development in the Shire are to be provided with stormwater connection points to each lot at the developers cost.

GUIDELINES/PROCEDURES

As part of the planning, design and construction process for development of land, landowners must consider the management of overland flows, and flows from impervious areas within their land. These flows have the potential to impact both within and outside your property, if not considered and managed by landowners.

Overland Flows

The catchment area and speed of overland flows can be quite significant in undulating or steep topography areas, and can contain flows from many properties of higher elevation, including road and forest reserves.



If buildings are proposed to be at or below natural ground level, the management of overland flows needs to be planned for as shown in the adjacent example.

Driveways, garden borders or other improvements may also concentrate these flows causing damage to the proposed building

or adjoining properties.

Landowners may need to seek professional advice as to how they should best manage these flows.

It is the individual landowner's responsibility to manage these flows in a way that does not adversely affect any adjoining land. Where concerns arise, this needs to be discussed and resolved between the concerned parties.

Impervious Area Flows

Through the development of land, impervious surfaces, such as roofs, driveways, sheds and paved areas, are created that concentrate and accommodate rapid transport of rain event runoff.

Like overland flows, individual landowner's are responsible to dispose of these flows in a way that does not adversely affect any adjoining land. This can be difficult to achieve within the Shire due to the natural topography and soil conditions, however with appropriate planning, (professional assistance may be required), it can be managed.

Detailed design plans of how landowners intend to manage stormwater runoff from impervious areas is to be provided with a planning and building approval. Landowners are responsible for the ongoing performance and maintenance of any infrastructure.



If available, the Shire will allow landowners to discharge stormwater runoff to the Shire's drainage network, provided it has passed through a detention buffer. A detention buffer accommodates storing of the runoff temporarily, and then releasing it slowly so that it does not affect the performance of the Shire's drainage network.

There are several detention storage options; two of the most common options are; the installation of rainwater tanks as shown in the adjacent example, or by soak wells/storage tanks, that are interconnected by pipes near the top of the pits.

Within the detention storage, landowners need to allow for a silt trap to prevent sediment entering the Shire's drainage network and will need to undertake periodic maintenance to ensure it is performing as required.

The minimum volume of detention to be provided is 1m³ per 150m² of impervious area and the Shire would encourage landowners to install additional storage above the minimum requirement.

Any modifications to the Shire's drainage network to accommodate landowner's connection will be at the developers cost and done to the standards outlined in the IPWEA Local Government Guidelines for Subdivisional Development.

Landowners also need to be aware that there is potential for significant rain events to exceed the capacity of any stormwater management system, including the Shire's drainage network. In these cases, safe overland flood routes need to be considered.

DEFINITIONS

Stormwater - is water that originates from a rain event. Stormwater can soak into the soil (infiltrate), be held on the surface and evaporate, or runoff and end up in nearby streams, rivers, or other water bodies.

Impervious Surface - a surface composed of any material that impedes or prevents natural infiltration of water into the soil.

Residential Lots – any lot defined as a “Residential” under the Shire of Donnybrook-Balingup Local Planning Scheme.

RELATED LEGISLATION

- Local Government Act 1995
- Building Code of Australia
- Planning and Development Act 2005

RELATED DOCUMENTATION

Adopted:	28 November 2018
Last Amended:	
Last Reviewed:	28 November 2018



Engineering Policy

4.28 Request for Upgrades or Expansions of Council Assets

PURPOSE

To provide guidance on Council's process in considering external requests for construction of a new, or upgrade to an existing, infrastructure asset.

POLICY STATEMENT

All requests for the construction of a new, or upgrade to an existing, infrastructure asset not programmed within a Council endorsed Forward Works Program (FWP) or Long Term Financial Plan (LTFP), shall be in writing and will be assessed and prioritized in accordance with Council's adopted strategies and asset management plans.

If an asset class has an adopted strategy for the expansion or upgrade of the asset class, the request will be ranked in accordance with the strategy. Dependent on the ranking outcome, the following will occur:

- High ranking requests will be further considered for inclusion in the next review of the FWP or LTFP.
- Non high ranking requests will not be considered for inclusion in the FWP or LTFP.

Although a request may rank highly, it will still require further investigation to determine the full scope of works, identify any site constraints and preparation of an estimate prior to being included in FWP or LTFP for endorsement by Council.

If there are no endorsed strategies for the expansion or upgrade of the asset class, the Shire will consider the request consistent with asset management plans and renewal priorities for the asset class.

The Shire acknowledges some property owner/s may wish to contribute towards the cost of an upgrade or expansion that is not considered a high priority. Council will only consider these requests if the following criteria is met;

- Property owner/s are proposing to contribute at least 50% of the cost of the upgrades.
- The standard of the upgrade or expansion to the Shire's satisfaction.

- Works are completed by the Shire or a contractor approved by the Shire.
- The property owner/s must agree to the above points in writing prior to the request being presented to Council for endorsement.
- Council endorsement will outline the programing and Council’s contribution to the works. Typically, the works will be programmed in the following financial year and Council’s contribution is typically limited to \$50,000.
- If the works are to be completed by the Shire, works will only commence once the Shire has received the full private contribution.

An example of where the above may be utilised is for a property owner/s seeking to bituminize a section of road in front of their property to reduce dust.

DEFINITIONS

RELATED LEGISLATION

RELATED DOCUMENTATION

- Forward Works Program
- Long Term Financial Plan

Adopted:	28 November 2018
Last Amended:	
Last Reviewed:	28 November 2018



Building Policy

5.3 Footing Details

Objective

To establish the minimum footing standards for new development.

Policy

1. No residential or commercial Building Permit will be issued by the Shire unless the application is supported with the required structural engineering detail as prescribed in this Policy.
2. All lots on which new residential and commercial construction is proposed shall be assessed by a qualified Structural Engineer prior to the submission of an application for a Building Permit. The Shire's Principal Building Surveyor has discretion to exempt this requirement for incidental structures.
3. The qualified Structural Engineer shall provide the following minimum detail to be included with the application for a Building Permit:

Concrete slab on ground or steel stump construction

- Site soil classification;
- Wind loading classification;
- Footing and slab detail including dimensions and reinforcing requirements;
- Cut and fill requirements (if applicable);
- Cut-off drain/s and sub-soil drainage details (if applicable).

Timber stump construction with stumps over 1500mm high

- Site soil classification;
- Wind loading classification;
- Cut and fill requirements (if applicable);
- Cut-off drain/s and sub-soil drainage details (if applicable).

Note: Timber stump construction with stumps up to 1500mm high is to be constructed in accordance with Australian Standard AS 1684-2010 *Timber Framing Code*.

Adopted:	1 January 1993
Last Amended:	27 May 2015
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Building



Building Policy

5.4 Foundation Levels and Stormwater Requirements

Objective

To ensure that development is designed, constructed and drained to minimise flood risk.

Policy

Site Levels and Foundation Requirements

The following criteria shall be used in determining finished foundation levels:

- Notwithstanding any Structural Engineer requirements of Policy 5.3 *Footing Details* the finished floor level for dwelling construction shall be a height of not less than 250mm above the top of the kerb or 350mm above the crown of the road to which the lot has frontage. The Shire's Principal Building Surveyor has discretion to reduce this requirement.
- Where the level of sand fill cannot be built to give drainage command, the toe of the cutting shall be at least 3m beyond the building in the direction of the front or rear boundaries and at least 1m from side boundaries. The pad shall be at least 250mm above the toe level. A cut-off drain shall be provided above all cuts. Drainage from the toe and cut-off drains shall be controlled.

Note 1: Care is required in cut/fill situations.

Note 2: The Principal Building Surveyor may request a practicing structural engineers' sub-soil drainage specifications and recommendations.

- A Planning Application will be required for proposed residential and commercial construction in the classified flood plains of the Preston River, Noneycup Creek, or other relevant water resource. As part of this process, applications will be referred to the Department of Water to determine the required finished foundation level and/or finished floor level.

Stormwater Policy– Overland Flow

- Allowance shall be made for the overland flow of stormwater down the natural slope of the land without entering buildings.

- This shall apply even when piped drainage is available in the road, and where building run-off is taken to those drains. The reasons being:
 - (a) Piped drainage will normally be designed for 1 to 5 year (sometimes 1 to 2 year) rainfall events so provision must be made for stormwater run-off from more major events.
 - (b) Run-off can occur from all parts of the land during heavy rain, and this run-off needs to be allowed for.
- Solid fences or any other structure shall not be positioned so that concentrated run-off flows onto neighbouring land.
- To prevent overland flows from entering buildings, the finished ground level in proximity to the building shall be at least 150mm below the finished floor level and sloping away from the building.

Stormwater Policy– Piped Flow

- All stormwater discharge generated from all buildings and hard standing areas shall be controlled. Where possible the 1 in 5 year discharge shall be piped to one of the following: -
 - (a) Direct into an established stormwater disposal system;
 - (b) Direct into roadside table drains;
 - (c) Direct into kerbed roadways through the provision of approved kerb plate installations; or
 - (d) On site disposal system where soil conditions are suitable.
- Connection and installation within the road reserve shall be to the approval of the Shire of Donnybrook-Balingup.
- Disposal pipework shall be minimum 90mm diameter stormwater pipe.
- All stormwater shall be directed into on-site rainwater sumps or silt traps prior to connection to any Shire of Donnybrook stormwater disposal systems, subject to approval as per dot point 2 above.
- Where natural ground levels prevent the flow of water into an adjacent street, the Shire will require the prior approval of adjoining property owner(s) for allowing the placement of stormwater disposal pipework through their property, notwithstanding the allowance for overland stormwater flow as per this Policy.
- All costs associated with the provision of stormwater disposal systems satisfying this Policy shall be borne by the landowner.
- Stormwater disposal details are required to be submitted with all residential and commercial building applications, and once approved will be deemed a condition of the Building Permit.

General

- Should particular circumstances so warrant, the Principal Building Surveyor in consultation with the Shire's Engineer may, at their discretion, vary the requirements of this Policy.
- This Policy shall apply to all building development, subdivision of land applications, and the whole of life usage of the land.

Adopted:	1 January 1993
Last Amended:	27 May 2015
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Building

RESCIND



Building Policy

5.5 Balconies or Verandahs Erected over Road Reserves

Objective

To ensure the placement of balconies, verandahs and similar structures and elements thereof within road reserves (e.g. streets or footpaths) do not impede or interfere with pedestrian and vehicle use of the adjoining road and footpath or contravene building legislation.

Policy

1. All applications for construction of verandahs or balconies over road reserves shall be subject to a Planning Approval and a Building Permit.
2. Balconies or verandahs erected over road reserves shall not extend closer than 600mm to the kerb of the road to which it fronts.

Adopted:	1 January 1993
Last Amended:	27 May 2015
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Building



Building Policy

5.7 Owner Builder Occupation of Town Site Land

Objective

To prevent and mitigate unauthorised occupancy of land within the town sites.

Policy

Council will not approve the residential occupation of town site lots during the course of construction of buildings thereon unless an approved Class 1 residential dwelling has already been completed to the satisfaction of Shire of Donnybrook-Balingup.

Adopted:	1 January 1993
Last Amended:	27 May 2015
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Building



Building Policy

5.8 Owner Builder Occupation of Rural Land

Objective

To prevent and mitigate the unauthorised occupancy of rural land.

Policy

Definition of “Rural Land”: In this Policy Rural Land shall be deemed to include any land situated outside of gazetted town sites within the Shire of Donnybrook-Balingup.

1. All land holders who propose to reside on rural land in other than approved, purpose built Class 1 Residential Buildings shall make written application on the prescribed form to the Shire for approval to do so in accordance with Regulation 11, Section 2 of the *Caravan Parks and Camping Grounds Regulations 1997*.
2. Prior to any consideration being given to applications as referred to above, an application for a Building Permit for the construction of a Class 1 Residence for the lot in question shall be lodged, approved and all payment of fees be receipted by the Shire.
3. Prior to considering applications as referred to above, Council shall be satisfied that the following minimum accommodation facilities are available on site:
 - A suitably sized shed with concrete floor with the below mentioned amenities, or a self-contained caravan/mobile home;
 - A single water closet; shower or bath; hand wash basin; kitchen sink; and laundry trough or washing machine, all connected to sufficient potable water supply (as approved by the Shire) and plumbed into an approved permanent or temporary effluent disposal system (as approved by the Shire).
 - An electricity supply that meets electrical safety standards (either via mains power service provider or on-site generator) capable of supplying all household appliances and lighting systems;

- If the temporary accommodation is to be within a structure other than a caravan/mobile home, a hard wired smoke detector must be installed in accordance with the Building Code of Australia.
- The duration of the approval, if granted, will be for no longer than 12 consecutive months in accordance with the *Caravan Parks and Camping Grounds Regulations 1997*, of which upon expiry the approved Residence must be constructed to 'lock-up' stage.
- Any application for extension of the temporary accommodation requires the approval of the Minister for Local Government in accordance with the *Caravan Parks and Camping Grounds Regulations 1997*.
- At the expiration of the Approval, the temporary accommodation is no longer permitted for habitation purposes on the property.
- At the completion of the approved Class 1 Residential Building, the temporary accommodation is no longer permitted for habitation purposes on the property.
- The Shire of Donnybrook-Balingup, may at any time revoke an approval granted for temporary accommodation.

Adopted:	1 January 1993
Last Amended:	27 May 2015
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Building



Building Policy

5.9 Requirement for Survey

Objective

To ensure that development is compliant with statutory building setbacks.

Policy

It is the responsibility of the building permit holder to establish survey to ensure that development complies with statutory building setbacks.

Prior to the Shire of Donnybrook-Balingup authorising the commencement of building construction the following survey requirements shall apply:

1. Town site lots on which new residential or commercial building development is proposed shall be surveyed and pegged prior to commencement of any development to ensure that statutory building setbacks can be accurately measured for compliance purposes;
2. All lots on which new building development is proposed shall be surveyed prior to commencement of any development, however only if the proposed structures are to be positioned within 5 metres of any statutory building setbacks.
3. All survey costs associated with this Policy are to be borne by the developer and/or property owner.

Adopted:	1 January 1993
Last Amended:	25 May 2016
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Building



Building Policy

5.10 Retaining Walls

Objective

To outline the process and minimum requirements for retaining walls in the Shire.

Policy

1. An application for a Building Permit is required for retaining walls that are:
 - Located on the property boundary and over 450mm in height;
 - Supporting or associated with another existing, or possible future, building structure, whether on the said property or neighbouring property (eg. future neighbouring dwelling); or
 - Over 1 metre in height anywhere on a property.

Note: All retaining walls on property boundaries or retaining structures, regardless of height, must be built in suitable masonry products (e.g. cast concrete, limestone blocks, brickwork, post & panel concrete).

2. Plans showing height, length, location and specifications of the proposed retaining wall must accompany the Building Permit application.
3. Retaining walls which are over 1 metre in height must be certified by a qualified Structural Engineer.
4. Where a person cuts or fills a block, that person shall be responsible for retaining the cut or fill in accordance with this Policy.
5. In the case of a cut situation, retaining must be of suitable standard as to not impact the minimum setbacks for existing and possible future buildings on neighbouring properties.
6. Retaining walls, including any foundations, are required to be constructed wholly within the subject lot and are not to encroach over the surveyed boundary, unless written permission is obtained from the adjoining land owner and included with the Building Permit application.
7. The current owner of the land to which a Building Permit for a retaining wall refers is responsible for the maintenance and replacement of the retaining wall, including associated costs.

Adopted:	23 May 2001
Last Amended:	27 May 2015
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Building

RESCIND



Environmental Health Policy

6.5 Waste Management Levy Exemption

Objective

To clarify the application of the exemption from paying the Waste Management levy (WML).

Policy

A Waste Management Levy, as adopted by Council annually, will be imposed on all rateable property assessments in accordance with Section 66 of the *Waste Avoidance and Recovery Act 2007* to provide Council with the necessary resources to effectively deliver its waste services and strategically plan for the Shire's future waste management requirements.

The following variations will apply after application is made to Council in writing by land owners:

Town Site areas and other properties rated on a Gross Rental Value basis:

- i) Where a land owner has multiple land holdings in the Shire of Donnybrook-Balingup and those land holdings can be rated contiguously as per the *Valuations of Land Act 1978*, only one WML will apply;
- ii) Where a land owner has multiple vacant land holdings in the Shire of Donnybrook-Balingup, only one WML will apply;
- iii) Where a land owner has multiple land holdings in the Shire of Donnybrook-Balingup, inclusive of properties with improvements (approved structures) and vacant properties, the WML will only apply to those properties with improvements and one vacant property.

Non Town Site areas rated on an Unimproved Value basis:

- i) Where a land owner has multiple land holdings in the Shire of Donnybrook-Balingup and those land holdings can be rated contiguously as per the *Valuations of Land Act 1978*, only one WML will apply ;
- ii) Where a land owner has multiple land holdings in the Shire of Donnybrook-Balingup and the land holdings cannot be rated contiguously, the WML will apply reflective on the number of habitable dwellings. The land owner upon application will be requested to complete a statutory declaration confirming this fact prior to the exemption being granted.

Note:

- Town Site areas are defined as per Section 26 of the *Land Administration Act 1997*.
- The WML exemption will only apply to land holdings with identical ownership as verified by a title search. It is the responsibility of the applicant to provide evidence of ownership at the time of application.
- This Policy applies from the date of Council's resolution to adopt Policy 6.5 and does not affect land owners/holdings with current exemptions until the subject property changes ownership.

Adopted:	27 June 2001
Last Amended:	27 May 2015
Last Reviewed:	28 April 2016
Next Review Date:	2017
Responsible Department:	Development and Environmental Services



Environmental Health Policy

6.6 Balingup Waste Transfer Station

Objective

To guide site operation of the Balingup Waste Transfer Station.

Policy

This policy applies to the Balingup Waste Transfer Station (Transfer Station) within the Shire of Donnybrook-Balingup.

1. The Transfer Station is not a landfill site.
2. Both the appointed Site Attendant and the Shire of Donnybrook-Balingup have discretion to refuse acceptance of any waste material at the Transfer Station.
3. In the event of bins being full at the site, no further refuse is to be accepted, but directed to the Donnybrook Waste Management Facility (DWMF) during opening hours.
4. All waste material coming on to site is to be segregated by the following types and placed in the appropriate container or location:
 - Putrescible (domestic)
 - Inert
 - Dry recyclables (cardboard; plastic bottles and containers with symbol 1 to 6; glass bottles & jars; aluminum cans, foil and trays; steel tins and cans; paper, magazines and newspapers; paper and cardboard drink cartons)
 - Greenwaste
 - Used motor and cooking oils
 - Used hydrocarbon filters
 - Empty chemical drums and containers (subject to DrumMuster requirements)
 - Vehicle bodies and scrap metal
 - Electronic waste
 - Tyres
 - Vehicle batteries
 - Refrigerators, air conditioners and gas bottles

- Other recyclable items as prescribed by the Shire from time to time
- 5. No liquid chemical or hazardous waste shall be accepted or stored at the site.
- 6. No contaminated greenwaste shall be accepted at the site.
- 7. No clean fill shall be accepted at the site.
- 8. No asbestos, including materials containing asbestos, shall be accepted at the Transfer Station whatsoever.
- 9. Construction and demolition waste will not be accepted at the site.
- 10. Any waste items which can be recycled or reused which are not accepted at the site, but are accepted at the DWMF, are not to be accepted at the Transfer Station but directed to the DWMF during opening hours.

Definitions

- Greenwaste - Waste that originates from trees or plants.
- Clean fill - Material that will have no harmful effects on the environment and which consists of rocks or soil arising from the excavation of undisturbed material. Is not contaminated with any other material.
- Construction and demolition waste - Materials which arise from demolition, erection, construction, refurbishment or alteration of buildings or from the construction, repair or alteration of infrastructure type development (such as roads, bridges and dams). Including but not limited to bricks, concrete and associated small quantities of paper, plastic, glass, metal and timber and which is not mixed with any other type of waste, and does not contain any asbestos material.

Adopted:	8 March 2006
Last Amended:	27 May 2015
Last Reviewed:	28 April 2016
Next Review Date:	2017
Responsible Department:	Development and Environmental Services



Fire Control Policy

8.2 Bush Fire Advisory Committee Meetings

Objective

To comply with the requirements of the *Bush Fire Act 1954*.

Policy

Generally, two meetings of the Bush Fire Advisory Committee will be held in each year. The Annual General Meeting shall be held on a Thursday in mid-April and the other meeting on a Thursday in mid-October. Further meetings to be convened as and when necessary.

Adopted:	1 January 1993
Last Amended:	26 May 2010
Last Reviewed:	28 April 2016
Next Review Date:	2017
Responsible Department:	Development & Environmental Services



Fire Control Policy

8.6 Procedures for Hiring Contractors & Equipment for Fire Fighting

Objective

To ensure clear guidelines for the process of hiring private equipment should it be required for use when fighting fires.

Policy

1. The preference is to utilise Shire equipment where possible or to seek inter agency assistance i.e. the Department of Parks & Wildlife. If this is not suitable, the following conditions should be adhered to:
 - a) Prior to hiring any equipment/machinery the Fire Control Officer or Incident Controller seek authorisation from the Shire Chief Executive Officer or the Shire Senior Ranger;
 - b) The Department of Fire & Emergency Services to be consulted before hiring equipment as they may agree to pay costs.
 - c) At the time of the request for authorisation an indicative hire cost and timeframe for the use of the equipment should be conveyed to the authorised Shire staff member.
 - d) In the event of an emergency and where the authorised Shire staff are unable to be contacted, the Shire President, Chief Bush Fire Control Officer or Incident Controller is authorised to give approval for the hiring of private equipment.
 - e) Unless a critical situation, the authorised person should seek clarification of the current insurance of the contractor or equipment owner prior to hiring.
2. The Shire's existing Preferred Suppliers for personnel and equipment, in accordance with the Shire of Donnybrook-Balingup Purchasing & Tender Policy 2.26, are to be utilised when required in emergency situations where possible.

Adopted:	8 November 2006
Last Amended:	22 May 2013
Last Reviewed:	28 April 2016
Next Review Date:	2017
Responsible Department:	Development & Environmental Services

RESCIND

Policies with No Change	
EM/CP-1	Council Member Induction, Training and Professional Development
EXE/CP-1	Commercial Lease
EXE/CP-8	Policy Framework
COMD/CP-	Community Grants Funding Scheme
COMD/CP-	Community Engagement Framework
COMD/CP-	Community Townscape Activities
EXE/CP-5	Attendance at Events and Functions
HR/CP-4	Temporary Employment or Appointment of CEO

STRATEGIC OUTCOME SUPPORTED: 11 - Strong, visionary leadership

1. OBJECTIVE

- 1.1. The Shire of Donnybrook Balingup is committed to providing training and development activities for its Council Members to assist them in the performance and discharge of their functions and duties

2. SCOPE

- 2.1. This policy provides a framework for the formulation of the annual Training and Development Plan that will include inductions, mandatory Council Member training and professional development opportunities for Council Members.

3. DEFINITIONS

- 3.1. **Candidate** means a person who seeks to be elected in Local Government.
- 3.2. **Professional Development** means personal development such as undergraduate and post graduate studies, short courses, study tours, conferences, seminars, forums, or similar events that will assist a council member in their broad civic leadership role.
- 3.3. **WALGA** means Western Australian Local Government Association.

4. POLICY STATEMENT

Candidate Inductions

- 4.1. Body Candidates need to understand both the role of a Council Member and what laws affect the way they conduct their campaign by completing the free candidate induction provided by the Department of Local Government, Sport and Cultural Industries.
- 4.2. Completing the induction module is mandatory irrespective of whether an individual is a first-time candidate or a long-standing Council Member.
- 4.3. Every person nominating for Council will be required to declare that they have participated in a candidate induction session at the time of nomination.

Mandatory Council Member Training

- 4.4. All Council Members will undertake the Council Member Essentials training provided by WALGA which include:
- Meeting procedures,
 - Conflicts of interest,
 - Understanding local government,
 - Serving on council; and
 - Understanding financial reports and budgets.

COUNCIL POLICY EM/CP-1 COUNCIL MEMBER INDUCTION, TRAINING AND PROFESSIONAL DEVELOPMENT



- 4.5. All Council Members will commence the training within 12 months of being elected unless an exemption applies.

Council Member Training Exemptions

- 4.6. Council Members will not have to undertake the course Council Member Essentials if, in the previous five years they have passed the Council Member Essentials course, or 52756WA – Diploma of Local Government (Elected member);
- 4.7. in addition, current Council Members who have passed the course title LGASS00002 Elected Member Skill Set within the last 5 years prior to being elected and before 1 July 2019 will be exempt.
- 4.8. Training is valid for five years so a Council Member will only be required to undertake the training every second election.

Council Member Professional Development

- 4.9. Due to legislation and best practice changes overtime, Council Members are encouraged to develop their skills and keep up-to-date with new developments to build capacity and strengthen the Shire of Donnybrook Balingup.

Requests

- 4.10. Requests are to be submitted in writing to the CEO and include:
- Council Members name;
 - name of professional development;
 - location;
 - cost; and
 - date/time period
- 4.11. Council will consider the following when approving requests from Council Members for professional development:
- the strategic direction of the Shire of Donnybrook Balingup;
 - the skills gap among the council as a whole;
 - the budget allocation, and
 - the needs of individual council members.

Reporting

- 4.12. On completion of any Council funded professional development the Council Member is expected to submit a report to Council within 30 days of attendance/completion outlining:
- the major points of interests for the shire;
 - benefits to the Council Member, the Council and the community; and
 - the value of future professional development by other Council Members.

COUNCIL POLICY EM/CP-1 COUNCIL MEMBER INDUCTION, TRAINING AND PROFESSIONAL DEVELOPMENT



4.13. The Chief Executive Officer is to compile a report listing each Council Member and the training completed in that financial year which will be published on the Shire of Donnybrook Balingup's website and in the annual report.

Timeframe and Budget

4.14. Training and professional development will be split over the four-year term. Each Council Member will be allocated an allowance for training and professional development through its annual budget process, based on each individual's needs.

5. DELEGATION AND AUTHORISATION

5.1. The Chief Executive Officer is authorised to approve requests from Council Members for professional development without referral to Council provided that:

- d. the professional development is provided by WALGA; and
- e. the cost does not exceed the individual Council Members annual training and professional development allowance.

6. LEGISLATION

6.1. *Local Government Act 1995*

6.2. *Local Government (Administration) Regulations 1996*

7. POLICY VERSION

Related Policies:	Nil				
Related Procedure:	[Nil]				
Responsible Department:	Executive Services				
Reviewer:	Corporate Planning and Governance Officer				
Review Frequency:	Biannual	Next Due:	2023	Version Date:	16/09/2021
Policy Version Details					
No.	Version Synopsis:	Version Decision Date:	Decision Reference:	Synergy #:	
1	Initial adoption of policy	23/10/2019	165/19	NNP4311	
2	Renumbered and Reformatted	[DD/MM/YY]	[###/YY]	[Record #]	

STRATEGIC OUTCOME SUPPORTED: 6 - The built environment is responsibly planned and well maintained.

1. OBJECTIVE

- 1.1. The purpose of this policy is to provide a consistent, equitable and simple approach to dealing with commercial lease negotiations.

2. SCOPE

- 2.1. This policy applies to all commercial leases for Shire owned premises.

3. DEFINITIONS

- 3.1. **MV** means Market Valuation

4. POLICY STATEMENT

- 4.1. Lease agreements between the Shire of Donnybrook Balingup and a commercial entity will be established in accordance with this policy.

Commercial Lease Rent Methodology

- 4.2. Commercial rent will be based on the market valuation (MV) obtained from an independent certified valuer. Rent will be reviewed annually in accordance with the Perth Consumer Price Index adjustments as stated in the lease. At the commencement of this policy rent will be phased in.

Phasing in - Existing lessee, new lease, MV at least 10% above current rent amount

- 4.3. Where:
- There is an existing lessee at the premises; and
 - a new lease is being prepared; and
 - the current MV is at least 10% above the current rent amount.
- 4.4. Rent shall increase in equal increments over a three-year period to bring it up to the current MV. After the third year the rent will be reviewed annually in accordance with Consumer Price Index adjustments as stated in the Standard Commercial Lease.

Phasing in - Existing lessee, new lease, MV less than 10% below current rent amount

- 4.5. Where:
- There is an existing lessee at the premises; and
 - a new lease is being prepared; and
 - the current rent amount is less than 10% below the current MV.
- 4.6. Rent shall increase to the current MV for the first year and will be reviewed annually in accordance with the Perth Consumer Price Index adjustments as stated in the Standard Commercial Lease.

Lease Terms

- 4.7. Terms are to be negotiated by the Chief Executive Officer in accordance with current market conditions with a minimum five-year term for the first term.
- 4.8. Leases terms for retail shops will be in accordance with the *Commercial Tenancy (Retail Shops) Act 1985*.

Lease Renewals

- 4.9. Whenever premises become available, an MV will be obtained, and Expressions of Interest will be sought for commercial lessees.
- 4.10. Where there is an existing lessee at the premises and the lease has expired with no further options, an MV will be obtained, and they will be given the first option of renewal for a new lease.

Standard Commercial Lease

- 4.11. Any new commercial lease, or renewal of an existing lease, shall be based on the Shire's 'Standard Commercial Lease' incorporating the requirements in this policy.
- 4.12. Any variations to the Standard Commercial Lease will be detailed in an Item in the Schedule (Additional Terms and Covenants) of the lease document.
- 4.13. Minor changes, as deemed necessary by the Chief Executive Officer, may be made to the Standard Commercial Lease.

Costs

- 4.14. Commercial leases will be drafted by the Shire's solicitors, 100% of all legal costs incurred will be paid for by the lessee unless the lease is being prepared for a retail shop in which case the Shire will bear all costs in accordance with section 14B *Commercial Tenancy (Retail Shops) Act 1985*.
- 4.15. The costs of obtaining a market valuation in accordance with section 3.58(3)(a) of the *Local Government Act 1995* for the initial lease rental assessment and during the term of the lease for rent reviews will be split 50:50 between the Shire and lessee.

5. DELEGATION AND AUTHORISATION

- 5.1. Reference the appropriate delegation from the Delegation Register or free type any authorisation council will need to provide to the CEO.

6. LEGISLATION

- 6.1. *Legislation typed in italics Local Government Act 1995*
- 6.2. *Commercial Tenancy (Retail Shops) Act 1985*
- 6.3. *Land Administration Act 1997*

STRATEGIC OUTCOME SUPPORTED: 11 - Strong, visionary leadership

1. OBJECTIVE

- 1.1. To provide direction on the development and implementation of its policies to reflect the Shire's strategic goals and to fulfil statutory requirements.

2. SCOPE

- 2.1. This policy applies to the development of new policies and the review of existing policies.
- 2.2. This does not apply to Local Planning Policies which are prepared separately under the Shire's Local Planning Scheme.

3. DEFINITIONS

- 3.1. **The Act** means the *Local Government Act 1995*.
- 3.2. **Minor amendment** means changes to language, style, formatting, etc. that do not impact on the application of the policy.
- 3.3. **Major amendment** means changes that significantly alter the Shire's position on an issue or change the strategic intent of the policy.
- 3.4. **Policy Response** means to signify when Council should opt to consider a policy approach in response to an issue.

4. POLICY STATEMENT

- 4.1. Section 2.7(2)(b) of the Act prescribes one of the roles of Council as being to determine the local government's policies.
- 4.2. Section 5.41(c) of the Act prescribes that a function of the Chief Executive Officer is to cause Council's decisions to be implemented and this includes giving effect to Council's Policies.
- 4.3. To provide a clear distinction between the role of the council and the role of the local government administration separate document classifications shall be maintained.

Document Classifications

- 4.4. Council Policy – provides for “the rationale and guiding principles of what can be done” and:
 - a. Focus on the strategic and statutory decision-making obligations of the Council; and
 - b. Set governing principles and guide the direction of the organisation to align with community values and aspirations; and
 - c. Apply to Council, Elected Members and shire employees when fulfilling their decision-making responsibilities.

- 4.5. Administration Policies – explains “how” the administration will implement or carry out that policy and:
- Are developed for administrative and operational purposes with an internal focus.
 - The CEO is the decision-maker for the approval, amendment or rescinding of these policies.
 - Elected Members are not bound by these policies.
- 4.6. Operational Procedures - a series of actions conducted in a certain order or manner to give effect to policy and:
- Are developed for administrative and operational purposes with an internal focus.
 - The CEO is the decision-maker for the approval, amendment or rescinding of these procedures.
 - Elected Members are not bound by these procedures.

Guiding Principles

- 4.7. Policies will be concise, clear, consistent and compliant.
- Concise – policies will state no more than is necessary to direct decision making and clarify expected conduct.
 - Clear – policies will be written, in plain English, to avoid ambiguity and to be easily understood by the people affected.
 - Consistent – policies will encompass and be consistent with the Shire’s strategic goals, values, risk appetite and template documents.
 - Compliant – policies will comply with all relevant compliance obligations and commitments.
- 4.8. There are three key stakeholders with differing relationships in policy development:
- Officers develop and write policies, engage the community in the policy development process.
 - Community members participate in the consultation processes to inform policy development.
 - Elected members set policies for the Shire by considering policies presented for adoption, review and rescindment.

Policy Management and Development Principles

- 4.9. A policy response will be considered where there is either complexity or lack of clarity in one or a combination of any of the following circumstances:
- Legislative requirement.
 - New or changing industry and organisational standards.
 - To meet the Shire’s strategic objectives.

COUNCIL POLICY EXE/CP- 8 POLICY FRAMEWORK



- d. Community needs or expectation.
 - e. Advocacy on issues that Council considers to be significant.
 - f. As a result of a Council resolution.
- 4.10. Further, a policy response will only be proposed where it can be demonstrated that the policy will deliver:
- a. Clarity and consistency in decision making.
 - b. Improved efficiency and effectiveness.
 - c. Improved customer / community outcomes.
- 4.11. Council policies will be developed or reviewed inline with the Shire's Community Engagement Framework.
- 4.12. All periodic policy reviews will be based on a Risk Assessment Rating.
- 4.13. All policies are to be made available on the Shire's website.

5. DELEGATION AND AUTHORISATION

5.1. NIL

6. LEGISLATION

6.1. *Local Government Act 1995*

7. POLICY VERSION

Related Policies:			
Related Procedure:	Policy Framework (Being Developed)		
Responsible Department:	Executive		
Reviewer:	Corporate Planning & Governance Officer		
Review Frequency:	Triennial	Next Due:	2024
Version Date:	22/09/2021	Synergy #:	NPP7502
Policy Version Details			
Initial Adoption Date:	22/09/21	Decision Reference:	155/21
Version Decision Date:	22/9/21	Decision Reference:	155/21
Version Synopsis:	Initial creation of Policy		

STRATEGIC OUTCOME SUPPORTED: 13 - Increased community capacity.

1. OBJECTIVE

1.1. The Community Grant Funding Scheme (CGFS) is connected to the Shire's overarching vision to create a proud community who enjoy our rural lifestyle, cultural heritage, and natural environment. The CGFS supports the shire's four key objectives:

- a. A strong, diverse, and resilient economy,
- b. Respect for our heritage, natural and built environment,
- c. A healthy, safe, and inclusive community, and
- d. Effective leadership and civic responsibility.

2. SCOPE

2.1. Submissions are encouraged from eligible individuals, community groups, not-for-profit and commercial organisations that are seeking support for projects, activities and events that produce results in these key objective areas.

3. DEFINITIONS

- 3.1. **CGFS** means Community Grant Funding Scheme.
- 3.2. **Legal Entity** means an individual, company, or organization that has legal rights and obligations.
- 3.3. **Non-Legal Entity** means any individual or group that does not have Legal Entity status such as an unincorporated body.
- 3.4. **PFA** means Proportionate Funding Allocations.
- 3.5. **CEO** means Chief Executive Officer, Shire of Donnybrook Balingup.
- 3.6. **SLA** means Service Level Agreement

4. POLICY STATEMENT

Eligibility

- 4.1. To be eligible for funding, applicants must satisfy the eligibility criteria set out in the relevant CGFS Guidelines, and must:
 - a. Offer a project or activity within the Shire's local government boundary, or if the applicant is an individual, they must be a resident of the Shire; and
 - b. Successfully complete and acquit any project, activity, or event for which the applicant has received funding from previous Shire CGFS rounds; and

COUNCIL POLICY COMD/CP-1 COMMUNITY GRANTS FUNDING SCHEME



- c. Have no outstanding debts to the Shire; and
 - d. Undertake the project, activity, or event for the benefit of the wider community for projects that meet the Shire's vision and objectives; and
 - e. Apply in accordance with the requirements outlined in the relevant CGFS guidelines on the prescribed CGFS Application Form.
- 4.2. Legal entities are eligible for a maximum of one grant per funding category per financial year. Exceptions may be considered for a legal entity who is auspicing an application for an entity that is not a legal entity. It should be noted that the CGFS has a limited annual budget and equitable distribution of funding is a key principle in the assessment process.
- 4.3. The CGFS does not provide funding for:
- a. Projects that duplicate existing Shire services and/or programs; or
 - b. Activities that are already covered by existing service agreements with the Shire; or
 - c. Projects that are only for a political or religious purpose.

Budget Allocation

- 4.4. The CGFS budget allocation is tied as a percentage of Shire rates. Based on historical proportional CGFS budget allocations, 2.5% of the annual shire rates provides sufficient budget to run an effective annual CGFS process, including multi-year service level agreements for those legal entities where recurrent funding is requested and approved.
- 4.5. The Proportionate Funding Allocations (PFA) for each category are designated against each category below. The designated PFA for each category, excepting Service Level Agreements (SLA), may be adjusted depending on the quality and quantity of applications.

Assessment of Applications

- 4.6. Applications will be assessed according to the following CGFS priorities:
- a. Build Capacity, Partnerships and Leverage Resources:
 - i. Increase the human and organisational capacity of recipients, or the community,
 - ii. Maximise in-kind, cash donations and volunteer time from community, business, and/or other funding bodies,
 - iii. Facilitate ways in which recipients can give back to the community,
 - iv. Encourage community participation and capacity building, and
 - v. Demonstrate a result that will have an impact beyond the CGFS grant round.

COUNCIL POLICY COMD/CP-1 COMMUNITY GRANTS FUNDING SCHEME



- b. Demonstrate Accountability for the Expenditure of Public Funds:
 - i. Adopt a risk-management based approach,
 - ii. Clearly define aims, objectives and outcomes that are measurable and relevant to the shire visions and objectives,
 - iii. Be well-planned and achievable within clear and detailed timelines,
 - iv. Provide evidence to establish that funds and in-kind support provided by the Shire will be used for their intended purpose,
 - v. Seek to maximise value for money,
 - vi. Recognise the shire's contribution, and
 - vii. Enhance the image of the Shire.

Funding Categories

4.7. Service Level Agreements -Total annual PFA: 75%

- a. Applicants whose primary purpose is to service the people living with the Shire.
- b. The purpose of the SLA is to support organisations who build the capacity of the community in key areas over a longer term.
- c. Applications are made once every three years.
 - i. For existing recipients, the application must be made 12 months prior to the end of the three-year cycle, or
 - ii. For new applicants, the application is made through the annual grant application process.
- d. Applications are assessed by Community Development Officers and submitted for approval to the CEO.
- e. Information of successful/unsuccessful applications is provided to Council.

4.8. Community Grants – Major - Total annual PFA: 8.9% with individual applications up to \$2,000.

- a. These grants are available to eligible legal entities. Applications by non-legal entities must be via an auspicng legal entity.
- b. Applications can be made once per year as a part of the Shire's annual CGFS round which commences in July and closes no later than the end August each year.
- c. Applications are assessed against criteria outlined in the CGFS Guidelines.
- d. Applications are assessed by Community Development Officers and submitted for approval to the CEO.

COUNCIL POLICY COMD/CP-1 COMMUNITY GRANTS FUNDING SCHEME



- e. Information of successful/unsuccessful applications is provided to Council.
- 4.9. Community Grants – Minor - Total annual PFA: 2.4% with individual applications up to \$500.
- a. These grants are available to eligible legal entities. Applications by non-legal entities must be via an auspicing legal entity.
 - b. Applications can be made at any time. Applications must be received twelve (12) weeks prior to the commencement of the project or activity.
 - c. Applications are assessed by Community Development Officers and submitted for approval to the CEO.
 - d. Information of successful/unsuccessful applications is provided to council.
- 4.10. Event Sponsorship – Major - Total annual PFA: 8.9% with individual applications up to \$2,000.
- a. These grants are available to eligible legal entities. Applications by non-legal entities must be via an auspicing legal entity.
 - b. Applications can be made once per year as a part of the Shire's annual CGFS round which commences in July and closes no later than the end August each year.
 - c. Applications are assessed against criteria outlined in the CGFS Guidelines.
 - d. Applications are assessed by Community Development Officers and submitted for approval to the CEO.
 - e. Information of successful/unsuccessful applications is provided to Council.
- 4.11. Event Sponsorship – Minor - Total annual PFA: 2.4% with individual applications up to \$500.
- a. These grants are available to eligible legal entities. Applications by non-legal entities must be via an auspicing legal entity.
 - b. Applications can be made at any time. Applications must be received twelve (12) weeks prior to the commencement of the project or activity.
 - c. Applications are assessed against criteria outlined in the CGFS Guidelines.
 - d. Applications are assessed by Community Development Officers and submitted for approval to the CEO.
 - e. Information of successful/unsuccessful applications is provided to Council.

COUNCIL POLICY COMD/CP-1 COMMUNITY GRANTS FUNDING SCHEME



- 4.12. Cash Donations – Minor - Total annual PFA: 0.8% with individual applications up to \$200.
- a. Applicants must be shire residents.
 - b. Applications can be made at any time. Applications must be received twelve (12) weeks prior to the commencement of the project or activity.
 - c. Applications are assessed by Shire officers against the criteria outlined in the CGFS Guidelines.
 - d. This category seeks to support individual endeavour in sport, community development, culture, and the arts, where the individual has been selected as a State, National or International representative. There are three levels of Cash Donations, depending on the level of competition:
 - i. International – Up to \$200 per applicant per year.
 - ii. National – Up to \$150 per applicant per year.
 - iii. State – Up to \$100 per applicant per year.
 - e. Applications are assessed by Community Development Officers and submitted for approval to the CEO.
 - f. Information of successful/unsuccessful applications is provided to Council.
- 4.13. Non-Cash Donations / Waiver of Fees - Total annual PFA: 1.6% with individual applications up to \$500.
- 4.14. This category seeks to contribute to the viability of community projects and events. Applicants may apply for a maximum of \$500 in any one financial year. Donations may, for example, include a waiver of the cost of Shire venue hire, or the provision of shire rubbish bins at an event.
- a. This category is available to eligible legal entities. Applications by non-legal entities must be via an auspicing legal entity.
 - b. Applications can be made at any time. Applications must be received twelve (12) weeks prior to the commencement of the project or activity.
 - c. Applications are assessed against criteria outlined in the CGFS Guidelines.
 - d. Applications are assessed by Community Development Officers and submitted for approval to the CEO.
 - e. Information of successful/unsuccessful applications is provided to Council.

COUNCIL POLICY COMD/CP-1 COMMUNITY GRANTS FUNDING SCHEME



5. DELEGATION AND AUTHORISATION

5.1. The CEO has delegated authority to determine successful/ unsuccessful applications and the proportion of funding awarded based on the recommendations of the Community Development Officers, CGFS Policy and Guidelines, to approve or refuse any and all CGFS applications in accordance with this policy and any annual budget considerations.

6. LEGISLATION

6.1. *Local Government Act 1995*

6.2. *Local Government (Financial Management) Regulations 1996*

7. POLICY VERSION

Related Policies:	Nil				
Related Procedure:	Nil				
Responsible Department:	Community Development				
Reviewer:	Manager Community Development				
Review Frequency:	Triennial	Next Due:	2023	Version Date:	17/09/2021
Policy Version Details					
No.	Version Synopsis:	Version Decision Date:	Decision Reference:	Synergy #:	
1	Initial adoption of policy	27/04/2016	[###/YY]	[Record #]	
2	Amendment – Annual allocation tied to 2.5%, renamed budget/recurrent to service level agreements, funding process timeline	28/10/2020	150/20	NPP6444	
3	Renumbered and reformatted	[DD/MM/YY]	[###/YY]	[Record #]	

STRATEGIC OUTCOME SUPPORTED: 11 - Strong, visionary leadership

1. OBJECTIVE

- 1.1. The object of this policy is to provide a framework to embed proactive stakeholder analysis, communication and engagement planning and delivery for Shire projects, services, and issues management.

2. SCOPE

- 2.1. The Shire is committed to providing opportunities for members of the community to participate in, and contribute to, local decision-making processes. This policy recognises that the Shire community is a source of knowledge and expertise and this is accessed to help find solutions to local issues as well as complex shire challenges.

3. DEFINITIONS

- 3.1. **Stakeholder** is any person, group, business, organisation or interested party (internal and external) who can impact, or is impacted by, a decision or activity.
- 3.2. **Communication** is a one-way information sharing process to keep stakeholders informed, advised, and educated, mostly after a decision is made or around project milestone. Communication tools include, but are not limited to, advertisements, letters, newsletters, brochures, website, phone calls, emails, media, social media, signage, displays, drawings, and models.
- 3.3. **Consultation** is a two-way information exchange process that enables stakeholders to give feedback, on a topic or issue so these can be considered before making a decision. Consultation tools include, but are not limited to, verbal discussions, written submissions, surveys, group meetings, workshops, displays, public events, and formal advisory committees. Consultation provides opportunities to clarify information, raise and address issues and discuss ideas and options.
- 3.4. **Level of engagement** refers to any one of five levels of engagement (inform, consult, involve, collaborate, empower) defined by the International Association of Public Participation (IAP2) Public Participation Spectrum to describe the community's role in any engagement programme. A complete description of the IAP2 Public Participation Spectrum can be found online at www.iap2.org
- 3.5. **Engagement** is any process that allows stakeholders to participate more deeply in problem solving or decision making which proactively uses their input to develop or formulate outcomes and make decisions. A thorough engagement process reaches mutually beneficial outcomes, as a result of effective relationship-building over a longer period of time (lifespan of a project or issue). Outcomes are heavily shaped by input from participants above simply considering feedback.

4. POLICY STATEMENT

Active community participation in the Shire's decision-making processes

- 4.1. The Shire has various strategies to guide its decision-making; consultation and engagement with the community is an integral strategy in decision-making.
- 4.2. The Shire will:
- a. Carefully plan engagement design and who to involve;
 - b. Work in partnership with Aboriginal people, where possible;
 - c. Prioritise accessible, diverse, and inclusive engagement;
 - d. Consult early and clearly communicate the community's role throughout engagement;
 - e. Communicate clearly when there are time constraints imposed by third parties;
 - f. Deliver engagement approaches that are relevant to complexity, context, and place;
 - g. Be innovative and always improve our engagement approach;
 - h. Not engage when it is not effective or appropriate; and
 - i. Adhere to its statutory obligations to consult.
- 4.3. The Community Engagement Framework complements the *Shire of Donnybrook Balingup Strategic Community Plan*. All methods of engagement will be guided by the Shire's overarching vision of 'a proud community enjoying our rural lifestyle, cultural heritage and natural environment'.

Keeping Elected Members and staff informed

- 4.4. The complexity of the engagement and the scope of the issue or project to be consulted on will guide the involvement of Elected Members. If the issue or project scope has a high level of impact on a large part of the Shire, or a high degree of potential community interest in a specific local area that involves the Community Engagement plan that directs the Shire to involve, collaborate, or empower the community, then the Elected Members must approve the plan prior to engagement occurring.
- 4.5. Elected Members and staff are encouraged to act as a communication medium to help inform the community of key activities. Elected Members and staff must also be considered as internal stakeholders, where appropriate, when developing a Community Engagement plan, including being invited to attend public consultation opportunities, and be provided with any supporting information prior to or at the same time as invitations and communications are shared with the community.

COUNCIL POLICY COMD/CP-3 COMMUNITY ENGAGEMENT FRAMEWORK



Integration of community engagement with key Shire processes and corporate documents

4.6. Integral to effective community engagement is the development of a Community Engagement plan that uses a suite of planning tools and templates. These planning tools assist in developing a stakeholder analysis and identify the most appropriate community engagement techniques to be used. All community engagement activity should form part of a Project Plan approved by the Shire's Executive team and connected to key Shire governance processes and statutory obligations.

Community engagement framework procedures

4.7. The community engagement framework is detailed in the Community Engagement Framework Operational Procedure. Community engagement is subject to continuous improvement as techniques for engagement are applied in different circumstances and communities of interest.

5. DELEGATION AND AUTHORISATION

5.1. Nil

6. LEGISLATION

6.1. *Local Government Act 1995*

6.2. *Land Administration Act 1997*

6.3. *Dog Act 1976*

6.4. *Bush Fires Act 1954*

7. POLICY VERSION

Related Policies:	Nil			
Related Procedure:	Community Engagement Framework Operational Procedure			
Responsible Department:	Community Development			
Reviewer:	Manager of Community Development			
Review Frequency:	Biennial	Next Due:	2023	Version Date: 31/05/2021
Policy Version Details				
No.	Version Synopsis:	Version Decision Date:	Decision Reference:	Synergy #:
1	New Policy, created to replace 2.14 Community Consultation; and 2.43 Community Consultation/Engagement.	24/03/2021	35/21	NPP7181
2	Strategic Outcome added	[DD/MM/YY]	[###/YY]	[Record #]

STRATEGIC OUTCOME SUPPORTED: 11 - Strong, visionary leadership

1. OBJECTIVE

- 1.1. The objective of this Policy is to provide appropriate financial governance and efficient coordination of projects undertaken by incorporated community groups and the Shire for townscape related activities in Donnybrook, Balingup and Kirup.
- 1.2. This includes activities undertaken by the Balingup Townscape Committee (BTC), (a sub-committee of the Balingup Progress Association (BPA)) and the Kirup Progress Association (KPA).
- 1.3. This Policy provides guidance regarding the following:
 - a. Allocation of townscape funds in Donnybrook, Balingup and Kirup;
 - b. Eligible activities for community group volunteers;
 - c. Activities that will remain the responsibility of the Shire;
 - d. Qualifications and Insurance.
- 1.4. This Policy should be read in conjunction with Operational Procedure COMD/OP-2-Townscape Funds and Activities.

2. SCOPE

- 2.1. This Policy is applicable to all townscape works undertaken by incorporated community groups including the Balingup Townscape Committee (BTC) and the Kirup Progress Association (KPA), as well as the Shire (in the absence of an appropriate community group for this purpose).

3. DEFINITIONS

- 3.1. **BTC** means Balingup Townscape Committee
- 3.2. **BPA** means Balingup Progress Association
- 3.3. **KPA** means Kirup Progress Association

4. POLICY STATEMENT

Allocation of Funds

- 4.1. Council will confirm the annual allocation to townscape works in Donnybrook, Balingup and Kirup through its Annual Budget for each locality for the relevant financial year.
- 4.2. The final amounts allocated will be determined by Council which will be informed by the assessment of proposed projects from incorporated community groups in accordance with this Policy.
- 4.3. In the case that there is not an active incorporated community group in a particular town for this purpose, Council will apply discretion in determining an appropriate

COUNCIL POLICY COMD/CP-4 COMMUNITY TOWNSCAPE ACTIVITIES



allocation for the financial year which will be administered by the Shire for appropriate townscape works.

- 4.4. Council will endeavour to achieve a balanced approach to allocating funds between Balingup and Donnybrook, with Kirup to receive an amount equivalent to 50% of the amount allocated to the two larger towns, however all final allocations are at the absolute discretion of Council.
- 4.5. Regardless of the projects applied for by a community group, Council reserves the right to limit the number and/or scope of approved projects in order to address budgetary constraints.
- 4.6. All proposals will require the approval of Council prior to commencement and the Shire will not retrospectively fund any activities undertaken by a community group that have not obtained prior approval in accordance with this Policy.

Eligible townscape activities for community groups

- 4.7. With regard to townscape works, Council generally takes the position that the role of the community groups is to undertake low risk activities and to provide recommendations to Council on larger infrastructure projects.

Townscape activities that will remain the responsibility of the Shire

- 4.8. The Shire will be responsible for undertaking larger infrastructure projects including the construction of roads, footpaths, bridgeworks, pedestrian crossings, statutory signage, water bores, and any other projects it deems appropriate.
- 4.9. The Shire may determine that a particular project contained within a community group application should preferably be undertaken by the Shire if it:
 - a. involves a high level of complexity (e.g. requires approvals from multiple agencies);
 - b. warrants significant community consultation;
 - c. requires engineering or design compliance;
 - d. poses a potential risk to public safety;
 - e. is of a scale or nature that warrants it being a Shire project.
- 4.10. Where appropriate the Shire will liaise with community groups on larger infrastructure projects to provide the opportunity for community input.

Qualifications and Insurance

- 4.11. It is the responsibility of the incorporated community group to ensure that its volunteers have the necessary skills, training and experience and are provided with the appropriate Personal Protective Equipment (PPE) and clothing to safely undertake any tasks.
- 4.12. It is the responsibility of the incorporated community group to ensure that any equipment or machinery used by volunteers is fit for purpose and in safe operating condition.

COUNCIL POLICY COMD/CP-4 COMMUNITY TOWNSCAPE ACTIVITIES



4.13. It is the responsibility of the incorporated community group to ensure it has adequate public liability and volunteer insurance for its volunteers and all works undertaken by the community group with current copies of all insurances to be provided to the Shire for its records.

Administration of Townscape Activities

4.14. The administration of all townscape related activities will need to comply with Operational Procedure COMD/OP-2-Townscape Funds and Activities, with any variation from the adopted procedure to require prior Council approval.

5. DELEGATION AND AUTHORISATION

5.1. NIL

6. LEGISLATION

6.1. A range of legislation is applicable to works in public places which includes (but is not limited to):

- a. *Local Government Act 1995*
- b. *Planning and Development Act 2005*
- c. *Rights in Water and Irrigation Act 1914*
- d. *Public Works Act 1902*
- e. *Aboriginal Heritage Act 1972*

7. POLICY VERSION

Related Policies:	Nil				
Related Procedure:	COMD/OP-2-Townscape Funds and Activities				
Responsible Department:	Community Development				
Reviewer:	Manager Community Development				
Review Frequency:	Biennial	Next Due:	2024	Version Date:	6/05/2021
Policy Version Details					
No.	Version Synopsis:	Version Decision Date:	Decision Reference:	Synergy #:	
1	Initial adoption of policy	28/04/21	59/21	NPP7000	
2	Strategic Outcome added	[DD/MM/YY]	[###/YY]	[Record #]	

COUNCIL POLICY EXE/CP-1 COMMERCIAL LEASE



7. POLICY VERSION

Related Policies:	EXE/CP- 4- Document Execution and Application of Common Seal				
Related Procedure:	Nil				
Responsible Department:	Executive Services				
Reviewer:	Corporate Planning & Governance Officer				
Review Frequency:	Triennial	Next Due:	2022	Version Date:	17/09/2021
Policy Version Details					
No.	Version Synopsis:	Version Decision Date:	Decision Reference:	Synergy #:	
1	Initial adoption of policy	25/11/2020	176/20	Nil	
2	Amendment to the phasing in 1.2.1 MV at least 10%..., 1.1.2 MV less than 10%..., clause 4 "Standard Community Lease" changed to "Standard Commercial Lease".	24/02/2021	25/21	NPP6689	
3	Reformatted and renumbered	[DD/MM/YY]	[###/YY]	[Record #]	

NO CHANGE

COUNCIL POLICY EXE/CP-5 ATTENDANCE AT EVENTS AND FUNCTIONS



STRATEGIC OUTCOME SUPPORTED: 11 - Strong, visionary leadership

1. OBJECTIVE

- 1.1. Pursuant to section 5.90A (2) of the *Local Government Act 1995*, this policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the Shire of Donnybrook Balingup.

2. SCOPE

- 2.1. The purpose of the mandatory council policy is to provide transparency about the attendance at events of elected members, the CEO and employees.
- 2.2. Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest. Receipt of the gift will still be required under the gift register provisions.

3. DEFINITIONS

- 3.1. **CEO** means Chief Executive Officer, Shire of Donnybrook Balingup
- 3.2. **Event** in accordance with section 5.90A of the Act: event includes, but not limited to the following.
 - a. a concert.
 - b. a conference.
 - c. a function.
 - d. a sporting event; and
 - e. an event described in this policy.
- 3.3. **Gift** means a conferral of a financial benefit (including a disposition of property) made by 1 person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral: or a travel contribution.

4. POLICY STATEMENT

Provision of tickets to event

- 4.1. All invitations or offers of tickets for an elected member or CEO to attend an event should be in writing and addressed to the CEO, Shire President or Councillor/s.

COUNCIL POLICY EXE/CP-5 ATTENDANCE AT EVENTS AND FUNCTIONS



- 4.2. All invitations or offers of tickets for an employee to attend an event should be in writing and addressed to the employee in their capacity as a Shire of Donnybrook Balingup employee.
- 4.3. Any invitation or offer of tickets not addressed as stated above is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.

Approval of attendance

- 4.4. In making a decision on attendance at an event, the council will consider:
 - a. who is providing the invitation or ticket to the event?
 - b. the location of the event in relation to the Shire of Donnybrook Balingup (within the district or out of the district).
 - c. the role of the elected member or CEO when attending the event (participant, observer, presenter) and the value of their contribution.
 - d. whether the event is sponsored by the Shire of Donnybrook Balingup.
 - e. the benefit of the Shire of Donnybrook Balingup representation at the event.
 - f. the number of invitations / tickets received; and
 - g. the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- 4.5. This policy does not apply to tangible gifts or money, travel or accommodation. Any contribution to travel, subject to the exceptions in section 5.83 of the *Local Government Act 1995*, must be disclosed in writing to the CEO within 10 days of receipt of the contribution.
- 4.6. Contributions to travel costs, whether financial or otherwise are now incorporated within the definition of gift.
- 4.7. Decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy.

Payments in respect of attendance

- 4.8. Where an invitation or ticket to an event is provided free of charge, the Shire of Donnybrook Balingup may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the council determine attendance to be of public value.
- 4.9. For any events where a member of the public is required to pay, unless previously approved and listed below, the council will determine whether it is in the best interests of the Shire of Donnybrook Balingup for an elected member or the CEO or another employee to attend on behalf of the council.

COUNCIL POLICY EXE/CP-5 ATTENDANCE AT EVENTS AND FUNCTIONS



- 4.10. If the council determines that an elected member or CEO should attend a paid event, the Shire of Donnybrook Balingup will pay the cost of attendance and reasonable expenses, such as travel and accommodation.
- 4.11. If the CEO determines that an employee should attend a paid event, the Shire of Donnybrook Balingup will pay the cost of attendance and reasonable expenses, such as travel and accommodation.
- 4.12. Where partners of an authorised Shire of Donnybrook Balingup representative attend an event, any tickets for that person, if paid for by the Shire of Donnybrook Balingup, must be reimbursed by the representative unless expressly authorised by the council.

Perceived or actual conflict

- 4.13. Event attendance may create a perceived or actual conflict, which may preclude elected members participating or employees providing advice at a future meeting.
- 4.14. If the amount of an event ticket (gift) is less than \$1,000, and relates to a matter before Council, under section 5.68 of the Act, Council may allow the disclosing elected member to participate on the condition that the interest, the council's decision and the reasons for that decision are recorded in the minutes.
- 4.15. If the amount gift is above \$1,000 the council or CEO must apply to the Minister for permission to allow the member or employee to participate.

Authorised Events in advance

- 4.16. The following situations are specifically excluded where the event ticket (gift) is received from one of the following organisations:
 - a. WALGA (but not LGIS).
 - b. local Government Professionals Australia (WA).
 - c. Australian Local Government Association.
 - d. a department of the public service.
 - e. a government department of another State, a Territory or the Commonwealth; and
 - f. a local government or regional local government.
- 4.17. The gift is still required to be recorded on the "gift register".

5. DELEGATION AND AUTHORISATION

- 5.1. The CEO is authorised to approve any attendance to events that comply with this policy and criteria set out below:
 - a. the location of the event is within Western Australia.

COUNCIL POLICY EXE/CP-5 ATTENDANCE AT EVENTS AND FUNCTIONS



- b. the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel, and accommodation are in accordance with annual budget allocations; and
- c. an expression of interest was sent out to the appropriate people to gauge interest in attending.

5.2. The CEO is authorised to approve reimbursement or contribution of appropriate expenses for attendance, such as travel and accommodation in accordance with annual budget allocations.

6. LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *Local Government (Rules of Conduct) Regulations 2007.*
- 6.3. *Local Government Regulations Amendment (Gifts) Regulations 2019*
- 6.4. Department Circular No 11-2019 – New Gifts Framework

7. POLICY VERSION

Related Policies:	Nil				
Related Procedure:	Nil				
Responsible Department:	Executive				
Reviewer:	Corporate Planning and Governance Officer				
Review Frequency:	Annual	Next Due:	2022	Version Date:	24/11/2021
Policy Version Details					
No.	Version Synopsis:	Version Decision Date:	Decision Reference:	Synergy #:	
1	Initial adoption of policy	24/11/2021	191/21	NPP7781	

STRATEGIC OUTCOME SUPPORTED: 12 - A well respected, professionally run organisation.

1. OBJECTIVE

- 1.1. To establish policy, in accordance with Section 5.39C of the *Local Government Act 1995*, that details the Shire of Donnybrook Balingup's processes for appointing an Acting or Temporary Chief Executive Officer (CEO) for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office.

2. SCOPE

- 2.1. The policy applies to the statutory position of Chief Executive Officer (CEO) of the Shire of Donnybrook Balingup.

3. DEFINITIONS

- 3.1. **Acting CEO** means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed but is on planned or unplanned leave.
- 3.2. **CEO** means Chief Executive Officer
- 3.3. **Temporary CEO** means a person employed or appointed to fulfil the statutory position of CEO for the period between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.
- 3.4. **The Act** mean the *Local Government Act 1995*.

4. POLICY STATEMENT

Acting and Temporary CEO Requirements and Qualification

- 4.1. When the CEO is on planned or unplanned leave, or the CEO's employment with the Shire of Donnybrook Balingup has ended, an Acting or Temporary CEO is to be appointed in accordance with this policy to fulfil the functions of CEO as detailed in Section 5.41 of the Act, and other duties as set out in the Act and associated Regulations.
- 4.2. Through this policy and in accordance with section 5.36(2)(a) of the Act, the Council determines that employees appointed to the substantive position of Director are considered suitably qualified to perform the role of Acting or Temporary CEO.

Appoint Acting CEO – Planned and unplanned leave for periods up to 6 weeks

- 4.3. The CEO is authorised to appoint a Director in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 6 weeks, subject to the CEO's consideration of the Director's performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.

COUNCIL POLICY HR/CP- 4 TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO



- 4.4. The CEO must appoint an Acting CEO for any leave periods greater than 48 hours and less than 6 weeks.
- 4.5. The CEO is to advise all Council Members when and for what period of time an Acting CEO has been appointed.
- 4.6. If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with clause 4.5, then the following line of succession shall apply:
 - a. The Director Operations will be appointed as Acting CEO; or
 - b. If the Director Operations is unable to act, the Director Corporate and Community will be appointed as Acting CEO.
- 4.7. Council may, by resolution, extend an Acting CEO period under clause 4.9 beyond 6 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

Appoint Acting CEO for extended leave periods greater than 6 weeks but less than 12 months

- 4.8. This clause applies to the following periods of extended leave:
 - a. Substantive CEO's Extended Planned Leave which may include accumulated annual leave, long service leave or personal leave; and
 - b. Substantive CEO's Extended Unplanned Leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
- 4.9. The Council will, by resolution, appoint an Acting CEO for periods greater than 6 weeks but less than 12 months, as follows:
 - a. Appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
 - b. Conduct an external recruitment process in accordance with clause 4.13 c.
- 4.10. The President will liaise with the CEO, or in their unplanned absence, a Director to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
- 4.11. Subject to Council's resolution, the President will execute in writing the Acting CEO appointment with administrative assistance from a Director.

Appoint Temporary CEO – Substantive Vacancy

- 4.12. In the event that the substantive CEO's employment with the Shire of Donnybrook Balingup is ending, the Council, when determining to appoint a Temporary CEO may either:
 - a. by resolution, appoint a Director as the Temporary CEO for the period until the substantive CEO has been recruited and commences their employment with the Local Government; or

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- b. by resolution, appoint a Director as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
- c. following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act, appoint a Temporary CEO for the period until the substantive CEO has been recruited and commences employment with the Local Government.

4.13. The President will liaise with a Director to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.

4.14. The President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council's resolution/s, with administrative assistance from a Director.

Remuneration and conditions of Acting or Temporary CEO

4.15. Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at 90% of the cash component only of the substantive CEO's total reward package.

4.16. Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.

4.17. Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

5. DELEGATION AND AUTHORISATION

5.1. Nil

6. LEGISLATION

6.1. *Local Government Act 1995*

7. POLICY VERSION

Related Policies:	Nil				
Related Procedure:	Nil				
Responsible Department:	Human Resources				
Reviewer:	Manger Executive Services				
Review Frequency:	Triennial	Next Due:	2024	Version Date:	24/11/2021
Policy Version Details					
No.	Version Synopsis:	Version Decision Date:	Decision Reference:	Synergy #:	
1	Initial adoption of policy	24/11/2021	191/21	NPP7795	

Current Policies	
1.4	Honorary Freeman of the Local Government
1.8	Legal Representation Costs Indemnification
1.15	Acknowledgement of Country and Welcome to Country
1.17	Audio Recording of Council Meetings
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1.19	Related Party Disclosure
1.21	Elected Members Allowances and Entitlements
2.10	Records Management
2.21	Regional Price Preference
2.32	Use of the Shire of Donnybrook-Balingup Common Seal
2.44	Occupation Health and Safety
2.49	Use of social media channels and communications for the Shire of Donnybrook Balingup
3.4	Investment of Funds
4.3	Land Resumption
4.24	Rural Verge Management
4.25	Urban Verge Management
6.11	Staff Usage of Donnybrook Recreation Centre
8.3	Road Verge Burning of Shire Controlled Roads
8.5	Fireworks Events



1.4 Honorary Freeman of the Local Government

PURPOSE

To provide appropriate recognition to residents and other individuals who have served the Donnybrook Balingup community with distinction.

POLICY STATEMENT

Council may, by an absolute majority of the members voting at a meeting of the Council, confer upon any person, the title of Honorary Freeman of the Local Government.

The granting of this prestigious honour shall take into account contributions made by an individual to the community as a representative of Local Government and/or involvement in community and service organisations.

The conferring of the title on a person does not grant to that person any right or privilege other than that of permitting that person to designate themselves by the title so conferred.

DEFINITIONS

An Honorary Freeman is bestowed on a citizen in recognition of their services to the Shire.

"Absolute majority" means absolute majority as defined in section 1.4 of the Local Government Act 1995.

RELATED LEGISLATION

Local Government Act 1995

RELATED DOCUMENTATION

Nil

Adopted:	1 January 1993
Last Amended:	
Last Reviewed:	23 May 2018
Next Review:	23 May 2021
Responsible Department:	Council



1.8 Legal Representation Costs Indemnification

PURPOSE

To protect the interests of council members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the Local Government may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

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

POLICY STATEMENT

- (a) The Local Government may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, against interests of the Local Government or otherwise in bad faith.
- (b) The Local Government may provide such assistance in the following types of legal proceedings:
 - (i) Proceedings brought by members and employees to enable them to carry out their Local Government functions (e.g. where a member or employee seeks a restraining order against a person using threatening behaviour);
 - (ii) Proceedings brought against members or employees [this could be in relation to a decision of Council or an employee which aggrieves another person (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
 - (iii) Statutory or other inquiries where representation of members or employees is justified.
- (c) The Local Government will not support any defamation actions seeking the payment of damages for individual members or employees in regard to comments or criticisms levelled at their conduct in the respective roles unless under exceptional circumstances (e.g. repeated acts of defamation against employees). 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.



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

Any Council employee or Council member (or past member or former employee) who Council or the CEO approves to receive legal support will acknowledge in writing the details of Council Policy No. 1. 6 prior to Council providing that legal assistance.

DEFINITIONS

Nil

RELATED LEGISLATION

Section 5.42 of the Local Government Act 1995.

RELATED DOCUMENTATION

Shire of Donnybrook Balingup Guidelines and Procedures - Legal Representation Costs Indemnification

Adopted:	24 January 2001
Last Amended:	24 June 2009
Last Reviewed:	23 May 2018
Next Review Date:	23 May 2021
Responsible Department:	Council



1.15 Acknowledgement of Country and Welcome to Country

PURPOSE

To ensure that Council acknowledge (*Acknowledgement of Country and Welcome to Country*) and show respect for the original custodians of the land on which the Shire of Donnybrook Balingup is situated and ensure the correct protocols are used when doing so.

POLICY STATEMENT

Council will show respect for Australia's first people by recognising the traditional custodians of the land at public meetings and events, either through an 'Acknowledgement of Country' or - at major events - by inviting Aboriginal Elders to formally welcome guests.

1. Acknowledgement of Country

An 'Acknowledgement of Country' may be delivered at the following types of events:

- Significant events where members of the public, representatives of governments and/or the media are present
- Council Meetings
- Forums, briefing sessions, community workshops where the public are present
- Conferences or seminars
- NAIDOC celebrations
- Citizenship Ceremonies

An 'Acknowledgement of Country' should be given by a speaker at the beginning of the event.

The wording of and 'Acknowledgement of Country' may vary. A list of suggested phraseology is available in the attached guidelines.

2. Welcome to Country

A 'Welcome to Country' ceremony may be held at the start of the following types of events:

- The opening of a new significant building involving State or Federal Government representatives
- Major civic ceremonies or functions

The initiation of a 'Welcome to Country' is to occur only after receiving prior approval from the Chief Executive Officer.



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A 'Welcome to Country' should always occur as the first item in a ceremony or event. It may consist of a single speech by the representative of the local Aboriginal community or may also include a performance, such as a traditional song, dance or didgeridoo performance.

Arrangements for a 'Welcome to Country' are to be made by the officer/s responsible for the event or activity. This includes contacting and liaising with the appropriate Elder.

DEFINITIONS

Acknowledgement of Country – is an acknowledgement of the traditional Aboriginal custodians of the land in order to pay respect to them. An acknowledgement can be performed by any person, Aboriginal or non-Aboriginal.

Welcome to Country – is where the traditional custodians formally welcome people to their land. This ceremony is undertaken by Elders acknowledged as such by their family and community.

RELATED LEGISLATION

Nil

RELATED DOCUMENTATION

Shire of Donnybrook Balingup Guidelines/Procedures – Acknowledgement of Country and Welcome to Country

Adopted:	27 May 2015
Last Amended:	
Last Reviewed:	23 May 2018
Next Review:	23 May 2021
Responsible Department:	Executive



1.17 Audio Recording of Council Meetings

PURPOSE

To assist in the preparation of the minutes of Ordinary and Special Meetings of Council held in Council Chambers.

POLICY STATEMENT

All Ordinary and Special Meetings of Council held in Council Chambers shall be audio recorded, except when the Council has resolved to close the meeting to members of the public,

It is noted that the only official record of any Council meeting is the minutes and only the resolutions of Council as published in the minutes can be actioned.

This policy does not impinge on any person's access to public records.

3. Access to audio recordings

The Minute Clerk shall have access to the audio recordings.

4. Public notification of recording of meetings

Members of the public attending meetings will be advised that an audio recording of the meeting will be made to assist with minute-taking. The wording of the advice will be as follows:

"This meeting is being digitally recorded to assist with minute-taking in accordance with Council Policy 1.12. If you do not give permission for your participation to be recorded, please indicate this at the meeting."

"Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the chairperson."

This advice will be provided:

- On the agenda for Council and Committee meetings
- On paperwork associated with Public Question Time
- Verbally by the chairperson at the start of the meeting.

5. Retention of audio recordings

All audio recordings are to be retained as part of the Shire's records.



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DEFINITIONS

Audio recording means any recording made by any electronic device capable of recording sound.

RELATED LEGISLATION

Freedom of Information Act 1992.

State Records Act 2000

General Disposal Authority for Local Government 25.1.3

RELATED DOCUMENTATION

Nil

Adopted:	23 March 2016
Last Amended:	
Last Reviewed:	23 May 2018
Next Review Date:	23 May 2021
Responsible Department:	Council / Executive

CURRENT POLICIES



1.18 Caretaker Policy

PURPOSE

To:

- Ensure Council avoids making major decisions prior to an election that would bind an incoming Council;
- Prevent the use of public resources in ways that could be seen as advantageous or disadvantageous to members seeking re-election or new candidates; and
- Recognise the requirement for the Shire administration to act impartially in relation to all candidates.

POLICY STATEMENT

1. Scheduling Consideration of Major Policy Decisions

So far as is reasonably practicable, the CEO should avoid scheduling major policy decisions for consideration during a Caretaker Period, and instead ensure that such decisions are either:

- a. considered by the Council prior to the Caretaker Period; or
- b. scheduled for determination by the incoming Council.

Where extraordinary circumstances prevail, the CEO may submit a major policy decision to the Council (refer to Part 3).

2. Decisions Made Prior to a Caretaker Period

This Policy only applies to decisions made during a Caretaker Period, not the announcement of decisions made prior to the Caretaker Period. Whilst announcements of earlier decisions may be made during a Caretaker Period, as far as practicable any such announcements should be made before the Caretaker Period begins or after it has concluded.

3. Role of the CEO in Implementing Caretaker Practices

The role of the CEO in implementing the caretaker practices outlined in this policy is as follows:

- a. The CEO will ensure as far as possible, that all Elected Members and staff are aware of the Caretaker Policy and practices at least 30 days prior to the start of the Caretaker Period.
- b. The CEO will ensure, as far as possible, that any major policy or significant decisions required to be made by the Council are



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scheduled for Council resolution prior to the Caretaker Period or deferred where possible for determination by the incoming Council.

- c. The CEO will endeavour to make sure all announcements regarding decisions made by the Council, prior to the Caretaker Period, are publicised prior to the Caretaker Period.
- d. The CEO will provide guidelines for all relevant staff on the role and responsibilities of staff in the implementation of this policy.

4. Extraordinary Circumstances requiring exemption

Despite clause 1, the CEO may, where extraordinary circumstances exist, permit a matter defined as a 'major policy decision' to be submitted to the Council for determination during the Caretaker Period.

5. Appointment or Removal of the CEO

Whilst clause 1 above establishes that a CEO may not be appointed or dismissed during a Caretaker Period, the Council may, where the substantive officer is on leave, appoint an Acting CEO, or in the case of an emergency, suspend the current CEO (in accordance with the terms of their contract) and appoint a person to act in the position of CEO, pending the election, after which date a permanent decision can be made.

6. Inclusion of Caretaker Statement

To assist the Council to comply with its commitment to appropriate decision making during the Caretaker Period, a Caretaker Statement will be included in each report submitted to the Council where the Council's decision would, or could, be a Major Policy Decision. The Caretaker Statement will state:

"The decision the Council may make in relation to this item could constitute a 'Major Policy Decision' within the context of the Shire of Donnybrook-Balingup Caretaker Policy, however, an exemption should be made because, (insert the circumstances for making the exemption)".

7. Shire Website

During the Caretaker Period the Shire's website will not contain any material which is precluded by this policy. Any references to the election



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will only relate to the election process. Information about Elected Members will be restricted to names, contact details, titles, membership of special committees and other bodies to which they have been appointed to by the Council.

8. Prohibition

It is prohibited under this policy for public consultation to be undertaken during the Caretaker Period (either new consultation or existing) on an issue which, in the CEO's opinion, could be perceived as intended or calculated to affect the result of an election, unless authorised by the CEO.

This Policy does not prevent any mandatory public consultation required by the *Local Government Act 1995* or any other relevant Act which is required to be undertaken to enable the Shire to fulfil its functions.

9. Approval for Public Consultation

Given the prohibition under Part 8 of this policy, the Council should not commission or approve any public consultation where it is likely that such consultation will continue into the Caretaker Period.

Where public consultation is approved to occur during the Caretaker Period, the results of that consultation will not be reported to the Council until after the Caretaker Period, except where otherwise approved by the CEO or necessary for the performance of the Shire's functions as prescribed in the *Local Government Act 1995* or any other relevant Act.

10. Public Events Hosted by External Bodies

Elected Members may continue to attend events and functions hosted by external bodies during the Caretaker Period.

11. Shire Organised Civic Events/Functions

Events and/or functions organised by the Shire and held during the Caretaker Period will be limited to only those that the CEO considers essential to the operation of the Shire, and should not in any way be associated with any issues that in the CEO's opinion, are considered relevant to, or likely to influence the outcome of, an election.



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All known candidates are to be invited to civic events/functions organised by the Shire during the Caretaker Period.

12. Addresses by Elected Members

Excluding the President and Deputy President fulfilling their functions as prescribed by sections 2.8 and 2.9 of the *Local Government Act 1995*, respectively, Elected Members that are also candidates should not, without the prior approval of the CEO, be permitted to make speeches or addresses at events/functions organised or sponsored by the Shire during the Caretaker Period.

13. Use of Shire Resources

The Shire's Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007* provide that the Shire's resources are only to be utilised for authorised activities (for example - no use of employees for personal tasks or no use of equipment, stationery, or hospitality for non-Council business). This includes the use of resources for electoral purposes. It should be noted that the prohibition on the use of the Shire's resources for electoral purposes is not restricted to the Caretaker Period.

The Shire's staff **must not** be asked to undertake any tasks connected directly or indirectly with an election campaign and should avoid assisting Elected Members in ways that could create a perception that they are being used for electoral purposes. In any circumstances where the use of Shire resources might be construed as being related to a candidate's election campaign, advice is to be sought from the CEO.

14. Electoral Information and Assistance

All candidates will have equal rights to access public information, such as the electoral rolls (draft or past rolls), monthly enrolment details, and information relevant to their election campaigns from the Shire administration.

Any assistance and advice provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.



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15. Media Advice

Any requests for media advice or assistance from Elected Members during the Caretaker Period will be referred to the CEO. No media advice will be provided in relation to election issues or in regard to publicity that involves specific Elected Members. If satisfied that advice sought by an Elected Member during the Caretaker Period does not relate to the election or publicity involving any specific Elected Member(s), the CEO may authorise the provision of a response to such a request.

16. Publicity Campaigns

During the Caretaker Period, publicity campaigns, other than for the purpose of conducting (and promoting) the election will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Shire activity, it must be approved by the CEO. In any event, the Shire's publicity during the Caretaker Period will be restricted to communicating normal Shire activities and initiatives.

17. Media Attention

Elected Members will not use or access Shire staff or resources to gain media attention in support of their or any other candidate's election campaign.

18. Election Process Enquiries

All election process enquiries from candidates, whether current Elected Members or not, will be directed to the Returning Officer or, where the matter is outside of the responsibilities of the Returning Officer, to the CEO.

DEFINITIONS

'Caretaker Period' means the period of time when the caretaker practices are in place prior to the election. The caretaker practices will apply from the close of nominations (37 days prior to the Election Day – Section 4.49 (a) of the *Local Government Act 1995*) until 6.00pm on Election Day.

'Election Day' means the day fixed under the *Local Government Act 1995* for the holding of any poll needed for an election but excludes an extraordinary election other than an extraordinary election to elect a new Shire President.



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'Electoral Material' means any advertisement, handbill, pamphlet, notice, letter or article that is intended or calculated to affect the result in an election but does not include:

- a. An advertisement in a newspaper announcing the holding of a meeting (Section 4.87 (3) of the *Local Government Act 1995*).
- b. Any materials exempted under Regulation 78 of the *Local Government (Elections) Regulations 1997*.
- c. Any materials produced by the Shire relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election.

'Extraordinary Circumstances' means a situation that requires a major policy decision of the Council because:

- a. in the CEO's opinion, the urgency of the issue is such that it cannot wait until after the election;
- b. of the possibility of legal and/or financial repercussions if a decision is deferred; or
- c. in the CEO's opinion, it is in the best interests of the Council and/or the Shire for the decision to be made as soon as possible.

'Major Policy Decision' means any:

- a. Decisions relating to the employment, termination or remuneration of the CEO or any other designated senior officer, other than a decision to appoint an Acting CEO, or suspend the current CEO (in accordance with the terms of their contract), pending the election.
- b. Decisions relating to the Shire entering into a sponsorship arrangement with a total Shire contribution that would constitute substantial expenditure unless that sponsorship arrangement has previously been granted "in principle" support by the Council and sufficient funds have been included in the Council's annual budget to support the project.
- c. Decisions relating to the Shire entering into the disposition of property or a commercial enterprise as defined by Sections 3.58 and 3.59 of the *Local Government Act 1995*.
- d. Decisions that would commit the Shire to substantial expenditure or actions that, in the CEO's opinion, are significant, such as that which might be brought about through a Notice of Motion by an Elected Member.
- e. Decisions that, in the CEO's opinion, will have a significant impact on the Shire of Donnybrook-Balingup or the community.
- f. Reports requested or initiated by an Elected Member, candidate or member of the public that, in the CEO's opinion could, be perceived within the



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general community as an electoral issue and has the potential to call into question whether decisions are soundly based and in the best interests of the community.

'Public Consultation' means a process which involves an invitation to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy but does not include consultation required to be undertaken in order to comply with a written law.

'Substantial Expenditure' means expenditure that exceeds 0.1% of the Shire's annual budgeted revenue (inclusive of GST) in the relevant financial year.

RELATED LEGISLATION

Local Government Act 1995 - Sections 2.8, 2.9, 3.59, 3.59, 4.49(a) and 4.87(3)
Local Government (Rules of Conduct) Regulations 2007
Regulation 78 of the Local Government (Elections) Regulations 1997.

RELATED DOCUMENTATION

Nil

Adopted:	23 August 2017
Last Amended:	
Last Reviewed:	23 May 2018
Next Review Date:	23 May 2021
Responsible Department:	Executive



1.19 Related Party Disclosures

PURPOSE

To define the parameters for Related Party Transactions and the level of disclosure and reporting required for council to achieve compliance with the Australian Accounting Standard AASB124 – Related Party Disclosures.

POLICY STATEMENT

This policy addresses the four (4) different types of related party relationships that must be considered by Council:

1. Entities related to Council;
2. Key Management Personnel;
3. Close family members of Key Management Personnel; and
4. Entities that are controlled or jointly controlled by either 2 or 3 above.

1. Key Management Personnel (KMP)

All Key Management Personnel (KMP) are responsible for assessing and disclosing their own, their close family members' and their related entities' relationship with Council. All related parties must be included in the self-assessment. A disclosure form is provided as an Attachment to this Policy.

2. Related Party Transactions

2.1 Ordinary Citizen Transaction

For the purpose of this Policy, an Ordinary Citizen Transaction is one that occurs between Council and KMP and/or related parties which satisfy the following criteria. The transaction must:

- occur during the normal course of Council delivering its public service goals;
- be under the same terms that would be available to a member of the community; and
- belong to a class of transaction that an ordinary member of the community would normally transact with Council.

This includes for example facility hire, and the payment of rates and dog registrations.

There is no obligation to disclose Ordinary Citizen Transactions. However, if the terms and conditions of what would normally be considered an Ordinary Citizen Transaction differ from normal practice, it must be disclosed.



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2.2 Non-ordinary Citizen Transactions

All related party transactions that do not satisfy the definition of an Ordinary Citizen Transaction (as per 2.1) must be disclosed in accordance with AASB 124.

The following are examples of transactions that must be disclosed if they are with a related party and are not an Ordinary Citizen Transaction:

- purchases of sales or goods (finished or unfinished);
- purchases or sales of property or other assets;
- rendering or receiving services;
- leases;
- transfers of research and development;
- transfers under licence agreements;
- transfers under finance arrangements (including loans and equity contributions in cash or kind);
- provisions of guarantees or collateral;
- commitments to do something if a particular event occurs or does not occur in the future, including execution of contracts (recognised or unrecognised); and
- settlement of liabilities on behalf of Council or by Council on behalf of the related party.

3. Disclosure of Information

3.1 Council disclosure

AASB 124 provides that Council must disclose the following financial information in its financial statements for each financial year period:

- the nature of any related party relationships;
- the amount of the transactions;
- the amount of outstanding balances, including commitments, including:
 - (i) their terms and conditions, whether they are secured, and the nature of the consideration to be provided in settlement; and
 - (ii) details of any guarantees given or received;
- provisions for doubtful debts related to the amount of outstanding balances; and
- the expense recognised during the period in respect of bad or doubtful debts due from related parties.

The following matters must be considered in determining the materiality and significance of any related party transactions:

- significance of transaction in terms of size;
- whether the transaction was carried out on non-market terms;
- whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets;



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- whether the transaction is disclosed to regulatory or supervisory authorities;
- whether the transaction has been reported to senior management; and
- whether the transaction was subject to Council approval.

Regard must also be given for transactions that are collectively, but not individually significant.

All transactions involving related parties will be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are Ordinary Citizen Transactions (OCTs), and to determine the significance of each of the transactions.

3.2 Key Management Personnel disclosure

In accordance with this Policy, KMP must provide a Related Party Disclosure in the form set out in the Attachment twice yearly, no later than 30 June each year.

4. Review of Related Parties

A review of KMP's and their related parties will be completed every 12 months. Particular events, such as a change of Councillors, Chief Executive Officer or Executive Managers or a corporate restructure will also trigger a review of Council's related parties immediately following such an event.

The Chief Executive Officer shall implement a suitable system to identify related parties. The primary identification method of close family members and associated entities of Key Management Personnel shall be by (but not limited to) KMP self-assessment. KMP have a responsibility to identify and report any changes to their related parties as they occur.

The Chief Executive Officer shall identify suitable methodology and procedures for identifying and reporting on related party transactions such that accurate data will be collated from 01 July 2017. Identification and reporting methods shall consider:

- transactions occurring via Council's accounting and electronic records management systems;
- other transactions not passing through Council's electronic accounting / management systems;
- the identification of the associated terms and conditions of the related party transactions;
- declarations in the Financial Interests Register; and
- information provided in Primary and Annual Returns.

If any elected member or employee believes a transaction may constitute a related party transaction they must notify the Chief Executive Officer who will, in consultation with the Executive Manager Corporate Services, make a determination on the matter.



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5. Privacy and Confidentiality

5.1 Access to information

The following persons are permitted to access, use and disclose the information provided in a related party disclosure or contained in a register of related party transactions for the purposes of 5.2.

- the Chief Executive Officer;
- Manager Finance and Administration;
- Accountant;
- an Auditor of Council (including an Auditor from the WA Auditor General's Office); and
- other officers as determined by the Chief Executive Officer.

5.2 Permitted purposes

Persons specified in 5.1 may access, use and disclose information in a related party disclosure or contained in a register of related party transactions for the following purposes:

- assess and verify the disclosed related party transaction;
- reconcile identified related party transactions against those disclosed in the related party disclosure or contained in a register of related party transactions;
- comply with the disclosure requirements of AASB 124; or
- verify compliance with the disclosure requirements of AASB 124.

5.3 Confidentiality

The following information is classified as confidential and is not available for inspection by or disclosure to the public;

- information (including personal information) provided by a KMP in a related party disclosure; and
- personal information contained in a register of related party transactions.

DEFINITIONS

AASB 124 - Australian Accounting Standards Board, Related Party Disclosures Standard 124

Close family members of Key Management Personnel (KMP) - Those family members who may be expected to influence, or be influenced by, that KMP in their dealings with the Shire of Donnybrook-Balingup and include:

- the KMP's children, and spouse or domestic partner;
- the KMP's parents or step-parents;
- children of that KMP's spouse or domestic partner; and
- dependants of the KMP or the KMP's spouse or domestic partner.



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Entity - Can include a body corporate, a partnership or a trust, incorporated, or unincorporated group or body.

Entity Related to a KMP - Related Entities to Key Management Personnel are entities that are:

- *controlled or jointly controlled by a KMP;
- where a KMP has significant influence over, or is a member of the key management personnel of the entity or parent of the entity (apart from Council itself); or
- controlled or jointly controlled by a close family member of a KMP of Council.

*A person or entity is deemed to have *control* if they have:

- power over the entity;
- exposure, or rights, to variable returns from involvement with the entity; or
- the ability to use power over the entity to affect the amount of returns.

To jointly control, a person or entity must have contractual rights or agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

Entity Related to Council - This includes any entity that is either controlled, controlled jointly or is an entity over which Council has a significant influence. A person or entity is a Related Party of Council if any of the following apply:

- they are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others);
- they are an associate or belong to a joint venture of which Council is part of.
- they and Council are joint venturers of the same third party;
- they are part of a joint venture of a third party and Council is an associate of the third party;
- they are on a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council;
- they are controlled or jointly controlled by close family members of the family of a KMP;
- they are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of Council; or
- they, or any member of a group of which they are a part, provide KMP services to Council.

Key Management Personnel (KMP) - AASB 124 defines KMP as “those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity”.

Key Management Personnel for the Shire of Donnybrook-Balingup are:

- elected Council Members (including the President); and



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Council Policy

- persons employed under s5.36 of the *Local Government Act 1995* in the capacity of Chief Executive Officer or Executive Manager.

Material (materiality) - Means the assessment of whether by omitting it or misstating a transaction (either individually or in aggregate with other transactions), it could influence decisions that users make on the basis of an entity's financial statements. For the purpose of this Policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

Ordinary Citizen Transaction - A transaction that an ordinary member of the community would undertake in the ordinary course of business with the Shire of Donnybrook-Balingup.

Related Party - A person or entity that is related to the entity preparing its financial statements.

Related Party Transaction - A transfer of resources, services or obligations between the Shire of Donnybrook-Balingup and a related party, regardless of whether a price is charged.

Significant (significance) - Likely to influence the decisions that users of the Council's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/ taxpayer relationship.

RELATED LEGISLATION

Local Government Act 1995, Australian Accounting Standards:

- AASB 124 Related Party Disclosures
- AASB 10 Consolidated Financial Statement
- AASB 11 Joint Arrangements
- AASB 128 Investments in Associates and Joint Ventures

RELATED DOCUMENTATION

Nil

Adopted:	23 July 2017
Last Amended:	
Last Reviewed:	23 May 2018
Next Review Date:	23 May 2021
Responsible Department:	Finance and Administration



SHIRE OF DONNYBROOK BALINGUP

Council Policy

1.21 Elected Members Allowances and Entitlements

OBJECTIVE

To provide Council members with an appropriate level of remuneration and entitlements to ensure that they are able to effectively fulfil their role. This policy specifies the type of allowances payable including annual allowances instead of reimbursement for particular types of expenses.

POLICY

Allowances

1. Presidents Annual Allowance

Pursuant to section 5.98(5) of the Act, the Shire President shall be paid an annual Presidents allowance within the prescribed range determined by the SAT which shall be set by Council as part of the annual budget adoption process, with the allowance based on the 25th percentile of the allowance for a band 3 Local Government. This allowance is in addition to any fees or reimbursement of expenses payable to the President under section 5.98 of the LG Act.

2. Deputy Presidents Annual Allowance

Pursuant to section 5.98A(1) of the LG Act, the Deputy President shall be paid an annual Deputy Presidents allowance of the percentage that is determined by the Tribunal of the annual allowance to which the president is entitled under section 5.98(5) of the LG Act. This allowance is in addition to any fees or reimbursement of expenses payable to the Deputy President under section 5.98 of the LG Act.

3. Council Member Annual Attendance Allowance

Pursuant to section 5.99 of the LG Act, a Council member shall be paid an annual attendance allowance within the prescribed range determined by the SAT which shall be set by Council as part of the annual budget adoption process, with the allowance based on the 25th percentile of the allowance for a band 3 Local Government. This payment is in lieu of Council meeting, committee meeting and prescribed meeting attendance fees in accordance with section 5.98(1)(b) of the LG Act.

4. Annual Information Communication and Technology (ICT) Allowance

Council members shall be paid an annual ICT allowance within the prescribed range determined by the SAT which shall be set by Council as part of the annual budget adoption process, with the allowance based on the 75th percentile of the allowance for a band 3 Local Government for the Shire President. All Council members other than the Shire President is based on the 17th percentile of the allowance for a band 3 Local Government. This payment is in lieu of reimbursing ICT expenses in accordance with section 5.99A of the Act instead of reimbursement under 5.98(2).

ICT expenses means:

- (a) rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the LG Regulations; or*
- (b) any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations;*



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Council Policy

5. Reimbursement of Statutory Travel Expenses

Pursuant to Section 5.98(2) of the Act and Administration Regulation 31. Council members have a statutory entitlement to be reimbursed for travel expenses incurred by the Councillor as a result of attendance at a council meeting or a meeting of a committee of which he or she is member.

The rate of reimbursement will be in accordance with that specified by the Local Government Officers' (Western Australia) Interim Award 2010.

Expenses are reimbursed upon submission of a Councillor Claim request form.

6. Reimbursement of Statutory Child Care Expenses

Pursuant to Section 5.98(2) of the Act and Administration Regulation 31 Council members have a statutory entitlement to be reimbursed for childcare expenses incurred by the Councillor as a result of attendance at a Council meeting, a meeting of a committee of which he or she is member or authorised training and Council related business.

Child care costs will not be paid where the care is provided by a member of the immediate family or relative living in the same premises as the Councillor.

The Shire of Donnybrook Balingup will reimburse child care costs either at the actual cost per hour or the prescribed amount set by SAT, whichever is the lesser amount. Formal receipts must be kept and attached to the claim for reimbursement.

Expenses are reimbursed upon submission of a Councillor Claim request form.

7. Payment of Allowances

Allowances shall generally be paid quarterly in arrears. Where a Council member does not hold office throughout the payment period, an amount of one twelfth of the annual allowance is to be paid for each month or part of a month that the member held office.

8. Reduced Payments

Council members can opt for a lesser level of payment by making application to the Chief Executive Officer. The payment must be within the prescribed range determined by the SAT and cannot fall below the minimum payment.

Other Entitlements

1. Information Technology

Council members will be provided with appropriate information technology to enable the distribution of Agendas and Minutes by electronic means, for email communication and for seeking information through the internet.

The equipment will remain the property of the Shire of Donnybrook Balingup and will be maintained by the Shire. Council members must not install software that is not the property of the Shire of Donnybrook Balingup.

2. Information Technology Training

Appropriate training will be provided to Council members to assist them in the effective and efficient use of the equipment and other information technology so that they may fulfil their role at Council and committee meetings utilising the software provided.



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Council Policy

Any Council members leaving their position with Council shall return, within ten working days any information technology equipment provided by the Council.

3. Business Cards

Council members will be allocated adequate business cards. Business cards must be used for Council business only and must not be used for electioneering purposes.

4. Uniform

Shire branded attire can be made available upon request from a Council member. A name badge will be issued at the commencement of their term.

LEGISLATION

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- *Salaries & Allowances Act 1975 – Section 7B*

Related Policies:	NIL	Related Procedure:	NIL
Responsible Department:	Executive Services	Reviewer:	Corporate Planning & Governance Officer
Initial Adoption Date:	26/06/2019	Review Frequency:	Triennial
Review Version		Next Due:	2022
Decision Reference:		Synopsis:	
[Link to saved doc in PDF]	84/19	New policy adopted to set the percentile for the allowances to be set as per the SAT determination each year	
Date Live:	[Date document saved as .pdf & loaded on Shire website]		



SHIRE OF DONNYBROOK BALINGUP

Administration Policy

2.10 Records Management

Objective

To define the principles of the Shire of Donnybrook-Balingup's records management function and to document an orderly and efficient approach to the proper management of records. The policy incorporates applicable legislative requirements into standard Shire practices and enumerates basic records management requirements. This helps the CEO ensure that records and documents of the local government are properly kept for the purposes of the Local Government Act 1995 and any other written law (s.5.41(h)).

Records are recognised as an important information resource in the Shire of Donnybrook-Balingup, and it is accepted that sound record management practices will contribute to the overall efficiency and effectiveness of the Organisation. Due to legislative requirement, the Shire of Donnybrook-Balingup 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 applies to all external and internal records, which are handled, received or generated by the Shire of Donnybrook-Balingup, regardless of their physical format or media type.

Policy Statement

The Shire's records are a corporate asset. Complete and accurate records of all business decisions and transactions are to be recorded and registered in the Shire's records management system both in respect to their content and context. They are to be managed in a cost-effective manner in accordance with records management and record keeping legislative requirements.

- (a) 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.
- (b) All communications in the form of records, whether paper or electronic, and whether internal or external, are to be captured within the appropriate aspect of the record keeping system.
- (c) Registers are to be maintained of all records series and special categories, including but not limited to, registers of policies, databases, FOI applications, assets, tenders photographs, forms, vital records, files and contracts.
- (d) All contractual arrangements are to ensure the Shire's ownership of significant records.



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- (e) Any records/files in the possession of individual staff are to be registered to them and, dependent upon security classification, kept accessible.
- (f) Only approved record formats are to be used in effecting the Shire's business.
- (g) All records within record keeping series maintained by the Shire of Donnybrook-Balingup are to be disposed of in accordance with the State Records Office's General Disposal Schedule for Local Government Records.
- (h) Records are not be removed from the Shire's sites unless in accordance with the approved retention and disposal schedule, or in the custody of an officer performing approved business.

Roles and Responsibilities

Councillors

In relation to the record keeping requirements of Local Government elected members, records must be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision making processes of Council and Committees of Council. This requirement should be met through the creation and retention of records of meetings of Council and Committees of Council by the Local Government.

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 Section 5.41(h) of the Local Government Act 1995.

Executive Officers

Executive Officers 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; and, protected and disposed of in accordance with the State Records Office's General Disposal Schedule for Local Government Records.



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Statutory Obligations

In addition to the requirements of the State Records Act 2000, the relevant aspects of the following statutes should also be considered in managing Shire records:

- Evidence act 1906
- Limitation Act 1935
- Freedom of Information 1992
- Local Government Act 1995
- Financial Administration & Audit Act 1985
- Criminal Code 1913 (Section 85)
- Electronic Transactions Act 2000
- Privacy Act 1988

Custodianship

The Shire's records are a government-owned asset. The records created during the course of business belong to the Shire of Donnybrook/Balingup by virtue of their possession, not to the individuals who create such records during their time as a public officer or elected member at the Shire of Donnybrook/Balingup. Officers or elected members who acquire or created any records in the course of business shall not retain proprietary interest. Ownership of these records is vested in the Shire.

Definitions

A Record

A record as defined in the State Records Act 2000 means any record of information however recorded and includes:

- (a) anything on which there is writing or Braille;
- (b) a map, plan, diagram or graph;
- (c) a drawing, pictorial or graphic work or photograph;
- (d) anything on which there are figures, marks, perforations, or symbols, having a meaning for persons qualified to interpret them;
- (e) anything from which images, sounds or writings can be reproduced with or without the aid of anything else; and
- (f) 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).



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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 judgement 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.

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 is by way of depositing records in the State Archives, managing the records as designated State Archives, managing the records as designated State Archives at the Council, or by destruction in accordance with General Disposal Schedule for Local Government Records.

Adopted:	28 January 2004
Last Amended:	26 May 2010
Last Reviewed:	22 April 2016
Next Review Date:	2017
Responsible Department:	Finance & Administration/Records



SHIRE OF DONNYBROOK BALINGUP

Administration Policy

2.21 Regional Price Preference

Objective

1. To support local and regional business and industry by providing price preference to regional suppliers tendering for contracts with Council.
2. To ensure that when purchasing goods and services, Council achieves the best possible outcome for the amount of money spent, whilst where possible give preference to local suppliers.

Policy

Where possible and within reasonable limits set out herein, the Shire of Donnybrook-Balingup will support local businesses through the application of this Regional Price Preference Policy.

Local Preference

A preference may be given to a local/regional tender by assessing the tender from the supplier as if the price bids were reduced as outlined. The application of a price preference MUST be clearly outlined as to whether it will be applied or not prior to the tender process commencing.

A Local Tender – shall be deemed to be a tenderer whose business is located within the boundary of the Shire of Donnybrook-Balingup or Boyup Brook.

- 1 When the supplier is located within the Shire of Donnybrook-Balingup:
 - (a) Where the total 'net cost' of the lowest submitted tender is between \$5,000 and \$25,000 10% shall be applied to the 'net cost', up to a maximum of \$1,000. If tender relates to Building Services (Construction) 5% will apply.
 - (b) Where the total 'net cost' of the lowest submitted tender is between \$25,001 and \$50,000 5% shall be applied to the 'net cost'.
 - (c) Where the total 'net cost' of the lowest submitted tender is greater than \$50,001 5% shall be applied to the 'net cost', up to a maximum of \$10,000.
- 2 When the supplier is located within the Shire of Boyup-Brook, 2.5% shall be applied in all cases.

Local/Regional Content

Although goods or services that form part of a tender submitted by a local/regional tenderer may be:-



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- (a) Wholly supplied from regional sources; or
- (b) Partly supplied from regional sources, and partly supplied from non-regional sources;

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

A supplier of goods or services who submits a tender is regarded as being a regional tenderer for the purposes of this part if that supplier has been operating a business continuously out of premises in the appropriate region for at least 6 months before the time after which further tenders cannot be submitted.

Despite the allowed percentage preferences, price is only one of the factors to be assessed when the local government is to decide which of the tenders it determines would be most advantageous to the local government to accept.

Adopted:	9 August 2006
Last Amended:	27 May 2016
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Manager Finance & Administration

Policy 2.22 – Youth Grants was revoked on 25 May 2016.

Policy 2.23 – Donnybrook Amphitheatre was revoked on 25 May 2016.



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Administration Policy

2.32 Use of the Shire of Donnybrook-Balingup Common Seal

This policy applies to the affixing of the Shire of Donnybrook-Balingup Common Seal.

1. OBJECTIVES

The objective of this policy is to provide protocols for the affixation of the Shires Commons Seal in Accordance with sections 9.49a and 9.49b of the *Local Government Act 1995* and amendments.

2. GUIDELINES

2.1 Signatories to the Common Seal

- a. The Shire President and the Chief Executive Officer are authorised to affix and sign all documents to be executed under a Common Seal;
- b. In the absence of Shire President and/or the Chief Executive Officer, as the case may be, the Deputy President and the Acting Chief Executive Officer are authorised to affix the Common Seal.

2.2 Documents requiring affixation of the Common Seal

- a. Documents relating to land matters, but not limited to – finalised documents pertaining to the sale of Council owned land, lodgement of caveats, memorials, leases, transfers, deeds, licences, covenants, easements and withdrawal of instruments;
- b. Legal Agreements;
- c. A Town Planning Scheme and any Town Planning Scheme Amendments;
- d. Local Laws;
- e. Service Agreements;
- f. New Funding or Contracts of Agreement between Council and State or Commonwealth Governments;
- g. Documents of a ceremonial nature, where the affixing of the Common Seal is for posterity and not a legal requirement;
- h. Any document stating that the Common Seal of the Shire is to be affixed.



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2.3 Procedures for the secure use of the common seal

- a. The Chief Executive Officer is responsible for the security and proper use of the Common Seal.
- b. The Common Seal is not to be affixed to any document except as authorised by Council.
- c. The Common Seal is to be affixed to a document in the presence of –
 - i) the Shire President or in the absence of the President the Deputy President; and
 - ii) the Chief Executive Officer or the Acting Chief Executive officer.

each of whom is to sign the document to attest that the Common Seal was so affixed.

- d. Details of all transactions where the Common Seal has been affixed must be recorded in a register kept by the Chief Executive Officer. The register is to record –
 - i) the date on which the Common Seal was affixed;
 - ii) the nature of the document; and
 - iii) the parties to any agreement to which the Common Seal was affixed.
- e. A report listing the documents to which the Common Seal has been affixed will be provided in the next Council Information Bulletin.



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2.4. Method of affixing the Common Seal

The wording to accompany the application of the Common Seal should be as follows –

“Dated this (date) day of (month) (year)

*The Common Seal of the)
Shire of Donnybrook-Balingup)
was affixed by authority of a resolution)
of the Council in the presence of-)*

Common
Seal to be
Stamped

Shire President

Chief Executive Officer

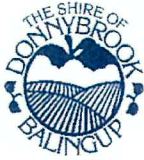
2.5 General Document Signing

Authority is provided to the Chief Executive Officer or the person acting in the position of Chief Executive Officer to sign documents that do not require the affixing of the Common Seal.

This is a general authorisation for good governance and authorisation will normally be covered under delegated authority.

A report listing documents signed under this authority will be provided in the next Council Information Bulletin.

Adopted:	27 January 2010
Last Amended:	23 May 2012
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Executive



SHIRE OF DONNYBROOK BALINGUP OCCUPATIONAL SAFETY AND HEALTH POLICY

Purpose

The purpose of this policy is to provide the guiding document for the Shire of Donnybrook Balingup to meet its statutory obligations in relation to Occupational Safety and Health.

Objective

The objective of this policy is to ensure that continuous improvement in Occupational Safety and Health is achieved to ensure as far as is practicable, a working environment is maintained in which employees, councillors, contractors and visitors are not exposed to foreseeable risks and hazards that can have an adverse effect on their safety and health.

Scope

This Policy applies to all Councillors, Employees, Contractors and Visitors to Shire workplaces.

Policy

The Shire of Donnybrook Balingup is dedicated to maintaining the safety and health of all people associated with its operations including Councillors, employees, contractors and visitors. The shire adheres to the following principles in all we do.

- **Management commitment** supporting high standards of safety and health, performance and the continual improvement of behaviours and processes.
- Sustaining effective mechanisms for **consultation** between management and employees.
- **Hazard and risk management** ensuring safe work methods and a safe work environment through reporting, identification, assessment and control of hazards and their associated risks.
- Appropriate **training** and development for managers, employees and contractors, ensuring they are equipped with the knowledge and skills to carry out their duties in a safe manner.
- **Planning** for the establishment and maintenance of essential safety management systems to continuously improve workplace safety and health.
- Clear **accountability** of Occupational Safety and Health responsibilities at all levels
- **Compliance** with the Occupational Safety and Health (OSH) Act 1984 as amended, and Occupational Safety and Health (OSH) Regulations 1996 as amended, relevant Australian Standards, Codes of Practice and Guidance Notes.

A harmonious, safe and efficient place of work is our goal, and we must all be committed to reach this outcome.

Benjamin (Ben) Rose
Chief Executive Officer

08TH July 2019



SHIRE OF DONNYBROOK BALINGUP

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2.49 Use of social media channels and communications for the Shire of Donnybrook Balingup

This policy applies to:

1. Communications initiated or responded to by the Shire of Donnybrook Balingup with our community; and

Council Members when making comment in either their Shire of Donnybrook Balingup role or in a personal capacity about matters relevant to the Shire

OBJECTIVE

This policy details legislative obligations and establishes protocols applicable to the Shire of Donnybrook Balingup's official communications with our community, to ensure Shire of Donnybrook Balingup is professionally and accurately represented and to maximise a positive public perception of the Shire of Donnybrook Balingup.

POLICY

1. Official Communications

The purposes of the Shire of Donnybrook Balingup's official communications include:

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

The Shire of Donnybrook Balingup's official communications will be consistent with relevant legislation, policies, standards and the positions adopted by the Council. Our communications will always be respectful and professional.

The Shire of Donnybrook Balingup will use a combination of different communication modes to suit the type of information to be communicated and the requirements of the community or specific audience, including:

- Website;
- Advertising and promotional materials;



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- Radio (local, regional and state-wide as required)
- Media releases prepared for the Shire President / CEO, to promote specific Shire of Donnybrook Balingup positions;
- Social media; and
- Community newsletters, letter drops and other modes of communications undertaken by the Shire of Donnybrook Balingup's Administration at the discretion of the CEO.

Council Delegation 1.1 (Council Spokesperson) delegates authority to the CEO to be an authorised spokesperson on behalf of the Council.

2. Speaking on behalf of the Shire of Donnybrook Balingup

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

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

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

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

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

- bring the Shire of Donnybrook Balingup into disrepute, [*Rules of Conduct Reg.3(d)*];
- compromise the person's effectiveness in their role with the Shire of Donnybrook Balingup, [*Shire of Donnybrook Balingup Code of Conduct: 1.2 and 1.3*];
- imply the Shire of Donnybrook Balingup's endorsement of personal views [s.2.8(1)(d) of the *Local Government Act 1995*],
- imply the Council Member or employee is speaking on behalf of the Shire of Donnybrook Balingup, unless authorised to do so [s.2.8(1)(d) of the *Local Government Act 1995*]; or



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- disclose, without authorisation, confidential information [s.5.93 of the *Local Government Act 1995*].

Social media accounts or unsecured website forums must not be used to transact meetings which relate to the official business of the Shire of Donnybrook Balingup. [State Records Act 2000 / Local Government Record Keeping Plan, s's 5.23(2) and 5.93 of the *Local Government Act 1995*]

Council member communications must comply with the Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*.

3. Responding to Media Enquiries

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

Council Members may make comments to the media in a personal capacity – refer to clause 10.7 below.

4. Website

The Shire of Donnybrook Balingup will maintain an official website, as our community's on-line resource to access to the Shire of Donnybrook Balingup's official communications.

5. Social Media

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

The Shire of Donnybrook Balingup maintains the following Social Media accounts:

- Social networks, for example Facebook, LinkedIn;
- Media Sharing networks, for example Instagram and YouTube;
- Micro-blogging networks, for example Twitter

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

The Shire of Donnybrook Balingup actively seeks ideas, questions and feedback from our community however, we expect participants to behave in a respectful manner. The Shire of Donnybrook Balingup will moderate its Social Media accounts to address and where necessary delete content deemed to be:



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- Offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;
- Promotional, soliciting or commercial in nature;
- Unlawful or incites others to break the law;
- Information which may compromise individual or community safety or security;
- Repetitive material copied and pasted or duplicated;
- Content that promotes or opposes any person campaigning for election to the Council, appointment to official office, or any ballot;
- Content that violates intellectual property rights or the legal ownership of interests or another party; and
- Any other inappropriate content or comments at the discretion of the Shire of Donnybrook Balingup.

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

6. Shire President Social Media Official Accounts

The Shire of Donnybrook Balingup supports the Shire President in using official social media account/s to assist the Shire President in fulfilling their role under section 2.8 of the *Local Government Act*, to speak on behalf of the Local Government. The content will be administered and moderated in accordance with this policy.

These official Shire of Donnybrook Balingup accounts must not be used by the Shire President for personal communications.

7. Use of Social Media in Emergency Management and Response

The Shire of Donnybrook Balingup will use the following channels to communicate and advise our community regarding Emergency Management:

- Facebook, Website, Email

8. Record Keeping and Freedom of Information

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



SHIRE OF DONNYBROOK BALINGUP

Administration Policy

Council Member communications that relate to their role as a Council Member are subject to the requirements of the Shire of Donnybrook Balingup's Record Keeping Plan and the *State Records Act 2000*. Council Members are responsible for transferring these records to the Shire of Donnybrook Balingup's administration. Council Member records are also subject to the *Freedom of Information Act 1992*.

9. Personal Communications

Personal communications and statements made privately; in conversation, written, recorded emailed, texted or posted in personal social media, have the potential to be made public, whether intended or not.

On the basis that personal or private communications may be shared or become public at some point in the future, Council Members should ensure that their personal or private communications do not breach the requirements of this policy, the Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*.

10. Council Member Statements on Shire Matters

A Council Member may choose to make a personal statement publicly on a matter related to the business of the Shire of Donnybrook Balingup.

Any public statement made by a Council Member, whether made in a personal capacity or in their Local Government representative capacity, must:

- 10.1 Clearly state that the comment or content is a personal view only, which does not necessarily represent the views of Shire of Donnybrook Balingup.
- 10.2 Be made with reasonable care and diligence [*Rules of Conduct Reg.3(a)*];
- 10.3 Be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment laws;
- 10.4 Be factually correct [*Rules of Conduct Reg.3(b) and (f)*];
- 10.5 Avoid damage to the reputation of the local government [*Rules of Conduct Reg.3(d)*];
- 10.6 Not reflect adversely on a decision of the Council [*Shire of Donnybrook Balingup Code of Conduct: 4.6*];
- 10.7 Not reflect adversely on the character or actions of another Council Member or Employee [*Rules of Conduct Reg.10(3), Shire of Donnybrook Balingup Code of Conduct: 4.6*];
- 10.8 Maintain a respectful and positive tone and not use offensive or objectionable expressions in reference to any Council Member, Employee or community member [*Rules of Conduct Regs. 3(g) and 10(3), Shire of Donnybrook Balingup Code of Conduct: 4.6*].

A Council Member who is approached by the media for a personal statement may request the assistance of the CEO.

Comments which become public and which breach this policy, the Code of Conduct or the *Local Government (Rules of Conduct) Regulations 2007*, may constitute a minor breach of the *Local Government Act 1995 [refer s.5.105]* and may be referred for investigation.



SHIRE OF DONNYBROOK BALINGUP

Administration Policy

Related Policies:	2.48 Social Media and Communications Policy	Related Procedure:	2.48 Social Media Procedure
Responsible Department:	Executive Services	Reviewer:	Communications Officer
Initial Adoption Date:	24 April 2019	Review Frequency:	Biennial
		Next Due:	2021
Review Version	Decision Reference:	Synopsis:	
Policy 2.48 - V1	24 April 2019 & 38/19	New Policy	
Date Live:	1 May 2019		

CURRENT POLICIES



Finance Policy

3.4 Investment of Funds

Objectives

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 requirements are being met.

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

- 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. This includes managing credit and interest rate risk within identified thresholds and parameters.
- 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 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.

1. Legislative Requirements

All investments are to comply with the following:

- *Local Government Act 1995* – Section 6.14;
- *The Trustees Act 1962* – Part III Investments;
- *Local Government (Financial Management) Regulations 1996* – Regulation 19, Regulation 28 and Regulation 49
- Australian Accounting Standards

2. Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the CEO in accordance with the *Local Government Act 1995*. The CEO may in turn delegate the day-to-day management of Council's Investment to another staff member/s.

3. 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.

4. 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.

5. Approved Investments

Without approvals from Council, investments are limited to:

- State/Commonwealth Government Bonds;
- Interest bearing deposits;
- Bank accepted/endorsed bank bills;
- Bank negotiable Certificate of Deposits; and

Investments over \$1,000,000 will be restricted to the following Financial Institutions unless otherwise authorised in advance by Council:

- Westpac Bank
- National Australia Bank
- ANZ Bank
- Commonwealth Bank
- ME Bank
- Bank West
- Bendigo Bank
- WA Treasury Corp.
- St George Bank

6. Prohibited Investments

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

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

Council will comply with the restrictions placed on the investment of money by virtue of Section 6.14(2)(a) of the Local Government Act 1995 and Regulation 19c of the Local Government (Financial Management) Regulations 1996 which states as follows:

19C Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) In this regulations –
 - authorised institution** means –
 - (a) an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or
 - (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;
 - Foreign currency** means a currency except the currency of Australia.
- (2) When investing money under section 6.14(1), a local government may not do any of the following –
 - (a) deposit with an institution except an authorised institution;
 - (b) deposit for a fixed term of more than 12 months;
 - (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
 - (d) invest in bonds with a term to maturity of more than 3 years;
 - (e) invest in a foreign currency.

7. Risk Management Guidelines

Investments obtained are to comply with three key criteria relating to:

- a) Portfolio Credit Framework: limit overall credit exposure of the portfolio.
- b) Counterparty Credit Framework: limit exposure to individual counterparties/institutions.
- c) Term to Maturity Framework: limits based upon maturity of securities.
- d) Exceptions

a) Overall Portfolio Limits

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %
AAA	A-1+	100%
AA	A-1	100%
A	A-2	60%

b) Counterparty Credit Framework

Exposure to an individual counterparty/institution will be restricted by its credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %
AAA	A-1+	45%
AA	A-1	35%
A	A-2	20%

If any of the local government investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable.

c) Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Term to Maturity Limits	
Portfolio % < 1year	100 Max; 40% Min
Portfolio % > 1year	60%
Portfolio % > 3year	35%
Portfolio % > 5year	25%
Individual Investment Maturity Limits	
ADI	1 year
Non ADI	1 year

d) Exceptions (Bendigo Bank)

In the interest of maintaining a face-to-face local banking service within Donnybrook, Council has elected to vary its policy to provide for the investment of funds in the Bendigo Bank, through the Donnybrook branch.

The Donnybrook branch of the Bendigo Bank is administered by Donnybrook Capel Districts Financial Services in accordance with the operational guidelines of the Bendigo Bank.

Funds invested through the Donnybrook branch are invested with the principal Bendigo Banking Group. Bendigo Banks current long-term S&P rating is BBB+ and the short-term rating is A-2.

Council has approved a maximum portfolio limit of 75% with Bendigo Bank.

8. Investment Advisor

The CEO has delegated authority to appoint an investment adviser when considered appropriate.

The local government's investment advisor must be licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended; and is free to choose the most appropriate product within the terms and conditions of the investment policy.

9. Measurement

The investment return for the portfolio is to be regularly reviewed. The market value is to be assessed at least once a month to coincide with monthly reporting.

10. Benchmarking

Performance benchmarks need to be established.

Investments	Performance Benchmark
Cash	Cash Rate
Enhanced/Direct Investments	UBSWA Bank Bill

11. Reporting and Review

A monthly report will be provided to Council in support of the monthly statement of activity. The report will detail the investment portfolio, percentage exposure of total portfolio, maturity date and changes in market value.

This investment policy will be reviewed at least once a year or as requirement in the event of legislative changes.

Documentary evidence must be held for each investment and investments are to be recorded in an Investment Register with all details pertaining to the investment such as investment source, date of lodgement, interest rate, maturity date and all investment transactions recorded on a ledger sheet.

12. Administration

1. The Chief Executive Officer, Manger of Finance and Administration and Accountant are individually authorised to transfer investment funds up to \$50,000 by telephone or by electronic funds transfer and follow up with written confirmation by facsimile or letter.
2. Where funds exceeding \$50,000 are transferred by EFT to an investment two authorised signatures are required on the facsimile or letter.

Authorised signatures will consist of the Chief Executive Officer and Manager Finance and Administration or another officer authorised by the CEO. Alternatively investments exceeding \$50,000 shall be invested by utilising a Council cheque signed and authorised in accordance with delegation 3.1 (Payment of Accounts).

3. The Chief Executive Officer, Manager of Finance and Administration and Accountant are individually authorised to renew investments by telephone, facsimile or letter and to withdraw funds required for operational needs. Where funds are withdrawn from investment and transferred to Shire bank accounts, confirmation of the withdrawal shall be provided to the financial institution by a facsimile or letter by a person as authorised above.
4. A schedule detailing all investments is to be presented to the Ordinary meeting of Council each month and will form part of the Monthly Financial Statement.

Adopted:	28 March 2001
Last Amended:	25 May 2016
Last Reviewed:	26 April 2016
Next Review Date:	2017
Responsible Department:	Finance



Engineering Policy

4.3 Land Resumption

PURPOSE

To ensure Council's compliance with the Local Government Act 1995 and Land Administration Act 1997 when dealing with land resumption.

POLICY STATEMENT

Land additional to existing road reserves is commonly required in order for the Shire to construct roads and drainage to meet current standards, achieve required level of service outcomes, or to address road safety issues.

The Shire of Donnybrook-Balingup will meet its obligations and responsibilities in accordance with relevant Acts for land resumption and/or road boundary adjustments when proposing to undertake works that will be located within private property, Crown Land, Local and/or State Government reserves.

GUIDELINES/PROCEDURE

- The proposed land resumption shall be discussed with the landowner/s at the earliest possible occasion. Through this process, consideration can be given to offsetting any losses with other assets (i.e. surplus road reserve) to achieve an amicable outcome to all parties.
- Consent shall be obtained from the landowner/s to enter the land for surveying and pegging purposes to determine the amount of land affected by the proposed public works.
- Once the final land area is determined a written agreement will be negotiated with the land owner/s with the following requirements and conditions;
 - Council to fund and arrange all surveying, settlement agency, legal, deed change, and gazettal proceedings to fully complete the resumption administration procedures.
 - Where there is existing fencing, Council will construct new fencing on the newly created road frontage, including gateways, access points etc on a "like for like" basis.
 - Council's officer shall obtain a valuation from the Valuer-General (VG). This valuation shall form the basis of negotiation for compensation between Council and the landowner/s.

- If circumstances necessitate, Council authorises that the Chief Executive Officer (CEO) may offer a 10% solatium (compensation) to progress the agreement. An additional allowance of up to \$1,500 (ex GST) may be made available at the discretion of the CEO to finalise voluntary negotiations and to compensate for any inconvenience that may arise due to proposed works etc. This may not be available if compulsory resumption is required.
- Providing there is documented agreement with the landowner, the compensation value may be in the form of works by Council machinery on the private property and including materials, pipes or access points installed etc. Where it is not feasible to carry out works by Council machinery, the CEO may authorise for compensation to be paid.
- Once the consent/resumption agreement has been finalised Council's officer shall process the resumption in compliance with the Land Administration Act 1997 and request the necessary title changes by State Land Services. The Shire shall engage a licensed surveyor to complete and submit the documentation, and to finalise the pegging of new boundaries to complete the changes.
- Where the parcel of land to be resumed is of minimal size and value, and agreement is reached with the landowner, there is no requirement to obtain a valuation.
- When compulsory resumption is required, the offer will be in accordance with the relevant Act and the Valuer Generals valuation, however, the above points can be considered, if the impacted parties agree to reach an amicable resolution of the matter during the compulsory acquisition process, and State Lands have no objection to the negotiated agreement.

DEFINITIONS

RELATED LEGISLATION

- Local Government Act 1995
- Land Administration Act 1997

RELATED DOCUMENTATION

Adopted:	1 January 1993
Last Amended:	28 November 2018
Last Reviewed:	28 November 2018



Engineering Policy

4.24 Rural Verge Management

PURPOSE

To provide guidelines for the effective management of rural road verges within the Shire of Donnybrook-Balingup.

POLICY STATEMENT

This policy caters for the management of rural verges under the jurisdiction of the Shire of Donnybrook-Balingup. The Shire cannot authorise any private works on road reserves under the control of other authorities (i.e. Main Roads WA).

4.24.1 Fallen Trees

Fallen Trees on Roads: Where storms or other natural events cause trees to fall onto roads, the Shire will remove the tree from the carriageway to reopen the roadway to traffic as soon as practicable. Where fallen trees do not present a roadside hazard, they may be left on the verge to encourage native habitat.

Fallen Trees on Fences and/or Private Property: Where storms or other natural events cause trees to fall from Shire owned or managed reserves onto fences or into properties, it is the responsibility of the landowner to carry out repairs to any damaged infrastructure within their land. The Council expects landowners to have suitable insurance cover for the risk of this type of event occurring on their property.

Landowners/occupiers may request the assistance from the Shire in the form of plant, machinery and labour to remove a portion of the tree from the fence line, if the tree is too large for the landowner/occupier to manage. These requests will only be actioned if Shire resources allow, and the landowners/occupiers have consented to these works. The Shire accepts no responsibility for any damage during the removal of the tree. The disposal of the fallen tree in private property is the responsibility of the landowner. The Manager of Works and Services is authorised to recoup costs of the assistance utilising the current budget fees and charges.

4.24.2 Clearing within Rural Road Reserves

Unless otherwise authorised, landowners are not allowed to prune/remove a tree on land owned or managed by the Shire. Any unauthorised pruning or removal of trees is an offence and prosecution can occur under the Local Government Act 1995, Schedule 9.1 clause 2, and the Uniform Local Provisions Regulations 1996,

Regulation 5, Clause 1. Native vegetation is also protected by the Environmental Protection Act 1986, which also contains powers of prosecution, administered by the Department of Water and Environmental Regulation.

Crossover Clearing: Appropriate clearing will be permitted to provide access for construction of crossovers through the Crossover application process.

Roadside Fenceline Clearing: Clearing of vegetation along fencelines within the road reserve can only occur once the Shire of Donnybrook-Balingup has issued a Roadside Fenceline Clearing Permit. It is the applicant's responsibility to comply with the permit conditions.

Roadside Fenceline Clearing Permit Application and Crossover Application forms can be obtained from the Shire's website.

It is also the applicant's responsibility to ensure protection of any existing services located within the verge, during these approved works.

Removal/Pruning of Dangerous Trees: The Shire will prune/remove dangerous trees that:

- impede sight distances for road users,
- have been subject to storm damage, and
- have an imminent threat to public safety, in accordance with the Environmental Protection Act 1986.

If the Shire receives a request to remove dangerous limb(s) or tree(s), the Shire will have the tree inspected and a risk assessment completed by a qualified staff member. The risk assessment will specify:

- No Action – Tree considered not dangerous or not the Shire's responsibility
- Pruning – The Shire will arrange for pruning of the tree to reduce the hazard
- Removal – The Shire will arrange for the removal of the tree to reduce the hazard
- Further Investigation Required – The Shire will carry out further investigation to determine the condition of tree prior to recommending an action.

Anyone who considers their reasons for the pruning/removal of a tree have not been appropriately considered, may make a written application for reconsideration subject to including a report from a qualified arborist which details the justification for the pruning/removal. The justification for the pruning/removal of the tree must still meet one of the above circumstances in which a tree may be pruned/removed. The applicant will be responsible for engaging and paying for the qualified arborist, however, if the tree pruning/removal is approved based on the recommendations by the arborist, then up to \$300 (subject to providing a copy of the arborists tax invoice)

of the cost of the arborist report will be refunded to the applicant, and the Shire will arrange to have the tree pruned/removed.

Timber Disposal on Road Verges: *Section 139 of the Conservation and Land Management Act* empowers a local government to remove and sell timber from road reserves as a result of construction and maintenance of roads, bridges, culverts and fences.

Burning on Road Verges: Refer to Council Policy 8.3 *Roadside burning of Shire Controlled Roads*.

4.24.3 Enhancement of Rural Road Verges

Landowners adjacent to road verges may carry out a higher level of maintenance than already provided to reduce weed growth and fire hazards. All rural enhancement works must have Shire approval.

4.24.4 Shire Maintenance of Rural Road Verges

The *Environmental Protection Act 1986* in association with *Native Clearing Regulation* state that the Shire can carry out activities to maintain the integrity of road infrastructure within the designated maintenance corridor, shown in Diagram 1, if the road was originally cleared within 10 years.



Diagram 1 Designated Maintenance Corridor

Control of Weeds and Vegetation: The Shire undertakes a scheduled annual weed spraying program, which targets selected roads, to control vegetation within the maintenance corridor, shown in Diagram 1.

The Shire also sprays declared noxious weeds, within Shire controlled land, on an as required basis.

Landowners who do not want spraying to occur on their verge are required to advise the Shire, in writing, assuming responsibility for control of vegetation. If landowners do not manage vegetation to the Shire's satisfaction, the Shire reserves the right to continue to manage this area in accordance with typical work practices. The Shire does not spray vegetation on private property.

Pruning: It may be necessary to prune vegetation that impedes sight distances for motorists or impacts on the performance of drainage. The Shire refers to Austroads Engineering Guidelines to determine road visibility and safety requirements. The Shire engages a contractor to remove vegetation for selective pruning and are completed using work methods that suit the type of vegetation.

DEFINITIONS

RELATED LEGISLATION

- Department of Environment and Conservation Clearing Regulations
- Environmental Protection Act 1986

RELATED DOCUMENTATION

- Austroad Guidelines
- Policy 8.3 Roadside burning of Shire controlled roads

Adopted:	28 November 2018
Last Amended:	
Last Reviewed:	28 November 2018



Engineering Policy

4.25 Urban Verge Management

PURPOSE

To provide guidelines for the effective management of road verges within townsites and industrial areas within the Shire of Donnybrook-Balingup.

POLICY STATEMENT

This policy caters for the management of urban verges under the jurisdiction of the Shire of Donnybrook-Balingup. The Shire cannot authorise any private works on road reserves under the control of other authorities (ie Main Roads WA). Urban verge areas are defined as Residential, Rural Residential, Commercial or Industrial zonings under the current Town Planning Scheme of the Shire.

Note: Maps detailing Shire property zoning classifications can be found on the Shire of Donnybrook-Balingup website under Our Services->Town Planning->Local Planning Scheme No7.

4.25.1 Trees / Vegetation

The Shire recognises the importance of preserving trees for the current community and for future generations. Maintenance of verge trees is typically only undertaken to assist the health and vitality of a tree. Pruning is also programmed to maintain mandatory clearances around public utilities/infrastructure and comply with line of sight clearance regulations.

The Shire may prune/remove trees from land it owns or manages under the following circumstances:

- The tree is unsafe because it is dead or in decline
- The tree has been deemed, by a suitably qualified person, as a hazard to persons or infrastructure and no reasonable pruning techniques can alleviate the hazard
- The tree is diseased or damaged past the point of recovery and no remedial treatment will be effective
- The tree has been planted by a resident without the Shire's approval and may be removed at the resident's expense

- The tree is deemed by a qualified staff member to be an inappropriate species for that location.

Trees will not be removed by the Shire for any of the following reasons:

- Falling leaves, fruit, nuts, seed, bark or flowers causing a nuisance
- The variety is disliked or a resident's preference is for a different species
- A perceived danger that the tree or a limb may fail
- Perceived damage to infrastructure
- The tree shades lawns, gardens, houses, pools, solar panels or the like
- To enhance or clear views, inclusive of advertising signage
- For the installation of any crossovers or verge treatments (If a landowner is prepared to fund the trees removal, this **may** be considered as part of the crossover application process).

If the Shire receives a request to remove dangerous limb(s) or tree(s), the Shire will have the tree inspected and a risk assessment completed by a qualified staff member. The risk assessment will specify:

- No Action – Tree considered not dangerous or not the Shire's responsibility
- Pruning – The Shire will arrange for pruning of the tree to reduce the hazard
- Removal – The Shire will arrange for the removal of the tree to reduce the hazard
- Further Investigation Required – The Shire will carry out further investigation to determine the condition of tree prior to recommending an action.

Anyone who considers their reasons for the pruning/removal of a tree have not been appropriately considered, may make a written application for reconsideration subject to including a report from a qualified arborist which details the justification for the pruning/removal. The justification for the pruning/removal of the tree must still meet one of the above circumstances in which a tree may be pruned/removed. The applicant will be responsible for engaging and paying for the qualified arborist, however, if the tree pruning/removal is approved based on the recommendations by the arborist, then up to \$300 (subject to providing a copy of the arborists tax invoice) of the cost of the arborist report will be refunded to the applicant, and the Shire will arrange to have the tree pruned/removed.

Unless otherwise authorised by the Shire, any persons are not allowed to prune/remove a tree on land owned or managed by the Shire. Any unauthorised pruning or removal of trees is an offence and prosecution may occur under the Local Government Act 1995, Schedule 9.1 clause 2, and the Uniform Local Provisions Regulations 1996, Regulation 5, Clause 1. Native vegetation is also protected by the Environmental Protection Act 1986, which also contains powers of prosecution, administered by the Department of Water and Environmental Regulation.

Crossover Clearing: Appropriate clearing will be permitted to provide access for construction of crossovers through the Crossover application process.

Roadside Fenceline Clearing: Clearing of vegetation along fencelines within the road reserve can only occur once the Shire of Donnybrook-Balingup has issued a Roadside Fenceline Clearing Permit. It is the applicant's responsibility to comply with the permit conditions.

Roadside Fenceline Clearing Permit Application and Crossover Application forms can be obtained from the Shire's website.

It is also the applicant's responsibility to ensure protection of any existing services located within the verge, during these approved works.

Fallen trees

Fallen Trees on Roads: Where storms or other natural events cause trees to fall onto roads, the Shire will remove the tree from the carriageway to reopen the roadway to traffic as soon as practicable. Occasionally, trees may be moved to the verge and will be removed as time permits.

Fallen Trees on Fences and/or Private Property: Where storms or other natural events cause trees to fall from Shire owned or managed reserves onto fences or into properties, it is the responsibility of the landowner to carry out repairs to any damaged infrastructure within their land. The Council expects landowners to have suitable insurance cover for the risk of this type of event occurring on their property.

Landowners/occupiers may request the assistance of the Shire in the form of plant, machinery and labour to remove fallen trees or limbs from private property, where there is no structural damage concerns. These requests will only be actioned if Shire resources allow, and the landowners/occupiers have consented to these works. The Shire accepts no responsibility for any damage during the removal of the tree. The Manager of Works and Services is authorised to recoup costs of the assistance utilising the current budget fees and charges.

Burning on Road Verges: Refer to Council Policy 8.3 *Roadside burning of Shire Controlled Roads*

4.25.2 Enhancement of Urban Road Verges

It is accepted that road verges form a significant proportion of public open space available to residents for improving their streetscape and lifestyle.

For all verge enhancements other than planting lawn, the landowner must apply in writing to the Shire for approval prior to undertaking the works at their own cost.

Verge enhancements requests will be assessed on an individual basis against the following criteria;

- safety,
- drainage,
- water conservation,
- ongoing maintenance,
- appearance, and
- impact on others including public services.

All verge enhancements must be maintained by the adjoining landowner. Where there is a change in ownership, the new owner will become responsible for any ongoing maintenance.

Landowners must complete a Dial Before You Dig (1100) to locate and avoid any services that may be affected by their verge enhancements, and the Shire will not be responsible for any damage or cost caused by landowners or their contractors.

The Shire reserves the right to modify any approved or non-approved treatments if required.

4.25.3 Other Shire Maintenance Activities

The Shire undertakes maintenance of various areas within the Shire including road verges. Maintenance tasks and frequency for individual areas vary and is largely dependent on Shire resources. For maintenance of verges adjacent residential properties the Shire undertakes the following maintenance tasks:

Mowing/Slashing: These verges are programmed for mowing approximately twice a year (rural residential once a year only). Many factors can affect the growth rate of vegetation, and there may be periods of excessive grass growth between Shire mows.

Spraying: Spraying typically occurs once a year controlling weeds around the following assets;

- Kerbs
- Edge of roadway

- Pathways
- Street trees
- Drains
- Other Shire infrastructure
- Public Service infrastructure

Landowners who do not want spraying to occur on their verge are required to advise the Shire, in writing, assuming responsibility for control of vegetation. If landowners do not manage vegetation to the Shire’s satisfaction, the Shire reserves the right to continue to manage this area in accordance with typical work practices. The Shire does not spray vegetation outside of areas listed above, or on private property.

The Shire encourages landowners to maintain verges adjoining their property, especially as many landowners like to maintain the verge area to a higher standard than Shire resources allow.

DEFINITIONS

RELATED LEGISLATION

- Department of Environment and Conservation Clearing Regulations
- Environmental Protection Act 1986

RELATED DOCUMENTATION

- Austroad Guidelines
- Policy 8.3 Roadside burning of Shire controlled roads

Adopted:	28 November 2018
Last Amended:	
Last Reviewed:	28 November 2018



Human Resources Staff Usage of Donnybrook Recreation Centre

Policy Statement

This policy will be used to define the terms for the free use of the Donnybrook Recreation Centre by Shire employees.

Objective

Physical wellbeing promotes strong work ethics & productivity. The purpose of this Policy is to provide a process through which staff can use the Donnybrook Recreation Centre at no cost to the employee.

The aim is make the Shire of Donnybrook-Balingup an “employer of choice” without significantly increasing the payroll budget.

Benefits

The benefits of this policy are as follows:

- Shire employees have the opportunity to improve their fitness – resulting is less days off due to sickness.
- The program provides an incentive that is included in staff employment packages (at very little cost to the Shire) and assists the staff retention rate.
- As employees see the benefit of a physical activity program, they may encourage family members and friends to join the Recreation Centre – thus increasing overall membership of the Recreation Centre.

Eligibility

The following Shire employees are offered free individual membership of the Donnybrook Recreation Centre:

- All full time employees
- Part time and working more than 30 hours per fortnight.

Recording Process

Recreation Centre employees are not required to record usage. Other Shire employees are to record their attendance in the register provided at the Recreation Centre kiosk so that the entry fee can be recovered from the appropriate department within the Shire.

Recovery of Fees

The equivalent of entry fees are debited against the work areas of the employees to ensure that there is no loss of revenue to the Recreation Centre.

Exceptions

The following exceptions apply:

- Where an employee takes a place of a paying member of public, the employee must pay the appropriate fee for that activity, if the class is full. This applies to all group fitness classes, including aqua and any instructed class.
- Where an employee nominates for an activity such as netball, basketball and any privately run classes, they must pay the nomination fee.

Family Members

As a privilege, the immediate family of Recreation Centre employees working for more than 30 hours per fortnight (partner and dependent children under the age of 16 years) may use the Centre for free. Conditions above (for privately run classes) also apply.

Family members of other Shire employees (those **not** working at the Recreation Centre) are not eligible for free use of the Recreation Centre.

Legislation/Local Law Requirements

N/A

Relevant Documents

Staff Use of the Donnybrook Recreation Centre Procedure 6.11

Adopted:	28 May 2008
Last Amended:	10 December 2014
Last Reviewed:	December 2014
Next Review Date:	2015
Responsible Department:	Human Resources



Fire Control Policy

8.3 Road Verge Burning of Shire Controlled Roads

Objective

The objective of this Policy is to provide clear guidelines for the burning of road verges throughout the Shire of Donnybrook-Balingup.

Policy

- a) A Permit is to be issued prior to any road verge burn in accordance with this Policy.
- b) The Shire Chief Executive Officer or nominated representative are the only officers authorised to issue burning permits for hazard reduction burns along road verges, and only after a site inspection has been carried out by authorised Shire staff.
- c) Burns are to be conducted by the relevant Bush Fire Brigade or authorised Shire staff. No road verge burning may be carried out by individuals unless authorised.
- d) No authority can be given by an officer of Council or Fire Control Officer to burn roadside verges that are not under the control of Council, unless written approval has been received from the controlling body.
- e) Site inspections will take into consideration the environmental impact on the road verge, the potential hazard the verge would pose in the event of bush fire and the weather patterns and forecasts for that time of year.
- f) Permits to burn road verges will only be issued to Brigade Fire Control Officers and authorised Shire staff and are to state the measures that must be taken using the following broad guidelines:
 - Prevent damage to infrastructure (i.e. Telstra infrastructure, culverts and fencing);
 - Where native vegetation is present (depending on species) minimise damage and where possible, carry out burns in autumn or spring;
 - Ensure acceptable weather conditions have been considered;
 - Comply with normal permit requirements;
 - Only one side of a road to be burnt in any one year;

- No single hazard reduction burn to exceed 500 metres along a single road verge;
 - Adjoining strips may not be burnt within three years;
 - Adjacent verges are not to be burnt within three years.
- g) The use of fire to abate fire hazards and to clear roadside drains should be confined to areas where distinct hazards, high ignition risks and high values can be identified. In general, these relate to road verges where native plant species have been replaced by annual weeds and grasses. Where possible, mowing and approved herbicide treatment is to be used as opposed to road verge burns.
- h) On approval of a road verge burn, a Traffic Control Plan will be prepared and implemented when necessary by Shire staff or its appointed contractors.

Adopted:	23 January 2008
Last Amended:	26 May 2010
Last Reviewed:	28 April 2016
Next Review Date:	2017
Responsible Department:	Development and Environmental Services

CURRENT POLICIES



Fire Control Policy

8.5 Fireworks Events

Objective

To provide guidance on the manner in which Council will consider applications for permission to conduct a fireworks event to minimise fire risks.

Policy

1. Written approval by the Shire Chief Executive Officer is required to conduct fireworks events at any time.
2. No approvals will be granted during the Prohibited Burning Times (15 December to 14 March each year, subject to change) for a fireworks display.
3. In the event of a change to the Prohibited Burning Times that impacts on a pre-approved fireworks event application, the Shire Chief Executive Officer in liaison with the Captain of the Donnybrook Fire & Rescue Service and the Donnybrook Chief Fire Control Officer is authorised to permit the fireworks event to proceed subject to any conditions deemed necessary.
4. During the bush fire restricted burning times (1 November to 14 December and 15 March to 26 April each year, subject to change) a Permit may be granted subject to the following:
 - Fire Risk Levels including weather and fuel loads;
 - Availability of firefighting personnel and equipment;
 - Consultation with the Captain of the Donnybrook Fire & Rescue Service and the Donnybrook Chief Fire Control Officer;
 - Consideration of any other issue as deemed necessary by the Shire Chief Executive Officer (ie. location, nature of event etc).
5. Any approval issued by the Shire Chief Executive Officer for a fireworks event are to include the following conditions:
 - Compliance with the 'Safe Use of Outdoor Fireworks in Western Australia' Code of Practice, produced by the Department of Mines & Petroleum;
 - Provision of suitable portable fire extinguishers at the fireworks firing point;

- Provision of additional adequate firefighting equipment and personnel in accordance with any such Permit for the fireworks event granted by the Department of Mines & Petroleum, or as directed by the local fire emergency services agency;
- Details of the above arrangements must be notified to the Shire in writing prior to the event;
- The authorised fireworks operator must contact the Department of Fire & Emergency Services Communications Centre on Freecall 1800 198 140 ten minutes prior to firing time.
- If an Extreme Weather Warning has been issued by the Bureau of Meteorology prior to or during the time of firing the display must be cancelled.

Adopted:	23 May 2001
Last Amended:	22 May 2013
Last Reviewed:	28 April 2016
Next Review Date:	2017
Responsible Department:	Development and Environmental Services

CURRENT POLICIES

STRATEGIC OUTCOME SUPPORTED: 11 - Strong, visionary leadership

1. OBJECTIVE

- 1.1. To provide direction on the development and implementation of its policies to reflect the Shire's strategic goals and to fulfil statutory requirements.

2. SCOPE

- 2.1. This policy applies to the development of new policies and the review of existing policies.
- 2.2. This does not apply to Local Planning Policies which are prepared separately under the Shire's Local Planning Scheme.

3. DEFINITIONS

- 3.1. **The Act** means the *Local Government Act 1995*.
- 3.2. **Minor amendment** means changes to language, style, formatting, etc. that do not impact on the application of the policy.
- 3.3. **Major amendment** means changes that significantly alter the Shire's position on an issue or change the strategic intent of the policy.
- 3.4. **Policy Response** means to signify when Council should opt to consider a policy approach in response to an issue.

4. POLICY STATEMENT

- 4.1. Section 2.7(2)(b) of the Act prescribes one of the roles of Council as being to determine the local government's policies.
- 4.2. Section 5.41(c) of the Act prescribes that a function of the Chief Executive Officer is to cause Council's decisions to be implemented and this includes giving effect to Council's Policies.
- 4.3. To provide a clear distinction between the role of the council and the role of the local government administration separate document classifications shall be maintained.

Document Classifications

- 4.4. Council Policy – provides for “the rationale and guiding principles of what can be done” and:
 - a. Focus on the strategic and statutory decision-making obligations of the Council; and
 - b. Set governing principles and guide the direction of the organisation to align with community values and aspirations; and
 - c. Apply to Council, Elected Members and shire employees when fulfilling their decision-making responsibilities.

- 4.5. Administration Policies – explains “how” the administration will implement or carry out that policy and:
- Are developed for administrative and operational purposes with an internal focus.
 - The CEO is the decision-maker for the approval, amendment or rescinding of these policies.
 - Elected Members are not bound by these policies.
- 4.6. Operational Procedures - a series of actions conducted in a certain order or manner to give effect to policy and:
- Are developed for administrative and operational purposes with an internal focus.
 - The CEO is the decision-maker for the approval, amendment or rescinding of these procedures.
 - Elected Members are not bound by these procedures.

Guiding Principles

- 4.7. Policies will be concise, clear, consistent and compliant.
- Concise – policies will state no more than is necessary to direct decision making and clarify expected conduct.
 - Clear – policies will be written, in plain English, to avoid ambiguity and to be easily understood by the people affected.
 - Consistent – policies will encompass and be consistent with the Shire’s strategic goals, values, risk appetite and template documents.
 - Compliant – policies will comply with all relevant compliance obligations and commitments.
- 4.8. There are three key stakeholders with differing relationships in policy development:
- Officers develop and write policies, engage the community in the policy development process.
 - Community members participate in the consultation processes to inform policy development.
 - Elected members set policies for the Shire by considering policies presented for adoption, review and rescindment.

Policy Management and Development Principles

- 4.9. A policy response will be considered where there is either complexity or lack of clarity in one or a combination of any of the following circumstances:
- Legislative requirement.
 - New or changing industry and organisational standards.
 - To meet the Shire’s strategic objectives.

COUNCIL POLICY EXE/CP- 8 POLICY FRAMEWORK



- d. Community needs or expectation.
 - e. Advocacy on issues that Council considers to be significant.
 - f. As a result of a Council resolution.
- 4.10. Further, a policy response will only be proposed where it can be demonstrated that the policy will deliver:
- a. Clarity and consistency in decision making.
 - b. Improved efficiency and effectiveness.
 - c. Improved customer / community outcomes.
- 4.11. Council policies will be developed or reviewed inline with the Shire's Community Engagement Framework.
- 4.12. All periodic policy reviews will be based on a Risk Assessment Rating.
- 4.13. All policies are to be made available on the Shire's website.

5. DELEGATION AND AUTHORISATION

5.1. NIL

6. LEGISLATION

6.1. *Local Government Act 1995*

7. POLICY VERSION

Related Policies:			
Related Procedure:	Policy Framework (Being Developed)		
Responsible Department:	Executive		
Reviewer:	Corporate Planning & Governance Officer		
Review Frequency:	Triennial	Next Due:	2024
Version Date:	22/09/2021	Synergy #:	NPP7502
Policy Version Details			
Initial Adoption Date:	22/09/21	Decision Reference:	155/21
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Version Synopsis:	Initial creation of Policy		