



# SHIRE OF KULIN

  

## POLICY MANUAL

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A1 - Elected Members Code of Conduct	May 2025
A3 - Corporate Credit Cards	May 2025
A12 - Temporary Employment or Appointment of an Acting CEO	May 2025
HR3 – Employee Code of Conduct	May 2025
A14 – Temporary Accommodation	June 2025
<a href="#">A15 Councillor Fees, Allowances &amp; Reimbursement of Expenses</a>	<a href="#">May 2026</a>

## **INTRODUCTION**

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

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

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

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

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

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

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

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

Chief Executive Officer  
May 2025

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## **A1 CODE OF CONDUCT – ELECTED MEMBERS, COMMITTEE MEMBERS & CANDIDATES**

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

Policy Purpose:

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

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### **Division 1 — Preliminary provisions**

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#### **1. Citation**

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

#### **2. Terms used**

(1) In this code —

Act means the Local Government Act 1995;

candidate means a candidate for election as a council member;

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

publish includes to publish on a social media platform.

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

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### **Division 2 — General principles**

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#### **3. Overview of Division**

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

#### **4. Personal integrity**

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

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

(2) A council member or committee member should —

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

#### **5. Relationship with others**

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

- (a) treat others with respect, courtesy and fairness; and
- (b) respect and value diversity in the community.

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

## **6. Accountability**

A council member or committee member should —

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

## **Division 3 — Behaviour**

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### **7. Overview of Division**

This Division sets out —

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

### **8. Personal integrity**

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

- (a) must ensure that their use of social media and other forms of communication complies with this code; and
- (b) must only publish material that is factually correct.

(2) A council member or committee member —

- (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
- (b) must comply with all policies, procedures and resolutions of the local government.

### **9. Relationship with others**

A council member, committee member or candidate —

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

### **10. Council or committee meetings**

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

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

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

**11. Complaint about alleged breach**

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

**12. Dealing with complaint**

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

**13. Dismissal of complaint**

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

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

**14. Withdrawal of complaint**

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

**15. Other provisions about complaints**

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

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**Division 4 — Rules of conduct**

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Notes for this Division:

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

**16. Overview of Division**

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

**17. Misuse of local government resources**

- (1) In this clause —
- electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the Electoral Act 1907 or the Commonwealth Electoral Act 1918;
- resources of a local government includes —
- (a) local government property; and
  - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

**18. Securing personal advantage or disadvantaging others**

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

**19. Prohibition against involvement in administration**

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

**20. Relationship with local government employees**

- (1) In this clause —  
local government employee means a person —
  - (a) employed by a local government under section 5.36(1) of the Act; or
  - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
  - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
  - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
  - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
  - (a) make a statement that a local government employee is incompetent or dishonest; or
  - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.

**21. Disclosure of information**

- (1) In this clause —  
closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;  
confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;  
document includes a part of a document;  
non confidential document means a document that is not a confidential document.
- (2) A council member must not disclose information that the council member —
  - (a) derived from a confidential document; or
  - (b) acquired at a closed meeting other than information derived from a non confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
  - (a) at a closed meeting; or
  - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
  - (c) that is already in the public domain; or
  - (d) to an officer of the Department; or

- (e) to the Minister; or
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

**22. Disclosure of interests**

- (1) In this clause —  
interest —
  - (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
  - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
  - (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
  - (a) that they had an interest in the matter; or
  - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
  - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
  - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
  - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
  - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

**23. Compliance with plan requirement**

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

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## **A2 COMMON SEAL – AFFIXING OF**

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### Administration

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

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

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

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

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

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

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

**HEAD OF POWER:** Local Government Act 1995 Section 9.49A

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

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## A3 CORPORATE PURCHASING CARDS

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### Administration

**PREAMBLE:** Corporate purchasing cards (including credit cards and fuel cards) are being used within Government as a purchasing resource. They can however expose the Shire to significant risk if not properly controlled and managed.

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

**POLICY:** The use of corporate purchasing cards is at the Chief Executive Officer's discretion and shall not be used as a means to supersede the Shire's purchasing system and procedures; use of credit is a complementary function of purchasing. All purchases made on the Shire's corporate purchasing cards shall be for Shire business purposes only.

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

~~is not used~~ Corporate purchasing cards must not be used for cash advances, including withdrawals of cash from a branch, ATM or merchant.

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

Corporate purchasing cards will only be issued with the approval of the Chief Executive Officer. Executive Managers and other staff may be authorised as cardholders at the CEO's discretion. All cardholders must sign the Shire's Purchasing Card Agreement, acknowledging their understanding and acceptance of the terms of use. The agreement must also be signed by the Chief Executive Officer.

Corporate purchasing cards may only be used for the purchase of food and beverages where the expenditure is directly related to official Shire business, such as staff meetings, official functions, travel, or approved community engagement activities, and must be supported by appropriate documentation and prior approval where required.

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

Cardholders are responsible for the physical and information security of the card in their possession and in the case of a lost, damaged or where fraudulent transaction appear as a transaction, the cardholder shall notify the Bank and the Executive Manager of Financial Services immediately. The card will be immediately cancelled and a new one issued as soon as practicable.

In the event that a cardholder resigns, takes extended leave, or transfers to a role where a corporate purchasing card is no longer required, the cardholder must notify the Executive Manager of Finance at least two (2) weeks prior to their departure or change in role. This allows sufficient time for cancellation of the card and reconciliation of all outstanding transactions and receipts.

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

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

A register of card purchases shall be maintained by the cardholder and submitted with monthly receipts.

As part of the monthly accounts for payment processes, the Executive Manager of Financial Services will present the Purchasing Card Statements detailing acquittal transactions and balances to the Council as part of the monthly meeting Agenda.

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

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

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## **A4 DISABILITY ACCESS AND INCLUSION**

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### **Administration**

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

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

**POLICY:** The Shire of Kulin:

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

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

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

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

**HEAD OF POWER:** Local Government Act 1995; Disability Services Act 1993 and Shire of Kulin Disability Access and Inclusion Plan (DAIP) ~~2020 – 2025~~**2025 – 2030**.

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## A5 EQUAL OPPORTUNITY and HARASSMENT

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### Administration

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

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

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

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

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

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

**PROCESS:** The Shire will promote change and application by;

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

**HEAD OF POWER:** Local Government Act 1995

The WA Equal Opportunity Act 1984

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

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## **A6 LEGAL ADVICE, REPRESENTATION & COST REIMBURSEMENT**

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### **Administration**

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

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

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

### **POLICY: General Principles**

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

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

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

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

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

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

### **Repayment of Assistance**

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

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

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

**PROCESS:**

**Applications for Financial Assistance**

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

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

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

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

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

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

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

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

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## **A7 OCCUPATIONAL SAFETY & HEALTH POLICY**

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### **Administration**

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

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

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

### **SAFETY AND HEALTH POLICY STATEMENT**

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

#### **The Shire of Kulin will:**

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

*All levels of management are accountable for implementing this policy in their area of responsibility and implementation of this policy will be measured by annual performance reviews.*

*Management responsibilities include the following:*

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

#### **Employees are to:**

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

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

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

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

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

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

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

## A8 PRIMARY DOCUMENTS

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### Administration

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

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

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

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

The Primary Documents for the Shire of Kulin are;

Shire of Kulin Administrative Procedures and Operational Guidelines (APOG) Manual  
Shire of Kulin Employee Induction

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

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

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

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

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

**HEAD OF POWER:** Local Government Act 1995

## **POLICY MANUAL PRIMARY AND SECONDARY DOCUMENTS LISTING**

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### **PRIMARY DOCUMENTS - SHIRE OF KULIN**

Shire of Kulin Policy Manual 2017 - adopted 14<sup>th</sup> June 2017, reviewed May 2023  
Shire of Kulin Administrative Procedures & Operational Guidelines (APOG) Manual 14<sup>th</sup> June 2017, reviewed May 2023  
Shire of Kulin Community Strategic Plan 2017 ed. Review February 2022  
Shire of Kulin Corporate Business Plan 2017 ed. Review February 2022  
Shire of Kulin Employee Induction Checklist created February 2024

### **SECONDARY DOCUMENTS – SHIRE OF KULIN**

Shire of Kulin Workforce Plan.  
Shire of Kulin Asset Management Plan  
Shire of Kulin Long Term Financial Plan.  
Shire of Kulin Contracts and Legal Documents Register  
Shire of Kulin Complaints Register  
Shire of Kulin Corporate Style Guide  
Shire of Kulin Customer Service Charter  
Shire of Kulin Delegation Register  
Shire of Kulin Disability Access and Inclusion Plan (DAIP)  
Shire of Kulin Equal Employment Opportunity Plan  
Shire of Kulin Freedom of Information Statement  
Shire of Kulin Gifts Register  
Shire of Kulin Induction and Training Procedure ed  
Shire of Kulin Management Orders (Landholdings) & Vesting Orders Register  
Shire of Kulin Pecuniary Interest Register  
Shire of Kulin Recordkeeping Management Plan  
Shire of Kulin Safe Work Method Statements (as listed) 108, 109, 110.  
Shire of Kulin Town Planning Scheme No 2  
Shire of Kulin Classification Guide  
Kulin Child Care Management Committee Policies & Procedures  
Freebairn Recreation Centre Club Policy Manual & Constitution  
Kulin Community Resource Centre Australia Day Event Procedure  
OPSSC Public Interest Disclosure Act 2003 Guidelines

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## **A9 PUBLIC INTEREST DISCLOSURE**

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### **Administration**

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

**OBJECTIVE:**

The object of the Act is to:

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

This is achieved by:

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

**POLICY:**

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

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

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

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

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

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

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

**HEAD OF POWER:** Local Government Act 1995

## A10 REGIONAL PRICE PREFERENCE POLICY

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### Administration

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

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

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

### PRACTICE:

#### General Purchasing (other than Tenders)

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

#### Tenders – Regional Price Preference

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

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

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

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

### Other

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

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

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

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

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

## **A11 PROCUREMENT PURCHASING AND TENDERS**

*Policy originally A21 in APOG Manual*

### **Administration**

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

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

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

### **PRACTICE: ETHICS & INTEGRITY**

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

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

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

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

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

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

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

### SUSTAINABLE PROCUREMENT

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

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

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

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

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

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

### PROCESS:

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

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

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

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$250,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$250,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

### Up to \$5,000

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

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

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

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

#### **\$5,001 to \$19,999**

This category is for the procurement of goods or services where the value of such procurement ranges between \$5,001 and \$19,999. At least one written quote is required.

The general principles for obtaining the quotation are:

- ensure that the requirement / specification is clearly understood by the Shire of Kulin employee seeking the quotations;
- ensure that the requirement / specification is clearly, accurately and consistently communicated in writing to each of the suppliers being invited to quote;
- where only one written quote is obtained both an Executive Manager and the CEO must sign the purchase order.

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

#### **\$20,000 to \$49,999**

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

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

NOTES: The general principles relating to written quotations are;

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

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

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

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

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

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

NOTES: The general principles relating to written quotations are;

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

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

### **Tender Exemption**

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

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

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

### **Sole Source of Supply (Monopoly Suppliers)**

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

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

#### **Anti-Avoidance**

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

#### **Tender Criteria**

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

#### **Advertising Tenders**

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

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

The notice must include;

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

Detailed information shall include;

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

#### **Issuing Tender Documentation**

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

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

#### **Tender Deadline**

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

#### **Opening of Tenders**

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

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

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

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

### **No Tenders Received**

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

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

### **Tender Evaluation**

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

### **Addendum to Tender**

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

### **Minor Variation**

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

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

### **Notification of Outcome**

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

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

### **Records Management**

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

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

For a direct purchasing process this includes:

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

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

### **HEAD OF POWER:**

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

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

## **A12 TEMPORARY EMPLOYMENT OR APPOINTMENT OF AN ACTING OR TEMPORARY CHIEF EXECUTIVE OFFICER**

### **Administration**

**PREAMBLE:** The Chief Executive Officer is responsible for the management of the local government's administration. During any period of absence, arrangements are required to ensure continuity of operations and the lawful exercise of the Chief Executive Officer's functions.

**OBJECTIVE:** To establish policy, in accordance with Section 5.39C of the Local Government Act 1995 that details the Shire of Kulin'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.

### **PRACTICE:**

#### **Definitions**

**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.

**Temporary CEO** means a person employed or appointed to fulfil the statutory position of CEO for the period of time between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

#### **Appointment of Acting CEO – Leave Periods up to Six Weeks**

For periods of planned or unplanned leave not exceeding six weeks, the Chief Executive Officer may appoint an Acting CEO from among the Executive Management Team of the organisation.

In determining the appointment, consideration may be given to:

- operational requirements;
- employee capability and experience;
- availability; and
- where appropriate, equitable access to professional development opportunities.

The Chief Executive Officer is to advise Council Members of the appointment and the period of appointment as soon as practicable.

#### **Appointment of Acting CEO – Leave Periods Greater than Six Weeks**

For periods of planned or unplanned leave exceeding six weeks and less than twelve months, Council will appoint an Acting CEO by resolution.

Council may:

- appoint an internal employee as Acting CEO; or
- undertake an external recruitment process in accordance with the principles of merit and equity under the Local Government Act 1995.

The Shire President, in consultation with the Chief Executive Officer or relevant Executive Manager, will coordinate the preparation of the necessary Council reports and appointment documentation.

#### **Appointment of Temporary CEO – Vacancy in the Position**

Where a vacancy exists in the substantive position of Chief Executive Officer, Council may appoint a Temporary CEO by resolution pending recruitment and commencement of a permanent Chief Executive Officer.

Council may:

- appoint an internal employee as Temporary CEO;
- appoint an interim Temporary CEO while a recruitment process is undertaken; or
- undertake an external recruitment process in accordance with the principles of merit and equity under the Local Government Act 1995.

Remuneration and Conditions

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.

Council retains the right to amend or terminate any Acting or Temporary CEO appointment by resolution, subject to contractual and legislative requirements.

**PROCESS:**

- The appointment of the Acting Chief Executive Officer is to be made in writing.
- The Acting Chief Executive Officer is to exercise the powers and perform the functions of the Chief Executive Officer for the duration of the appointment.
- Relevant staff and Council are to be notified of the appointment.

**DELEGATION:** The Chief Executive Officer is authorised to appoint a suitably qualified officer to act in the position of Chief Executive Officer during a period of absence of up to six weeks. Where practicable, the Chief Executive Officer will consult with the Shire President and advise Council of the appointment.

**HEAD OF POWER:** Local Government Act 1995 5.39C

**Administration**

**PREAMBLE:**

~~When the Chief Executive Officer takes up to four weeks annual or other leave the Chief Executive Officer is to appoint a member of the Executive Management team as Acting Chief Executive Officer.~~

**OBJECTIVE:**

~~To ensure the Shire has an appropriate officer at all times to be acting in the legal position of CEO, taking into account the differing workload and availability of each member of the Executive Management team during the period of absence.~~

**PRACTICE:**

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

~~That the authority to appoint either:~~

- ~~(a) Executive Manager of Financial Services~~
- ~~(b) Executive Manager of Community Services~~
- ~~(c) Executive Manager of Works~~
- ~~(d) Executive Manager of Corporate Governance & Risk~~

~~to be Acting Chief Executive Officer during the absence of the Chief Executive Officer on leave or other extended periods of up to four weeks be delegated to the CEO for times when there is no Ordinary Council meeting prior to the period of leave to seek Council's resolution for this appointment.~~

~~For the purposes of Section 5.36 (2) of the Local Government Act 1995, the Council has determined that employees that are appointed in one of the above positions are suitably qualified to be appointed as Acting CEO by the CEO, from time to time, when the CEO is on periods of leave.~~

~~When exercising the delegation, the Shire President is to be consulted and Council is to be provided with notice of the Acting appointment as soon as possible, or practicable.~~

~~Where the CEO's leave is greater than four weeks, Council is to appoint an Acting CEO in accordance with one of the following options:~~

- ~~1. Appoint one Executive Manager, or multiple Executive Managers jointly or for separate defined periods, as Acting CEO; or~~
- ~~2. Authorise the CEO, jointly with the Shire President, to identify and recruit a suitably qualified individual external to the organisation to be appointed as Acting CEO, in accordance with Section 5.36(2) of the Local Government Act 1995; or~~
- ~~3. Conduct an external recruitment process to appoint a temporary Acting CEO.~~

**PROCESS:**

~~All appointments must be confirmed in writing, and the Council must be informed of the appointment as soon as practicable. All candidates considered for Acting CEO roles must meet the legislative requirements for the position as outlined in Section 5.36(2) of the Local Government Act 1995.~~

**DELEGATION:** ~~To CEO to appoint Executive Manager of Financial Services as Acting CEO during period of absence.~~

**HEAD OF POWER:** ~~Local Government Act 1995 5.36, 5.39C and 5.42~~

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## **A13 ELECTED MEMBERS RECORDS – CAPTURE AND MANAGEMENT**

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**PREAMBLE:** State Records Office policy imposes the obligation on elected members and the Shire of Kulin under the State Records Act in relation to the recordkeeping requirements of local government elected members.

**OBJECTIVE:** To assist elected members to manage the official records created or received in the course of their role as an elected member with the Shire of Kulin. It aims to assist them to meet obligations with regard to the capture and management of records.

**PRACTICE:** Each elected member is responsible for determining which records are required for capture and management, and submission of the record to the CEO for storage.

The State Records Commission policy regarding the records of local government elected members requires the creation and retention of records of the:-

*“communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of business”*

In effect, any form of record which may affect the accountability or contribute to a decision or action made as an elected member must be retained. These records may be:-

- Physical – letter, handwritten note, photo, complaint
- Electronic – email, document sent as an attachment, digital photo
- Audio – message left on phone

The records are not only those received but those created:-

- a note of a conversation where someone asked you to pursue a matter
- a letter written in your capacity as elected member
- an email sent in your capacity as an elected member

The Shire of Kulin to enable the facilitation of this will:-

- Provide a collection point readily accessible to each elected member to deposit the required materials
- Materials collected will be separated according to elected member and financial year
- For electronic records (emails, digital photos etc) a storage device suitable for backup of all electronic records will be provided annually
- Where a copy of the record is to be retained by the elected member, photocopying or other duplication will be provided without charge.

Access to the records created may be required, and is to be facilitated by the CEO:-

- As permitted under various legislation
- By order of an authorised body such as the Standards Panel
- By a representative of an authorised body

**HEAD OF POWER:** Local Government Act 1995 State Records Office Policy

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## A14 TEMPORARY ACCOMMODATION

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### Administration

**PREAMBLE:** This policy provides guidance to support applications seeking an approval for temporary accommodation on private property or in an area other than a caravan park or camping ground.

**OBJECTIVE:** A person may stay in temporary accommodation on a property for up to 5 nights per 28-day consecutive period without Shire approval. A person staying in temporary accommodation on a property for more than 5 nights per 28 days consecutive period requires Shire approval.

The Shire can approve one temporary accommodation application for up to 24 months per allotment. An applicant may reapply after 24 months to renew their application.

The Shire may consider an additional temporary accommodation application on the same lot, but the maximum term for any additional application is 3 months. Any period longer than 3 months is required from the Minister for Local Government, Sport and Cultural Industries.

If an applicant is seeking to camp on a State or Federal reserve, approval must be obtained from the relevant authority who manages that land.

### PRACTICE/PROCESSES:

This policy is supported by the Shires temporary accommodation guidelines, application and assessment process. For applications to be considered, the requirements detailed in the guidelines must be adhered to.

The applicant must own or have a legal right to occupy the land and is to complete the application form (available from the Shire) and submit to the Shire with the applicable fee.

Applications will not be considered outside the following zoned areas;

- ▪ Residential
- ▪ Rural Townsite
- ▪ Rural
- ▪ General Industry
- ▪ Commercial

Any camp is to be located wholly on the property and be at least 1 metre from the property boundary, at least 1 metre from vehicle access areas, and at least 1.8 metres from structures.

Occupiers of adjacent properties will be notified in writing and the responses will be considered prior to the approval of any application.

Approvals will only be granted where health, safety and hygiene requirements have been met. This includes the following requirements;

- power
- potable water
- waste water management
- cooking and laundry facilities
- emergency management (fire suppression and smoke detection)
- waste and recycling (rubbish collection service or waste management plan is required)
- any other requirement at the request of the Shire.

Upon receipt of an application and fee, the Environmental Health Officer will assess the application, conduct an evaluation of the site, and issue a permit where the application is approved. Follow-up site assessments may be conducted throughout the duration of the approval period by an authorised officer.

Approval can be for a maximum period of 24 months, and any reapplication will require the completion of a new form, fee payable and be accompanied by a structural report confirming the integrity of the habitable camp.

The temporary accommodation cannot be used as holiday rental or for tourism purposes.

Should the temporary accommodation cease prior to the expiry of the permit, the local government must be notified. No refund is applicable.

The Shire reserves the right to withdraw an approval, where a breach of an approval condition has occurred.

**DELEGATION:** Nil

**HEAD OF POWER:**

Local Government Act 1995

Caravan and Camping Ground Act 1995

Caravan and Camping Ground Regulations 1997 (as amended 1 September 2024)

Health (Miscellaneous Provisions) Act 1911

Building Code of Australia / National Construction Code

Shire of Kulin Local Planning Scheme No 2

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## **A15 COUNCILLOR FEES, ALLOWANCES AND REIMBURSEMENT OF EXPENSES**

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### **OBJECTIVE**

To clearly outline the fees, allowances and entitlements available to Councillors to support them in effectively fulfilling their role as an Elected Member.

### **PREAMBLE**

The Shire of Kulin will provide meeting attendance fees, allowances and reimbursement of expenses to Elected Members in accordance with the Local Government Act 1995, associated Regulations, and determinations of the Salaries and Allowances Tribunal (SAT).

Elected Members receive a monthly sitting fee in recognition of their role and responsibilities, including attendance at Council and committee meetings, participation in portfolio responsibilities, and involvement in Shire-related activities.

Where an Elected Member is formally appointed by Council to represent the Shire as a delegate at external meetings, the Elected Member may be entitled to claim an additional meeting attendance fee in accordance with SAT determinations.

All fees and payments made under this policy will be within the limits prescribed by the Salaries and Allowances Tribunal.

### **PRACTICE/PROCESS**

#### **Sitting Fees**

Elected Members will receive a monthly sitting fee, set at approximately the 95th percentile of the range prescribed by the Salaries and Allowances Tribunal for a Band 4 local government.

The sitting fee is paid six monthly in arrears and recognises attendance at Council and committee meetings, participation in portfolio responsibilities, and involvement in Shire-related activities.

#### **External Delegate Meetings**

Where an Elected Member is formally appointed by Council as a delegate to represent the Shire at an external meeting, the Elected Member may be entitled to claim a meeting attendance fee.

External delegate meetings include, but are not limited to:

- WALGA Zone meetings;
- Regional Road Group meetings;
- regional local government meetings (RoeROC);
- Ministerial meetings; and
- other meetings where the Elected Member is representing the Shire as an appointed delegate.

Meeting attendance fees for external delegate meetings will be set the 95th percentile of the permitted range specified by the SAT for a Band 4 local government.

#### **Annual Allowance – President and Deputy President**

The Shire President and Deputy President are each to receive an Annual Local Government Allowance and that such fees be paid monthly in arrears. The amount of the allowance to be paid is at the 95th percentile of the permitted range specified by the SAT for a Band 4 local government.

#### **Information and Communication Technology (ICT) Allowance**

The Information and Communication Technology (ICT) allowance is determined each year by Council and adopted as part of the annual Budget, and is within the range determined by the Salaries and Allowances Tribunal.

The ICT allowance covers:

- telecommunication expenses;
- ICT hardware (eg laptop or tablet)
- consumable supplies;

- non-standard software or hardware; and
- provision of an internet connection and data plan.

#### **Travel**

Elected members who incur travel costs while using their privately owned vehicle are entitled to be reimbursed for travel expenses incurred because of the member's attendance at a Council meeting, or a meeting of a committee of which they are a member.

Elected members attending meetings or representing the Shire at meetings or events outside of the Shire of Kulin are encouraged to use a Shire vehicle.

Travel by private vehicle will be reimbursed at the rate prescribed in Section 30.6 of the Local Government Officers' (Western Australia) Award 2021, as referenced in the Salaries and Allowances Tribunal Determination.

#### **Meals and Accommodation**

Elected Members attending meetings, training or conferences outside the Shire may be provided with reasonable accommodation and meals where required.

Accommodation and registrations must be pre-approved by the Chief Executive Officer and booked through the Executive Support Officer.

#### **Childcare Costs**

Elected Members who incur childcare costs as a direct result of attending Council or committee meetings are entitled to reimbursement of the actual cost per hour or the maximum amount prescribed by the Salaries and Allowances Tribunal, whichever is the lesser.

Childcare costs will not be reimbursed where care is provided by an immediate family member or a person residing at the same premises.

#### **Non-Councillor Representation**

Where a non-elected representative is appointed by Council to represent the Shire on an external body or committee, Council may determine an appropriate reimbursement or payment, separate to councillor entitlements, having regard to the nature of the role and associated responsibilities.

The Salaries and Allowances Tribunal framework applies to elected members only; however, Council may separately determine appropriate reimbursement or payment arrangements for non-councillor representatives appointed to act on behalf of the Shire.

#### **Independent Audit, Risk and Improvement Committee Members**

##### **Meeting Attendance Fee**

Council will pay a meeting attendance fee to a person appointed as the Independent Presiding Member or Independent Deputy Presiding Member of the Audit, Risk and Improvement Committee.

The meeting attendance fee will be determined by Council through the annual budget and set within the range prescribed by the Salaries and Allowances Tribunal for Independent Audit, Risk and Improvement Committee members.

In determining the fee, Council will have regard to the skills, experience and responsibilities required of the role.

##### **Reimbursement of Expenses**

Council will reimburse reasonable expenses incurred by the Independent Presiding Member or Independent Deputy Presiding Member as a direct result of attending committee meetings, including:

- travel costs; and
- childcare costs.

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in accordance with the Salaries and Allowances Tribunal determination and relevant legislation.

#### **Head of Power**

##### Local Government Act 1995

- Section 5.98 – Fees, expenses and allowances for council members
- Section 5.99 – Annual fees in lieu of meeting attendance fees
- Section 5.99A – Allowances in lieu of reimbursement of expenses
- Section 5.100 – Fees for committee members (including non-councillor members)

##### Local Government (Administration) Regulations 1996

- Regulation 30 – Prescribed meetings (including WALGA Zone and Regional Road Group meetings)
- Regulation 31 – Expenses to be reimbursed (including childcare and travel)
- Regulation 32 – Additional expenses approved by local government

##### Local Government (Council Member Fees, Allowances and Expenses) Regulations 2005

##### Salaries and Allowances Act 1975

##### Local Government Determination 2026

- Part 6 – Meeting attendance fees (Council, committee and prescribed meetings)
- Part 7 – Annual allowances (President and Deputy President)
- Part 8 – Expenses to be reimbursed (including childcare and travel)

##### Local Government Officers' (Western Australia) Award 2021

- Motor vehicle allowance (cents per kilometre rate)

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## HR1 TERMINATION PAYMENTS – SEVERANCE PAYMENTS

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### Human Resources

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

The policy is to set out:

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

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

**PRACTICE:**

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

Decisions under this policy are to be made;

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

**Circumstances for Severance Payment**

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

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

**Exclusions**

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

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

**STAFF RETIREMENT** (also included in APOG)

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

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

**Settlements and other terminations**

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

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

**Additional Payment**

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

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

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

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

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

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

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

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

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## HR2 STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION

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### Policy Purpose:

This Policy is adopted in accordance with section 5.39B of the *Local Government Act 1995*.

### Division 1 — Preliminary provisions

#### 1. Citation

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

#### 2. Terms used

##### (1) In these standards —

**Act** means the Local Government Act 1995;

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

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

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

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

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

**local government** means the *Shire of Kulin*;

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

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

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

### Division 2 — Standards for recruitment of CEOs

#### 3. Overview of Division

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

#### 4. Application of Division

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

##### (2) This Division does not apply —

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

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

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

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

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

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

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

#### **6. Advertising requirements**

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

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

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

- (a) inform the person of the website address referred to in the Local Government (Administration) Regulations 1996 regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
  - (i) email a copy of the job description form to an email address provided by the person; or
  - (ii) mail a copy of the job description form to a postal address provided by the person.

#### **8. Establishment of selection panel for employment of CEO**

- (1) In this clause —  
**independent person** means a person other than any of the following —
  - (a) a council member;
  - (b) an employee of the local government;
  - (c) a human resources consultant engaged by the local government.
- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
- (3) The selection panel must comprise —
  - (a) council members (the number of which must be determined by the local government); and
  - (b) at least 1 independent person.

#### **9. Recommendation by selection panel**

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
  - (a) a summary of the selection panel's assessment of each applicant; and
  - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
  - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
  - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
  - (a) in an impartial and transparent manner; and

- (b) in accordance with the principles set out in section 5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
  - (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
  - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
  - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

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

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
  - (a) clause 5 does not apply to the new recruitment and selection process; and
  - (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

#### 11. Offer of employment in position of CEO

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

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

#### 12. Variations to proposed terms of contract of employment

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the negotiated contract) containing terms different to the proposed terms approved by the local government under clause 11(b).
- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

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

- (1) In this clause —  
**commencement day** means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.
- (2) This clause applies if —
  - (a) upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —

- (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
  - (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day; and
  - (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

#### **14. Confidentiality of information**

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

### **Division 3 — Standards for review of performance of CEOs**

#### **15. Overview of Division**

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

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

- (1) The local government and the CEO must agree on —
  - (a) the process by which the CEO's performance will be reviewed; and
  - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

#### **17. Carrying out a performance review**

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
  - (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
  - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

#### **18. Endorsement of performance review by local government**

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

**19. CEO to be notified of results of performance review**

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

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

**Division 4 — Standards for termination of employment of CEOs**

**20. Overview of Division**

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

**21. General principles applying to any termination**

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
  - (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
  - (b) notifying the CEO of any allegations against the CEO; and
  - (c) giving the CEO a reasonable opportunity to respond to the allegations; and
  - (d) genuinely considering any response given by the CEO in response to the allegations.

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

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has —
  - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the performance issues) related to the performance of the CEO; and
  - (b) informed the CEO of the performance issues; and
  - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
  - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12 month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

**23. Decision to terminate**

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

**24. Notice of termination of employment**

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

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**HR3 EMPLOYEE CODE OF CONDUCT**

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## **SHIRE OF KULIN**

# **Administrative Procedures and Operational Guidelines (APOG) Manual**

Created	June 2017
Reviewed	June 2018
Reviewed	June 2019
Reviewed	June 2020
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Reviewed	June 2022
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HR21 – Reviewed	Nov 2022 (07/1122)
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Reviewed	June 2023
A30 – New Policy (Overdraft Facility)	July 2023
A31 – New Policy (Disposal of ICT Assets)	August 2023
HR8 – New Policy (Gratuity Payments (Staff))	August 2023
G9 – New Policy (Gratuity Payments (Elected Members))	August 2023
A19 – New Policy (Motor Vehicles)	August 2023
CS13 – Policy Amended	September 2023
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CS23 – New Policy Exemption DA Farm Buildings	December 2023
CS24 – New Policy (Workforce Accommodation)	December 2023
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A32 – New Policy (Discounts – Rates)	September 2024
A14 – Housing (Increase Allowance)	May 2025
A15 – IT (Include Cybersecurity)	May 2025
A18 – Mobile Phones (Increase Allowance)	May 2025
HR7 – Inductions (Medical & Police Clearance Req)	May 2025
HR8 – Gratuities (Employees)	May 2025
HR17 – Superannuation (Changes to SG Rate)	May 2025
HR23 – Remuneration Incentives (Increases)	May 2025

## INTRODUCTION

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

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

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

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

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

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

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

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

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

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

Alan Leeson  
Chief Executive Officer  
~~June 2026~~ ~~May 2024~~

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**Administrative Procedures and Operational Guidelines (APOG) Manual**

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

*Next Review May 2026*

## **ADMINISTRATION**

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## ~~A1 – ACTING CHIEF EXECUTIVE OFFICER~~

### ~~Administration~~

~~**PREAMBLE:** When the Chief Executive Officer takes annual or other Leave the Chief Executive Officer is to appoint the Executive Manager of Financial Services as Acting Chief Executive Officer.~~

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

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

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

~~When exercising the delegation, the Shire President is to be consulted and Council is to be provided with notice of the Acting appointment as soon as possible, or practicable. In the event that the Chief Executive Officer cannot appoint the Executive Manager of Financial Services as Acting Chief Executive Officer, the Council give the Chief Executive Officer the authority to appoint either the Executive Manager of Corporate Governance & Risk, Executive Manager of Works or the Executive Manager of Community Services to the position of Acting Chief Executive Officer.~~

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

~~**DELEGATION:** To CEO to appoint the Executive Manager of Financial Services, or if unavailable, then appoint either the Executive Manager of Corporate Governance & Risk, Executive Manager of Works or the Executive Manager of Community Services as Acting CEO during a period of absence.~~

~~**HEAD OF POWER:** Local Government Act 1995 5.36 and 5.42~~

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## A3 ANNUAL ELECTORS GENERAL MEETING

### Administration

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

**OBJECTIVE:** To provide a framework for the conduct of the Annual Electors General Meeting to ensure compliance with legislative requirements~~The annual Electors General Meeting (EGM) is to be held on the same day and in conjunction with an Ordinary meeting of Council to minimise costs and delay.~~

**PRACTICE:** The Annual Elector's General Meeting (EGM) will be held following the acceptance of the Shire of Kulin Annual Report and within the statutory timeframe.

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

### PROCESS:

- The EGM is to be held within 56 days of the local government accepting the Annual Report for the previous financial year.
- At least 14 days local public notice of the meeting is to be given in accordance with legislative requirements.
- At least 14 days notice of the meeting is to be provided to Elected Members.
- The Annual Report, including audited financial statements and the auditor's report, is to be made available to Electors prior to and at the EGM. The EGM meeting is to be provided with copies of the Shire of Kulin Annual Report which includes the audited financial statement and audit report for the previous financial year and Minutes of the previous year's EGM.
- Minutes of the previous EGM are to be made available.
- The meeting is to be conducted in accordance with the requirements of the Act and any prescribed procedures.

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

## **A4 ATTENDANCE AT COUNCIL MEETINGS – VISITORS, DELEGATIONS AND PETITIONS**

### **Administration**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**HEAD OF POWER:** Local Government Act 1995

## A5 BUDGET PREPARATION

### Administration

**PREAMBLE:** Each year the Shire aims to consider a draft budget for adoption by the August Ordinary meeting date. ~~To achieve this, the draft Corporate Business Plan (CBP) needs to be compiled by the last week of May. The budget process will be informed by the Corporate Business Plan, the Long Term Financial Plan, operational requirements and grant funding opportunities, and requires planning and structured input from Council, staff and the community.~~

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

### OBJECTIVE:

~~To provide a structured and timely framework for the preparation of the Annual Budget, ensuring adequate planning, Council engagement and compliance with legislative requirements. To remove late items being presented for consideration for inclusion in the Corporate Business Plan after the draft Budget has been prepared.~~

**PRACTICE:** ~~The Annual Budget is to be prepared in accordance with the following key milestones:~~

- ~~• Submission of budget requests from Council and community – 15<sup>th</sup> May~~
- ~~• Adoption of User Fees & Charges – May meeting of Council~~
- ~~• Development of draft operating budget and capital works program internally – May – June~~
- ~~• Budget workshops with Council – June and July~~
- ~~• Consideration and adoption of the Annual Budget – August meeting of Council.~~

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

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

~~If the Chief Executive Officer receives a request later than the 15 May, the Chief Executive Officer is to advise the applicant without reference to Council that the request is rejected due to lateness and that the request will be referred to the mid-year review with no guarantees of success.~~

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

### PROCESS:

- ~~• The Chief Executive Officer is to call for submissions for the Annual Budget and Corporate Business Plan in February each year.~~
- ~~• Submissions are to be received by 15 May and referred to relevant Managers for assessment and costing.~~
- ~~• Managers are to prepare budget proposals, including operational and capital requirements, for consideration by the Executive Management Team.~~
- ~~• A draft budget is to be prepared, incorporating:
  - ~~- operational budgets~~
  - ~~- capital works program~~
  - ~~- carry forward projects~~
  - ~~- grant funding~~
  - ~~- asset and infrastructure requirements~~~~
- ~~• Budget workshops are to be conducted with Council to review and refine the draft budget.~~

~~A final draft budget is to be presented to Council for adoption by the statutory deadline. The Chief Executive Officer is to arrange an advertisement calling for submissions in February each year, advising that the 15 May is the deadline with no exceptions.~~

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

~~Where submissions are received after the 15 May in any year the Chief Executive Officer is to reject the request and refer the matter to the Executive Manager of Financial Services for the mid-year review.~~

**HEAD OF POWER:** ~~Local Government Act 1995 – section 6.2 and Local Government (Financial Management) Regulations 1996 – regulations 16, 17, and 18 Local Government Financial Management Regulations Part 2 5. (g), Local Government Act 1995.~~

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## A6 CASUAL HIRERS LIABILITY

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### Administration

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

**OBJECTIVE:** To minimise the Shire's exposure to liability arising from the use of its facilities by ensuring appropriate insurance and indemnity arrangements are in place. ~~To provide security for users of Shire halls and facilities.~~

### PRACTICE:

#### Insurance – Incorporated Bodies

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

#### Insurance – Unincorporated Bodies

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

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

Applications are to be assessed by the CEO and officers delegated by the CEO.

**HEAD OF POWER:** Local Government Act 1995 2.7 (2) (b)

**DELEGATION:** To the CEO, Executive Manager of Financial Services, the Executive Manager of Corporate Governance & Risk, the Executive Manager of Works, the Executive Manager of Community Service and the Freebairn Recreation Centre Manager to ensure hirers of Shire facilities carry adequate insurance before hire takes place.

- *FRC Venue Booking Form*
- *Hostel Booking Application Form*
- *Admin Meeting Rooms / Memorial Hall / Old Shire Offices Hire – Form Required*

## **A7 COMMUNITY CONSULTATION AND COMMUNICATION**

### **Administration**

**PREAMBLE:** A most significant and critical function of a local government is the manner in which it communicates with its stakeholders. Whilst the Shire of Kulin supports instance specific approaches, a degree of process consistency helps learning in how to communicate and consult better. This policy promotes a framework that may help this learning.

Additionally, it is recognised that Consultation and Communication is different to Engagement. (See Community Engagement Strategy) Engagement is a bottom-up shared decision making and problem-solving process with community; whereas Consultation and Communication relates to decisions already taken that are being communicated for information, possible comment, viewpoints or feedback, with review being limited and input restricted to a particular matter or aspect. Consultation and Communication is not an invitation to participate in the decision-making process.

**OBJECTIVE:** To provide a framework and guidance to the Council and staff about the process of consultation and communication. The framework aims to provide the basis for informed decision-making, post consultation analysis and organisational wide learning.

**PRACTICE:** The following principles shall apply to Shire of Kulin consultation and communication processes:

**1. Commitment to targeted, culturally and socially sensitive consultation and communication**  
Shire of Kulin is committed to providing leadership on this issue. We expect information presented in consultation to be targeted and culturally and socially appropriate, therefore our policy development, administration and key projects need to embed the appropriate values that support this.

#### **2. Rights of all**

The stakeholders of the Shire of Kulin have a right to be consulted and actively participate in communication processes, therefore access to full, complete and comprehensive information is essential for them to provide feedback on policy-making and key project development. The Shire of Kulin's obligation is to effectively respond to stakeholders when they express a right for better information, consultation and communication.

#### **3. Clarity about purpose**

Limits to information, consultation and active participation during policy making and key project development will be defined from the outset. The role of Shire of Kulin (including Council and staff) is to be clear to all as to the extent of community involvement possible prior to embarking on consultation and communication processes and to be sure that the process is not including or mixing 'engagement'.

#### **Methods of communication - Category Levels and Methods**

In those instances where targeted consultation and communication is to be conducted with a view to seeking stakeholder feedback, the consultation will take either the form of a letter, notice, or advertisement determined suitable for the specific target audience.

All items advertised for public comment shall be accompanied by a Consultation paper that will:

- Set out details of the proposal or a part thereof in respect of which comment is being sought;
- Explain the constraints that impact upon the proposal;
- Set out the Council's decision to consult and communicate, where specific information is contained in the Council decision;
- Make clear the extent of the consultation and communication being undertaken;
- The reasons for undertaking the consultation and communication including a summary of questions in respect of which comment is sought;
- Provide easy and multi access technologies for the stakeholders to offer valid and constructive comment; and
- Specify the time frame within which any comments or submissions should be made.

The method of consultation used by Shire of Kulin will relate to the likely extent of the impact on the membership, stakeholders and community and the anticipated interest the issue will generate:

**Level A – No consultation**

No consultation will occur where the proposal is determined as having no predictable detrimental impact or where consultation or communication has previously occurred and/or only minor concerns were previously raised.

**Level B – Information only advice**

“Information only” advice will be provided where proposals are determined as being of interest of members and stakeholders, the activities or events are within the usual Shire of Kulin programs, detrimental impacts are unlikely and the activities or functions are consistent with previous Shire of Kulin business. The following methods of notification will generally be adopted, Council Notices in prominent locations in each community affected, email advice, social media contact, Website advertising or Blog or SMS direct to affected locations or persons, or Letters directly to members or stakeholders and/or advertisements in locally produced community Newsletters in each community determined suitable by the CEO.

**Level C – Consultation and Feedback**

Where in respect of any proposal the Shire deems a direct and lasting impact on the whole of the membership, stakeholders or regional feedback is required; then the Shire is required to advertise detailing the consultation process to take place. (E.g. Special Electors Meeting, Public meetings, Special Council meetings, formal comment periods etc.). The following methods of notification will generally be adopted; Shire Notices in prominent locations in each community affected; or a public notice in a local newspaper or journal and/or advertisements in locally produced community Newsletter in each community, as determined suitable by the CEO.

**Evaluation**

Shire of Kulin will actively and openly evaluate its consultation and communication processes and practices. The results of evaluation will directly impact upon future consultation and communication initiatives. Measures of success of consultation and communication will include assessments of whether:

- The information needs of all parties/stakeholders have been met;
- Expectations concerning the process have been met;
- The process has encouraged the generation of discussion and feedback;
- Overall understanding has been enhanced;
- Relationships between Shire of Kulin and the stakeholders have been enhanced; and
- The decision/s resulting from the consultation and feedback have been stable and enduring.

**Time – not rushed**

Consultation will be undertaken as early in the administrative and project processes as possible to allow a greater range of input to emerge and to raise the chances of successful implementation. Adequate time will be made available for consultation and communication to be effective.

**Objectivity**

Information provided by Shire of Kulin during policy development and key projects will be objective, complete and accessible. All those involved in a consultation and communication process will have equal treatment when exercising their rights of access to information and participation.

**Resources**

Shire of Kulin will ensure adequate financial, human and technical resources are available to make a consultation and communication initiative effective. The allocation of resources will be considered in relation to broader budgetary constraints and the implications to existing priorities.

**Coordination**

Consultation and communication on specific policy-making and key projects will be coordinated to ensure knowledge management, adequate coverage and removal of duplication and the risk of “consultation fatigue” for stakeholders.

**Accountability**

Shire of Kulin will be accountable for the use made of input from a consultation and communication process and will ensure processes are open and transparent to external scrutiny and review. In those cases where Councillors are concerned that the subject matter may require a higher level of community consultation, they can do so through resolution at normal meeting processes.

**PROCESS:** The approaches for specific consultation and communications will be tailored to the target audiences and consider all factors outlined in this policy.

**Feedback**

Processes for feedback where requested - in contact/writing providing a minimum of 14 days (or such other period as may be advised) for the lodgement of any comments or submissions; or in the case of a person wanting to lodge a verbal submission to a Shire of Kulin staff member (who will take notes on the matter) and forward this to the CEO.

**Other Formal Comment Processes**

There are many other formal consultation and communication processes required by local government. Many have statutory timeframes applicable with comment and feedback specific processes. It is the intention of this policy to influence these processes and wherever possible they be applied consistent to these principles.

**HEAD OF POWER:** Local Government Act 1995

## **A8 COMMUNITY ENGAGEMENT STRATEGY**

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### **Administration**

**PREAMBLE:** Community engagement is any process that involves the public in problem solving or decision-making and uses public input to assist in the decision-making process and result.

**OBJECTIVE:** Community engagement may refer to a range of interactions of differing levels between the Shire and the community, including;

- Information sharing that promotes community feedback prior to decision making;
- Consultation processes to obtain feedback prior to decision making;
- Involving community members consistently throughout the decision process to ensure community concerns and aspirations are understood and considered;
- Collaborating with community members in each aspect of the decision-making process;
- Empowering the community through conversations that involves them in the design and outcome.

**PRACTICE:** The Shire of Kulin is committed to strengthening the Shire through effective community engagement to share information, gather views and opinions, develop options, build consensus and make decisions.

Community engagement assists the Shire of Kulin to provide good governance and strong leadership, delivering better decisions to guide the Shire's priorities into the future.

This policy does not negate the requirement of the Shire to comply with statutory obligations.

### **PROCESS:**

The following principles apply to community engagement undertaken by the Shire of Kulin;

#### **Bottom-up focus and commitment**

1. The purpose of each community engagement will be clearly scoped to determine how the engagement will add value to the Shire's decision-making process.
2. Each community engagement will be planned to clarify the level of influence the participants will have over the design and decision they are being invited to be involved in, comment on or participate in.
3. The Shire is genuinely open to engaging with the community and committed to using a range of appropriate engagement methods but wherever possible will invite participants to determine the conversation agenda, focussing on an asset based, positive refrain, strength-based bottom-up approach.

#### **Transparency and openness**

4. All community engagement processes will be open, inclusive and transparent.
5. Comment will be documented and analysed.
6. The Shire will seek to understand the concerns and interests of all stakeholders and provide opportunities for participants to appreciate each other's perspectives.

#### **Responsiveness and feedback**

7. The Shire will advise participants of progress on issues of concern and provide feedback in a timely manner on the decisions made and the rationale for the decision will be communicated where necessary.
8. The best interest of the community will prevail over the individual or vested interests.
9. Actively include Aboriginal people and communities in all relevant engagement activities, ensuring cultural protocols are recognised and followed.

#### **Inclusiveness, accessibility and diversity**

10. Persons or organisations affected by or who have an interest in a decision will have an opportunity to participate in the community engagement process. Every person's opinion will be respected and valued.

11. Community engagement process will be open to all those who wish to participate.

**Accountability**

12. The Shire will seek community engagement to enhance its decision-making, however, where the Shire is responsible and accountable for a given matter, it will accept its responsibility to make the final decision and provide leadership.

**Information**

13. Appropriate, accessible information will be available to ensure participants are sufficiently well informed and supported to participate in the engagement process.

**Timing**

14. Community engagement will be undertaken early, to ensure that participants have enough time to consider the matter at hand and provide meaningful engagement.
15. All engagement processes will have timeframes that will be made clear to participants and adhered to by the Shire.

**Resources**

16. The Shire will allocate sufficient financial, human and technical resources to support community engagement.

**Evaluation**

17. The Shire will monitor and evaluate processes to ensure the engagement being undertaken is adding to the conversation and decision-making process and that community views ultimately are incorporated into the outcomes from the process.

The approaches for specific engagement will be tailored to the target stakeholders and the consideration of all factors and principles outlined. The final decision as to the extent of engagement will be determined by the CEO understanding the principles conveyed and the cost, time, outcome constraints that may impact.

Processes for engagement will vary to suit the situation and constraints. Principles would dictate that stakeholder too have input into the levels and nature of community engagements undertaken.

**HEAD OF POWER:** Local Government Act 1995

## **A9 COMMUNITY STRATEGIC PLANNING OUTCOMES**

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### **Administration**

**PREAMBLE:** The Shire of Kulin aims to strategically plan to provide quality services and community infrastructure for a diverse range of interested stakeholders. The Shire hopes to create a strategic planning and operational environment where the many notable activities that are planned, are all progressed simultaneously even at times where it is difficult to do so.

**OBJECTIVE:** The purpose of this policy is to establish guidelines for elected members and staff to follow, so that the strategic importance of resources for projects is recognised across time and then utilised to the best possible community outcome.

The Local Government (Administration) Regulations 1996 requires the Shire to have a Strategic Community Plan ("what" is to be done) that is developed through a community engagement process, (Integrated Planning Report). The Integrated Plan links in and flows into the Corporate Business Plan ("how") that is supported by Asset Management and Long-Term Financial Plans (LTFP) (what with/how much)

It is necessary for strategic ideas/projects/plans to be assessed for feasibility and tacit approval during the initial strategic planning stage. When the concept and idea take shape into a feasible project, it is ultimately referred to Council for the final consideration. At some point in that determination, funding sources are incorporated into LTFP's and then find their way into Annual Budgets.

It is considered to be an imperative for staff and Council to use the Shires resources more effectively, by setting a procedure in place that brings in the projects that are prioritised by the community through to the Strategic Community Plan stage, whilst those ideas that originate from elected members, staff or other imperatives don't automatically take priority over community wishes.

Any projects that originate from the Shire and not the community must be included in the community engagement process as a part of the draft Strategic Community Plan so that Council can be transparent with the community. If an idea/project is introduced mid the strategic planning engagement process, then the Shire has the opportunity to authorise the development of the proposal to the stage where estimate costs are identified and the project can be referred to the Strategic Community Plan.

**PRACTICE:** The Shire of Kulin has the responsibility to respond to community requirements for new facilities and infrastructure by prioritising projects in the existing Strategic Community Plan, against any other proposals that may exist under consideration.

Only when the idea/project identified by the Community engagement is endorsed by a decision of Council are staff to invest resources to develop a project through to the beyond concept planning stage to an approved project.

This practice is to incorporate and acknowledge the requirements of funding agencies, including but not limited to the Department of Sport and Recreation, Lottery West and the Department of Regional Development and Lands as contributors to the likely commencement of a project, therefore meeting their strategic needs is also to be complied as part of the pre-feasibility for the project.

**PROCESS:** In order to use resources effectively the following process is to be adhered to:

### **Planning Phase**

1. Whether initiated by a suggestion from a member of staff, elected member, community group, community sporting club, Member of Parliament or member of the public, the request is to include:
  - a) A covering letter explaining the justification of the project.
  - b) Details of the demand for the project and how the demand is verified using the following criteria –

- Number of people to benefit from project.
  - An estimated cost of the project.
  - Details of how it is intended that the project costs are to be shared.
  - An indication of how the project is to be funded.
  - Details of similar facilities or infrastructure within the Shire and adjoining Shires.
  - Include letters of support from others.
  - An acknowledgement that the information provided is preliminary and that more detail will be evident following further assessment by Shire officers if the project is given consent by Council to
  - proceed to the planning stage.
2. The Chief Executive Officer (CEO) is to refer the request subject of 1) above to the Council. The CEO is to immediately make enquiries to seek grants to assist with the planning phase from government agencies. The report is to recommend if the project is to be further developed by staff only, a working party or a Council committee, and the outcomes of requests for planning funding from other agencies and how the planning phase is to be funded.
3. On consideration of the report the Council is to either:
- a) Endorse the project to be considered further by staff, a working party or Council committee conducting further research and evaluation.
  - b) Refer the project back to the initiator for further information.
  - c) Reject the project outright.
4. If Council endorse the project for further planning Council is to nominate if, staff, a working party or a Council Committee are to conduct further research to:
- a) Identify a suitable site, or confirm that the site suggested by the initiator is suitable.
  - b) If the planning can proceed using Shire funds only or if the project is to be delayed until funding for planning and or a feasibility study can be obtained from a third-party funding agency.
  - c) Assess if the project requires a Master Plan and or Feasibility Study to comply with funding agency guidelines (e.g. Department of Sport and Recreation).
  - d) Identify possible sources of funding.
  - e) Following completion of the research to report to Council the findings and make a relevant recommendation to Council for the project to either proceed or be rejected and the grounds for rejection.
  - f) Council when prioritising the project will consider the project against existing projects in the Strategic Community Plan.
5. If the Council approves the project subject to funding then the following is to occur:
- a) Refer the project to the Strategic Community Plan.
  - b) An application is to be made to the appropriate funding agencies for funding to be available in the year the project is to proceed.
  - c) Council is to include the Shire's share of the funding and the source of the funding (loan, grants or rates) in the Strategic Community Plan.
6. Subject to the funding being approved the Shire is to include the project in the Strategic Community Plan in the year the funding grant is available. The Shire has the authority to defer the project to later years as funding dictates.
7. If the funding is not approved then the Chief Executive Officer is to direct a report to Council for Council to consider fully funding the project or cancelling the project and advise the initiator accordingly.
8. All projects to be presented to the Corporate Business Plan review for consideration and review annually.

**HEAD OF POWER:** Shire of Kulin – Strategic Community Plan – Shire Policy

## A10 COMPLAINT HANDLING

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### Administration

**PREAMBLE:** A formal complaints handling procedure has been implemented to ensure all complaints are treated with the same amount of respect and diligence and that complainants receive prompt action and formal response.

**OBJECTIVE:** To ensure the Shire of Kulin continues to provide a high level of customer service and in those instances where a complaint is received ensure it is acted upon and procedures put in place where possible to ensure that complaints of a similar nature do not re-occur.

To establish a framework for how the Shire of Kulin will respond to a customer who is dissatisfied with a process or service offered or provided by the Shire.

**PRACTICE:** The Shire of Kulin:

- Welcomes complaints as a form of feedback that will ultimately identify service improvement opportunities.
- Values integrity, responsible management, fairness and equity, and will continue to strive to maintain the highest standards in its dealing with its customers while meeting the needs of the community.
- Is committed to identifying, investigating and where possible resolving complaints and grievances.
- Recognises the importance of transparency in decision making and the need to provide a fair and objective procedure for the review of all decisions and service provisions.

These principles are of utmost importance in the Shire's endeavours to retain the trust, confidence and support of its community. Customers have a right to expect that principles of economy, efficiency, effectiveness, fairness, impartiality and responsiveness will underpin Shire service delivery.

This practice does not apply to complaints involving the following issues:

- Conflicts of interest - refer to Code of Conduct and Public Interest Disclosure Act
- Code of Conduct complaints against an Elected Member – refer Code of Conduct for Elected Members and Staff and Section 5.110 of the Local Government Act 1995,
- Access to information – refer Freedom of Information (FOI) requests,
- Internal Shire employee complaints, refer to Shire of Kulin Grievance Procedure
- a matter before a Court or Tribunal.

This practice applies to complaints in relation to service provision and service delivery received from the Shire to customers and any other external organisation or person.

The Shire of Kulin:

- Views its management of complaints as an important component of continuously improving the service offered to customers.
- Is committed to identifying, investigating and resolving issues whether these arise as service requests, suggestions or complaints.
- Recognises the importance of transparency in decision making and the need to provide a fair and objective procedure for the resolution of all complaints.
- In resolving ongoing customer concerns or complaints is conscious of not over committing resources and funds to the detriment of the community at large.
- Is committed to tracking the progress of complaint handling within the organisation and reporting this on a regular basis.

In line with its values, the Shire of Kulin will provide a complaint handling procedure which:

- Demonstrates everyone will be treated with dignity and respect;
- Ensures all of the community is listened to and will be dealt with equally;
- Encourages staff to be positive and take responsibility for their role in the complaint handling process.

**PROCESS:**

This Process aims to ensure:

- Improved customer service through consistent, effective management of complaints;
- Complaints are resolved in a timely manner;
- All complaints will be acknowledged within 5 working days;
- When a resolution cannot occur within 10 working days a response will be delivered to the customer outlining time frames set by the staff member responsible for resolving the complaint;
- That the complainant understands what the Shire can and cannot do and, will and will not do;
- That the Shires limited resources are not utilised on malicious, frivolous, unreasonable, persistent or vexatious complaints;
- That the complainant is informed of the role of Elected Members in relation to decision making;
- That the Shire will use the complaints received to assist with its continuous improvement across the organisation;
- Complaints will be recorded in the Complaints Register to enable tracking and effective response;
- That decision-making processes in relation to complaints will be equitable, transparent and accountable.

**DEFINITIONS:**

For the purposes of this guideline the following definitions apply: -

Complaint is when a customer:

- Expresses dissatisfaction with the Shire's decisions, policies, procedures, charges, employees, agents or the quality of the services it provides.
- Considers the Shire has failed to act on a request for service within an accepted timeframe.
- Considers the conduct of a Staff member has been unsatisfactory.

Complaint Resolution – a complaint is resolved when a customer is satisfied that the Shire has made its best attempt to fix the problem. It is possible they may not be completely satisfied with the outcome but they are prepared to accept it and not to escalate the complaint any further.

Customer - ratepayer, resident, visitor or business.

Frivolous – a complaint that lacks substance or merit.

Malicious – someone who is motivated by wrongful, vicious, or mischievous purposes.

Persistent – Someone who is refusing to give up or let go and/or is obstinate and/or insistently repetitive or continuous

Request for Information – when the Shire receives a request for information regarding services.

Request for Service – a customer requests the provision of service or for some action to be taken to address a problem, or a request for a change to the way the Shire of Kulin delivers a service. If a service is not dealt with appropriately, it may then become a complaint.

Review of a Shire Decision – when a customer seeks a review of a decision made by the Shire, an employee of the Shire or persons acting on behalf of the Shire.

Unreasonable complainant conduct – unreasonable conduct by complainants, which goes beyond normal situational stress associated with the complainant behaviour. Unreasonable complaint conduct is discussed in greater detail within this Policy.

Vexatious – when a complaint is considered to harass, annoy, delay or cause detriment or trouble. A complaint can also be considered vexatious where the complaint is without foundations and cannot possibly succeed, or where the complaint lacks reasonable grounds for lodging the complaint, or possesses insufficient direct interest in the issue complained about.

### **Lodging Complaints**

Complaints may be lodged with the Shire in the following ways:

In writing including by letter, email, or via web [www.kulin.wa.gov.au](http://www.kulin.wa.gov.au)

On receiving a complaint staff must distinguish between a request for service, complaint or formal review of a decision. Where a customer is requesting a service and there is no prior indication of failure to provide that service to the customer, the request will be managed via the Shire's customer request process.

Where a complaint is lodged with an Elected Member the member should direct the complaint in the first instance to the Chief Executive Officer.

### **Anonymous Complaints**

If the complaint is anonymous the complaint will be dealt with in a similar manner to any other complaint.

If the matter is not considered serious or there is insufficient information in the complaint to enable the investigation to be conducted, the complaint may not be investigated, nor will we be able to advise the complainant of the outcome.

### **Recording of Complaints**

All complaints will be recorded and managed in the Shire's Complaints Register. Procedures will be developed to provide guidance to staff to ensure that these records can be tracked and that all similar types of complaints are dealt with in a consistent manner.

Once a complaint has been lodged, the Shire will acknowledge receipt of the complaint and the complainant will be notified of the appropriate time frame within which an investigation will be undertaken and a determination made to resolve the complaint.

[The Shire will maintain a complaints register in accordance with legislative requirements. Section 6.121\(3\) requires the CEO to publish an up to date version of the Register of Complaints on the Local Government's official website.](#)

### **Confidentiality**

The Shire will ensure that confidentiality is maintained where appropriate and care will be taken to ensure that the complainant will not experience any form of victimisation or retribution as a result of the complaint.

### **Formal Complaints of a Serious Nature**

Where the complaint relates to the conduct or behaviour of an individual staff member this will be handled by the relevant Manager and will be dealt with in accordance with the Shire of Kulin Code of Conduct.

Grievances that relate to an individual Councillor will be handled by the Chief Executive Officer and will be dealt with in accordance of the Shire of Kulin Code of Conduct.

All formal complaints alleging maladministration, serious and substantial waste of public money, corrupt conduct or pecuniary interest are to be referred directly to the Chief Executive Officer. The Chief Executive Officer will refer such complaints to the office of the Public Interest Disclosure (PID) Commissioner as required under the Local Government Act and PID Act.

### **Unreasonable Complaints**

Occasionally complainants may not accept the Shire's determination or response to their complaint and engage in unreasonable complainant conduct.

This conduct is defined as:

- Using unreasonable persistence - by persisting with a complaint even though it has been comprehensively considered by the Shire, and even where all avenues of internal review have been exhausted by showing an inability to accept the final decision.
- Using unreasonable demands - by insisting on outcomes that are unattainable, (e.g. demanding outcomes that are beyond a Shire's power to deliver, demanding unreasonable outcomes, wanting to turn back time, and unreasonable prosecution of individuals).
- By insisting on a 'moral' outcome, (e.g. Justice in the community interest, when really a personal interest is at stake) and demanding an apology and/or compensation when no reasonable basis for expecting such an outcome exists.
- Using unreasonable lack of cooperation - by presenting a large quantity of information which is not organised, sorted, classified or summarised, where the complainant is clearly capable of doing this. By displaying unhelpful behaviours, (e.g. withholding information, dishonesty, misquoting others, swamping the Shire with documents).
- Using unreasonable arguments by holding irrational beliefs - holding what is clearly a conspiracy theory unsupported by any evidence. By insisting that a particular solution is the only correct one in the face of valid contrary or alternative arguments.
- Using unreasonable behaviours - by displaying confrontational behaviour, including rudeness, aggression, threats by phone calls, in person or via letters/emails where the complaint is about something that is beyond the Shire's jurisdiction or outside of the Shire's control.

#### **Managing Malicious, Frivolous, Persistent and Vexatious Complaints**

All complaints received by the Shire will be treated with the utmost seriousness. If following investigation, the Chief Executive Officer determines a complainant to be malicious, frivolous, unreasonable, persistent or vexatious, the Shire will take into consideration the following action:

- Such a determination must take into account any previously similar complaints from the complainant, the response and outcome to the previous complaints, the resources required to address the complaint to ensure that it is not an unreasonable diversion of public resources and that the principles of equity and procedural fairness have been taken into account.
- A decision to take no further action on the complaint will be made by the CEO, and the complainant will be informed in writing that no evidence was found to support the allegations or the allegations have been previously addressed.
- The Shire has determined that the complainants conduct is unreasonable and the Shire refuses to communicate with the complainant further on the matter.

A decision to take no further action on the complaint may be made by the Chief Executive Officer and the complainant will be informed in writing.

#### **Limiting Contact between the Shire and members of the public**

The Shire is entitled to expect that members of the public who have a complaint will behave in an acceptable manner. In certain circumstances it is appropriate and legitimate for the Shire to place limits on the type of services that will be made available to complainants whose behaviour goes beyond acceptable limits.

The Shire may impose limits on the times and days that correspondence be accepted from a complainant, or may request all complaints and communications be provided in writing. Where limitations on contact with a complainant are imposed, the Shire will inform the complainant in writing, specifying the limits, and the reasons for their impositions. Before imposing the limits, the Shire may try alternatives, such as determining whether a different and more senior office is able to deal with the complainant.

Imposing limitations may also be appropriate where a complainant continually includes substantial inappropriate, offensive, threatening or abusive content in their complaint and communication. The Shire is aware of the legitimate right of members of the public to access Shire information under the Freedom of Information Act 1991, any limits will not impede those statutory rights.

#### **Not replying to Correspondence**

Where following an appropriate written response to a complainant, the Shire receives further complaints that detail the same or substantially similar matters to those received previously; the Staff

or Elected Member through the CEO is entitled to inform the complainant that the Shire will not provide a substantive response to the current matter, or similar complaints.

This approach provides the complainant with the opportunity to reframe the complaint if the similarities were unintentional.

#### **Terminating Phone Calls**

In some instances, it may be appropriate for Staff or Elected Members to inform the complainant that they will no longer deal with their complaints over the telephone, and terminate the call. This will only be done in exceptional circumstances.

Where a complainant repeatedly telephones a Staff or Elected Member, or employs insulting, threatening or abusive language, they will be asked to limit their communications to written correspondence with a nominated senior officer. This will be communicated to the complainant in writing.

#### **Limiting Face to Face Contact**

Where a complainant is making the same or a substantially similar complaint to numerous Staff or Elected Members in person, it is appropriate for the Shire to nominate a particular officer to deal with the complaints.

The Shire will notify the complainant in writing of the name and contact details of the officer who will respond to complaints, and specify that no other officer will respond to complaints made by the complainant.

#### **Declining to Further Investigate Complaints**

Where:

- A thorough examination of a complaint has occurred;
- The complainant remains dissatisfied with the outcome of the complaint and demands further review;

the Shire can consider placing limits on further communications with the complainant.

This action will only be taken as a last resort with the decision taken by the Chief Executive Officer or his representative after all other avenues have been exhausted, and where the complainant is making unacceptable demands on the Shire's complaint handling process.

Limits could include: -

- Declining to respond to any further communications unless they are in writing.
- Informing the complainant that any further complaints will be filed by the Shire with or without acknowledgement unless it includes significant new information or new issues which in the opinion of Shire warrant action.
- Informing the complainant that the complaint will be referred to the Ombudsman (or other external agency) for action.

If it appears to the Shire that the complainant is deliberately providing information in a selective manner, the Shire will request the complainant to immediately pass on all relevant information. The Shire may advise the complainant that if further material is provided, the Shire will require satisfactory explanation as to why it was not provided earlier before it will give consideration to the material.

#### **Seeking Legal Advice**

In some instances, it may be appropriate for staff to seek legal advice with respect to the implications of a suspected malicious, frivolous, unreasonable, persistent or vexatious complaint. A decision to seek legal advice will be taken by the Chief Executive Officer.

Where a complaint relates to a particular member of Staff, consideration will be given to making advice available to the employee on request.

Where a particular member of Staff or Elected Member of the Shire believes that a complaint may have impugned their professional reputation, they may seek their own legal advice in relation to what private action that may take.

#### **Supporting Staff and Elected Members**

The Shire has obligations under Work, Health and Safety legislation to provide a safe working environment. The Shire is mindful of the stress that dealing with difficult complainants can place on Staff and Elected Members.

Management will always provide support to junior staff when dealing with difficult complainants, and ensure appropriate customer service policies are in place.

**DELEGATION:** To the Chief Executive Officer to seek legal advice in respect to the implications of a suspected malicious, frivolous, unreasonable, persistent or vexatious complaint.

**HEAD OF POWER:** Local Government Act 1995

## **A11 COUNCIL BRANDING - USE OF**

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### **Administration**

#### **PREAMBLE:**

**OBJECTIVE:** To establish guidelines for the use of the Shire's logo and branding. To ensure that the Council's role in the community is clearly recognised and that its reputation is protected and enhanced through accurate, consistent and high-quality reproduction of its logo in all applications, including its use by approved external groups and organisations.

#### **PRACTICE:**

#### **Shire & Community Branding**

The Shire Corporate Logo is to be used for the public branding of the Shire of Kulin and is to be used on correspondence, marketing activities and promotions of Shire activities and services. This includes (but not limited to) stationery, brochures, business cards, printed media, website and social media to identify Council documentation and assets.

The Shire permits an organisation/individual to use the Shire Community branding and variations of in the branding of their organisation.

The use of the Shire Community branding by private enterprise/commercial organisations is also permitted.

No approval is required to the use the brand or variations of in each case. No fees will be charged but users will be responsible for any costs associated with artwork, design and production.

Branding shall be used by the Shire in accordance with the approved Style Guide.

Candidates at elections are to be expressly advised that community branding is not authorised for use in electoral processes.

#### **PROCESS:**

The Kulin Style Guide will be maintained by the Shire staff.

The Kulin Style Guide detailing the Shire and Community branding options is available at the Shire Office.

**HEAD OF POWER:** Copyright owned by the Shire of Kulin exists on Kulin community brand.

## A12 FINANCE & BUDGET CONSIDERATIONS

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### Administration

**PREAMBLE:** There are a number of small but significant practices applying to Finance and Budget that have significant inference to the Shire operational methods.

**OBJECTIVE:** To wrap these practices in a simple financial and budgetary framework.

#### PRACTICE:

##### **Plant Replacement Program**

~~The Shire aims to ensure that plant is replaced at the most effective life cost changeover and lowest cost time interval. This will mean that the plant is modern, efficient and safe. Refer to Plant Replacement Schedule.~~

~~Admin Vehicles — refer Policy A19  
Utilities — refer Policy A19 and reviewed by Chief Executive Officer  
Fire Tenders — as per FESA plant replacement program  
Community Bus — reviewed by Chief Executive Officer~~

~~Any proposal to changeover a plant item or vehicle inside these timeframes will be reported to Council as a Budget proposition for consideration.~~

**Provide separate policy (include in asset management policy or standalone plant replacement policy)**

##### **Investment of Surplus Funds**

~~The Chief Executive Officer and Executive Manager of Financial Services are empowered to invest all surplus funds in accordance with the Local Government Act and Financial Management Regulations in an authorised institution.~~

~~Preferred Institutions include Bendigo Bank, Commonwealth Bank, Bankwest, Westpac and the ANZ Bank; but the decision will be determined subject to offered interest rates, terms and conditions and requirements for cash flow. Reference policy A27 Investment Policy~~

##### **Hire of Halls and Freebairn Recreation Centre – Waiver of Charges**

~~The following local Kulin Shire groups are eligible for a waiver of fees and charges to utilise Shire buildings:~~

- ~~• churches and religious groups for provision of services including funerals~~
- ~~• Kulin Bush Races;~~
- ~~• Cultivating Kulin Committee;~~
- ~~• All Kulin Service Groups;~~

- ~~Kulin District High School—during school hours, subject to availability and in accordance with the established current KDHS Use Agreement;~~
- ~~Weddings—hire fees for a wedding of a ratepayer or immediate family only, is considered a gift from the Shire;~~
- ~~Shire functions including staff social club functions.~~

~~FRC kitchen hire fees do not form part of the waiver of charges and so will apply to the groups listed above.~~

~~Any other application for a waiver of hire fees are to be presented in writing to the Chief Executive Officer for approval. Other options may apply—refer Fees & Charges—Discounts~~

~~All applicants that wish to hire any shire building will be required to sign a 'Conditions of Hire' form.~~

~~This form is to contain details of the standard of cleanliness required of the building after use and if the hirer does not meet these requirements, the following steps are to be taken:~~

- ~~The Chief Executive Officer or the Executive Manager of Financial Services should contact the hirer and request that the items that do not meet the required standard be attended to immediately.~~
- ~~If the required cleaning is not carried out to the satisfaction of the Chief Executive Officer, the Shire cleaner should attend to the matter and the hirer is to be levied the necessary cleaning expenses based on the hours that the cleaner was required to work on the building.~~

~~**Waiver of Charges for Hire of Trailer — Aust. Order of Old Bastards (AOOB's)**~~

~~The Kulin AOOB's will not be charged for trailer hire in lieu of the AOOB's donating the trailer to the Shire.~~

~~Include these waivers in A13 Fees and Charges - Discounts~~

**DELEGATION:**

To the Chief Executive Officer and Executive Manager of Financial Services to invest surplus funds.

**HEAD OF POWER:** Local Government Act 1995, Financial Management Regulations Section 19c

## A13 FEES & CHARGES – DISCOUNTS & WAIVERS

### Administration

**PREAMBLE:** ~~Provide the ability for the CEO and staff to offer a discount for Shire of Kulin fees and charges where appropriate. The Shire of Kulin may apply discounts or waivers to adopted fees and charges in appropriate circumstances to support community activities or respond to issues relating to service delivery.~~

~~Many occasions arise throughout the year where a payee will request a reduced fee or charge on a Shire determined fee or charge on the basis of either and or;~~

- ~~\* Reduced numbers of participants making use of the facility;~~
- ~~\* A claim against suitability of the service;~~
- ~~\* Reduced hours of use etc.;~~
- ~~\* Total cost of the job/service/fee;~~

**OBJECTIVE:** ~~To provide a consistent and transparent framework for the application of discounts and waivers to Shire fees and charges. To provide scope for staff dealing with a payee to adjust the levied amount without written request for discount to the full Council.~~

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

#### General Discounts

The CEO ~~be permitted~~ may to;

- offer up to a 30% reduction of the hire fee or charge without reference to Council;

#### The following officers:

- ~~The~~ Executive Manager of Financial Services,
- Executive Manager of Governance & Risk,
- Executive Manager of Works  ~~&~~
- Executive Manager of Community Services,  ~~and the~~
- FRC Manager be permitted to;

- ~~offer up to a 10% reduction of the hire fee or charge without reference to the CEO; as a direct response to a request by the payee, correcting a service or expectation requirement~~
- ~~As a direct response to a request by the payee, correcting a service or expectation requirement;~~

#### All discounts are to:

- ~~be recorded in the monthly Delegations Exercised Register~~
- ~~be recorded as a Shire contribution through normal financial processes.~~

~~All delegations exercised to be recorded in the monthly delegation exercised register;~~

~~All discount amounts be recorded as Shire contributions through the normal process.~~

All requests for a reduction in excess of 30% must be made direct to Council in writing indicating reasons for the request for discount or waiver.

#### Waiver of Fees – Community and Shire Activities

~~The Shire may waive facility hire fees where the activity provides a direct benefit to the community or aligns with the Shire's objectives.~~

#### The following groups are generally eligible for waiver of standard facility hire fees:

- local community and service groups
- churches and religious groups for provision of services including funerals

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- recognized community events (Kulin Bush Races)
- community committees and volunteer groups
- Shire related functions, including staff functions
- Kulin District High School (during school hours), subject to existing agreements
- The wedding of current rate payers or their immediate family

Waivers are subject to:

- Availability of the facility
- Compliance with the Conditions of Hire

Exclusions

- Additional charges such as kitchen hire, cleaning, damage costs are not automatically waived.

Process

- Requests for discounts or waivers are to be made at the time of booking or in writing where required.
- Officers are to assess requests in accordance with delegated authority levels.
- Where a request exceeds delegated authority, it is to be referred to Council.
- All approved discounts and waivers are to be recorded for reporting and audit purposes.

**DELEGATION:**

To the Chief Executive Officer and nominated officers to approve discounts and waivers of fees and charges within the limits set out in this procedure. To the Chief Executive Officer, Executive Manager of Financial Services, Executive Manager of Governance & Risk, Executive Manager of Works & Executive Manager of Community Services, FRC Manager as described and in accordance with Council decision 14/0517 May 2017.

**HEAD OF POWER:** Local Government Act 1995 – section 6.16

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## A13a FEES & CHARGES – FUEL SALE PRICE SETTING

### Administration

**PREAMBLE:** This procedure provides guidance to officers responsible in setting the fuel sale price on the appropriate margin to add to the cost of fuel.

**OBJECTIVE:** To provide guidance to officers to set the sale price of fuel in line with the strategy adopted by Council.

### PRACTICE:

#### Quotes

Quotes should be obtained from as many suppliers as possible. A decision on the preferred supplier will be made based on value for money merits as well as the supplier's ability to deliver within the timeframe. The officer should use the GST exclusive, cents per litre price from the preferred supplier when calculating the sale price of the fuel.

#### Strategy

The Shire of Kulin adopt a strategy to set the sale price for fuel which:

- recovers the cost of the fuel
- recovers the operating costs associated with the sale of fuel
- adds a profit margin to adequately recover the replacement cost of the fuel facility plant and infrastructure.

Each year, the Executive Manager of Financial Services will review the performance of the fuel facility to calculate the value of the transfer to the Fuel Facility Asset Management Reserve

#### Operating Cost Margin

The operating costs of the fuel facility are defined as IT costs, bank charges, minor maintenance and repairs and an allocation of administration costs. To recover these costs the officer will add \$0.08/L to the purchase price of fuel

#### Fixed Profit Margin

The Shire of Kulin's goal when setting the profit margin on fuel is to recover enough funds to be able to replace the plant and infrastructure assets of the fuel facility. To recover these costs the officer will add \$0.07/L to the purchase price of the fuel.

#### Transfers to Reserve

Annually, the net profit of the fuel facility will be transferred to the Fuel Facility Asset Management Reserve in June. The Executive Manager of Financial Services will prepare a report which describes the year-to-date performance of the fuel facility to May and make recommendations for the proposed transfer to the Reserve.

#### Market and Supply Considerations

In setting fuel sale prices, the Chief Executive Officer and Executive Manager of Financial Services may take into account external factors, including but not limited to:

- fuel supply constraints or disruptions,
- broader economic conditions impacting the cost of supply
- the need to maintain continuity of supply to the community

Where such factors materially impact the standard pricing model, adjustments to the operating and/or capital margins may be applied to ensure continued availability of fuel to the community.

Any material variation from the standard pricing model is to be documented and, where appropriate, reported to Council.

#### Calculating the Sale Price of Fuel

The following equation should be used to calculate the sale price of fuel for both ULP and Diesel fuel:

$$\text{Sale Price} = (\text{Purchase price } \$/\text{L exc GST} + \text{Operating Cost Margin } \$0.08 + \text{Fixed Profit Margin } \$0.07) \times 1.1$$

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A table is also attached to this procedure which provides a ready reckoner for the officer to use to reference the correct sale price of fuel.

Review of strategy & associated margins

A review of the strategy and associated margins should be conducted each year in May in line with the adoption of the Shire's User Fees & Charges. A report should be prepared for Council which includes the following information (for the 12 months preceding):

- Fuel Sales (\$)
- Fuel Sales (L)
- Fuel Purchases (\$)
- Operating Costs
- Sale Price \$/L
- Cost Fuel \$/L
- Operating Cost \$/L
- Gross Profit \$
- Gross Profit \$/L
- Gross Profit %
- Net Profit
- Net Profit \$/L
- Net Profit %

**DELEGATION:**

To the Chief Executive Officer and Executive Manager of Financial Services

**HEAD OF POWER:** Local Government Act 1995

Purchase Cost (exc)	Operating Cost	Margin \$	Sale Price (exc)	Sale Price (Inc)	Purchase Cost (exc)	Operating Cost	Margin \$	Sale Price (exc)	Sale Price (Inc)
0.90	0.08	0.07	1.05	<b>1.16</b>	1.33	0.08	0.07	1.48	<b>1.63</b>
0.91	0.08	0.07	1.06	<b>1.17</b>	1.34	0.08	0.07	1.49	<b>1.64</b>
0.92	0.08	0.07	1.07	<b>1.18</b>	1.35	0.08	0.07	1.50	<b>1.65</b>
0.93	0.08	0.07	1.08	<b>1.19</b>	1.36	0.08	0.07	1.51	<b>1.66</b>
0.94	0.08	0.07	1.09	<b>1.20</b>	1.37	0.08	0.07	1.52	<b>1.67</b>
0.95	0.08	0.07	1.10	<b>1.21</b>	1.38	0.08	0.07	1.53	<b>1.68</b>
0.96	0.08	0.07	1.11	<b>1.22</b>	1.39	0.08	0.07	1.54	<b>1.69</b>
0.97	0.08	0.07	1.12	<b>1.23</b>	1.40	0.08	0.07	1.55	<b>1.71</b>
0.98	0.08	0.07	1.13	<b>1.24</b>	1.41	0.08	0.07	1.56	<b>1.72</b>
0.99	0.08	0.07	1.14	<b>1.25</b>	1.42	0.08	0.07	1.57	<b>1.73</b>
1.00	0.08	0.07	1.15	<b>1.27</b>	1.43	0.08	0.07	1.58	<b>1.74</b>
1.01	0.08	0.07	1.16	<b>1.28</b>	1.44	0.08	0.07	1.59	<b>1.75</b>
1.02	0.08	0.07	1.17	<b>1.29</b>	1.45	0.08	0.07	1.60	<b>1.76</b>
1.03	0.08	0.07	1.18	<b>1.30</b>	1.46	0.08	0.07	1.61	<b>1.77</b>
1.04	0.08	0.07	1.19	<b>1.31</b>	1.47	0.08	0.07	1.62	<b>1.78</b>
1.05	0.08	0.07	1.20	<b>1.32</b>	1.48	0.08	0.07	1.63	<b>1.79</b>
1.06	0.08	0.07	1.21	<b>1.33</b>	1.49	0.08	0.07	1.64	<b>1.80</b>
1.07	0.08	0.07	1.22	<b>1.34</b>	1.50	0.08	0.07	1.65	<b>1.82</b>
1.08	0.08	0.07	1.23	<b>1.35</b>	1.51	0.08	0.07	1.66	<b>1.83</b>
1.09	0.08	0.07	1.24	<b>1.36</b>	1.52	0.08	0.07	1.67	<b>1.84</b>
1.10	0.08	0.07	1.25	<b>1.38</b>	1.53	0.08	0.07	1.68	<b>1.85</b>
1.11	0.08	0.07	1.26	<b>1.39</b>	1.54	0.08	0.07	1.69	<b>1.86</b>
1.12	0.08	0.07	1.27	<b>1.40</b>	1.55	0.08	0.07	1.70	<b>1.87</b>
1.13	0.08	0.07	1.28	<b>1.41</b>	1.56	0.08	0.07	1.71	<b>1.88</b>
1.14	0.08	0.07	1.29	<b>1.42</b>	1.57	0.08	0.07	1.72	<b>1.89</b>
1.15	0.08	0.07	1.30	<b>1.43</b>	1.58	0.08	0.07	1.73	<b>1.90</b>
1.16	0.08	0.07	1.31	<b>1.44</b>	1.59	0.08	0.07	1.74	<b>1.91</b>
1.17	0.08	0.07	1.32	<b>1.45</b>	1.60	0.08	0.07	1.75	<b>1.93</b>
1.18	0.08	0.07	1.33	<b>1.46</b>	1.61	0.08	0.07	1.76	<b>1.94</b>
1.19	0.08	0.07	1.34	<b>1.47</b>	1.62	0.08	0.07	1.77	<b>1.95</b>
1.20	0.08	0.07	1.35	<b>1.49</b>	1.63	0.08	0.07	1.78	<b>1.96</b>
1.21	0.08	0.07	1.36	<b>1.50</b>	1.64	0.08	0.07	1.79	<b>1.97</b>
1.22	0.08	0.07	1.37	<b>1.51</b>	1.65	0.08	0.07	1.80	<b>1.98</b>
1.23	0.08	0.07	1.38	<b>1.52</b>	1.66	0.08	0.07	1.81	<b>1.99</b>
1.24	0.08	0.07	1.39	<b>1.53</b>	1.67	0.08	0.07	1.82	<b>2.00</b>
1.25	0.08	0.07	1.40	<b>1.54</b>	1.68	0.08	0.07	1.83	<b>2.01</b>
1.26	0.08	0.07	1.41	<b>1.55</b>	1.69	0.08	0.07	1.84	<b>2.02</b>
1.27	0.08	0.07	1.42	<b>1.56</b>	1.70	0.08	0.07	1.85	<b>2.04</b>
1.28	0.08	0.07	1.43	<b>1.57</b>	1.71	0.08	0.07	1.86	<b>2.05</b>
1.29	0.08	0.07	1.44	<b>1.58</b>	1.72	0.08	0.07	1.87	<b>2.06</b>
1.30	0.08	0.07	1.45	<b>1.60</b>	1.73	0.08	0.07	1.88	<b>2.07</b>
1.31	0.08	0.07	1.46	<b>1.61</b>	1.74	0.08	0.07	1.89	<b>2.08</b>
1.32	0.08	0.07	1.47	<b>1.62</b>	1.75	0.08	0.07	1.90	<b>2.09</b>

## **-A14 HOUSING**

### **Administration**

**PREAMBLE:** As the owner of a variety of housing stock, the Shire of Kulin is required to adopt a practice and guidelines with which it can manage its housing stock.

**OBJECTIVE:** Outlines the assumptions for setting housing rental rates and charges and provides guidelines & expectations for officers and tenants relating to Council owned houses.

### **PRACTICE/PROCESSES:**

#### **Rental Rates and Charges**

~~Rental rates are to be set having regard to local market conditions, level of amenity and workforce requirements, and reviewed annually as part of the Fees and Charges process. The Shire housing rental rates are set based on 40-50% of housing equivalents in Kulin market rentals.~~

~~The Shire rental fees and charges for staff will generally be increased by the Consumer Price Index for Perth (for the preceding 12 months) and adopted as part of the Shire of Kulin Fees and Charges Schedule in the annual budget adoption process, usually in May each year for commencement 1 July each year.~~

No charges will be made for the rubbish and recycling collection services and television supply services.

~~The Shire has identified 4 levels of accommodation and charges accordingly, these are updated annually in accordance with the fees & charges. Refer to User Fees and Charges for current rental rates for each level.~~

<b>Level 1 (Executive Level Homes)</b>	
<b>Address</b>	<b>Nominal Officer Position</b>
12 Bowey Way	Chief Executive Officer
9 Rankin Street	Executive Manager
3 Hodgson Street	Executive Manager
6 Bowey Way	Executive Manager (currently Leading Hand Civil Construction & Maintenance)
38 Day Street	Executive Manager (currently Plant Operator / Town Maintenance)
40 Price Street	Privately Rented
17 McInnes Street	Executive Manager (currently Works Supervisor)
<b>Level 2 (Management Level Homes)</b>	
<b>Address</b>	<b>Nominal Officer Position</b>
40 Ellson Street	Aquatic Centre Manager
5 Bowey Way	Plant Mechanic
<b>Level 3 (Officer Level Homes)</b>	
<b>Address</b>	<b>Nominal Officer Position</b>
81 Johnston Street	Plant Operator/Town Maintenance
24 Bull Street	Customer Service Officer
49 McInnes Street	Plant Operator/Town Maintenance
Unit 1 / 21 Ellson St	Privately Rented
Unit 2 / 21 Ellson St	Privately Rented
<b>Level 4 (Lower Amenity Officer Level Homes)</b>	
<b>Address</b>	<b>Nominal Officer Position</b>
Unit 1 / 25 Johnston St	Privately Rented
Unit 2 / 25 Johnston St	KCCC Educator
Unit 3 / 25 Johnston St	Community Development Officer
Unit 4 / 25 Johnston St	Plant Operator/Town Maintenance
Unit 5 / 25 Johnston St	Plant Operator/Town Maintenance
Unit 6 / 25 Johnston St	Plant Operator/Town Maintenance
3 Bull Street	Privately Rented

<u>14 Stewart Street</u>	<u>Plant Operator/Town Maintenance</u>
<u>19 Wright Street</u>	<u>Privately Rented</u>

The Shire maintains a range of housing classified by level and amenity. Generally speaking, the following allocation will apply:

- Level 1 housing – Executive level staff
  - o 12 Bowey Way
  - o 9 Rankin Street
  - o 3 Hodgson Street
  - o 6 Bowey Way
  - o 38 Day Street
  - o 10 Price Street
  - o 17 McInnes Street
- Level 2 housing – Management/Supervisory staff
  - o 10 Ellson Street
  - o 5 Bowey Way
- Level 3 housing – Officer level staff
  - o 81 Johnston Street
  - o 21 Bull Street
  - o 19 McInnes Street
  - o Unit 1 / 21 Ellson St
  - o Unit 2 / 21 Ellson St
- Level 4 housing – Officer level staff
  - o Unit 1 / 25 Johnston St
  - o Unit 2 / 25 Johnston St
  - o Unit 3 / 25 Johnston St
  - o Unit 4 / 25 Johnston St
  - o Unit 5 / 25 Johnston St
  - o Unit 6 / 25 Johnston St
  - o 3 Bull Street
  - o 14 Stewart Street
  - o 19 Wright Street

### **Tenancy Agreement**

All tenants of Shire housing are to sign and enter into a standardised tenancy agreement. Occupancy will not be permitted in any Shire house until the tenancy agreement has been signed and countersigned.

Should a local business require a Shire owned residence for a member of their staff; the lease agreement will be drawn up so that the employer is the lessee. This ensures that the responsibility for rent and condition of the property lies with the local business.

Direct crediting of the Shire of Kulin bank account for rental payments is also encouraged.

The limited Shire Inspection report (upon commencement) can be signed and returned to the Shire Office within 10 working days.

### **Bond for Staff Housing**

The Shire of Kulin has a system of bonds for damage/cleaning and pets.

All tenants are to pay a damage/cleaning bond equivalent to 4 weeks rent, or \$800 (whichever is greater), upon moving into a Shire house. For Shire staff, the bond can be deducted from fortnightly payment of salaries and wages in 4 equal payments, or by other payment arrangements made by agreement of the Chief Executive Officer only.

For non-Shire staff, payment of 100% of the bond is required upon signing of the tenancy agreement.

Bonds are held in trust for return to the tenant when vacating the residence if the premises are left in a satisfactory condition and all terms and conditions of the tenancy agreement have been met.

### **Vacating Shire Houses**

All tenants of Shire owned houses and flats are to have the carpets professionally cleaned prior to vacating the residence. Failure to do so will mean that the cost of the carpet cleaning will be removed from the damage/cleaning bond.

### **Water Consumption and payment of Accounts**

The Shire will pay all water rates and consumption accounts for Shire houses and flats. This practice is undertaken to ensure that tenants maintain the gardens to a satisfactory standard. If it becomes obvious that tenants are not maintaining the gardens at a residence to the Shire standard, the Chief Executive Officer is authorised to advise the tenant immediately of this requirement. Should the advised tenant/faults not be remedied, the Chief Executive Officer shall arrange to have the work completed by Shire staff at the occupier's expense. The Chief Executive Officer can then consider if consumption costs may then become the responsibility of the tenant.

The Chief Executive Officer is to monitor annual water consumption figures for each residence and manage overall use considering that each residence has particular circumstances that dictate usage patterns. The level of usage should be consistent with similar residences and annualised costs, and indicate sound water usage practices are being considered by each tenant. On this basis, tenants are supported in overall usage. Where it is evident that patterns of overuse are occurring, the Chief Executive Officer is authorised to take action to bring usage into standardised limits. This action may include recovery of costs for excessive usage.

### **Annual Inspection of Shire Residences**

An annual inspection of all Shire houses and flats is to be carried out in March/April to ascertain the housing maintenance items that are needed to be included in the following year's budget. At this time, tenants are invited to offer their comments as to what items of maintenance or improvements they would like to see at each residence.

### **Dogs, Cats and Pets in Shire residences**

The Shire guideline is that no cats, dogs or pets be permitted at Shire residences. Should employees have pets, then application is to be made in writing to the Chief Executive Officer or an indication be made on the tenancy agreement application. The decision to allow pets at a residence is solely at the discretion of the Chief Executive Officer and is subject to the payment of a bond for such to occur.

### **No smoking in residences**

As part of its obligation to employee's health and welfare, the Shire of Kulin's position is that smoking will not be permitted in Shire residences. If smoking is to be conducted outside the residence, the tenant must ensure the residence yard is free of cigarette butts.

### **Keys**

The Executive Manager of Financial Services is responsible for the issuing of all Shire housing keys. Any deadbolt, lock or security change or the theft or loss of Shire housing keys, should be reported immediately.

Keys issued are recorded on the Shire key register and against the individual being issued with the key. Keys are non-transferable between staff and are not, under any circumstances, to be lent to the public.

All keys must be returned immediately upon termination of occupation of a Shire residence. Failure to do so will result in the cost of replacement locks being taken from available bond monies.

### ~~Incentive for Staff owning their own residence~~

~~The Shire recognises that long term employment will be encouraged if staff own their own residences and that ownership promotes a greater sense of community for employees.~~

~~The Shire will pay a Housing Incentive Allowance to permanent employees who own their own home, or are privately renting a home, as opposed to occupying a Shire residence.~~

~~The amount of housing allowance will be dependent on the employee's classification and will increase by March quarter national CPI rate each year. The housing allowance rates are outlined in the table below:~~

Employee Classification	Housing Allowance	
	2024/25 allowance	2025/26 allowance (March 25 qtr CPI 2.4%)
<del>CEO</del>	<del>\$15,580</del>	<del>\$15,954</del>
<del>Executive Managers</del>	<del>\$13,296</del>	<del>\$13,615</del>
<del>All other permanent staff</del>	<del>\$6,432</del>	<del>\$6,596</del>

**Eligibility**

- ~~• This includes those employees who live with a spouse or partner who locally own a residence. It does not apply where a parent, who is an employee, lives with a child and vice versa.~~
- ~~• The allowance will be payable to any permanent employee. Pro rata allowance is paid to part-time employees – refer to HR23 for details.~~
- ~~• The allowance will not apply to non-Kulin Shire owners/renters.~~
- ~~• The allowance can apply to farm housing based employees.~~

~~The Shire reserves the right to reassess each individual employee's entitlement to this Housing Incentive Allowance from time to time.~~

~~The Housing Incentive Allowance shall be determined solely by the Chief Executive Officer and will depend on the individual's circumstances, employment contract arrangements and changing circumstances of the rental and housing marketplace as they impact on staff rentals.~~

~~The Housing Allowance will be spread evenly through the year and paid fortnightly through payroll.~~

~~The Shire will permit employees receiving this incentive to establish payroll deductions for the payment of their annual rates. Deductions will be credited to the employee's rates account.~~

**DELEGATION:** To the Chief Executive Officer to; and EMFS (as per delegation A.12)

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

**HEAD OF POWER:** Local Government Act 1995, Residential Tenancies Act 1987

## **A14A SALE OF LAND and HOUSING**

### **Administration**

**PREAMBLE:** The Shire offers a variety of residential and semi-rural land for sale, with benefits accruing to the Shire with every lot sold.

For housing stock, the Shire of Kulin has adopted a practice of turning over nominated housing stock on a regular basis, with an aim of maintaining the asset class at the lowest life cycle cost.

**OBJECTIVE:** To establish a clear and consistent framework for the sale of land and housing.

**PRACTICE:** The CEO shall report regularly to the Council opportunities for the sale of land or housing.

### **Valuation and Sales Price of Vacant Residential Land for Sale:**

The Reserve Price of Vacant Land Report (the Report) sets the market value, reserve price and incentives offered for the sale of vacant land.

s3.58(4)(c) of the *Local Government Act 1995* states that the market value of property being disposed must be:

- (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
- (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

Market values in the Report are based on an independent valuation. If this valuation is more than six months old, Council considers whether the valuation is an appropriate indication of market value. Council may, by resolution, adjust the market values in the Report where it is satisfied that the value represents a true and reasonable indication of current market value. This adjustment should be informed by:

1. previous valuation reports
2. recent comparable sales data extracted from Landgate
3. offers received
4. any other relevant and supportable evidence

The Report will be reviewed and adopted by Council every six months.

### **Valuation and Sales Price for Housing and Industrial Land for Sale:**

The CEO will report to Council the proposed market value for each asset for sale (based on an independent valuation less than 6 months old) and proposed sales price.

### **SALES PROCESS:**

Where a property is to be sold by private treaty or public tender, section 3.58 (3) of the *Local Government Act 1995* will apply as follows:

1. The prospective buyer makes an offer to purchase the property in writing to the CEO.
2. The CEO has delegation to accept an offer for the sale of residential land if it is at or above the Reserve Price set in the Reserve Price of Vacant Land Report or is not less than 10% below this Reserve Price. All other offers (including for housing and industrial land) must be accepted by Council.
3. Local public notice must be given for the sale in accordance with s3.58(3).
4. The CEO must consider any submissions received under s3.58(3). If necessary, the sale will need to be approved by Council.
5. If no submissions are received and the offer meets the requirements outlined above, the CEO can accept the offer.
6. A contract of sale will be drafted and signed.  
For residential vacant land for sale, the contract will be in the form of:
  - The current REIWA Contract for Sale of Land or Strata Title by Offer and Acceptance; and

- Include a Special Condition being an Option to Repurchase if construction of a residence:
  - a. has not commenced within 2 years of settlement. Evidence of commencement could be a signed construction contract, or approval of a Shire development application, or similar; and
  - b. construction has not reached lock up stage within 3 years of settlement.

Notwithstanding the above, a purchaser may make written application to the Shire seeking an extension of time to meet the construction requirements, specifically the requirements to reach lock up stage within three years of settlement.

Such application must be made prior to the expiry of the applicable timeframe and must demonstrate reasonable grounds for delay, including but not limited to builder availability, supply chain constraints, weather events or other unforeseen circumstances.

Council may, at its discretion, grant an extension subject to such terms and conditions as it considers appropriate.

The Option to Repurchase Special Condition is to be drafted by a solicitor. The repurchase price will be the original purchase price (as set in the sales contract) less any costs incurred by the Shire including legal costs, lodgement costs, valuation costs and settlement costs.

7. A deposit amount of \$10,000 is to be paid by the buyer upon signing of the contract, with the balance purchase price payable upon settlement.
8. During settlement a caveat will be placed on the Certificate of Title preventing the land being sold or transferred until the Special Conditions are met. The caveat will be lifted when the Special Conditions are met.

Council may offer additional incentives such as discounts. The value of these additional incentives for each block of vacant land is detailed in the Reserve Price of Vacant Land Report.

Where there is either:

- a discount offered when construction milestones are met, or
- an Option to Repurchase is included in the sales contract,

proceeds of the sale should be transferred to the Shire's restricted funds bank account until they are either repaid to the buyer or there is no chance or repayment being necessary.

If residential development does not occur within the timeframe outlined in the Special Condition within the sales contract, Council can elect to give notice of their intention to repurchase the land. Legal advice is to be sought at the time, and the terms of the Special Condition followed.

**DELEGATION:** A.14 Disposal of Vacant Land. All other property sales must be approved by Council.

**HEAD OF POWER:** *Local Government Act 1995*

#### **Administration**

**PREAMBLE:** As the owner of a variety of residential and semi-rural land, benefits accrue to the Shire with every lot sold. In terms of housing stock, the Shire of Kulin has adopted a practice of turning over nominated housing stock on a regular basis, with an aim of maintaining the asset class at the lowest life-cycle cost.

**OBJECTIVE:** To clearly detail the processes of sale.

#### **PRACTICE/PROCESSES:**

The GEO shall report regularly to the Council opportunities for the sale of land or housing.

~~For vacant land for sale, the report is in the form of the Reserve Price of Vacant Land Report (the Report). The reserve price in the Report will be set equal to or approximately equivalent to the most recent market valuation provided by an independent valuer and taking into account recent sales data.~~

~~The Report will be adopted by Council in July and December each year to set the reserve price each block of land for sale, along with any incentives offered by Council. This meets the requirements of s3.58(4) of the Local Government Act 1995 which requires the market value of properties to be disposed to be ascertained by a valuation less than 6 months old or declared by resolution of Council if the valuation is more than 6 months old.~~

~~For other property for sale, the CEO will report to Council containing the proposed reserve or disposal price for each asset for sale based on an independent valuation less than 6 months old.~~

~~Where a property is to be sold by private treaty or public tender, Section 3.58 (3) of the Local Government Act 1995 will apply as follows:~~

- ~~1. The offer will be in a form that can be accepted. For vacant land and house sales by private treaty this will be in the form of a REIWA Contract for Sale of Land or Strata Title by Offer and Acceptance;~~
- ~~2. The CEO has delegation to accept an offer for a sale of vacant land if it meets the reserve price set out in the Reserve Price of Vacant Land Report or is not less than 10% of the current market valuation. All other offers must be accepted by Council.~~
- ~~3. Local public notice must be given for the sale in accordance with s3.58(3).~~
- ~~4. The CEO must consider any submissions received under s3.58(3). If necessary, the sale will need to be approved by Council.~~
- ~~5. If no submissions are received and the offer meets the requirements outlined above, the CEO can then accept the offer.~~
- ~~6. A deposit amount of \$10,000 is to be paid by the prospective purchaser upon acceptance of the offer to purchase being made, with the balance payable upon settlement;~~

~~The Shire offers additional incentives such as discounts on completion of the build and site works such as construction of house pads. The value of these additional incentives for each block of vacant land are detailed in the Reserve Price of Vacant Land Report.~~

~~**DELEGATION:** A.14 Disposal of Vacant Land. All other property sales must be approved by Council.~~

~~**HEAD OF POWER:** Local Government Act 1995~~

## **A15 INFORMATION TECHNOLOGY & CYBERSECURITY**

### **Administration**

**PREAMBLE:** The Shire of Kulin (the Shire) is committed to protecting the confidentiality, integrity & availability of its information systems and data. This guideline ensures the Shire's information systems and data are used appropriately, maintained securely and safeguarded against cybersecurity threats.

### **OBJECTIVE:**

1. Describe acceptable use of the Shire's information systems and data
2. Minimise the risk of data loss and unauthorised access or misuse
3. Outline procedures to follow in the event of a cybersecurity incident, data loss or unauthorised access
4. Ensure employees are aware that engaging in prohibited activities as outlined in this guideline may result in disciplinary action up to and including termination of employment.

### **SCOPE:**

This guideline applies to all employees, contractors, suppliers, volunteers and others who access or use the Shire's information systems and data.

The Shire's information systems and data include but is not limited to all Shire owned computer hardware and software, operating systems, network drives and storage, mobile devices, e-mails, internet access, website and social media content.

### **PRACTICE:**

#### **Privacy of communications**

Users should be aware that the data they create or store on Shire of Kulin systems is the property of Shire of Kulin and may be accessed or retrieved even after deletion.

Privacy laws apply to the release of any information held on the Shire of Kulin systems and must be strictly observed.

#### **Acceptable use**

Users are responsible for ensuring the Shire's information systems and data are appropriately used and safeguarded.

Shire information systems and data may only be used for business purposes. Limited personal use is permitted, provided it is not excessive and does not breach the following:

- Does not disrupt work responsibilities
- Does not compromise the Shire's integrity
- Is not used for political activity or content
- Is not used in a manner prohibited elsewhere in this guideline and the entire APOG.

All other personal use must be approved by the CEO.

The following uses of the Shire's information systems and data are prohibited:

- Any use that violates Commonwealth, State law or regulation
- Interfering with the normal operation of computers, peripherals, or networks
- Gaining unauthorised access to systems and data
- Running or installing malicious programs
- Installing unauthorised software on Shire computers
- Connecting unauthorised devices to the Shire's network
- Any use that is deemed to adversely affect or otherwise bring into disrepute Shire of Kulin

Communications and internet access should be conducted in a responsible and professional manner reflecting the Shire's commitment to honest, ethical and non-discriminatory business practice.

Employees are prohibited from transmitting or storing material deemed defamatory, obscene, offensive or of a harassing nature. This includes, but is not limited to sexually explicit content, racist or sexist messages and inappropriate jokes or images. Employees who transmit, store or download any prohibited material will be deemed to have committed serious misconduct.

Information on Shire of Kulin's system is confidential and is not to be disclosed unless it is authorised by the CEO or falls within employee's scope of responsibility. Unauthorised access, disclosure, or misuse of confidential information is strictly prohibited.

#### **Access & data protection**

Employees will be provided with the computer equipment necessary for them to carry out their job responsibilities. Access to information systems and data will be granted based on job roles.

Each user shall be issued a unique user ID and password. Passwords are required to be changed every three months (as prompted by the system). Users must use strong, unique passwords that are easy to remember but hard to guess. Staff must only use their own user ID and password. They are responsible for all activity on their user ID and must immediately report any suspected compromise.

As mentioned above, confidential information must not be shared with unauthorised parties.

Attempts to bypass security measures, exploit security vulnerabilities or obscure the origin of communications is prohibited.

Employees should log off or lock workstations when leaving their workspace unattended.

#### **Emails**

[Emails](#) often host scams and malicious software. To ensure information systems and data are not compromised employees should avoid opening attachments and clicking on links unless they are safe. Scam and malicious e-mails must be trained as spam. Employees unsure if an email is safe should contact the Shire's ICT Managed Services provider, Sapio Pty Ltd (Sapio), prior to opening the e-mail.

#### **Software and applications**

Only authorised software may be installed on Shire computers. All new software must be installed by Sapio, with the approval from the Executive Manager of Financial Services (EMFS) or the CEO.

Recreational software (e.g. instant messaging, chat) is not permitted. Programs with potential personal and business use (e.g. photography, music, movie and art programs must only be used for business purposes without the approval of the CEO.

#### **Website and Social Media**

Content on the Shire's websites and social media pages must be authorised by the CEO or an Executive Manager. Photographs and images used shall only be used with the consent of all individuals shown. Unauthorised publication may breach the *Privacy Act 1988* and Shire of Kulin Privacy Policy (Governance Policy 2.1)

Refer to Guideline A16 Use of Social Media and Media General – Use of for further guidance.

#### **Security & Monitoring**

The Shire and Sapio are responsible for providing a secure Information and Communications Technology (ICT) environment.

All critical ICT equipment must be physically protected in secured areas.

The Shire's ICT Disaster Recovery Plan and the Shire of Kulin IT Administration Manual document the Shire's information systems including network diagrams. Both documents must be reviewed and updated annually. The ICT Disaster Recovery Plan must be tested annually.

The Shire has an ICT Managed Services Agreement with Sapio which must be reviewed and renewed annually. The ICT Managed Services Agreement ensure controls and other preventative measures are in place to prevent cybersecurity incidents. Under the agreement, Sapio is responsible for ensuring up-to-date firewalls, antivirus software and intrusion detection systems are installed and used to protect Shire information systems and data. The agreement outlines regular maintenance to be completed on the Shire's information systems including:

- Network and server monitoring and management
- Network health checks
- End user support & help desk services
- Communication support
- Patch updates
- Device firmware updates
- Data storage & management
- Back up monitoring and management, recovery testing and restoration
- Reporting on upgrades required to ICT information systems.

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Employees working remotely must only access the Shire's information systems and data using the Shire's Virtual Private Network (VPN).

Unused ICT equipment is disposed of under A31 Disposal of ICT Assets.

The Shire reserves the right to monitor all staff activity on its information and communication systems. This may include accessing user files (including archived files) of current or former employees without consent, where it is necessary to maintain system integrity or protect the rights of the Shire or other users.

#### **Cybersecurity Incident Response**

The Shire is committed to promptly detecting, responding to and recovering from cybersecurity incidents to minimise the impact on its operations, assets, and reputation. Any event that compromises or risks the confidentiality, integrity or availability of the Shire's information systems, data or networks is considered a cyber security incident.

All suspected or confirmed cybersecurity incidents must be reported immediately to the CEO, EMFS and Sapio.

In the case of a cyber security incident the Shire's ICT Disaster Recovery Plan will be followed to contain, investigate and resolve the issue. The ICT Disaster Recovery Plan provides the essential information that may be required, provides details to enable the Shire of securely access essential ICT systems and services and to return to normal ICT operations as soon as possible.

#### **Training & Awareness**

The Shire provides employees with ICT and Cyber Awareness information as it arises. Training may be provided to increase awareness of cyber-related risks.

#### **Breaches**

Breaches of this guideline may result in disciplinary action, up to and including termination of employment or legal action, depending on the severity.

The CEO is authorised to take any necessary action to protect integrity of the Shire of Kulin information systems and data.

**HEAD OF POWER:** *Local Government Act 1995*

## **A16 IT & SOCIAL MEDIA & MEDIA GENERAL – USE OF**

### **Administration**

**PREAMBLE:** For establishing official Shire social media networks whether they be; Facebook styled sites, Geolocation sites, blogs, microblogs, messages or image and video sharing sites. Social media is a group of online applications such as social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards that allow people to easily publish, share and discuss content. Conversations in social media are a dialogue, an opportunity to listen, share, collaborate and respond to colleagues and communities.

This policy and guidelines will support staff as they engage in any conversations or interactions using social media for official use. What an officer produces or posts can ultimately have consequences.

The lines between personal and professional lives can be blurred in online social networks therefore what might be considered 'public' versus 'private' requires defined boundaries to be established.

An officer's or elected member's role with the Shire creates an association between what is posted online when representing the Shire and the Shire itself. Officers and elected members should represent the Shire in an on-line environment as they would in their ordinary work activities. Speaking on behalf of the local government is the role of the Shire President, the Shire President in some circumstances has the power to delegate this authority to the Chief Executive Officer. This is not a general delegation; specific instance must apply. The Shire of Kulin's position is that the Shire President primarily speaks on behalf of the Shire – therefore the role of the officer in using and expressing a Shire view on social media is limited.

**OBJECTIVE:** The key objective is to use social media as an information delivery platform that the community who is technically capable to use social media can converse, interact and share with the Shire. This policy is designed to put parameters around the use of and establishment of official Shire social media networks, Facebook styled sites, Geolocation sites, blogs, microblogs, message or image and video sharing sites, on behalf of the Shire.

### **PRACTICE:**

#### Social Media

- Only authorised officers shall contribute to social media sites. An officer may only contribute to a social media site on behalf of the Shire upon authorisation/delegation by the Chief Executive Officer (CEO).
- Elected members, with the exception of the Shire President, shall not publish content on official Shire of Kulin social media platforms.
- Only authorised Shire accounts are to be created, official Shire of Kulin social media accounts that are established to represent the activities of the Shire of Kulin shall be approved by the CEO. Contributions representing the Shire of Kulin may only be made using an identifiable Shire of Kulin profile.
- Personal accounts may not be listed or cross-promoted on Shire platforms unless approved by the CEO.

#### Media Releases

The Shire President and the Chief Executive Officer are empowered to make media releases prior to minutes being confirmed and made public.

### **Contributions Are Lawful:**

Officer contributions to Shire sites shall comply with Australian law and comply with the terms and conditions of the site provider. Any postings from members of the public on a Shire site that contravenes Australian law or the terms and conditions the site provider shall be reported to the CEO and the site provider. Officer contributions shall comply with copyright and adhere to Shire Policies and practices including the Code of Conduct. Contributions are to be accurate and factual and officers are to ensure published content, contributions and responses to questions from the public are, accurate, factual, apolitical, impartial and professional.

### **Contributions Are To Represent Formal Shire Position**

Posted content shall represent the formal position of the Shire and officers are not to post personal views or opinion.

### **Limit of Authority**

Officers shall only make posts consistent with their level of authority and shall only make posts as they relate to the activities of their department.

### **Statements to Main Stream Media**

All requests for statements from the main stream media (Radio, Newspapers, TV etc.) are to be referred to the CEO for consultation with the Shire President.

### **Promotion of Commercial Enterprises**

Private commercial enterprises are not to be promoted or endorsed unless in conjunction with the promotion of a Shire event/service.

### **Content Management**

The Shire of Kulin actively seeks ideas, questions, complaints, and compliments from members of the public. The public is encouraged to join the open conversation and debate, but is expected to participate in a respectful manner. Therefore, on platforms with public editorial access, the Shire of Kulin reserves the right to delete:

- Knowingly false or mischievous complaints or statements about individuals, companies or the government.
- Content that is misleading, obscene, off-topic, sexist, racist or spam.
- Content that uses the Shire of Kulin site for promotional or commercial purposes
- Content that breaks or encourages others to break the laws of Australia and its states and territories in any way, including breaching privacy laws; and
- Content that defames or harasses any participant of the Shire of Kulin site, administration, employees or volunteers.

### **Statement of Disclaimer**

The Shire of Kulin will not and does not warrant the completeness or accuracy of public comments found on its social media sites, nor its usefulness for any particular purpose. Nor will the Shire of Kulin represent or warrant that the comments on the pages comply with the laws of any country outside Australia.

The Shire of Kulin is not responsible for the uptime of these platforms. The views expressed by a participant, invitee, expert, guest or other person are not necessarily the views of the Shire of Kulin. The Shire of Kulin accepts no responsibility arising from reliance authorised by any person or party on any comment or information published on any Shire of Kulin social media site, further, the Shire of Kulin does not guarantee the accuracy or currency of any comment published on a Shire of Kulin social media site.

Links to external websites and users social media accounts are provided as a convenience to users and such sites and associated content are not under the control of the Shire of Kulin. When links have been included, the content of these links does not and should not imply endorsement of that website, service or person by the Shire of Kulin

### **Elected Members**

- This policy does not prevent elected members from establishing their own personal social media platforms or presence.
- Legal argument may exist that content posted by an elected member should comply with the Shire's Code of Conduct, though this would be tested on a case-by-case basis.
- Elected members are not to post on official Shire of Kulin social media sites in a private capacity.
- Elected member social media sites will have no official Shire of Kulin standing.
- Shire of Kulin resources will not be used in establishing or maintaining elected member social media sites.

- The views expressed and published by an elected member on social media platforms shall be personal opinion only and are not to represent the position of the Shire of Kulin.
- The Shire of Kulin accepts no responsibility arising from social media comments or postings made by elected members.

**PROCESS: Social Media Guidelines**

Consider what you post, before you post it. If you are uncertain about something, don't publish! It will be around for a long time so make sure it's correct before you post and seek advice if in doubt. Don't forget to check your spelling and grammar – your professional credibility is inextricably linked to your online comments.

Published content is to meet normal professional standards required under the Shire Code of Conduct.

Be original and respect copyright. It is critical that you show the proper respect for copyright laws and fair use of copyrighted materials owned by others, including user-generated content.

Acknowledge your source – it's also good practice to link to other people's work. Links are to be checked against this policy and these guidelines. If in doubt seek permission from content owners for permission to publish. Use discretion.

In your efforts to be transparent, you need to take care not to publish information that should not be made public. If you are not responsible for the information, ask permission to publish content that isn't already in the public domain. Avoid discussion of industrial or legal issues, and refer these to the relevant persons if asked to comment specifically. Content published on the internet is widely accessible and is public for a long time. If you are in doubt about whether information can be made public, seek advice from your Manager.

Be fair, polite and considerate. Be professional. You are representing the Shire, produce content about your area of responsibility. Make sure you produce content about your areas of responsibility, as they relate to the activities of your department. If you are responding to a question that falls outside your area of responsibility, state that it isn't your area of expertise and that you'll follow up. Seek advice from the appropriate area within the Shire to develop a response.

It's a conversation so be human. Listen to what people are saying, avoid 'lecturing', and produce content that's open-ended and invites response. Actively encourage people to submit comments. Be plain-speaking, informal but respectful, empathetic, friendly, positive, concise and honest. Admit your mistakes, when you make a mistake, be quick to admit and correct it. If you are correcting a mistake do so, but indicate the change you've made. If it is more serious and could lead to legal action, contact your CEO for advice.

Only your own personal time can be spent on personal social media. If it's official department communication, be dedicated, be constant. If you decide it's appropriate to use social media for official department communication, you need to get permission from the CEO first, then ensure other appropriate approvals, if required are established.

**HEAD OF POWER:** Local Government Act 1995

**DELEGATION:** To the CEO to authorise officers of the Shire to access and maintain social media sites

**A.7 IT & Social Media – Use Of**

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

**CEO**

**Delegates to:** Executive Manager of Financial Services, Executive Manager of Community Services and the Manager of Executive Support Services

## Additional supporting Documentation on SOCIAL MEDIA Practice

### Overview

Online communication and social media tools are important communication channels that enable local government to engage directly with the Kulin public. These tools inform the public about services and programs and allow two-way conversations with the community about policy development.

The objective of this policy is to set parameters on the use of social media, whether as part of your professional responsibilities or in a personal capacity to limit the risk of damage to the department arising out of such use.

It is essential you understand that comments you make via social media platforms are as public as if you were making the same comments to the media or at a public forum.

The intention of this policy is to establish a culture of openness, trust and integrity when dealing with user-generated content.

### Scope

This policy applies to all employees, contractors and consultants working for the department.

### Statement of Policy

Personal use of social media

### Overview

The Shire recognises you may wish to use social media in your personal life. This policy does not intend to discourage or unduly limit your personal expression or online activities. However, you should recognise the potential for reputational damage to be caused, directly or indirectly, to the Shire in certain circumstances as a result of your personal use of social media when you can be identified as an employee. Accordingly, you should comply with this policy to minimise the risk of such damage.

You are personally responsible for the content you publish in a personal capacity on any social media platform. When in doubt, seek guidance from the Shire about how to comply with the following obligations.

Where your comments or profile can identify you as a public servant, **you must**:

- expressly state on all postings — identifying you as a government employee — the stated views are your own and are not those of the department or the government
- be polite and respectful to all people with whom you interact
- adhere to the Terms of Use of the relevant social media platform/website, as well as copyright, privacy, defamation, contempt of court, discrimination, harassment and other applicable laws and departmental policies.

Where your comments or profile can identify you as a public servant, **you must not**:

- post material that is or might be construed as offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright, constitutes a contempt of court, breaches a court suppression order, or is otherwise unlawful
- imply that you are authorised to speak as a representative of the department or the government, nor give the impression that the views you express are those of the department or the government
- use the identity or likeness of another employee, contractor or other member of the Shire
- use or disclose any confidential information or personal information obtained in your capacity as an employee/contractor of the department
- make any comment or post any material that might otherwise damage the Shires reputation.

### Reasonable/unreasonable personal use

Whether or not you can be identified on social media, you must:

- act with integrity
- never reveal confidential information
- be respectful.

When accessing social media via the Shires online platforms or work mobile devices, you must do so in accordance with the Shires Acceptable Usage Policy, which requires you to reasonably use these resources in a manner that does not interfere with your work and is not inappropriate or excessive.

Examples of reasonable use include:

- re-tweeting content from the Shire or CRC account on your own Twitter account
- accessing and posting comments on the Shire pages
- updating Facebook status and posting messages during a lunch break
- sharing relevant work-related posts to educate and inform your online networks.
- Unreasonable use:
  - Shire resources should not be used to access or post any material that is fraudulent, harassing, threatening, bullying, embarrassing, sexually explicit, profane, obscene, racist, sexist, intimidating, defamatory or otherwise inappropriate or unlawful.
  - It is not acceptable to spend hours using social media for purposes not related to your employment during work time.

Official comment on social media

Becoming authorised to comment

- You must be authorised to comment before engaging in social media as a representative of the Shire.
- You may not comment as a representative of the department unless you are authorised to do so.

Rules of engagement

Once authorised to comment as a shire representative, you must:

- disclose you are an employee/contractor of the department and use only your own identity or an approved official account
- only disclose and comment on information classified as public domain information or which you've been given approval to reveal
- ensure that all content published is accurate and not misleading and complies with all relevant shire policies
- ensure you are not the first to make an announcement unless specifically given permission to do so
- comment only on your area of expertise and authority
- ensure comments are respectful of the online community with which you are interacting
- adhere to the Terms of Use of the relevant social media platform/website, as well as copyright, privacy, defamation, contempt of court, discrimination, harassment and other applicable laws and departmental policies.

If you are authorised to comment as a department representative, you must not:

- post material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright, constitutes a contempt of court, breaches a court suppression order, or is otherwise unlawful
- use or disclose any confidential or secure information
- make any comment or post any material that might otherwise cause damage to the department's reputation or bring it into disrepute.

Guidance for navigating legal issues

The following is offered as general guidance to assist you to comply with the obligations set out in this policy. When in doubt, seek further guidance from the department.

Privacy, confidentiality and information security

- You should only use personal information obtained in the course of your employment/engagement with the department in a manner consistent with departmental policies such as the Acceptable Usage Policy.
- You should not publish or report on conversations or information deemed confidential or classified or that deal with internal matters.

- For more information on posting material online (i.e., public domain), refer to the Acceptable Usage Policy.

#### Copyright

- You should respect copyright laws and fair use of copyrighted material.
- You should attribute work to the original author/source wherever possible.

#### Harassment and bullying

- The department's Workplace Bullying Prevention Policy applies online and in the physical workplace.
- Workplace bullying and harassment includes any bullying or harassing comments employees make online, even on their own private social networks or outside of office hours.
- Abusive, harassing, threatening or defaming postings are in breach of the department's Workplace Bullying Prevention Policy and may result in disciplinary action.
- All employees are expected to treat their colleagues with respect and dignity and must ensure their behaviour does not constitute bullying and/or harassment.

#### Defamation

- You should refrain from publishing material that may cause injury to another person, organisation, association or company's reputation, and should seek further guidance if publication of such material is thought to be necessary.

#### Offensive or obscene material

- Material may be offensive or obscene and may infringe relevant online classification laws if it is pornographic, sexually suggestive, harassing, hateful, racist, sexist, abusive or discriminatory.

#### Contempt of court

- You should exercise care if referring to pending court proceedings to avoid publishing material that could prejudice those proceedings, in particular, material that will not be part of the evidence in those proceedings.
- You should make enquiries as to any applicable court suppression orders prior to commenting on any court proceeding, past or pending

#### Compliance

Depending on the circumstances, non-compliance with this policy may constitute a breach of employment or contractual obligations, misconduct (under the department's Misconduct Policy), sexual harassment, discrimination or some other contravention of the law.

Those who fail to comply with this policy may face disciplinary action. In serious cases, this includes termination of employment or engagement.

#### Identifying inappropriate use

If you notice inappropriate or unlawful content online relating to the department or content that may otherwise have been published in breach of this policy, you should report the circumstances to the Strategic Communication and Protocol Branch.

Privacy breaches can also be reported to the Legal Branch.

#### Definitions

**Social Media:** Content created by people using highly accessible and scalable publishing technologies. Social media is distinct from industrial media, such as newspapers, television, and film. Social media comprises relatively inexpensive and accessible tools that enable anyone (even private individuals) to publish or access information — industrial media generally require significant resources to publish information. ([http://en.wikipedia.org/wiki/Social\\_media](http://en.wikipedia.org/wiki/Social_media))

Social Media may include but is not limited to:

- social networking sites (e.g., Facebook, MySpace, LinkedIn, Yammer)
- video and photo sharing websites (e.g., YouTube, Vimeo, Flickr, Instagram)
- blogs, including corporate blogs and personal blogs
- blogs hosted by media outlets (e.g., 'comments' or 'have your say' features)
- microblogging (e.g., Twitter)
- wikis and online collaborations (e.g., Wikipedia)

- forums, discussion boards and groups (e.g., Google groups, Whirlpool)
- vodcasting and podcasting
- online multiplayer gaming platforms (e.g., World of Warcraft, Second Life)
- instant messaging (including SMS)
- geospatial tagging (Foursquare)

## A17 KEY TO KULIN

### Administration

**PREAMBLE:** The Key to Kulin is a concept introduced by the Shire where employees are reimbursed for costs, they incur in accessing sporting groups and facilities operating within by the Shire.

**OBJECTIVE:** The purpose of the Key to Kulin is to add benefit to employees employment packages by reimbursing staff the cost to themselves and their families' when becoming members of clubs and or accessing community or Shire operated facilities. Higher levels of participation are seen as a health and welfare incentive for the employee and families and memberships are paid to encourage community participation.

#### **PRACTICE:**

To claim entitlements under the scheme employees must;

- Pay for their membership as normal
- Obtain a receipt for the membership
- Present the receipt to the payroll officer for quarterly reimbursement.

For ease of administration purposes, reimbursements will be made quarterly on the 31 March, 30 June, 30 September and 31 December of each calendar year.

**Aquatic Centre** - All Shire staff and their immediate family\* have free access to the Aquatic Centre and Slide each season. No upfront payment and reimbursement is required under this policy. A list of employees and their immediate family members will be compiled by the Manager of Executive Support Services and provided to the Aquatic Centre Manager at the start of each pool season.

#### **ELIGIBLE FACILITIES:-**

~~**Resource Centre** – Each employee and their immediate family\* are entitled to membership at the Community Resource Centre and the facilities offered via teleconferencing.~~

**Freebairn Recreation Centre** - Each employee and their immediate family\* are entitled to membership at the Freebairn Recreation Centre.

**Local sporting clubs** – Employees are entitled to two full or one full and one social membership to any local sporting club using Council facilities.

**Childcare**- Employees are entitled to child care benefits\* up to an amount not exceeding \$650 per year. Where childcare fees remain outstanding at the time of claim, reimbursement may be applied to those unpaid fees.

~~Signature Required~~

**HEAD OF POWER:** Council decision - Local Government Act 1995

\*immediate family – max 2 adults and their children living (dependents under the age of 18) in the employees household

## **A18 MOBILE PHONES – USE OF**

### **Administration**

**PREAMBLE:** Shire provided mobile phones are issued to ensure relevant staff are accessible, that communications are enhanced and responses to customers are timely. Mobile phones provided by the Shire are to be used primarily for the conduct of Shire related business and employees issued a mobile phone will assume personal responsibility for their appropriate use.

**OBJECTIVE:** Mobile phones are provided to employees as a work tool and will be provided where the requirement for a mobile telephone service is of an essential tool in the conduct of Shire business and meets justifiable business criteria.

**PRACTICE:** All mobile phone handsets, SIM Cards, accessories and service numbers are Shire property and must be used in accordance with this policy, employment contracts, agreements, applicable legislation and the Shire's Code of Conduct.

The issuance of mobile phones to employees is at the discretion of the Chief Executive Officer but as a general rule in terms of allocation and costs, the Shire will bear the following costs in relation to mobile telephone expenses:-

- CEO – provided with a mobile phone and the Shire pays for calls and data.
- Executive Manager of Financial Services – call allowance \$800pa
- Executive Manager of Governance and Risk - call allowance \$800pa
- Executive Manager of Community Services - call allowance \$800pa
- Executive Manager of Works - provided with a mobile phone and iPad and Shire pays for calls and data.
- Works Supervisor - provided with a mobile phone and iPad and Shire pays for calls and data.
- Building Maintenance Officer - call allowance \$800pa
- Town Crew Supervisor - call allowance \$800pa.
- Caravan Park Manager - provided with a mobile phone and the Shire pays for calls and data.

### **PROCESS:**

#### **Employee Responsibilities**

The following guidelines have been prepared to assist employees with the acquiring, use and care of a Shire issued mobile phone:

- Supply of mobile handsets and services will only be made by the direct agreement of the CEO;
- Employees must use issued mobile phones in accordance with manufacturer's instructions. Faults or damage should be reported to your Manager as soon as possible, so repairs or replacement can be arranged;
- Employees must observe all statutory requirements relating to mobile phone usage whilst driving a motor vehicle;
- In the event that an issued mobile phone is noticed as lost or stolen, the respective phone service provider shall be contacted immediately to have the account closed and/or services stopped;
- Any work-related images or recordings taken on the issued mobile phone are corporate records and employees using these functions should ensure images are downloaded for the Shire's records;
- Employees who are careless or negligent in the use of an issued mobile phone may incur the cost of repairs, replacement of the phone, or reimbursement to the Shire for any insurance excess;
- Employees must return any issued mobile phone on resignation or termination of employment;
- Reasonable Personal Use is permitted. Excessive personal use will result in the employee being billed for usage in the first instance. Ongoing excessive use will result in disciplinary action being taken against the employee;

- ~~In the case of phone packages that provide bulked free calls, calls to 1300 or 13 numbers are still regarded as inappropriate phone use unless the use can be directly related to Shire business;~~
- Mobile phones with access to the Internet and Email must also comply with the Shire's policy on email and internet usage;

### **Billing and Charging**

Monthly summary reports of individual mobile phone charges will be forwarded ~~to~~ each month ~~to~~ the CEO. Excessive personal use of the mobile phone without reasonable explanation will result in the employee being billed for their usage or the service being withdrawn.

### **Security**

Mobile devices must be secured using appropriate access controls (e.g. PIN, password or biometric security). Where a device is lost or stolen, the employee must notify the Shire immediately to enable remote security measures where applicable.

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### **Emergency Usage**

In the event of an emergency, the CEO reserves the right to reallocate any Shire mobile phone for the purpose of assisting in emergency management and relief operations.

### **Breaches**

The Shire may withdraw the use of an issued mobile phone at any time if the Chief Executive Officer determines that the basis for issuing the phone is no longer relevant, there are health and safety concerns around the use of the phone, or where the Chief Executive Officer reasonably determines that there has been misuse of the phone.

**HEAD OF POWER:** Local Government Act 1995

## **A19 MOTOR VEHICLES**

### **Administration**

**PREAMBLE:** To provide a framework of rules and conditions upon which the Shire use of vehicles can occur.

**OBJECTIVE:** To ensure staff of the Shire of Kulin use Shire vehicles in accordance with generally accepted practices; whilst still providing incentives for use and maintenance. To ensure that all use agreements or contract provisions across all levels of staffing are consistent to accepted practice.

### **PRACTICE:**

This guideline applies to employees who are allocated motor vehicles as part of their remuneration package or operate motor vehicles as part of their employment duties.

#### Employer Responsibilities:

When providing motor vehicles to employees the Shire of Kulin will ensure the motor vehicle:

- Meets vehicle safety and Road Traffic Act & Regulation requirements,
- Provides a safe work place with regard to Occupational Safety and Health requirements,
- Is adequately insured and registered,

#### Employee Responsibilities:

When operating a Shire of Kulin vehicle, the employee must ensure:

- Only authorised person's holding an appropriate current driver's licence operate the vehicle,
- They comply with all relevant traffic legislation and are personally responsible any traffic or parking infringements incurred,
- They do not operate the vehicle while under the influence of alcohol or drugs.
- The vehicle is maintained in a safe, clean and roadworthy condition and that the vehicle is operated in accordance with the vehicle operating manual.
- Vehicles remain smoke free

#### Recording Vehicle Use

It is the responsibility of all vehicle users to accurately maintain a record of the use of the vehicles allocated to them. This record is to detail (as a minimum requirement), the date, time and driver information related to use of the vehicle. Records must be kept for a minimum of 12 weeks to appropriately determine private use percentage for the purpose of calculating Fringe Benefits Tax (FBT) liability. Failure to complete the log book may result in an employee's personal use percentage (for the purposes of FBT) being 100%.

#### Accidents and Damage

It is the responsibility of the employee to whom the vehicle is assigned or other employees who use a Shire vehicle to:

- Report as soon as practicable any involvement in a motor vehicle accident
- Complete an incident report form and submit motor vehicle insurance claim forms within 48 hours of the accident occurring
- Notify the Police if an injury is sustained or another vehicle is involved in the accident.
- If the damage does not result in an insurance claim, complete an incident report form for the Executive Manager of Works.

#### Security

All employees allocated with a Shire vehicle are responsible for the security of the vehicle at all times whilst the vehicle is being used by them. This includes;

- Ensuring that the vehicle is under the employee's control whilst not being used on Shire business and not allow it to be driven by an unlicensed person or any other person not authorised by this policy or the Chief Executive Officer.
- Ensuring the security of the vehicle at all times including always locking the vehicle when not in use and not leaving the keys in an unoccupied vehicle.
- Properly housing and securing the vehicle.
- Ensuring the security of Shire equipment contained in the vehicle. Employees should never leave valuables (including; laptop computers, cameras, mobile phones or fuel cards), confidential or sensitive documents in an unoccupied vehicle.

**Vehicle Allocations**

**Category 1 – Chief Executive Officer & Senior Employees**

Vehicle allocation and authorised use will be determined by the employee's Contract of Employment.

**Category 2 – Executive Manager's**

Position	Vehicle Allocation	Restrictions
Executive Manager of Works	SUV All terrain	Unrestricted private use within the South West Land Division unless otherwise expressly authorised by Council
Executive Manager of Financial Services	SUV Medium	Unrestricted private use within the South West Land Division unless otherwise expressly authorised by Council
Executive Manager of Corporate Governance and Risk	SUV Medium	Unrestricted private use within the South West Land Division unless otherwise expressly authorised by Council
Executive Manager of Community Services	SUV Medium	Unrestricted private use within the South West Land Division unless otherwise expressly authorised by Council

**Category 3 – Team Supervisors**

Position	Vehicle Allocation	Restrictions
Town Supervisor	2WD Ute	Restricted private use within the Shire of Kulin
Works Supervisor	2WD Ute	Restricted private use within the Shire of Kulin

**Category 4 – Leading hands & heads of department**

Position	Vehicle Allocation	Restrictions
Mechanic	2WD Ute	Restricted private use within the Shire of Kulin
Builder	2WD Ute	Restricted private use within the Shire of Kulin
Leading Hands	2WD Ute	Restricted private use within the Shire of Kulin

Vehicle Allowance Reference (updated annually) from WALGA's Vehicle Values data document.

Category	FBT Value	Rate 1 (Salary \$45K-\$120K)		Rate 1 (Salary \$120K-\$180K)	
		Restricted Private Use	Commuting Only	Restricted Private Use	Commuting Only
SUV Medium	9,771	14,779	6,821	15,869	7,324
4WD Ute	10,168	19,269	8,893	20,690	9,549

**Vehicle Selection & Replacement**

Operational requirements shall be the primary consideration in the acquisition of a vehicle or its replacement.

Category 1	40,000km or two years
Category 2	40,000km or two years
Category 3 & 4	100,000km or five years

**Vehicle Accessories**

**Standard Accessories**

The following features are to be included as appropriate accessories on all vehicles purchased for the Shire;

- Automatic transition – (wherever possible);
- Tinted window film – as approved by the vehicle manufacturer;

- Hands free mobile telephone car kits with booster
- Tow bar
- Spotlights
- Bull bar

#### Non-standard accessories

Any employee who has Unrestricted Private Use of a vehicle as part of an agreement may purchase additional accessories at their own expense on the understanding that the accessory will be installed and, if necessary, removed, at the employee's own expense. The Shire will accept no cost or other responsibility for the transferability to a replacement vehicle of any accessory purchased in this manner. Upon leaving the employment of the Shire or change to an employee's vehicle entitlements, the employee will make good the vehicle to the original specifications and standard of the vehicle at the time of the initial purchase of the vehicle. This agreement is subject to approval by the Chief Executive Officer.

#### Categories of Vehicle Use

Category 1 – Chief Executive Officer and other Senior Employees - according to Contract of Employment.

- The Shire covers all costs associated with the running of the vehicle.
- The vehicle must be driven to work each day however a spouse/partner or nominated driver may use the vehicle outside of normal working hours, provided they meet the requirements outlined under employee responsibilities.
- Other persons with a valid driver's licence may drive the Shire's vehicle provided the employee is present as a passenger in the vehicle at all times or in an emergency only, provided they meet the requirements outlined under employee responsibilities.
- Off-road use is not permitted, except where the vehicle is designed for such use.
- A Shire fuel facility fuel card is provided with the vehicle and is the preferred location for fuelling the vehicle. The employee will ensure they have fuelled up prior to departing the Shire of Kulin. A credit card or fuel card will also be provided for the employee to fuel the vehicle as required. A tax invoice must be provided for the purchase.
- The value placed on the vehicle component incorporated as part of a remuneration package (as specified by WALGA and as approved by Council) may be able to be converted to cash or salary sacrificed, if the employee chooses not to be provided with a Shire vehicle. The Shire reserves the right to supply the employee with a vehicle if the provision of a vehicle is more beneficial to the Shire, as such, approval must be sought from Council for the conversion of the vehicle component of a remuneration package being converted to cash salary. If the employee nominates to take a cash allowance the vehicle provided by the employee must meet the operational requirements of the position.
- Novated Lease Option – Category 1 employees may elect to take a cash component and convert that to a novated lease option. Novated lease options must comply with this policy, which effectively limits the range of vehicle types to the standard prescribed. Category 1 Employees wishing to pursue novated lease options will assume full responsibility for making all enquiries and negotiations on vehicle choice and finance arrangements and assume full responsibility for Fringe Benefit Tax (FBT) liability. The arrangement must comply with the Shire's salary sacrificing policy (HR21) which outlines the requirements for a Novated Lease.

#### Category 2 – Executive Managers

- The Shire covers all costs associated with the running of the vehicle.
- Vehicles will be made available to other Shire of Kulin staff during normal operating hours.
- The vehicle must be driven to work each day however a spouse/partner or nominated driver may use the vehicle outside of normal working hours, provided they meet the requirements outlined under employee responsibilities.
- Other persons with a valid driver's licence may drive the Shire's vehicle provided the employee is present as a passenger in the vehicle at all times or in an emergency only, provided they meet the requirements outlined under employee responsibilities.

- Private use will be restricted geographically to within the South West Land Division.
- Off-road use is not permitted, except where the vehicle is designed for such use.
- A Shire fuel facility fuel card is provided with the vehicle and is the preferred location for fuelling the vehicle. The employee will ensure they have fuelled up prior to departing the Shire of Kulin. A credit card or fuel card will also be provided for the employee to fuel the vehicle as required. A tax invoice must be provided for the purchase.
- The value placed on the vehicle component incorporated as part of a remuneration package (as specified by WALGA and as approved by the CEO) may be able to be converted to cash or salary sacrificed, if the employee chooses not to be provided with a Shire vehicle. The Shire reserves the right to supply the employee with a vehicle if the provision of a vehicle is more beneficial to the Shire, as such, approval must be sought from the CEO for the conversion of the vehicle component of a remuneration package being converted to cash salary. If the employee nominates to take a cash allowance the vehicle provided by the employee must meet the operational requirements of the position.
- Novated Lease Option – Category 2 employees may elect to take a cash component and convert that to a novated lease option. Novated lease options must comply with this policy, which effectively limits the range of vehicle types to the standard prescribed. Category 2 Employees wishing to pursue novated lease options will assume full responsibility for making all enquiries and negotiations on vehicle choice and finance arrangements and assume full responsibility for Fringe Benefit Tax (FBT) liability. The arrangement must comply with the Shire's salary sacrificing policy (HR21) which outlines the requirements for a Novated Lease.

#### Category 3 – Team Supervisors

Restricted private use of a vehicle shall be allocated to an employee at the recommendation of the Executive Manager of Works and shall be approved at the sole discretion of the Chief Executive Officer.

- "Restricted Private use" is defined as a vehicle provided, with the Shire covering all costs associated with the running of the vehicle subject to the following;
  - Use is limited within the Shire of Kulin boundary.
  - Use outside of the Shire of Kulin shall be subject to the prior approval of the CEO or Executive Manager of Works
  - Approval to use whilst on annual leave, approved leave without pay, personal leave or long service leave shall be subject to the prior approval of the CEO or Executive Manager of Works
- During private use, outside of working hours, other persons with a valid driver's licence may drive the Shire's vehicle provided the employee is present as a passenger in the vehicle at all times or in an emergency only, provided they meet the requirements outlined under employee responsibilities.
- A Category 3 employee may not convert the associated value placed on the vehicle as part of their remuneration package to a cash allowance.

#### Category 4 – Leading Hands & Heads of Department

Restricted private use of a vehicle shall be allocated to an employee at the recommendation of the Executive Manager of Works and shall be approved at the sole discretion of the Chief Executive Officer.

- "Restricted Private use" is defined as a vehicle provided, with the Shire covering all costs associated with the running of the vehicle subject to the following;
  - Use is limited within the Shire of Kulin boundary.
  - If the vehicle is driven beyond the Shire of Kulin (where approved), cost of the fuel will be the responsibility of the employee.
  - Approval to use whilst on annual leave, approved leave without pay, personal leave or long service leave shall be at the cost of the employee and subject to the prior approval of the CEO or Executive Manager of Works
- A Category 4 employee may not convert the associated value placed on the vehicle as part of their remuneration package to a cash allowance.

All employees who operate a Shire of Kulin Vehicle must complete a vehicle authorisation & declaration form provided as an attachment.

**HEAD OF POWER:** Local Government Act 1995



Shire of Kulin  
 Vehicle Authorisation & Declaration Form  
 Conditions of Use

- 1.) Employees will operate the vehicle provided in accordance with the Employee Responsibilities outlined in this policy.
- 2.) Employees will record vehicle use as required by this policy.
- 3.) Employees will report all incidents, accidents and damage to their vehicle.
- 4.) Employees will ensure the security of vehicles at all times.
- 5.) Employees will not operate this vehicle outside of the restrictions outlined in the appropriate category without the approval of the Chief Executive Officer.

Employee Details	
Name:	
Vehicle Category:	
Approved by:	

Employee Declaration

I, \_\_\_\_\_, declare that I am the holder of a current motor vehicle driver's licence and have no knowledge of any circumstances which could cause its cancellation or suspension. I acknowledge and understand the Conditions of Use of Shire Vehicles set out above and as outlined in this policy.

Driver Licence Details			
Licence Number:		State Issued:	
Class:		Expiry Date:	
Conditions or Endorsements:			

## A20 OCCUPATIONAL SAFETY & HEALTH

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### Administration

**PREAMBLE:** To provide additional information supporting Shire OS&H policy and practice.

**OBJECTIVE:** To provide a safe and healthy workplace and to ensure that Shire of Kulin discharge its duties under relevant Occupational Safety and Health (OSH) legislation.

**PRACTICE:** The Shire of Kulin as an employer will do everything practicable to ensure that employees are not exposed to hazards. Shire of Kulin will use its best endeavours to provide all employees with workplace conditions and job procedures, which seek to minimise the risk of injury and illness to people and damage to property.

Shire of Kulin recognises that it has a duty of care towards workers, volunteers, clients and stakeholders who by association may be put at risk. Shire of Kulin is committed to continuous improvement in Occupational Health and Safety planning, implementation and review towards minimising work-related injury, illness and property damage.

Shire of Kulin will provide where reasonably practicable a safe and healthy work environment, complying with all relevant legislation and standards. Shire of Kulin will have a dedicated Occupational Safety and Health delegate representing staff.

All employees, contractors, volunteers and the Council will perform their jobs in accordance with established procedures, and have a personal commitment to safety and loss prevention.

Occupational Safety and Health disputes shall be handled in accordance with Shire of Kulin Complaints procedures.

~~Shire of Kulin and management will promote compliance with all relevant work health and safety legislation, regulations, approved codes of practice and applicable industry standards, including the Work Health and Safety Act 2020, Work Health and Safety (General) Regulations 2022, and relevant contemporary work health and safety management system guidance. Shire of Kulin and management will promote compliance with all relevant legislation, and industry standards, in particular the Occupational Health and Safety Act 1984 and Australian Standard AS/NZS 4801:2001 – Occupational Health and Safety Management Systems.~~

**PROCESS:** The Shire's commitment to OH&SS&H will be achieved and maintained by:

Ensuring that management and supervisory personnel remain aware of Shire of Kulin's statutory obligations and take action as necessary to achieve compliance.

Ensuring consultative and cooperative participation of management and the workforce in safety and health related activities;

Recognising and controlling physical and procedural hazards;

Conducting formal and informal training to improve the safety related knowledge and skills of employees;

Ensuring plant and equipment is safe and suitable for the job, via sound purchasing and maintenance systems;

Providing an effective system of incident investigation and reporting;

Providing to employees the most appropriate type of personal protective equipment as required for any activity;

Conducting an effective Occupational Safety and Health Committee process which will generate and support safe working initiatives;

Maintaining a rehabilitation programme, where appropriate, for any employee who sustains a work-related injury or illness, and

Ensuring that contractors employed and engaged by Shire of Kulin will comply with Shire of Kulin's OSH standards, policies, procedures and codes of conduct.

The responsibility for occupational safety and health in Shire of Kulin is as follows:

Shire of Kulin Council:

Provide adequate resources and funding to support risk management,  
Provide a safe and healthy workplace for its sole employee – the CEO.

Chief Executive Officer:

Endorse, implement and review the Shire of Kulin Occupational Safety and Health Risk Management plan,  
Ensure compliance with OSH legislation throughout the organisation,  
Ensure OSH policies and procedures are communicated, embedded and adhered to throughout the organisation.

**HEAD OF POWER:** Local Government Act 1995, [Work Health and Safety Act 2020](#), [Work Health and Safety \(General\) Regulations 2022](#)~~Occupational Health and Safety Act 1984~~

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## A20a WORKING ALONE OR REMOTE

### Administration

**PREAMBLE:** The Shire of Kulin recognises that workers may from time to time be required to undertake work alone, remotely, outside normal business hours, or in circumstances where aggressive interaction may occur. The Shire is committed to ensuring, so far as is reasonably practicable, that appropriate systems of work, communication and supervision are established to minimise risks to worker health and safety.

**OBJECTIVE:** To provide guidance and minimum requirements for workers undertaking isolated or remote work activities, or work where there is a foreseeable risk of aggressive interaction, in order to reduce risks to health and safety and ensure appropriate communication and emergency response arrangements are in place.

#### **DEFINITIONS:**

##### Isolated Work

Work undertaken where a worker cannot be readily seen or heard by another person, may not receive assistance promptly in the event of an incident or emergency, or is required to work alone or remotely from other workers or the public.

##### Aggressive Interaction

Behaviour that may threaten the physical or psychological safety of a worker, including verbal abuse, threats, intimidation, harassment or physical violence.

**PRACTICE:** The Shire of Kulin will, so far as is reasonably practicable, ensure that workers undertaking isolated or remote work activities are provided with appropriate information, instruction, training, supervision and communication systems to minimise risks to health and safety.

Working alone should be avoided where reasonably practicable. Prior to undertaking isolated or remote work, or work where aggressive interaction may reasonably be anticipated, consideration is to be given to:

- the nature of the task being undertaken;
- the location and duration of the work;
- the experience and competency of the worker;
- the availability and reliability of communication systems;
- the potential for emergency situations or aggressive behaviour; and
- the availability of assistance or emergency response.

Appropriate risk assessments are to be undertaken for relevant activities and, where required, appropriate controls incorporated into Safe Work Method Statements (SWMS), Job Hazard Analyses (JHA), check sheets or other operational procedures.

Where workers are required to travel for work purposes, appropriate communication arrangements are to be established having regard to the location, travel distance and level of risk. For remote or extended travel, a Journey Management Plan may be required.

Workers undertaking isolated or remote work are required to maintain regular communication with an agreed contact person at intervals appropriate to the level of risk associated with the activity. Communication arrangements are to be established prior to work commencing and may include the use of:

- mobile phones;
- radios;
- satellite phones;
- duress alarms;
- vehicle tracking systems;
- StarLink or other satellite communication systems; or
- other suitable communication methods.

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Before commencing isolated or remote work, workers and supervisors are to ensure communication methods have been tested and are operational.

If communication cannot be established within agreed timeframes, reasonable attempts are to be made to contact the worker. Where contact cannot be established and concerns for worker safety exist, the matter is to be escalated to the relevant manager and, where necessary, emergency services or police may be contacted.

Workers are required to immediately report any incidents, hazards, near misses, threats, aggressive behaviour or concerns arising from isolated or remote work activities.

**PROCESS:** Managers and supervisors are responsible for ensuring that workers required to undertake isolated or remote work activities are appropriately trained, supervised and provided with suitable communication systems and emergency response arrangements.

Communication arrangements for isolated or remote work should, where appropriate, include:

- a nominated contact person;
- agreed communication intervals;
- emergency escalation arrangements;
- travel details and expected return times; and
- appropriate response actions where communication cannot be established.

Where aggressive interaction may be foreseeable, consideration should be given to:

- the suitability of the work location;
- the presence of other workers or agencies;
- worker experience and training;
- duress or emergency communication systems; and
- whether the work activity should proceed.

**RESPONSIBILITIES:**

Chief Executive Officer and Managers/Supervisors

Ensure appropriate systems, training, supervision and communication arrangements are established for workers undertaking isolated or remote work activities.

Workers

Take reasonable care for their own health and safety and that of others, comply with this procedure, maintain agreed communication arrangements and report hazards, incidents or concerns relating to isolated or remote work activities.

**HEAD OF POWER:**

Work Health and Safety Act 2020

Work Health and Safety (General) Regulations 2022 – regulation 48

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## **A20b FATIGUE MANAGEMENT**

### **Administration**

**PREAMBLE:** Worker fatigue can adversely affect workplace productivity and be a contributing factor in workplace accidents or incidents. This policy is to highlight the effects and risks of worker fatigue, the shared responsibility to manage it appropriately, and the preventative actions that should be planned and taken to minimize the associated risks. The Shire of Kulin is committed to providing a safe, healthy and productive workplace for all workers performing work for/or on behalf of the Shire of Kulin.

#### **Scope:**

This policy applies to:

- a) The Shire of Kulin
- b) All workers performing work for/or on behalf of the Shire.

The Shire of Kulin has a legal obligation to manage fatigue in the workplace. The primary duty of care imposed by the *Work Health and Safety Act 2020 (WHS Act)*, *WHS General Regulations 2022 (WHS Regulations)*, and the *Department of Mines, Industry Regulation and Safety Code of Practice Fatigue Management for Commercial Vehicle Drivers 2019* are to be complied with to minimise risk and exposure to hazards in the workplace and this includes workers affected by fatigue.

Workers also have a legal duty of care to behave responsibly at all times and not expose themselves or others to safety risks due to impairment caused by fatigue. This includes not undertaking work if they believe they may be impaired, and reporting to management if they believe another worker, or anyone in the workplace, is affected and may be creating a workplace hazard.

#### **OBJECTIVE:** This policy aims to:

- Provide a safe work environment and a safe system of work for workers.
- Minimise the risk of injury to workers in the workplace.
- Minimise the risk of damage to the Shire of Kulin property or that of contractors or the general public.
- Minimise risk of disruption to operations and productivity as a result of illness, injury or damage to property caused by fatigue.
- Provide a framework for dealing with the issue of fatigue management.

#### **Policy Statement:**

The Shire of Kulin and all workers are to work co-operatively to ensure that fatigue-related risks are identified, assessed and controlled in accordance with WHS legislation.

#### **Risks associated with fatigue are to be managed to:**

- Minimise the risk of harm caused by fatigue;
- Maintain a safe and healthy work environment;
- Maintain the health and wellbeing of workers; and
- Educate and improve awareness of the effects of fatigue.

All departments within the Shire of Kulin shall identify and manage factors specific to that work environment that cause fatigue and, if significant risks are identified, implement strategies to minimise those risks, where reasonable and practicable to do so. Factors to consider include (but are not limited to):

- Mental and physical demands of the work undertaken;
- Work scheduling and planning, for example, workloads and work patterns;
- Environmental conditions, such as adequate lighting, ventilation, equipment, and machinery;
- Organisational culture; and
- Individual and lifestyle factors.

**Definitions:**

<b><u>Employee Assistance Program (EAP)</u></b>	<u>External consultants (Counsellors, Psychologists) provided by The Shire of Kulin to support workers undergoing work and personal difficulties. Refer to separate policy HR3 Employee Assistance Program.</u>
<b><u>Fatigue:</u></b>	<p><u>Fatigue is an acute, ongoing state of tiredness that leads to mental and physical exhaustion and prevents people from functioning within normal boundaries. It is more than feeling tired and drowsy, it is a physical condition that can occur when a person’s physical or mental limits are reached.</u></p> <p><u>Fatigue can occur as a result of various factors that may be work-related, lifestyle related or a combination of both. Work factors can include the work task, work scheduling and planning, and environmental conditions. Lifestyle factors can include inadequate or poor quality of sleep due to sleep disorders, social life, secondary employment, travel time and health and wellbeing.</u></p> <p><u>While not all people respond to fatigue in the same way, fatigue can cause reduced concentration, impaired co-ordination, compromised judgement and slower reaction times; ultimately increasing the risks of incidents and injuries. In a work environment, this can mean a person is unable to function safely and effectively, increasing the risk of adverse incidents.</u></p>
<b><u>Impairment:</u></b>	<u>The alteration of an individual’s normal physical and/or mental function which results in diminished ability to safely undertake tasks at the normal level of concentration and performance.</u>
<b><u>Primary Duty of Care:</u></b>	<u>Requires the Shire of Kulin to ensure health and safety, so far as is reasonably practicable, by eliminating risks to health and safety. If this is not reasonably practicable, risks must be minimised so far as is reasonably practicable</u>
<b><u>Worker</u></b>	<u>Any person who carries out work for the Shire of Kulin, including work as an employee, contractor, subcontractor, self-employed person, apprentice or trainee, work experience student, and volunteer.</u>

**Responsibilities:**

- **The Shire of Kulin:**
  - Providing a safe place of work by managing fatigue as directed by the Work Health and Safety Act 2020 (WHS Act), WHS General Regulations 2022 (WHS Regulations) and the National Transport Commission’s Guidelines for Managing Heavy Vehicle Driver Fatigue.
  - Providing information and education to Executive Managers, Supervisors and workers about risks associated with fatigue.
- **Executive Managers and Supervisors:**
  - Ensuring workers are aware of Shire of Kulin fatigue policies and procedures, and have access to the Shire of Kulin provided Employee Assistance Program (EAP);
  - Applying risk management principles, particularly where new workers, tasks, equipment, machinery or work sites are being introduced;
  - Ensuring systems of work that minimise the risk of fatigue – for example, reasonable rosters, adequate travel time, appropriate worker accommodation, and maintained equipment/machinery;
  - Approval of proposed additional hours and overtime, to ensure appropriate fatigue management strategies are in place;
  - Ensuring workers performing extended hours are properly supervised, take adequate breaks and perform tasks safely; and
  - Taking appropriate action when a worker is demonstrating or has demonstrated signs of fatigue that could place themselves or others at risk of harm.
- **Workers:**
  - Informing themselves of the risks associated with fatigue;
  - Avoiding behaviours and practices that may contribute to the development of fatigue, particularly those that may place themselves and/or others at risk of harm. This includes, but is not limited to, secondary employment and failing to use time off to recuperate;

- Reporting signs of fatigue that could place themselves or others at risk of harm to their Executive Manager or Supervisor; and
- Participating in strategies to reduce the risk of fatigue related harm (where required).

## **PROCEDURES:**

### General:

Executive Managers and Supervisors will adopt an ongoing risk management approach, in consultation with workers, to identify hazards, assess risks and eliminate or minimise risks associated with fatigue. As part of this approach the following fatigue hazards will be considered:

- Work schedule
- Travel
- Mentally demanding work
- Emotionally demanding work
- Physically demanding work
- Task monotony
- How the work is organised
- Cultural norms relating to work hours
- Environmental factors
- Personal factors, family demands or health factors

Incidents, near misses, illnesses and other unplanned absences and worker turnover will be reviewed to check if they could be attributed to fatigue.

Executive Managers or Supervisors will put in place appropriate risk controls to reduce or eliminate fatigue-related risks, in consultation with workers. These may include the following:

- Ensure workplaces are ergonomically safe, appropriate lighting for workplace environment and ventilated
- Ensure all workers take adequate and regular meal and rest breaks
- Task rotation where possible for those particularly monotonous or demanding (mentally, emotionally or physically)
- Review rostering arrangements i.e. after a change in work processes, if an incident has occurred
- Avoid work arrangements that include excessive work hours
- Introduce scheduled short breaks during longer tasks to change posture and refresh concentration
- Schedule high risk work during mid-morning or early evening times
- Schedule overnight accommodation to avoid long travel times including travelling in the early morning or late at night
- Avoid driving for extended periods without taking a break
- Consider alternate options to travelling or face-to-face meetings e.g. tele/video-conferencing
- Ensure clear work processes and effective planning is in place to deal with workload changes due to absenteeism, workers on leave or seasonal work pressures

### Signs of Impairment:

The following signs or symptoms may indicate a worker is fatigued:

- Excessive yawning or falling asleep at work
- Short term memory problems and an inability to concentrate
- Noticeably reduced capacity to engage in effective interpersonal communication
- Impaired decision-making and judgment
- Reduced hand-eye coordination or slow reflexes
- Other changes in behaviour, for example repeatedly arriving late for work and increased rates of unplanned absence.

A fatigued worker may also experience symptoms not obvious to others including: feeling drowsy, headaches, dizziness, difficulty concentrating, blurred vision or impaired visual perception, and a need for extended sleep during days off work.

### Corrective Action:

If a worker is suspected of being impaired by fatigue in the workplace, the following actions may be taken:

- If the workers ability to work safely is identified as impaired, the Executive Manager or Supervisor should respond in a respectful manner based on the information available.
- Any action taken by the Executive Manager or Supervisor toward any person with a suspected impairment should be brief, firm, calm, clear and confidential.
- The Executive Manager or Supervisor must direct the employee to cease performing work, take a break to have an adequate rest or temporarily reallocate their work to reduce risk.
- Truck drivers, machine operators, workers doing high-risk tasks, or those who cannot safely be allocated to other positions, will be told to end their shift and go home to rest.
- Confidential consultation with the recovered worker will be undertaken to identify, record and manage any factors possibly causing the fatigue.
- The worker will be encouraged to engage with the Shire of Kulin Health and Safety Representative, the Employee Assistance Program (EAP), and be supported as needed on a case-by-case basis.
- Any fatigue related workplace incidents must be recorded on a Hazard and Incident form and be included for discussion at Safety Committee meetings.
- Executive Managers or Supervisors will follow up and review the effectiveness of any changes implemented to mitigate fatigue.
- Recurring problems relating to work performance may lead to disciplinary action if fatigue guidelines are not followed, which may include termination.

**HEAD OF POWER:** Work Health and Safety Act 2020 (WHS Act), WHS General Regulations 2022 (WHS Regulations) and the Department of Mines, Industry Regulation and Safety.

**REFERENCES:**

- Work Health and Safety Act 2020
- WALW - Work Health and Safety (General) Regulations 2022 - Home Page (legislation.wa.gov.au)
- Department of Mines, Industry Regulation and Safety Code of Practise Fatigue Management for Commercial Vehicle Drivers 2019
- Fatigue management | NHVR

## **A20c PSYCHOSOCIAL SAFETY**

### **Administration**

**PREAMBLE:** Psychosocial hazards at work are aspects of work and work situations which can lead to psychological or physical harm. These stem from:

- The way the tasks or job are designed, organised, managed and supervised.
- Tasks or jobs where there are inherent psychosocial hazards and risks.
- The equipment, working environment or requirements to undertake duties in physically hazardous environments.
- Social factors at work, workplace relationships and social interactions.

Workplace psychosocial hazards are related to the psychological and social conditions of the workplace rather than just the physical conditions. These include stress, fatigue, bullying, violence, aggression, harassment and burnout, which can be harmful to the health of workers and compromise their wellbeing.

Both short- and long-term exposure to psychosocial hazards may cause harm to a person. For example, while exposure to severe, short-lived (acute) psychosocial hazards such as experiencing violence at work may result in harm to health (e.g. acute-stress disorder, post-traumatic stress disorder), it is important to also recognise that the cumulative effect of low-level exposure to psychosocial hazards can also lead to psychological or physical injury.

People may experience multiple psychological and physical symptoms of harm as a result of exposure. In addition to adverse health outcomes for workers, exposure to psychosocial hazards and risk factors in the workplace can also affect performance and increase the risk of accidents or incidents.

**OBJECTIVE:** Eliminate or minimise risks to psychological health with integrated systems, policies and processes that are monitored regularly.

### Policy Statement:

The Shire of Kulin holds the primary duty of care to ensure psychosocial hazards within the workplace are identified, assessed and controlled in accordance with WHS legislation.

Psychosocial hazards are to be managed to:

- Minimise the risk of harm caused by psychosocial hazards;
- Maintain a safe and healthy work environment;
- Proactively protect, manage, and support the psychological safety of workers; and
- Educate and improve awareness of psychosocial hazards and promote robust mental health.

All departments within the Shire of Kulin shall identify and manage psychosocial hazards specific to that work environment and, if significant risks are identified, implement strategies to minimise those risks, where reasonable and practicable to do so. Factors to consider include (but are not limited to):

- Mental and physical demands of the work undertaken;
- Level of support, recognition and clarity within job roles;
- Organisational justice;
- Organisational culture; and
- Individual and lifestyle factors.

**Definitions:**

<b><u>Employee Assistance Program (EAP)</u></b>	External consultants (Counsellors, Psychologists) provided by The Shire of Kulin to support workers undergoing work and personal difficulties. Refer to separate policy HR3 Employee Assistance Program.
<b><u>Health and Safety Representative (HSR)</u></b>	A worker who has been elected to represent the health and safety interests of their work group.
<b><u>Mental Health</u></b>	Mental health is a state of mental well-being that enables people to cope with the stresses of life, realise their abilities, learn well and work well
<b><u>Organisational Culture</u></b>	Organisational culture is the set of values, beliefs, attitudes, systems, and rules that outline and influence employee behaviour within an organisation.
<b><u>Organisational Justice</u></b>	Organisational justice refers to workers' perceptions of fairness at work. This can include: <ul style="list-style-type: none"> <li>• <u>Procedural fairness - including fair processes to reach decisions</u></li> <li>• <u>Informational fairness – that ensures relevant people are kept informed</u></li> <li>• <u>Relational fairness – including good quality relationships and interactions and organisational climate</u></li> <li>• <u>Interpersonal fairness - where people are treated with dignity and respect</u></li> <li>• <u>Distributive justice – including perceived fairness and justice in rewards and outcomes or resource allocation.</u></li> </ul>
<b><u>Primary Duty of Care:</u></b>	Requires the Shire of Kulin to ensure health and safety, so far as is reasonably practicable, by eliminating risks to health and safety. If this is not reasonably practicable, risks must be minimised so far as is reasonably practicable
<b><u>Workplace Psychosocial Hazards</u></b>	Psychosocial hazards at work are aspects of work and work situations which can lead to psychological or physical harm.
<b><u>Worker</u></b>	Any person who carries out work for the Shire of Kulin, including work as an employee, contractor, subcontractor, self-employed person, apprentice or trainee, work experience student, and volunteers.

**Responsibilities:**

- The Shire of Kulin:
  - Demonstrate commitment to leading the organisation in identifying, managing, and where reasonably practicable eliminating, or minimising psychosocial hazards and risks in the workplace.
  - Ensure effective processes are implemented, reviewed and consulted on potential psychosocial hazards in the workplace including when undergoing organisational change.
  - Provide sufficient financial and physical resources to support a psychologically safe working environment.
  - Ensure Executive Managers and Supervisors have the necessary knowledge, skills, and ability to understand their roles and responsibilities in developing psychologically safe systems of work, in identifying and managing psychosocial risks and hazards, and to provide supervision and support to workers.
- Executive Managers and Supervisors:
  - Identify psychosocial hazards, assess and manage risks to eliminate where reasonably practicable or minimise psychosocial hazards in the workplace according to the hierarchy of controls.
  - Consult with workers on psychosocial hazard identification, including for organisational change, risk management processes and application and review of controls.
  - Ensure identified psychosocial hazards rated medium or higher are recorded in local risk registers. Psychosocial hazards rated low are to be managed in accordance with local hazard management processes.

- Ensure psychosocial hazards, risks and/or incidents are appropriately reported and investigated within a reasonable timeframe, and escalated where necessary.
- Use management practices that are supportive of psychological health within the workplace, including performance review and development, demonstrating, and managing respectful behaviours within the workplace, and taking into consideration workers' individuality, including cultural and religious differences, gender diversity and the need for equity.
- Where they have delegated authority to do so, provide adequate information, instruction, training, and supervision to ensure workers are safe from psychosocial hazards and risks in the workplace, and where required take reasonably practicable action, appropriate intervention or escalation.
- Workers:
  - Act in a manner that is respectful and courteous that does not adversely affect the psychological health of others.
  - Report all hazards, incidents, injuries, unsafe work practices or other events involving psychological health and safety risks via Accident/Incident Report forms and/or to appropriate contacts such as Executive Managers, Supervisors and Health and Safety Representatives (HSRs).
  - Assist with hazard identification and risk assessment processes in the workplace as necessary, including implementing agreed controls and complying with reasonable direction to mitigate psychosocial hazards and risks in the workplace.
  - Actively inform their Executive Manager, Supervisor and/or the HSR of any factors or hazards which may affect their own/or others' psychological health and safety.

## **PROCEDURES:**

### General:

Executive Managers and Supervisors will adopt an ongoing risk management approach, in consultation with workers, to identify workplace psychosocial hazards. As part of this approach the following hazards will be considered:

- Job demands
- Job insecurity
- Low job control
- Fatigue
- Poor support
- Lack of role clarity
- Poor organisational change management
- Inadequate award recognition
- Poor organisational justice
- Traumatic events or material
- Remote or isolated work
- Poor physical environment
- Violence and aggression
- Bullying
- Harassment including sexual harassment
- Conflict or poor workplace relationships and interactions
- Personal factors, family demands or health factors

Incidents, near misses, illnesses and other unplanned absences and worker turnover will be reviewed to check if they could be attributed to the effects of psychosocial hazards.

Executive Managers or Supervisors will put in place appropriate risk controls to reduce or eliminate psychosocial hazards in consultation with workers. These may include the following:

- Improving the work environment to reduce stressors (e.g. installing sound dampening technology or enclosing machinery to isolate workers from unpleasant or hazardous noise, increasing the lighting in darker areas)
- Allowing more time for difficult tasks to be completed safely, especially by inexperienced workers
- Matching work allocation with appropriate resourcing, including adequate numbers of workers, worker competencies, and levels of exposure to psychosocial hazards
- Designing work systems to minimise confusion by clearly defining workers roles, reporting structures, tasks and performance standards

- Structuring work planning to facilitate better work/life balance for workers required to work away from home
- Providing workers with control over their work pace and allowing them to take breaks to manage their workload and fatigue.
- Increasing the level of practical support during peak workloads
- Using a sensitive and informed approach when responding to complaints of work-related violence and aggression, work-related bullying and sexual harassment and ensuring investigations are fair, independent and handled in a sensitive way
- Using a sensitive and informed approach to minimise the risk of work-related violence and aggression, so far as is reasonably practicable
- Task rotation where possible for those particularly monotonous or demanding (mentally, emotionally or physically)
- Having clear expectations about acceptable behaviours at work
- Providing appropriate consultation and training for workers to prepare for the introduction of new equipment, software or techniques
- Providing PPE to protect from workplace stressors, i.e. gloves, goggles, and personal duress alarms

Any new risk controls put in place must be accompanied with the information, training, instruction or supervision necessary to maximise its effectiveness. Time must then be allowed for workers to adjust to the implementation or changes (e.g. new work processes) before assessing their value. Workers and the HSR must then be consulted on how they think the improvements are working and if it is felt any further changes should be made.

Through all steps of psychosocial hazard management and risk control adoption, workers should be encouraged and supported to engage with the HSR, EAP and medical professionals to maintain and improve on their own mental health.

**HEAD OF POWER:** Work Health and Safety (Managing Psychosocial Hazards at Work) Code of Practice 2024, Work Health and Safety Act 2020

**REFERENCES:**

- Work Health and Safety Act 2020
- Work Health & Safety Regulations 2022
- Work Health and Safety (Managing Psychosocial Hazards at Work) Code of Practice 2024
- Code of Practise - Psychosocial hazards in the workplace

## A22 RECOVERY OF RATES AND OTHER DEBTS

### Administration

**PREAMBLE:** To provide a framework for collection of unpaid rates and the recovery of other debts.

**OBJECTIVE:** To receive the maximum amount of rateable income each year and to recover all other outstanding debts in accordance with the relevant legislation and legal processes.

Acknowledging that for each ratepayer /debtor circumstance impacts on their ability to pay. The Shire's framework of collection has to be sufficiently rigid to accommodate those who are not in genuine hardship, but equally flexible to accommodate the needs of those in hardship who are currently having difficulties to pay.

### PROCEDURE:

**RATES:** For the collection of unpaid rates staff shall adopt the following procedures where the ratepayer has not chosen to pay by instalments and is not an eligible pensioner:

1. Where rates remain outstanding after the due date shown on the Rates Notice, a Final Notice will be issued requesting payment in full within fourteen 14 days;
2. If rates remain outstanding 14 days after the date of the Final Notice and the ratepayer has not contacted this Shire, the ratepayer is referred to the Shire's debt collection agency who will issue a letter of demand;
3. If the ratepayer does not respond to the debt collection agency's Demand Letter within fourteen (14) days management will consider the optimal debt collection action given the size of the debt, the cost of further legal action and the ratepayer's payment history.  
Options for debt collection action depending on the factors above include:
  - a. Issue General Procedure Claim, followed by a Default Judgement and then potentially a Property Seizure and Sale Order against the land;
  - b. Given the cost of the action above and the fact that Default Judgements expire, if the debt is small – take no further action until rates and service charges are outstanding for more than three years. At this point, ~~action may be taken under section 6.64~~ ~~action can be taken until s6.64~~ of the *Local Government Act 1995* to possession of the property and either lease, sell, or cause the property to be transferred to the Crown or the Shire.

Once the ratepayer has been referred to the debt collection agency any legal fees incurred by the Shire for the collection process will be added to the ratepayers account.

The Shire staff will make a judgement in relation to whether the payee has any other financial transactions with the Shire where the debtor may also be a creditor. If this is the case action to apply credit to debts should be considered before reference to the Magistrate.

**OTHER DEBTORS:** For the collection of outstanding debtors staff shall follow the following procedure:

1. Where the debt remains outstanding 30 days after the due date a reminder sticker is placed on the statement;
2. Where the debt remains outstanding 60 days after the due date a reminder letter is sent to the debtor explaining that unless the debt is paid within 30 days or the Shire has been contacted to arrange a payment plan, the debt will be referred to the Shire's debt collection agency;
3. Where the debt remains outstanding 90 days after the due date and the debtor has not contacted the Shire, the debt is referred to the Shire's debt collection agency as per Step 2 in the Rates section above. The debt collection agency follows the same process to recover the debts.

Note: Before the debt is referred to the debt collection agency, the Executive Manager of Financial Services will be consulted to ensure this action is appropriate given the size and nature of the debt.

### REQUEST FOR TIME TO PAY / PAYMENT PLAN

- Any request for an extension of time to pay rates must be submitted to the Shire in writing
- ~~The request for an extension of time shall also state the date that payment in full is expected to be made.~~
- Where the debt remains outstanding 60 days after the due date a reminder letter is sent to the debtor explaining that unless the debt is paid within 30 days or the Shire has been contacted to arrange a payment plan, the debt will be referred to the Shire's debt collection agency;
- Where the debt remains outstanding 90 days after the due date and the debtor has not contacted the Shire, the debt is referred to the Shire's debt collection agency as per Step 2 in the Rates section above. The debt collection agency follows the same process to recover the debts.

Note: Before the debt is referred to the debt collection agency, the Executive Manager of Financial Services will be consulted to ensure this action is appropriate given the size and nature of the debt.

### REQUEST FOR TIME TO PAY / PAYMENT PLAN

~~Any request for an extension of time to pay rates must be submitted to the Shire in writing by completing the Application for Rates Repayment Arrangement Form below.~~

~~The request for an extension of time shall also state the date that payment in full is expected to be made. All applications for extension of time to pay can be considered and determined by the CEO under delegation and the granting of time to pay must be recorded in the Delegation Register presented to Council each month.~~

### RATES DISCOUNTS

To attract the rates discount, rates must be received in the Shire Office by 4.30pm on the due date, or mail is to be postmarked on or before the due date. Under no other circumstances will a discount be allowed after the due date.

**PROCESS:** A number of internal and external processes are applicable to rates collection. Staff are to be mindful that normal debtors' collection processes are to be fair and equitable across all collections, even when targeting tardy payees.

All processes are to be documented sufficient so that a transaction record of all conversations, letters and payments provide a full and complete picture of the actions taken by all parties in the collection process.

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

**HEAD OF POWER:** ~~Local Government Act 1995 – sections 6.45, 6.49, 6.51, 6.56 and 6.64~~ Local Government Act 1995

## APPLICATION FOR RATES REPAYMENT ARRANGEMENT

<b>Your Details:</b>					
Assessment Number:					
Full Name(s) as per rates notice:					
Property Address:					
Postal Address (if different to address above):					
Daytime Contact Number:					
Email Address:					
<b>Proposed Arrangement Plan:</b>					
\$	per		month		Commencing: _ / _ / _
<b>Conditions:</b>					
By signing this form, I agree to the conditions below:					
<ul style="list-style-type: none"> <li>Late payment interest of 11.00% pa will accrue over the payment period. You will to contact the Shire prior to your last payment to confirm the final amount.</li> <li>It is the responsibility of the ratepayer to ensure the agreed amounts are paid on or before the agreed due date. Reminder notices will not be issued.</li> <li>Failure to adhere to the above conditions may result in the Shire of Kulin cancelling the arrangement. Full payment will be required including any accrued penalty interest, or normal debt collecting procedures may then be commenced.</li> </ul>					
Signature:					
Authorising Officer:			Date:		

Please return completed form:

By Post:  
Shire of Kulin  
PO Box 125  
Kulin WA 6365

By E-mail to:  
[rates@kulin.wa.gov.au](mailto:rates@kulin.wa.gov.au)

Or in Person at Shire Office:  
38 Johnston Street  
Kulin WA 6365

Shire bank details for electronic funds transfer are as follows:

Account name:	Shire of Kulin
BSB number:	633 000
Account number:	109 795 369
Reference:	Assessment Number above

## **A23 REGIONAL CO-OPERATION AND SERVICES**

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### **Administration**

**PREAMBLE:** Definition of Regional Cooperation:

Regional Cooperation is defined as 'The investigation, establishment, and/or maintenance of any scheme, development, project, plan or similar activity undertaken by the Shire of Kulin in conjunction with any 2 or more local governments within the Roe region of the State.

**OBJECTIVE:** To establish parameters to guide staff and Council when drafting the annual and long-term strategic plans and/or annual budget and Long-Term Financial Plans.

**PRACTICE:** That in the course of preparing its annual budget, Council shall consider participation in activities and projects of a regional nature. This specifically excludes items of expenditure in resource sharing of services that have already been established and are already subject to a budget allocation, and are the subject to separate Council resolutions and strategic plans that may be agreed to from time to time where the Shire's involvement achieves a saving to ratepayers.

**PROCESS:** As the Shire is supportive of regional cooperation and resource sharing, this budget guideline has been adopted to ensure that a minimum of funds is allocated so that projects that arise after the budget has been adopted can still be considered.

**HEAD OF POWER:** Local Government Act 1995

## A24 — RISK MANAGEMENT

### Administration

**PREAMBLE:** The Shire of Kulin acknowledges that there is a level of risk associated with the projection of the creation and the maintenance of assets and services. The process for the development of new assets per the Assets Management Plan identifies risk assessment by application of the Australian Standard AS/NZS ISO 31000:2018 — Risk Management — Principles and Guidelines.

Prior to the implementation of a new strategy, activity, service, event or project, officers of the Shire of Kulin will analyse the likelihood and consequence of any risks associated with the subject matter and recommend to management and/or the Council whether the level of risk is acceptable, manageable or not manageable at all.

Officers will assess the level of risk using this policy and Australian Standard AS/NZS ISO 31000:2018 — Risk Management — Principles and Guidelines.

#### Risk Management Definition:

"...the possibility of something happening that impacts on your objectives. It is the chance to either make a gain or a loss. It is measured in terms of likelihood and consequence."

**OBJECTIVE:** To ensure that sound risk management practices and procedures are fully integrated into the Shire of Kulin strategic and operational planning processes and day to day business practices.

**PRACTICE:** The CEO, Managers and employees of the Shire of Kulin are committed to the implementation of an enterprise wide risk management approach to identify and manage all risks and opportunities associated with the performance of the Shire of Kulin functions and the delivery of services.

To achieve this practice a risk management strategy has been developed for the organisation. In implementing this strategy, the Shire of Kulin will actively;

- identify and prioritise all strategic and operational risks and opportunities using the risk management process;
- ensure risk management becomes part of day to day management and processes;
- provide staff with the practices and procedures necessary to manage risks;
- ensure staff are aware of risks and how to identify, assess and control them; and
- compile and monitor a register of operational and strategic risks in order to achieve continuous improvement in risk management.

Australian Standard AS/NZS ISO 31000:2018 — Risk Management — Principles and Guidelines shall be used as the model for the implementation of the risk management strategy and process within the organisation.

Management and staff are to be familiar with, and competent in, the application of risk management principles and practices and are accountable for applying them within their areas of responsibility.

The following risk categories are to be considered in application of this policy:

- Reputation
- Environment
- Financial
- Operational
- Health
- Legal & Regulatory
- Assets

The level of risk associated with the consequence of the risk outcome is to be considered by the following table:

Specific responsibilities are:

Chief Executive Officer and Operational Managers;

- to promote risk management as a vital business principle;
- to manage implementation and maintenance of the risk management policy in their areas of responsibility and create an environment where staff are responsible for and actively involved in managing risk;
- implement and review the risk management strategy and provide advice in relation to risk management matters;
- to facilitate training on the implementation of risk management.

**PROCESS:** Officers will assess the risk of all operational and strategic decisions including all decisions made under delegated authority and or referred to a Council Committee or an Ordinary meeting of Council.

Officer reports will identify if there is a likelihood of risk associated with the item subject of the report and advise the outcome of the risk analysis in accordance with this policy.

Council and committee reports may include a reference to risk, explaining if a risk has been identified and how the risk is to be managed based on this policy and other relevant matters.

Where the outcome is high or very high the finding is to be disclosed.

Action, if any is to be recommended with regard to treatment of the risk or to not proceed with the project.

**HEAD OF POWER:** Local Government Act 1995, Australian Standard AS/NZS-ISO 31000:2018— Risk Management—Principles and Guidelines

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**RISK CATEGORY CONSEQUENCE TABLE –GUIDELINE**

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<b>RISK CATEGORIES</b>	<b>REPUTATION</b>	<b>ENVIRONMENT</b>	<b>FINANCIAL</b>	<b>OPERATIONAL</b>	<b>HEALTH</b>	<b>REGULATORY</b>	
<b>SEVERE</b>	Irreversible damage to reputation, very high level of public embarrassment, very high media attention, many public complaints	Catastrophic irreversible environmental harm or permanent negative impact on urban design or heritage structure	\$250,000+	Most objectives cannot be achieved and business will not operate	Death or disablement	Investigation by authority and significant penalty awarded. Very serious litigation, including class actions.	Significant imposition of cost on ratepayers and loss of service
<b>SIGNIFICANT</b>	Damage to reputation, public embarrassment, high media attention, several public complaints, third party intervention	Very serious, long-term environment impairment of ecosystem functions	\$150,000–\$250,000	Some of the major objectives cannot be achieved, business can still deliver but not to expected level	Loss time injury	Major breach with potential major penalty and/or investigation and prosecution by authority. Major litigation.	Medium to long term financial implications and loss of ability to maintain a level of service
<b>MODERATE</b>	Moderate impact and media attention, public complaint	Serious medium-term environment effects	\$50,000–\$150,000	Some objectives effected, can continue as usual with minor controls executed	Medical treatment	Serious breach with investigation by or report to authority. Moderate penalty possible	Potential increase in future cost and impact on community access to facilities
<b>MINOR</b>	Low impact, with low profile, low media attention, possible complaint	Moderate, short-term effects but not affecting ecosystem functions	\$10,000–\$50,000	Minor impact, easily dealt with, still business-as-usual	First aid treatment	Low/level legal issue. Penalty or prosecution unlikely.	No impact on community lifestyle
<b>INSIGNIFICANT</b>	Low impact, with low profile and no complaint	Minor effects on biological or physical environment	\$10,000	Little impact, business-as-usual	No injuries	No action	Little or no impact

## A25 SMOKE FREE – SHIRE WORKPLACES AND BUILDINGS

### Administration

**PREAMBLE:** ~~The Shire of Kulin recognises the health and safety risks associated with smoking and vaping in workplaces and is committed to maintaining a smoke and vape free work environment within enclosed workplaces and Shire facilities. It is recognised that it is the right of individuals to decide whether they choose to smoke or vape, or not, however, increasing evidence indicates “passive smoking” is harmful to health and, accordingly, the Shire has adopted a smoke free working environment practice for all internal or enclosed working areas. As staff attend all Shire Buildings and this could be regarded as a worksite – smoking and vaping will only be permitted outdoors.~~

**OBJECTIVE:** The objective of this practice is to protect the health of employees by eliminating risks associated with smoking and vaping in the workplace.

**PRACTICE:** ~~Smoking and vaping are prohibited within enclosed workplaces, Shire buildings, Shire vehicles and other designated smoke-free areas. There will be no smoking within 5 metres of all internal or enclosed work areas as follows:~~

1. All offices and buildings which are regularly occupied by employees, including:

- Fire escapes and stairs
- Foyer and passageways
- Lunchrooms, kitchens and common rooms
- Toilets
- Meeting Rooms



2. All Shire vehicles, including cars, trucks and plant

3. Smoking and vaping is strictly prohibited in those areas or workplace that are signposted with prohibitive signs or where there is a high fire risk.

**PROCESS:** Employees who wish to quit smoking or vaping by utilising sponsoring programs aimed at smoking cessation may be supported subject to merit and with the approval of the Chief Executive Officer.

Where practicable signs will be posted to indicating a “Smoke Free Environment”.

Managers and supervisors are responsible for enduring compliance with the practice.

Employees can assist in the implementation of this practice to ensure health and safety of themselves and their fellow employees.

**HEAD OF POWER:** Local Government Act 1995

## A26 RECORDS MANAGEMENT

### Administration

**PREAMBLE:** Records provide fundamental evidence of the decisions and actions undertaken by the Shire whilst also serving as a tool for planning for the future. It is for this reason that legislation exists to ensure that records are properly maintained and preserved for future generations. Records are recognised as an important information resource and it is accepted that sound record management practices will contribute to the overall efficiency and effectiveness of the Shire.

**OBJECTIVE:** To ensure the Shire of Kulin is committed to the management of records and meets the statutory requirements of the applicable legislation.

**PRACTICE:** Shire of Kulin Policy Manual A8 Primary Documents lists the Recordkeeping Plan for the Shire of Kulin. ~~This document is currently under review (April 2024) by the State Records Office.~~

The purpose of the Recordkeeping Plan is to set out the matters about which records are to be created by the Shire of Kulin and how it is to keep its records. The Recordkeeping Plan provides an accurate reflection of the recordkeeping program within the organisation, including information regarding the organisation's recordkeeping system(s), disposal arrangements, policies, practices and processes. The Recordkeeping Plan is the primary means of providing evidence of compliance with the Act and the implementation of best practice recordkeeping within the organisation.

The objectives of the Shire of Kulin RKP are to ensure:

- Compliance with Section 28 of the *State Records Act 2000*;
- Recordkeeping within the Local Government is moving towards compliance with State Records Commission Standards and Records Management Standard AS ISO 15489;
- Processes are in place to facilitate the complete and accurate record of business transactions and decisions;
- Recorded information can be retrieved quickly, accurately and cheaply when required; and
- Protection and preservation of the Local Government's records.

In accordance with Section 17 of the Act, the Shire of Kulin and all its employees are legally required to comply with the contents of this Plan.

This Recordkeeping Plan applies to all of the Shire of Kulin's:-

- Employees;
- Contractors;
- Organisations performing outsourced services on behalf of the Shire; and
- Elected members.

**PROCESS:** Recordkeeping Policy and Procedures are outlined in the Shire of Kulin Recordkeeping Plan and detail policy in relation to:-

#### Creation of Records

All staff and contractors will create full and accurate records, in the appropriate format, of the Shire of Kulin's business decisions and transactions to meet all legislative, business, administrative, financial, evidential and historical requirements.

#### Capture & Control of Records

All records created and received in the course of Shire of Kulin business are to be captured at the point of creation, regardless of format, with required metadata, into appropriate recordkeeping and business systems that are managed in accordance with sound recordkeeping principals.

**Security & Protection Of Records**

All records are to be categorised as to their level of sensitivity and adequately secured and protected from violation, unauthorised access or destruction, and kept in accordance with necessary retrieval, preservation and storage requirements.

**Access to Records**

Access to the Shire of Kulin’s records by staff and contractors will be in accordance with designated access and security classifications. Access to the Shire of Kulin’s records by the general public will be in accordance with the Freedom of Information Act 1992 and Shire of Kulin policy. Access to the Shire of Kulin’s records by elected members will be via the Chief Executive Officer in accordance with the Local Government Act 1995.

**Appraisal, Retention & Disposal Of Records**

All records kept by the Shire of Kulin will be retained and disposal of in accordance with the General Disposal Authority for Local Government Records, produced by the State Records Office of WA.

**Specific Policies and Procedures**

Detailed in Recordkeeping Plan.

**HEAD OF POWER:** Local Government Act 1995

## A27 — INVESTMENT POLICY

### Administration

**PREAMBLE:** The Shire of Kulin invests surplus funds in accordance with legislative requirements and prudent financial management principles to ensure the security of funds, maintenance of liquidity and achievement of appropriate returns within acceptable risk parameters.

**OBJECTIVES:** To provide a framework for the investment of surplus funds in accordance with legislative requirements and sound financial management principles. ~~To provide guidance to those delegated the authority to invest surplus funds~~

### PRACTICE:

#### Detail

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 predetermined market average rate of return that takes into account the Council's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles.

### 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

### 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 the Executive Manager of Financial Services subject to regular reviews.

### Prudent Person Standard

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

### Ethics and Conflicts of Interest

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

### Approved Investments

Without approvals from Council, investments are limited to:

- State/Commonwealth Government Bonds;
- Interest bearing deposits;
- Bank accepted/endorsed bank bills;

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- Commercial paper;
- Bank negotiable Certificate of Deposits; and
- ~~Managed funds may only be utilised where permitted under applicable legislation and specifically approved by Council. Managed Funds with a minimum long term Standard & Poor's (S&P) rating of "A" and short term rating of "A2".~~

#### 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.

#### Reporting and Review

A monthly report will be provided to Council in support of the monthly statement of activity.

**HEAD OF POWER:** Local Government Act 1995

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## **A28 PORTABLE AND ATTRACTIVE ASSET REGISTER POLICY**

**PREAMBLE:** Shire of Kulin manages a number of significant assets ~~which, due to their nature, portability or value, may be susceptible to theft, loss or misappropriation, by nature and value, can be particularly susceptible to theft or loss.~~ These assets are referred to as Portable and Attractive Assets. The Policy details how the Shire of Kulin will account for and manage these ~~particular items~~ assets.

**OBJECTIVE:** This Policy enables a consistent and practical approach to the administration and control of portable and attractive assets with reference to internal control and audit requirements.

All items of a capital nature are capitalised ~~in accordance with the Shire's adopted accounting policies and relevant financial management regulations based on the threshold as determined by the Local Government (Financial Management) Regulations 1996—17A(5).~~ Items that are not capitalised and are considered by management to be of a portable and attractive nature, are recorded in a separate Portable and Attractive Asset register.

Portable and Attractive Assets are defined as those, which by their nature are easily transported out of the Council, or may be subject to the temptation of theft or misappropriation, irrespective of their value.

These items/assets may include:

- Televisions
- Computers & Printers
- Laptops & iPad
- Microwaves or other Kitchen equipment
- Power Tools
- Cameras
- Mobile Phones
- Audio Visual Equipment

Exclusions from the Portable and Attractive Asset Register include:

- Items that individually exceed asset capitalisation threshold of \$5,000 or are capitalised as a group or network of assets.
- Other items considered to be fixtures and secured to buildings or other corporate assets.

**PRACTICE:** All staff are responsible for the Portable & Attractive Assets. They will ensure all possible means are taken for its proper use and safekeeping. Any damage incurred or repairs required will be brought to the attention of the relevant manager or their delegate as soon as possible.

Recording

To facilitate effective internal management and control over these assets, the assets will be registered and maintained. However, it is acknowledged that tracking for "all" assets is not always feasible in a check-in / check-out register – as the administrative cost to maintain such a register may be prohibitive.

Where possible, assets on the register will be assigned a location and custodian who, due to their ability to exercise management and control over the assets, will be responsible for safe custody. Assets are removed from the register when they are disposed of, due to being obsolete, damaged beyond repair, or lost/stolen. However, assets that are lost or stolen may only be identified during a stocktake.

Portable and Attractive  
Asset Register List  
Shire of Kulin



Location	Item	Description/Condition	Date Purchased	Quantity	Approx. Value of Item	Serial #	Area/Manager	Disposal Date

**Stocktake**

The relevant manager of each service area will be responsible for ensuring an annual stocktake of all registered Portable & Attractive Assets within their jurisdiction. Highlighting any items that are identified as stolen, damaged, lost or unaccounted for in detail.

**Reporting**

A report will be produced annually for each manager. Each manager will be responsible for taking stocktake of the items in their custody and providing an update on the assets condition.

Outcomes of stocktakes will be reported to the Executive Manager of Financial Services.

**Disposal**

Assets that are deemed to be no longer required are to be returned to the relevant manager or their area for disposal. The principles and practices for disposal where there is a residual value should comply with section 3.58 of the Local Government Act 1995 – Disposing of property.

**HEAD OF POWER:**

[Local Government Act 1995](#)

[Local Government \(Financial Management\) Regulations 1996](#) ~~Local Government (Financial Management) Regulations 1996~~

## **A29 CLOSED CIRCUIT TELEVISION (CCTV) OPERATIONS POLICY**

### **Administration**

**PREAMBLE:** The Shire of Kulin operate a number of internal and public facing CCTV cameras and this policy provides guidance to assist in the installation and operation of new and existing CCTV infrastructure.

**OBJECTIVE:** This policy document provides guidance on operation, management and reporting protocols for Closed Circuit Television (CCTV) owned by the Shire of Kulin:

- within, on or around Shire facilities;
- in public places within the Shire of Kulin.

The policy also provides guidance to ensure a consistent approach in identifying suitable locations when considering future public facing CCTV installation within the Shire of Kulin.

### **PRACTICE:**

#### Purpose

The Shire of Kulin conducts CCTV operations in order to:

- act as a visual deterrent to crime and anti-social behaviour and to detect and respond to criminal offences against people or property within the Shire of Kulin;
- record evidence to support investigations and prosecutions by Police in relation to offences; and
- address community safety concerns of residents, workers, business proprietors, visitors and employees of the Shire of Kulin.

All CCTV cameras are to be operated fairly, within applicable law, and for the purposes which they were established or subsequently agreed to.

#### Location

In determining CCTV camera location and placement in public places, the following factors (in consultation with key stakeholders) will be considered:

- incidence of criminal activity
- level of human activity
- logistical requirements
- value to the network
- the surveillance is legally permitted

In determining CCTV camera location and placement in the Shire of Kulin's facilities, the following factors will be considered:

- Security
- Safety of staff
- Prevention of theft from designated areas (tills, cash counters etc)

Prominent and appropriate signage will be permanently displayed in the general location of the camera coverage advising of the presence of CCTV cameras.

#### Access

##### Public Request – CCTV

Members of the general public will not have access to images retained in these systems unless such access is ordered by a legal ruling.

##### Agency, Staff or Elected Member – CCTV

Authorised agencies, such as WA Police or Shire of Kulin staff and elected members can request images from the Shire's public areas CCTV cameras by completing the correct form.

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

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

Responsibility

The Chief Executive Officer is responsible for the application of delegations in regard to the policy.

The Shire's IT contractor is responsible for addressing any technical aspects for CCTV owned, operated, or leased by the Shire of Kulin, including equipment maintenance and upgrades, access to records and training of Shire of Kulin employees.

The Executive Manager of Financial Services is responsible for reviewing and monitoring operations of the policy and administering the day-to-day operations of the CCTV network in accordance with this policy.

**HEAD OF POWER:** Western Australia Closed Circuit Television (CCTV) Guidelines.

## **A30 SHORT-TERM LIQUIDITY AND OVERDRAFT FACILITIES OVERDRAFT FACILITY**

### **Administration**

**PREAMBLE:** ~~The Shire of Kulin may from time to time require access to short-term liquidity facilities to manage temporary cash flow fluctuations. This procedure provides guidance for the establishment and use of overdraft or other short-term cashflow facilities where required.~~ To provide guidance for the use of an overdraft facility for short term unavoidable cash flow purposes.

**OBJECTIVES:** ~~To provide a framework for the prudent establishment and use of short-term liquidity facilities for operational cashflow management purposes.~~ To give the Shire of Kulin the ability to establish an overdraft facility as a short term cash management tool to smooth out temporary fluctuations in cash flow.

### **PRACTICE:**

~~The Shire may establish or access short-term liquidity facilities, including overdraft facilities, where required to manage temporary operational cashflow fluctuations.~~ An overdraft facility is a flexible line of credit providing access to funds to manage day-to-day cash flow needs of Council.

The Shire will avoid the use of the overdraft facility via careful cash management practices. However, if an ~~short term liquidity overdraft~~ facility is required the following guidelines must be adhered to:

1. ~~Any short-term liquidity facility established by the Shire should generally not exceed \$250,000 without specific Council approval.~~ The maximum limit of overdraft facility will be \$250,000.
2. The ~~bank overdraft facility~~ short term liquidity facility may be utilised during the financial year only as a cash management tool to smooth out temporary fluctuations in cash flow. Generally, this would only occur during the immediate period leading up to the issue of rate notices.
3. The ~~bank overdraft facility~~ short term liquidity facility is a form of borrowing that is a high-cost alternative to other forms of funding. As such use of the facility shall be limited whenever possible.
4. The ~~short term liquidity facility~~ overdraft facility will only be used to cover wages, superannuation, and other critical operational creditor payments (for example utility and fuel payments).
5. It is not appropriate for ~~short term liquidity facilities~~ overdraft facilities to be used for medium or long-term financing purposes and its use as an alternative to borrowing is not permitted. At no time is the overdraft facility to be used as an ongoing debt facility or to fund anything except short term cash flow.
6. In selecting the lender to establish an ~~short term liquidity facility~~ overdraft facility the Shire will undertake a transparent process which tests the current credit market and displays good governance principles. This selection process must also consider Shire policy A10 Regional Price Preference Policy. Minimisation of interest and other fees, along with flexibility will be considered.
7. To meet the requirements of the Shire's Master Lending Agreement with the Western Australian Treasury Corporation (WATC), management must get written permission to establish the overdraft facility from WATC.

**HEAD OF POWER:** *Local Government Act 1995 Part 6.20*

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## **A31 DISPOSAL OF ICT ASSETS**

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### **Administration**

**PREAMBLE:** From time to time, the Shire of Kulin may dispose of Information and Communication Technology assets and has prepared this policy to eliminate the risk of important Council information being disclosed to unauthorised entities.

**OBJECTIVE:** This policy determines the guidelines for the disposal of Information and Communication Technology assets.

### **PRACTICE/PROCESSES:**

Assets included in the scope of this policy include:

- Laptop Computers
- Desktop Computers
- Mobile Phones
- Tablet devices
- Other associated equipment such as keyboards, mouses, monitors and printers.

Information and Communication Technology (ICT) assets may be re-used within the Shire or disposed by any of the following methods:

- Donating to “Not for Profit Groups or Organisations” that operate for the benefit of the community.
- Sold to Shire of Kulin staff through an expression of interest process that allows reasonable opportunity for all staff to participate.
- Sold to local community members, if economically feasible, through an expression of interest process that allows reasonable opportunity community members to participate.
- In the absence of the item not being disposed of to an organisation, staff member or individual, the CEO has the discretion to dispose of the asset at the Shire of Kulin Waste Transfer Station or other waste/recycling facility.

Prior to the redeployment of the asset, the responsible officer must ensure that:

- All disposed assets only have the original operating system installed and all other software has been removed.
- All data stored on the device been wiped.
- All capabilities to access to the Shire’s document server, network or other servers, via VPN or otherwise, has been removed.
- The above work must be carried out by a suitably qualified individual or contractor.

The details of the disposal, including officer responsible for the asset, evidence of removal of software & data and who the disposal has been made to, must be reported to the Executive Manager of Financial Services and documented on the Portable and Attractive Assets Register.

**DELEGATION:** To the Chief Executive Officer;

**HEAD OF POWER:** Local Government Act 1995

## A32 DISCOUNTS - RATES

### Administration

#### PREAMBLE:

~~Council may offer ratepayers an early payment discount to encourage prompt payment of rates. Council offers an early payment discount on rates to encourage early payment resulting in improved cash flow ensuring timely payment of employees and creditors.~~

#### OBJECTIVE:

To provide clarity on when the early payment discount applies and to allow the discount to be applied to interim rates.

#### PRACTICE:

~~Council may offer a discount for early payment of rates. Council offers a discount for early payment of rates.~~ The percentage discount is set in the Annual Budget adopted by Council as required by the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

Historically this discount has been 5% on the rates portion of the rates notice. The discount does not apply to rubbish and recycling charges, Emergency Services Levy, swimming pool inspection fees, interest, penalties or legal charges. To be eligible all charges on the rates notice must be paid in full by the due date.

This policy gives the CEO delegation to apply the discount percentage adopted in the Annual Budget to properties subject to an interim rates adjustment prior to 30 June and up to the due date of full year rates notices. ~~Where a discount has been adopted by Council, the discount may also be applied to the rates portion of interim rates notices. The discount will be offered on the rates portion on the interim rates notice.~~

#### PROCESS:

The early payment discount ~~adopted by Council will be~~ ~~is~~ included in the Annual Budget ~~adopted by Council each year. The discount is and~~ itemised on the rates notice. Details regarding discounts are included in the rates newsletter distributed with rates notices.

Timing of payments:

- In person at the Shire Administration Office – must be received by 4:30pm on the due date
- By mail – cheques must be received in the mail on the due date. Ratepayers must factor in slow postal delivery
- Direct Deposit – must be received in the Shire municipal bank account on the due date.

Ratepayers opting to pay their rates in instalments do not qualify for the early payment discount.

*Interim rates:* For properties subject to interim rates adjustments between 26 May and the due date of full year rates notices:

- Original rates notice is sent to the settlement agents, so they are aware of the approximate rates to withhold from settlement proceeds. Letter sent with rates notice informing agents and owners not to pay the rates notices, that interim notices will be sent in October to adjust rates and ownership, and that the early payment discount will be offered on the interim rates notice.
- After the due date of rates notices (usually end of September), interim rates are processed based on Landgate Valuation Schedules. Interim rates notices issued with a 35-day payment term with discount offered for payment in full by the due date.
- CEO must sign off on interim rates batches from Synergy which offer the discount.

#### DELEGATION:

A.19 Discount on rates.

**HEAD OF POWER:** Local Government Act 1995

## **A33 CHILDCARE CENTRE – PAYMENT OF FEES POLICY**

### **Administration**

#### **PREAMBLE:**

The Shire of Kulin operates an approved education and care service and is required to have policies and procedures in place for the payment of fees and the provision of statements of fees charged by the Service. The Shire is committed to providing clear information to families regarding fees, Child Care Subsidy arrangements, absences, payment requirements and debt recovery processes. The Shire also recognises the importance of maintaining continuity of education and care for children while ensuring the Service is financially sustainable and compliant with relevant legislative requirements.

#### **PRACTICE:**

The Shire of Kulin charges fees for education and care services in accordance with the Schedule of Fees and Charges adopted by Council from time to time. Fees are charged for each booked session of care and are payable regardless of attendance, unless otherwise provided for under this policy. The Service reserves a place for the child during the booked session and staffing costs continue to be incurred whether the child attends or not.

Eligible families may receive Child Care Subsidy (CCS), which is paid directly to the Service and applied as a reduction to the fees charged. Families remain responsible for payment of any gap fee and any charges not covered by Child Care Subsidy. Families are responsible for ensuring their Centrelink and Child Care Subsidy information remains current and accurate.

Additional fees and charges may apply from time to time, including enrolment fees, absence fees, and public holiday fees. Any such fees will be included in the Schedule of Fees and Charges or otherwise advised to families. The Shire may review and amend childcare fees from time to time. Families will be provided with reasonable notice of any fee changes.

Families experiencing financial hardship are encouraged to discuss their circumstances with the Service as early as possible. Payment arrangements may be considered on a case-by-case basis at the discretion of the Chief Executive Officer or their delegate.

The following principles apply in relation to fees, Child Care Subsidy, absences, public holidays, debt recovery, late collection and termination of enrolment.

#### **Child Care Subsidy (CCS)**

Eligible families may be entitled to Child Care Subsidy (CCS) through Services Australia. CCS is paid directly to the Service and applied as a reduction to the fees charged. Families are responsible for ensuring their Centrelink information is accurate and up to date, including income estimates, activity levels, enrolment confirmations and any changes in family circumstances that may affect their entitlement.

Any overpayments, underpayments or adjustments made by Services Australia remain the responsibility of the family.

#### **Absences**

Families are requested to notify the Service as soon as practicable if a child will be absent from a booked session of care. Fees may continue to apply during periods of absence in accordance with this policy, the Schedule of Fees and Charges and any applicable Child Care Subsidy requirements.

The Service may consider reduced fees or alternative arrangements in circumstances such as extended illness, family emergencies or other exceptional circumstances, subject to supporting documentation where required.

#### **Public Holidays**

Where a booked session of care falls on a public holiday, fees may apply in accordance with the Schedule of Fees and Charges. The Service reserves a place for the child and continues to incur staffing and operational costs regardless of attendance. Any public holiday fee arrangements will be clearly communicated to families and reflected in the adopted Schedule of Fees and Charges.

#### **Debt Recovery**

Families are expected to pay all fees by the due date specified on invoices.

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Where fees become overdue, the Service will work with families to resolve outstanding accounts wherever possible. This may include reminders, payment arrangements and discussions regarding financial hardship.

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#### **Termination of Enrolment**

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Families wishing to withdraw a child from the Service are required to provide a minimum of two weeks' written notice. Where the required notice period is not provided, fees may continue to apply and families may become liable for the full cost of care. Families should also be aware that Child Care Subsidy may not be payable in certain circumstances, including where a child has not physically commenced care or where absences occur after the child's last physical day of attendance and the requirements of Family Assistance Law have not been met. The Shire reserves the right to cancel an enrolment where fees remain unpaid or where a family fails to comply with the Service's policies and procedures. Any outstanding fees must be paid in full before a future enrolment will be considered.

#### **Employee Childcare Discount**

Eligible employees who are employed, contracted or engaged to work at the Shire's childcare service as an educator or early childhood teacher receive a staff discount for children enrolled at the Service. The discount is calculated at 50% of the full service fee before Child Care Subsidy is applied and must be administered in accordance with Department of Education requirements relating to the early childhood workforce childcare discount. The discount does not affect CCS eligibility, however staff must continue to pay at least 5% of the gap fee.

#### **PROCESS:**

The approved provider, nominated supervisor and relevant staff are responsible for administering this policy and ensuring families are provided with clear information about fees, payment requirements, absences, Statements of Entitlement, overdue accounts and changes to fees.

Refer to the Childcare Centre's – Payment of Fees Policy and Procedure for further detail.

#### **HEAD OF POWER:**

Education and Care Services National Law  
Education and Care Services National Regulations  
A New Tax System (Family Assistance) Act 1999  
Child Care Subsidy Minister's Rules 2017  
Child Care Subsidy Secretary's Rules 2017  
Family Assistance Law  
National Quality Standard – Quality Area 7: Governance and Leadership  
Shire of Kulin Schedule of Fees and Charges  
Shire of Kulin Recovery of Rates and Other Debts Procedure

## **GOVERNANCE**

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## **G1 ~~FLAGS – HALF MAST~~ PROTOCOLS-PASSING OF EX-SHIRE COUNCILLORS, LOCAL RESIDENTS, STATE AND NATIONAL FUNERALS**

### **Governance**

**PREAMBLE:** ~~The Shire of Kulin recognises the importance of acknowledging the passing of former Councillors, community members and dignitaries through appropriate civic and flag protocols as a mark of respect to the deceased, their families and the community. As a sign of recognition and respect to past Shire Councillors, local residents and for State and National funerals the Shire wishes to acknowledge to the family and community their respect and high regard for the deceased.~~

**OBJECTIVE:** ~~To provide guidance regarding the flying of flags at half-mast and other bereavement acknowledgements undertaken by the Shire in recognition of community service, civic contribution and official State or National mourning protocols. To be respectful toward the people that have committed many long hours of community service. To show the families that the people still remember the commitment made for the community by their loved ones and to conform to State and National protocols for funerals.~~

~~Providing bereavement response from the Shire.~~

**PRACTICE:** On receiving advice that a past Councillor of the Shire of Kulin has passed away, the Chief Executive Officer is authorised to fly the Shire Flag (Kulin Shire Flag) at half-mast on the day of the deceased person's funeral as a sign of respect.

On receiving advice that a past Councillor of the Shire of Kulin, or ~~his/her partner~~ their spouse has passed away, the Chief Executive Officer shall forward a sympathy card or place notice in a local newspaper for the family of the deceased on behalf of the Shire President, Councillors and Staff.

All local funerals are to have flag flown at half-mast until after the funeral service.

The National or State flag is to be flown at half-mast at the Shire Office as a mark of respect for the passing of a Dignitary of State, when either the State or National governments have indicated that it is appropriate to do so.

The Australian and New Zealand flags will also be flown at half-mast for ANZAC day services until noon in accordance with Australian National Flag Protocols, as is normal National protocol, then at full mast until dusk.

**PROCESS:** Upon receiving notification of a funeral, memorial service or official mourning protocol, the Chief Executive Officer is to arrange for the appropriate flags, acknowledgements or bereavement responses to be implemented in accordance with this procedure and applicable flag protocols. Once the CEO receives notification that funerals are planned, or official days are approaching, arrangements to ensure the practice is followed are to be put in place.

### **HEAD OF POWER:**

Australian National Flag Protocols  
Department of the Prime Minister and Cabinet flag guidance  
Shire protocols; Australian National Flag Protocols

## G2 RECOGNITION AWARDS and HONORARY SHIRE FREEMAN STATUS

### Governance

**PREAMBLE:** ~~The Shire of Kulin recognises the significant contributions made by individuals to the local community. Recognition Awards and the honour of Honorary Freeman of the Shire provide an opportunity for the Council to formally acknowledge outstanding service, leadership and community contribution. The Shire of Kulin is well placed within the community to recognise significant contributions made by community members. A time-honoured tradition for local government is to bestow Recognition Awards or the honour of Honorary Freeman upon worthwhile recipients.~~

~~Recognition Awards and the honour of Honorary Freeman are honorary distinctions and do not carry any legal or financial benefit. Recipients may however be invited to significant civic functions and events hosted by the Shire. The awards are in title only; no benefit is attached to the award; recipients are however invited to significant events of the local government.~~

**OBJECTIVE:** To establish a practice to guide the Council in a prescribed process for the appointment of Honorary Freeman and other Recognition Awards.

**PRACTICE:** The following shall be taken into account when consideration is given to granting a Recognition Award or the honour of Honorary Freeman Award of the Shire:-

- The award would not usually be presented for excellent service in only one activity.
- The award is intended to recognise service within the local community.
- The award of Freeman is to be seen as independent of any other award.
- This award is to be recognised as the highest honour that the local community, through its elected Council, can confer on one of its citizens. It therefore follows that the award will be conferred sparingly.
- For the award to have the desired standing within the community, it should only be conferred where there is a broad community respect and support~~great pleasure of public approval.~~
- It shall not be restricted to Councillors;
- ~~While not prohibited, it is generally not considered appropriate for the honour of Honorary Freeman to be conferred upon a currently serving Elected Member. It may be awarded to a Councillor in office where the Council considers that the criteria as described has been met;~~
- The length of service as a Councillor is not in itself a criterion;
- Preference shall be given to a person who performs in a voluntary capacity, but this should not preclude the award to a person whose dedication and contribution is significantly above that expected from that occupation;

The contribution to the welfare of the community must involve one or more of the following factors:-

- Significant contribution to the person's time in serving members of the Community for the improvement of their welfare;
- The promotion and attainment of Community services in which a real personal role and contribution is made;
- Whilst difficult to define, the contribution must be outstanding in that it can be seen to stand above the contributions of most other persons.
- ~~It is not seen as desirable that the award of Freeman be presented to a sitting member of Council.~~

### WALGA Honours Program

WALGA updates the policy around its Honours Program regularly. This program recognises service to Local Government by the award of the following Honours:

- Local Government Medal
- Life Membership
- Eminent Service Award (previously Certificate of Appreciation)
- Long and Loyal Service Award
- Merit Award (previously Distinguished Service Award)
- Local Government Distinguished Officers Award

Council may at any time nominate an Elected Member for a WALGA Honours Program award. As guide, a minimum of twelve years of service as an Elected Member should be undertaken prior to a Councillor being nominated for a Long and Loyal Service Award under the Western Australian Local Government Association Honours Program.

## **PROCESS:**

### **Initial Requirements**

A Councillor should submit to the Council a nomination for a particular person to be considered for a Recognition Award or Freeman of the Shire award. This submission is to outline the voluntary service to the community and any other commendable examples of "Community Spirit" to justify the honour.

Council will consider the submission as a matter in which the Meeting will be Closed to the Public.

The proposing Councillor should submit the following recommendation to Council:-

- That the person nominated at the Council be invited to accept the Recognition Award or office of Freeman of the Shire;
- That if the Offer is accepted then arrangements be commenced for bestowal of the honour at the appropriate ceremony and that a draft of arrangements be presented to the Council.
- It is suggested that the Minister for Local Government be consulted with regard to each candidate prior to Council's formal resolution conferring the award.

The Council in its absolute discretion shall determine if the nomination should be accepted, rejected and or put in abeyance. The matter will only be released for Public information after the Award of the Honour through the release of the Motion the subject of the Nomination.

### **After Council Approval of the Nomination;**

Once approval by Council has been given, the Shire President in conjunction with the Administration will determine the appropriate timing and function suitable to award the Recognition Award or presentation of the Honour of Freeman.

Normally up to three months is to be allowed for the preparation for the preparation of all the necessary requirements for the ceremony.

Council at its absolute discretion will determine the size and complexity of the function that will be held as the celebration ceremony.

**HEAD OF POWER:** Local Government Act 1995

## **Eligibility Criteria**

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1. Minimum of 15 years service to the Kulin community in any capacity
2. Resident of the district for all, or most of the period relating to their eligibility
3. Not a currently serving Elected Member or employee
4. Nominee's specific achievement/s must be of a nature that would encourage the local government to nominate that person for an honour under the Australian Honours System
5. The relevant criteria in determining no.4 being:
  - a. demonstrated achievement at a high level
  - b. made a contribution over and above what might be reasonable expected through paid employment; or
  - c. whose voluntary contribution to the community stands out from others who may have also made a valuable contribution.

### Selection Criteria

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Each criteria to be scored out of 5 (whole numbers only) with 5 being the highest possible score.

Elected Member	Level of commitment to their field of activity (20%)	Outstanding personal leadership qualities and personal integrity (20%)	Benefits to the community of the district (40%)	Special achievements of the nominee (20%)	Total

## **G3** **CIVIC HOSPITALITY & REFRESHMENTS**

### **Governance**

**PREAMBLE:** ~~The Shire of Kulin regularly engages with community members, volunteers, government agencies, regional stakeholders, businesses and visitors in the course of conducting local government activities. From time to time, the provision of light refreshments and hospitality is appropriate to support civic engagement, volunteer recognition, professional meetings, workplace culture and community interaction. The Shire of Kulin is a progressive local authority that has an established role as a community and regional leader. The Shire encourages senior employees (the CEO and Executive Managers) to promote the shire as a place to live and do business.~~

~~Many community members volunteer their time freely to contribute to the affairs of the Shire.~~

~~Council and staff regularly engage in discussion and negotiation with business people that are investing or considering investing within the shire.~~

**OBJECTIVE:** To ~~provide guidance regarding~~ be professional in offering the provision of refreshments and hospitality associated with official Shire functions, meetings, community engagement and approved workplace activities following meetings to encourage interaction, the forming of networks and to express thanks to volunteers and to be hospitable toward visitors generally.

**PRACTICE:** All Council and Senior Staff ~~have free reasonable use~~ are authorised to access of the refreshment facilities in the Council Chambers.

Councillors have the authority to extend reasonable use of those facilities to members of the community provided the occasion is to the benefit of the Shire Community.

The Chief Executive Officer is authorised to make reasonable use of these facilities at his/her discretion providing the function is of benefit to the Community.

### **PROCESS:**

The following conditions apply: -

- Use of facilities and consumption of refreshments is not to be abused;
- Use is not permitted for personal benefit;
- Visitors and guests are not to be left in the premises alone at any time;
- A staff member is to be the last to leave the premises and set the security system;
- The facilities are to be tidied up to the extent that empty bottles, plates, dishes; and
- The CEO may ask persons to leave or cease serving refreshments where he/she is concerned for their health, safety and welfare.

Elected members, ~~the CEO and EMFS~~ and Senior Staff are to use their discretion when the facilities are used.

Use should be avoided if there are other people using the meeting rooms at the time that guests are leaving meetings to avoid causing disruption and perception of unprofessional conduct.

**HEAD OF POWER:** Local Government Act 1995 2.10 (Councillors) 5.41 (CEO) 5.44 (Employees)  
Code of Conduct



## G4 COUNCIL MEMBERS – INDUCTION

### Governance

**PREAMBLE:** The Shire of Kulin recognises the importance of providing newly elected Council Members with appropriate induction, information and training to support them in fulfilling their statutory and governance responsibilities. To signal full support for the earliest induction of newly elected Council members.

**OBJECTIVE:** To ensure that newly elected Council members are provided with a comprehensive induction program and associated support to fulfil their roles and responsibilities as an elected member in the earliest possible timeframe.

**PRACTICE:** Newly elected Council members are to receive a comprehensive induction training program in the first four weeks following their election, where practicable, hopefully prior to their attendance at the first Council meeting.

The induction will be coordinated by the CEO in liaison with the Shire President and the newly elected member. The Shire President and CEO and key staff members will present relevant corporation-Local Government information on policy, practices and procedures including updates on current current projects, priorities and operational activities, programs and program activity.

Site visits to key Shire of Kulin facilities will also be provided as part of the new Council member's induction.

**Note:** All Councillors when first elected are to be provided with a Code of Conduct, Policy Manual and the Department of Local Government Guide to Councillors, current Community Strategic Plan and Corporate Business Plan, the current Annual Report and the Annual Budget.

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### Prescribed Training Requirements

#### Prescribed Training Requirements

The Local Government Act 1995 and Local Government (Administration) Regulations 1996 require Elected Members to complete prescribed training within 12 months of taking office following election.

The prescribed 'Council Member Essentials' training currently consists of the following modules:

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

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Failure to complete prescribed training within the required timeframe may constitute an offence under the legislation and may also affect eligibility for certain Council Member allowances or entitlements under current or future legislative requirements.

The Shire will support Elected Members in accessing and completing prescribed training requirements. The Local Government (Administration) Regulations 1996 (the Regulations) requires Councillors to complete a 'Council Member Essentials' course consisting of five modules. Training must be completed by all Councillors following their election within 12 months of taking office. Training is valid for five years.

Non-compliance with the requirement to complete training is an offence under the Act punishable by a fine not exceeding \$5,000.

### PROCESS:

The Chief Executive Officer will facilitate induction and training opportunities for newly elected Elected Members, including access to prescribed training and relevant professional development opportunities.

~~Attendance at conferences, training and development activities will be subject to budget availability and Council policy requirements.~~

~~Incoming Council members will be strongly encouraged to participate in training modules for Councillors provided by West Australian Local Government Association (WALGA) and these can be arranged by the CEO or Manager Executive Support Services. Training and development program attendance will be subject to Shire of Kulin Budget funding availability.~~

**HEAD OF POWER:** Local Government Act 1995

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## **G5 COUNCIL MEMBERS - INITIATED REQUESTS**

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### **Governance**

**PREAMBLE:** To establish workable boundaries in relation to the requests for assistance by Councillors.

**OBJECTIVE:** To ensure the appropriate and efficient handling of Council member-initiated requests for information through the CEO and to avoid any excessive demands and disruption to the carrying out of important day to day operational functions of the Shire of Kulin.

**PRACTICE:** Council members making a request for information are to direct their enquiries to the Chief Executive Officer or; with the CEO's agreement, another staff member.

The following protocols will be adhered to in respect to Councillor Requests for information;

- Council members are entitled to all available information to enable them to fulfil their functions. This does not extend to unlimited access to all records and information held by Shire of Kulin;
- The CEO reserves the right to refuse access to information in the event that the information requested is not considered to be required for fulfilling the Council member's role. Such instances are to be brought to the attention of the Shire President as soon as practicable;
- Requests should be sufficiently detailed to identify the exact information required;
- Council members should respect the privacy of stakeholders, Shire of Kulin members, staff and fellow Council members in the use of information provided;
- Requests should focus on matters currently before Shire of Kulin Council and which are aligned to the Council corporate strategy, priorities and policies;

Assessment and prioritisation of Council members requests will be determined by the CEO based on relative urgency, strategic alignment to adopted priorities and whether there is support through a decision or other endorsed process;

Requests will be actioned as soon as practicable depending on competing priorities and on the complexity of the research required to access, collate and format the information. The CEO is to endeavour to provide the required information within 10 working days.

The CEO is to bring to the Council's attention if any Council member's excessive requests for information are preventing staff from attending to important day to day operational matters;

A Council member who is dissatisfied with the timeliness of information provision or level of cooperation from the administration is to bring the matter to the attention of the Shire President who in turn may bring the matter before the Council.

**PROCESS:** By application direct to the CEO only.

**HEAD OF POWER:** Local Government Act 1995

## **G6 COUNCIL MEMBERS - TRAINING AND DEVELOPMENT**

### **Governance**

**PREAMBLE:** Detailing the nature and extent of training and development provided for Council members.

**OBJECTIVE:** To ensure that Council members have equitable access to a range of relevant training and professional development opportunities to enhance their ability to fulfil their roles and responsibilities as Council members.

To enable Councillors to meet their statutory obligations in relation to Councillor training and gives effect to the requirement to adopt a continuing professional development policy.

Part 5, Division 10 of the *Local Government Act 1995* (the Act) describes provisions related to the universal training of Councillors:

- under Section 5.126 of the Act, each Councillor must complete training in accordance with the Regulations;
- under Section 5.127 of the Act, the CEO must publish a report on the local government's website within one month of the end of the financial year detailing the training completed by Councillors;
- under Section 5.128 of the Act, a local government must prepare and adopt a policy in relation to the continuing professional development of Councillors.

**PRACTICE:** The Shire shall ensure adequate resources are allocated annually in the Shire of Kulin budget to provide the opportunity for Council members to participate in appropriate training and development.

### **Authorised Training / Conferences**

The Shire recognises the value of training to enable Councillors to foster their skills to enable them to meet the ongoing requirements of their role and functions required under the Act.

Council members are permitted to attend the following training opportunities without requiring further Council authorisation:

- Regional meetings in which a training or development element is included;
- WALGA or Central Zone regional conferences, seminars and workshops where a training and development component is included;
- Relevant training of Council members of the member's choice from within the budget allocation, but not exceeding \$1000 per annum.
- This training must be relevant to the member's role, experience and standing and must be assessed in accordance with the following matrix below by the Council to meet the required points of training suitability;
- Costs relating to training required to be undertaken under Section 5.126 of the Act can be over and above Councillors individual budget allocation.
- If the approved delegate, WALGA Annual Conference as part of Local Government week each year.

Councillors should be aware that all training undertaken, including conferences paid for by the Shire needs to be reported and this report published on the Shire's website in accordance with Section 5.127 of the Act.

### **Training / Conference Costs**

Shire of Kulin will meet the costs of all the Council members accommodation, travelling (including meals), and transport and conference costs up to the approved annual allowance for each Council member. The Council members incurred costs shall be paid upon provision of receipts for expenses upon the members return. Over budget expenses supported by receipts shall not be reimbursed to the Council member.

It is Shire of Kulin preference to provide all assistance to the Council member by way of pre-ordering and arranging attendance requirements after attendance approval has been confirmed and before departure to minimise accounting paperwork.

Excepting for the approved delegates at the WALGA Annual Conference,

- Members will be required to meet the additional costs of any partner or family accommodation, expenses incurred and for private travel over and above the number of nights' accommodation and expenses required to attend the training or conference unless directly approved by Council.
- Whilst Shire of Kulin supports Council members in balancing their local government duties with their family commitments, it does not support having to pay the full cost of partner's or family accompanying Council members on Shire of Kulin business.

The Council member is to provide written and/or verbal reports on the key outcomes and important learnings from any training or conference attended at the next Council meeting or within two months of returning from the conference. This is a requirement of attendance and must be an agreed condition in the approval process.

### **Reporting on Training**

In accordance with Section 5.127 of the Act, a report will be published on the Shire's website within one month of the end of the financial year, detailing the training completed by Councillors.

In order to complete the report, Councillors are required to provide evidence of completion of the training to the Executive Support Officer. The report will be a register stating:

- Councillor name
- Each training course or module completed
- Cost of any training and any associated travel and accommodation paid for by the Shire
- Training provider or conference name

For reporting purposes, the costs of group training will be apportioned individually.

### **Additional Training / Conference Opportunities require Council Approval**

In order to receive Council approval for additional training over and above the authorised training Budget (not included costs related to prescribed training) in any year Council members are to provide a written request to the CEO a minimum of one week prior to the distribution of the Council agenda.

For any relevant training opportunities outside of the authorised training listed above or when a Council member has expended his or her budget allocation and wants to access further training, the following conference / training assessment matrix is to be completed by the CEO in liaison with the Shire President and included in the report.

A minimum rating of 20 points is required across the following criteria for the CEO to recommend that the Council approve the Council member's attendance, including the signed commitment to provide written and /or verbal reports on learnings. Assessment matrix provided over page.

**Conference / Training Assessment Matrix Criteria**

POINTS      1      2      3      4      5

Relevance to member's role as Councillor or President as opposed to operational information and roles at the Shire of Kulin.

Value for Money & Cost/Benefit.

Provides direct relevance with Shire of Kulin Strategic Plans and current priorities.

Lack of alternative training opportunities to gain same skills.

Level of quality networking opportunities with peers.

Total Score \_\_\_\_\_

I ..... (Council member)

hereby agree to provide written and/or verbal reports on the key outcomes and important learnings

from the ..... training or conference by the

Council meeting..... (Date) or within two months of returning from the conference.

Signed: ..... Date:.....

## **G7 COUNCIL MEMBERS - PROVISION OF SUPPORT FOR**

### **Governance**

**PREAMBLE:** ~~The Shire of Kulin recognises that Elected Members require reasonable administrative, technological and organisational support to effectively fulfil their governance and community leadership responsibilities. Detailing the nature and extent of support provided for Council members.~~

**OBJECTIVE:** To ensure that Council members have equitable access to an appropriate range of support to ensure that they are able to effectively fulfil their role and provide good governance to the Shire of Kulin.

**PRACTICE:** The Council shall ensure adequate resources are allocated annually in the budget to provide support to Council members so that they may appropriately fulfil their role. The CEO must refer to the Council any request by a Council member for equipment, supplies, information, support, fees, allowances, professional development and/or reimbursement of expenses that is outside of the requirements of this guideline.

In the application of this guideline, the CEO and Council will determine an appropriate range of support needed to meet each individual Councillor's requirements and can include the following;

**Shire President** - In carrying out the duties of that office, benefits and the following services and facilities subject to budgetary constraints:

- ~~Access to suitable office accommodation and meeting facilities within the Shire offices~~ Suitable temporary office accommodation within the Shire of Kulin offices including computer and telephone access;
- ~~Shared Administrative support services coordinated through the Chief Executive Officer administrative and secretarial services provided by the CEO's support including typing, photocopying, printing, postage, telephone reception and appointment management services;~~
- Assistance organising and assisting with any Shire of Kulin ceremonies, meetings and official functions;
- Assistance with media releases and speeches;
- Business cards. A maximum of 200 business cards after election and appointment to the Shire President's position. The business cards will be printed in accordance with the Shire of Kulin Corporate Style Guide. Business cards must be used for Shire of Kulin business only and must not be used for electioneering purposes; all unused cards remain the property of the Shire.
- Hospitality for guests, visitors and staff on official business at the Shire of Kulin.

~~Where a private vehicle is used for approved Shire business, reimbursement may be made in accordance with the Shire's adopted travel reimbursement provisions and applicable rates. The calculation of a private use component for vehicle kilometres if the Shire President's private vehicle is required for business on behalf of the Shire of Kulin. This would apply (when required) over and above presidential allowances and payments for travel. A logbook is to be kept of official use of the vehicle which shall be the basis upon which the costs of business use will be calculated and subsequently paid by the Shire of Kulin.~~

**Council members** - All Council members in carrying out the duties of office will be entitled to receive the benefit of the following services and facilities;

- Access to the Shire of Kulin offices during business hours and before and after meetings including a work desk with telephone access;
- IT support and advice to ensure Council members are able to receive information electronically through the email system where Council members are supplied with a laptop, iPad, tablet or a PC. Support to access the Shire of Kulin systems will be provided;
- IT training in software applications to assist Council members in the effective use of a laptop computer or PC and other information technology required to fulfil their duties;
- Name badges. A name badge will be provided for Council members;

- A hard copy of Shire of Kulin material where this material is not available on the Shire website, with training on how to interpret this information.

~~Where a private vehicle is used for approved Shire business, reimbursement may be made in accordance with the Shire's adopted travel reimbursement provisions and applicable rates. The calculation of a private use component of vehicle kilometres if the Council member's private vehicle is required for business on behalf of the Shire of Kulin.~~

~~Reimbursement of approved expenses will be undertaken in accordance with Council policy, relevant legislation and applicable determinations. Councillors will be reimbursed on completion of a Travel Expense Claim Form.~~

**PROCESS:** The CEO shall ensure adequate resources are allocated annually in the budget. Council members can apply in writing detailing the support they require to fulfil their roles. The CEO must refer all unmet or deferred requests for assistance to the Council for determination.

**HEAD OF POWER:** Local Government Act 1995  
Salaries and Allowances Tribunal Determinations

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## **G8 ELECTED MEMBER AND CEO ATTENDANCE AT EVENTS**

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### **Governance**

**PREAMBLE:** Section 5.90A of the Local Government Act 1995 provides that a local government must prepare and adopt an Attendance at Events policy. This policy is made in accordance with those provisions.

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

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

**LEGISLATION:** 5.90A Policy for attendance at events:

1. *Event* includes the following:
  - Concert
  - Conference (not included in G6 Council Members Training and Development
  - Function
  - Sporting event
  - Occasions prescribed by the *Local Government (Administration) Regulations 1996*.
2. A local government must prepare and adopt\* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —
  - (a) the provision of tickets to events; and
  - (b) payments in respect of attendance; and
  - (c) approval of attendance by the local government and criteria for approval; and
  - (d) any prescribed matter.

\* *Absolute majority required.*
3. A local government may amend\* the policy.

\* *Absolute majority required.*
4. When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
5. The CEO must publish an up-to-date version of the policy on the local government's official website.

### **Provision of tickets to events**

#### **1. Invitations**

- 1.1 All invitations or offers of tickets for a council member or CEO to attend an event should be in writing and addressed to the Shire of Kulin.
- 1.2 Any invitation or offer of tickets not addressed to the Council is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.
- 1.3 A list of events and attendees authorised by the local government in advance of the event is listed under Pre-Approved Events.

## **2. Approval of attendance**

- 2.1 In making a decision on attendance at an event, the council will consider:
- a) who is providing the invitation or ticket to the event,
  - b) the location of the event in relation to the local government (within the district or out of the district),
  - c) the role of the council member or CEO when attending the event (participant, observer, presenter) and the value of their contribution,
  - d) whether the event is sponsored by the local government,
  - e) the benefit of local government representation at the event,
  - f) the number of invitations / tickets received, and
  - g) the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- 2.2 Decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy.

## **3. Payments in respect of attendance**

- 3.1 Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the council determines attendance to be of public value.
- 3.2 For any events where a member of the public is required to pay, unless previously approved, the council will determine whether it is in the best interests of the local government for a council member or the CEO or another officer to attend on behalf of the council.
- 3.3 If the council determines that a council member or CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.
- 3.4 Where partners of an authorised local government representative attend an event, any tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the council.

## **Pre-Approved Events**

- a) Meetings of clubs or organisations within the Shire of Kulin
- b) Any free event held in the Shire
- c) Australian or West Australian Local Government Events
- d) Events hosted by Clubs or Not for Profit Organisations within the Shire to which the President, Elected Members or CEO has been officially invited
- e) Functions or events to which the Shire has provided sponsorship
- f) Cultural events / festivals / exhibitions held in the community
- g) Events run by a Local, State or Federal Government
- h) Events run by Kulin District High School
- i) Major professional bodies associated with local government at a local, state and federal level
- j) Opening or launch of an event or facility within the Shire
- k) Recognition of service events
- l) RSL Club events
- m) Where representation by the President or CEO has been formally requested.

## **Non – Approved Events**

Any event that is not pre-approved, is not submitted through an approval process, or is received personally is considered a non-approved event.

If the event is a free event to the public then no action is required.

If the event is ticketed and the Elected Member or CEO pays the full ticketed price and does not seek reimbursement then no action is required.

If the event is ticketed and the Elected Member or CEO pays a discounted rate or is provided with a free ticket then the recipient must disclose receipt of the tickets (and any other associated hospitality) within 10 days.

**PROCESS:**

**Approval Process**

Where an invitation is received to an event that is not pre-approved, it may be submitted for approval via email no later than three business days prior to the event as follows:

- Events for Councillors will be approved via consultation with the CEO and President; and
- Events for the Chief Executive Officer will be approved in consultation with the President.

Considerations for approval of the event include:

- Any justification provided by the applicant when the event is submitted for approval.
- The benefit to the Council of the person attending.
- Alignment to the Council's Strategic Objectives.
- The number of Council representatives already approved to attend.

Where an Elected Member or the CEO has an event approved through this process and there is a fee associated with the event, then the cost of the event, including for attendance of a partner, is to be paid out of the current year budget.

**HEAD OF POWER:** Local Government Act 1995

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## **G9 GRATUITY PAYMENTS (ELECTED MEMBERS)**

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### **Governance**

**PREAMBLE:** The Shire of Kulin acknowledges that Council Members work in a largely voluntary capacity and to acknowledge a Councillors service will offer a gratuity payment at end of service.

**OBJECTIVE:** To set out what gifts will be given to elected members on leaving office in recognition of their service to the community.

**PRACTICE:** The Shire will give a gift to an Elected Member who has provided satisfactory service to Council for four years or more, the Council authorises the CEO to acquire a suitable gift to be presented to that member.

#### **Value of Gratuity**

Service	Amount of Gratuity
Less than 1, four year term.	At the discretion of President
Four years' service or greater	A gift, or contribution towards a gift, of \$100 per year of service, up to the value of \$1,000.

The decision on the type of gift to be provided is to be made by the Chief Executive Officer and the President, which may include discussion with the relevant Elected Member.

The gift (where appropriate) shall be presented at a Council Meeting or at a function to be determined by the President and Chief Executive Officer.

**HEAD OF POWER:** Local Government Act 1995 (Section 5.100), Local Government (Administration) Regulations (Regulation 34AC)

## **HUMAN RESOURCES**

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## HR1 DRUGS AND ALCOHOL

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### Human Resources

**PREAMBLE:** The Shire of Kulin is committed to providing a safe, healthy and productive workplace for all workers performing work for or on behalf of the Shire of Kulin.

The Shire of Kulin will not tolerate workers attending work or performing work for or on behalf of the Shire whilst under the influence or in possession of alcohol or drugs. These factors can cause impairment or deficiencies in the workers performance and can be a contributing factor in workplace accidents or incidents. The Shire of Kulin will take appropriate action where this occurs.

Scope:

This policy applies to:

- All workers performing work for or on behalf of the Shire.
- All visitors to Shire of Kulin workplaces and
- All Shire of Kulin workplace sponsored functions.

The Shire of Kulin has a legal obligation to manage alcohol and drugs in the workplace. The employer has a duty of care imposed by the *Work Health and Safety Act 2020* to minimise risk and exposure to hazards in the workplace and this will include intoxicated or drug affected workers.

Workers also have a legal duty of care under the *Work Health and Safety Act 2020* to always behave responsibly and not expose themselves or others to safety risks due to impairment caused by alcohol or drugs. This includes not undertaking work if they believe they may be impaired, and reporting to management if they believe another worker, or anyone in the workplace, is affected and may be creating a workplace hazard.

**OBJECTIVE:** This policy aims to:

- Provide a safe work environment and a safe system of work for all workers.
- Minimise the risk of injury to workers or visitors in the workplace.
- Minimise the risk of damage to the Shire of Kulin property and that of contractors or the public.
- Minimise risk of disruption to operations and productivity as a result of illness, injury or damage to property caused by consumption of drugs or alcohol.

Policy Statement:

All workers performing work for or on behalf of the Shire of Kulin are required to be fit for work. Any worker whom the Shire of Kulin reasonably considers is unfit for work due to impairment caused by alcohol or drugs may be subject to drug testing and disciplinary action.

The Shire of Kulin will take reasonable steps to minimise risks to workers themselves and others in the workplace through consultation, education, observation and testing.

The situations in which the Shire of Kulin may reasonably apply the procedures in this policy include but are not limited to:

- Worker/s exhibiting a physical, mental or emotional state that potentially compromises a safe work environment.
- Worker/s presenting for work with a level of alcohol and/or drugs (prescription or otherwise) in their system which is in excess of the cut off prescribed in this policy or in excess of that allowed by law.
  - Workers must have a Blood Alcohol Concentration (BAC) level of 0.00 whilst in the workplace.
  - Workers are prohibited from having any illegal drugs in their system.
  - Workers are prohibited from attending the workplace whilst taking prescription or over the counter drugs or medication that may impair their fitness for work.

**Definitions:**

<b>Alcohol:</b>	Alcohol means ethyl alcohol or ethanol.
<b>AS 3547.1:2019 Breath alcohol testing devices, electronic devices for professional use</b>	Specifies requirements for the performance, testing and marking of breath alcohol testing devices for uses such as, but not limited to, personal, workplace and medical screening purposes.
<b>AS/NZS 4760:2019 Procedure for specimen collection and the detection and quantification of drugs in oral fluid</b>	Sets out procedures for oral fluid specimen collection, storage, handling, on-site screening tests and, if required, dispatch to the laboratory. It also covers applicability of oral fluid for drug testing and general issues related to drug screening on-site and drug screening and/or confirmation in the laboratory.
<b>BAC</b>	Blood Alcohol Content
<b>Drug:</b>	Any substance that may result in psychological or behavioural changes that cause impaired work performance. In this context, the term 'substance' includes, but is not limited to, alcohol, intoxicating products, Prescription Drugs, Non-Prescription Drugs, legal and illegal/illicit Drugs, whether naturally occurring or synthetic.
<b>Duty of Care:</b>	A responsibility owed to another person because of a relationship between the two people.
<b>EAP</b>	Employee Assistance Program
<b>Fit for work:</b>	Refers to an individual's functional capacity (physically, mentally and behaviourally) to perform assigned tasks competently and in a manner which does not compromise or threaten the safety or health of themselves or others.
<b>HLTPAT005 Collect specimens for drugs of abuse testing.</b>	A nationally accredited unit of competency to ensure the participant meets the Standards for an 'accredited collector', for the collection of non-blood specimens including saliva, urine and breathalyser to the Australian Standards.
<b>Illicit or illegal Drugs:</b>	Illegal / Illicit Drugs includes all drugs identified as such by AS/NZS 4308:2023 or drugs which have been synthetically designed to be outside the detection limits of AS/NZS 4308:2023 and are not considered Prescription Drugs or Non-Prescription Drugs.
<b>Impairment:</b>	The alteration of an individual's normal physical and/or mental function which results in diminished ability to safely undertake tasks at the normal level of concentration and performance.
<b>NATA</b>	The National Association of Testing Authorities (NATA) is the recognised national accreditation authority for analytical laboratories and testing service providers in Australia.
<b>Non-Negative Result</b>	A result equal to or above the cut off level or target used in initial On-Site Testing e.g. Blood Alcohol Content (BAC) level above 0.000
<b>Non-prescription Drugs or Over the Counter (OTC)</b>	Non-Prescription Drugs include medications and other substances, both naturally occurring and synthetic, as sold legally over the counter, by a registered medical practitioner (i.e. pharmacist) without a physician's prescription.
<b>Prescription Drugs:</b>	Prescription Drugs includes medications and other substances, both naturally occurring and synthetic, that cannot be legally purchased without a prescription from a registered medical practitioner.
<b>Show Cause</b>	Opportunity to produce satisfactory grounds for application of (or exemption from) a procedure or penalty.
<b>Work Health and Safety Act 2020</b>	An Act to make provision about, and in connection with, the health and safety of workers, health and safety at workplaces, and risks to health and safety arising from work.
<b>Worker</b>	Any person who carries out work for the Shire of Kulin, including work as a worker, contractor, subcontractor, self-employed person, apprentice or trainee, work experience student, or volunteer.

**Responsibilities:**

- The Shire of Kulin has a duty of care to provide a safe workplace to its workers, as per health and safety legislation and common law.
- The Shire Supervisor/Manager is responsible for making the decision as to whether a worker is fit for work and removing any impaired worker from possible harm. (Refer to *Drugs of Abuse Testing - Procedure Flowchart Appendix A*)
- The Shire of Kulin is responsible for ensuring that a worker who is suspected of breaching this policy is provided with transport to and from testing locations.
- If a worker is found to be heavily affected by alcohol or drugs, in addition to complying with the procedures in this policy, it is a requirement of the Supervisor/Manager to:
  - arrange for the worker's next of kin to collect them from the workplace.
  - arrange for alternative transport if the worker's next of kin is unable to collect them from the workplace.
  - advise that their vehicle must be collected as soon as possible, and that the safety and security of said vehicle until its collection is not the responsibility of the Shire of Kulin.
- The Shire Supervisor/Manager is responsible for ensuring the confidentiality (as far as reasonably practicable) of any drug/alcohol suspected incidents.
- Where a worker is directed to undertake an alcohol and or/drug test by the Shire of Kulin, the Shire of Kulin will meet the costs of the initial and confirmation tests regardless of the test results.
- All workers have a corresponding duty of care to take reasonable care so as not to expose themselves or their fellow workers to unnecessary risks. This duty extends to notifying their immediate Supervisor/Manager if they reasonably suspect that another worker may be a risk because they are unfit to work.
- The worker is responsible for advising their Supervisor/Manager of any drug use (including prescription or over the counter drugs), adhering to this policy and subsequent procedures, and following directions with regard to the drug/alcohol testing procedures as outlined.

**Process**

1 **Signs of Impairment**

Impairment can be caused by a range of factors, including alcohol and other drug use. The focus at the workplace should be on worker health and safety management rather than more general concerns about personal health.

- 1.1 It should not be assumed that any observed impairment is caused by alcohol and/or other drug use. Other impairment factors may include fatigue, medical conditions, chemicals, heat, noise and symptoms of work-related stress.
- 1.2 Some work-specific signs that a worker may be impaired by drugs, alcohol or other factors are:
  - a) Repeated accidents, near misses or mistakes
  - b) Altered, uncharacteristic behaviour in the workplace or with colleagues
  - c) Aggressive behaviour or defensive attitude,
  - d) Poor concentration, impaired memory, inattention or carelessness in work duties
- 1.3 If a worker suspects that a person is impaired in the workplace, they should immediately advise a Supervisor or Manager.
- 1.4 Where the ability to work safely is impaired, the Supervisor/Manager or worker should respond in a respectful manner based on the information available.
- 1.5 Any action taken by the Supervisor/Manager toward any person with a suspected impairment should be brief, firm, calm, clear and confidential

2. **Testing Methods**

- 2.1 Testing methods and devices will be in accordance with:
  - a) AS/NZS 4760:2019 Procedure for specimen collection and the detection and quantification of drugs in oral fluid
  - b) AS 3547.1:2019 Breath alcohol testing devices, electronic devices for

- professional use.
  - c) Drugs of Abuse Testing Procedure – Breath and Saliva (see Appendix B)
  - d) Testing device instruction manual.
  - e) Drugs of Abuse Consent and Testing Record (see Appendix C)
  - f) Breathalyser and Saliva Test Instructions (current to available equipment)
  - g) Procedures as provided by independent testers and/or laboratories.
- 2.2 Testing can be conducted by:
- a) NATA accredited laboratory
  - b) Qualified independent tester
  - c) Shire of Kulin staff (Accredited testers) who have completed HLTPAT005 Collect specimens for drugs of abuse testing.
- 2.3 At the discretion of, and in the presence of, the CEO or Executive Management, the tester may self-test prior to any staff testing. If the tester is impaired this policy must be followed as in the case of any non-negative result. The CEO or Executive Manager will determine if staff testing can be continued with a new tester or cancelled.
3. Pre-Employment Testing Procedures
- 3.1 Prior to appointment of all full and part-time permanent positions, and some casual positions, a Pre-Employment Medical Assessment is required. This includes a drug and alcohol screen. Should a non-negative test be returned, the employment appointment may not proceed. (See HR2 Employment Medical)
4. Random/Blanket Testing
- The Shire of Kulin and all its workers acknowledge that the Shire will conduct random or blanket testing of workers for alcohol and drugs to maintain a safe and healthy working environment for all.
- 4.1 Random Testing
- 4.1.1 Workers will be chosen from a declared cohort, using a randomising equation in Microsoft Excel. The cohort list and random pick will be witnessed by all workers present and the result recorded.
  - 4.1.2 The randomly selected workers will then be individually tested for drugs and/or alcohol.
- 4.2 Blanket testing
- 4.2.1 All workers in a declared cohort will be tested for drugs and/or alcohol.
- 4.3 Any Chief Executive Officers, Executive Managers, Managers or Supervisors selected for testing must be tested first.
5. Reasonable cause testing
- Workers may be directed to attend drug and/or alcohol testing where there are reasonable grounds to believe the workers fitness for work may be impaired by drugs and/or alcohol, or there is a work-related incident. A reasonable cause test must be formally requested (see Drugs of Abuse Reasonable Cause Testing Request Appendix D) and should be taken as soon as is practicable after an incident, or when reasonable grounds are identified. These include but are not limited to the following:
- a) Reasonable suspicion of impairment
  - b) Vehicle accidents
  - c) Property damage
  - d) Reportable near misses
- When determining 'reasonable cause', physical symptoms and/or unusual or out of character observable or reported behaviours must be considered.
- Examples of physical symptoms or behaviours include, but are not limited to:
- a) Excessive lateness
  - b) Absences often on Monday or Friday or in conjunction with holidays
  - c) Increased health problems or complaints about health
  - d) Emotional signs –outbursts, anger or aggression
  - e) Changes in personality
  - f) Changes in alertness – clothing, hair, personal hygiene
  - g) Less energy
  - h) Involvement in various minor accidents
  - i) Feigning sickness or emergencies to get out of work early
  - j) Going to the bathroom more than normal

- k) Defensive when confronted about behaviour
- l) Dizziness
- m) Slurred speech
- n) Hangovers
- o) Violent behaviour
- p) Impaired motor skills
- q) Bloodshot eyes
- r) Impaired or reduced short term memory
- s) Reduced ability to perform tasks requiring concentration and coordination
- t) Intense anxiety or panic attacks
- u) Impairment to learning and memory, perception and judgement
- v) Irritability
- w) Depression
- x) Odour of alcohol or drugs

Reasonable grounds testing may also take place where Management staff learns from a credible source, that a worker is at risk of impairment by drugs and/or alcohol, or where a worker is observed (whether by Shire of Kulin staff or a credible source) using, possessing, distributing or consuming drugs or alcohol during work time.

6. Refusal and Policy Breaches

- 6.1 A worker directed by the Shire of Kulin to undertake an alcohol and/or drug test, must comply with the direction. Any refusal to comply with a direction to undertake testing, including being physically unable due to impairment, will be treated as a breach of this policy and will be considered a Non-Negative Result. At the discretion of the CEO, the worker will be suspended immediately without pay and not allowed to return to work (pending disciplinary action) until the refusing worker supplies a confirmatory negative drug and alcohol test result at their own expense.
- 6.2 Any time off work as a consequence of a breach of this policy will be treated as unpaid leave.
- 6.3 A worker who vexatiously reports another worker for breaching this policy (for example, without reasonable grounds or for personal gain) may be subject to disciplinary action.

7. Non-Negative alcohol test (BAC above 0.000)

- 7.1 In the event that an initial breathalyser Blood Alcohol Concentration (BAC) test result indicates a test result higher than 0.000%:
- 7.2 The worker will be immediately stood down without pay and may be subject to further disciplinary action.
- 7.3 The worker must remain on the premises under supervision. The worker will be instructed not to eat, drink or smoke during this period.
- 7.4 A confirmatory breathalyser (BAC) test will be undertaken 20 minutes after the initial test.
- 7.5 The confirmatory (BAC) test is final and must be witnessed by a senior Shire representative (Manager or above). The worker, tester and witness must print their names and sign the Drugs of Abuse Consent and Testing Record.
- 7.6 In the instance of a confirmatory Non-Negative BAC test (above 0.000), the worker will (first offenders only) receive a written warning and be advised that this is a serious offence and will be subject to further investigation and disciplinary action, including potential for dismissal.
- 7.7 Workers will be offered counselling. See H3 Employee Assistance Program.

8. Non-Negative drug test

- 8.1 In the event that the worker returns an initial non-negative drug test result:
- 8.2 The worker will be immediately stood down without pay and must remain on the premises under supervision. The worker will be instructed not to eat, drink or smoke during this period.
- 8.3 The Shire of Kulin will immediately contact a NATA authorised testing centre such as PathWest in Narrogin or Katanning and transport the worker to undertake a confirmatory drug test.
- 8.4 Any refusal to immediately undertake confirmatory testing at an authorised testing centre will be treated as a breach of this policy. Disciplinary action will result and may lead to dismissal.
- 8.5 In the instance of a confirmed positive test result from an authorised testing centre, the worker will (first offenders only) receive a written warning and be advised that this is a

- serious offence and will be subject to further investigation and disciplinary action, including potential for dismissal.
- 8.6 Workers will be required to undergo training/education (what, where, by who, cost?) and be offered counselling (pending any disciplinary action). See H3 Employee Assistance Program.
- 8.7 The worker will not be reinstated until the worker provides a clear test result at their own expense from an authorised testing centre (pending any disciplinary action).
- 8.8 In the instance of a confirmed negative test result from an authorised testing centre then the worker will be reinstated and fully reimbursed for normal hours for the time spent off work during this process.
9. Possession of Drugs or Alcohol at the Workplace
- 9.1 Workers must not have alcohol or other drugs in their possession on Shire of Kulin work premises/sites or consume alcohol or drugs (prescription or otherwise) whilst on the work premises/sites without the knowledge and permission of their immediate Supervisor/Manager. Prescribed or over the counter drugs are permitted if the worker has established with their medical practitioner or pharmacist that the drug does not impact their ability to work safely.
- 9.2 Where there are potential side effects from prescription drugs that may affect a worker's fitness for work, the worker is required to advise their immediate Supervisor/Manager of the potential effect on workplace performance. The Supervisor/Manager will then take any necessary action to assess and minimise any identified risk to worker's safety.
- 9.3 Any workers performing work for/on behalf the Shire of Kulin, who have illicit/illegal drugs in their possession will be asked to leave the work premises/site immediately and will receive disciplinary action, including the possibility of termination of employment.
- 9.4 Where there is reasonable cause to suspect that the worker is in possession of or affected by drugs or alcohol the Shire of Kulin may instigate a search of the workers workplace. This includes lockers or other personal spaces within the workplace. The worker may also be asked to make bags, vehicles or other personal property at the workplace/site at that time available for inspection to ascertain the presence of drugs or alcohol. Failure to do so may be viewed as evasive behaviour and will be the subject of further investigation and may lead to disciplinary action, including the possibility of termination.
10. Cheating – Sample Substitution or Dilution  
A worker found to have, or having attempted to, dilute or substitute a sample provided for testing will be suspended without pay immediately. The incident will be reported to the Chief Executive Officer. The CEO will give the worker the opportunity to 'show cause' why their employment with the Shire of Kulin should not be immediately terminated. The Shire of Kulin views this practice to be a serious offence in trying to create the illusion that the worker is unaffected by the substance. Without reasonable cause being shown by the worker, the CEO will terminate the workers employment immediately.
11. Unable to provide a sample at a testing time  
Workers unable to provide a sample at a testing time will be recorded as a Non-Negative Result. The worker will be suspended immediately without pay and not allowed to return to work (pending disciplinary action) until the worker supplies a confirmatory negative drug and alcohol test result at their own expense. If this occurs at a NATA facility, the worker will be subject to the procedures of the centre they have attended until the worker produces a sample or decides to return at their own expense. Employment will not be reinstated until the worker provides a negative test result (pending any disciplinary action). Continued failure to produce a sample will be considered testing refusal and will be subject to disciplinary action at the discretion of the CEO.
12. Workplace functions
- 12.1 The Shire of Kulin, while not responsible for the private lives of our workers, carries the primary responsibility for safety at work through creating and maintaining a safe working environment. The impact of unsafe behaviour potentially caused by alcohol consumption at workplace functions are emphasised in the creation and communication of this policy.
- 12.2 The Shire of Kulin, at times, makes alcohol available to workers over the age of 18 at work functions. The Shire will minimise risks of that consumption causing harm to others by ensuring non-alcoholic and low-alcohol beverages are readily available. Food will also be offered.

- 12.3 Prior to attending a workplace function, workers will be reminded that the responsibility to limit the amount of alcohol to safe levels of consumption at a workplace function is their personal responsibility.
- 12.4 Driving over the legal blood alcohol limit or under the influence of illicit drugs is illegal and is not condoned by the Shire of Kulin.
- 12.5 Prior Planning – Worker: If there is potential that alcohol consumption at a workplace function may result in driving over the legal blood alcohol limit, then workers are encouraged to organise alternative transport prior to attending.
- 12.6 Prior Planning – Shire: In the event a worker becomes intoxicated at a Shire of Kulin workplace function, or if the Shire of Kulin believes that there is the potential for workers to drive under the influence of alcohol after a workplace function, the Shire of Kulin must ensure that they get home safely.
13. Self referral
- 13.1 Where a worker believes they have a problem with drug or alcohol use, they are encouraged to discuss the matter with their Worker Health and Safety Representative, Supervisor/Manager and/or the Chief Executive Officer, or make use of the available EAP.
- 13.2 Workers will be offered counselling. See H3 Employee Assistance Program.
- 13.3 Time off work to attend drug and alcohol rehabilitation/counselling will be negotiated between the Shire and the worker e.g. annual leave, RDO's etc.
- 13.4 An ongoing Health Rehabilitation Contract will be instated (see Health Rehabilitation Contract Appendix E), where regular discussions with Managers/CEO and ongoing testing will be a feature in an environment of confidentiality.
14. Multiple Drug/Alcohol Offences
- 14.1 Where a worker has breached this policy on more than one occasion, as determined by the CEO, the worker will be suspended without pay from the workplace, pending further investigation and testing.
- 14.2 The worker will be advised that their behaviour is risking escalated disciplinary action, including termination of employment.
- 14.3 If a dependency issue is apparent, the worker will be encouraged to attend appropriate medical assistance or counselling services, and to utilise the EAP – see H3 Employee Assistance Program.
- 14.4 The decision to undertake counselling or other treatment for alcohol or other drug or substance problem is the responsibility of the worker and cannot be made mandatory. However, refusal to accept counselling may result in instant dismissal on second offence.
- 14.5 Discussion may include the instigation of a Health Rehabilitation Contract.
- 14.6 First Offence – Confirmatory BAC above 0.000 and/or confirmed positive drug test
- a) The worker will be formally requested to attend counselling. See H3 Employee Assistance Program. The worker may attend a counselling service of their choosing and at their own cost.
  - b) Before returning to work, the worker must provide satisfactory evidence that any effect on work performance and/or safety has been addressed.
  - c) The worker will meet with their Supervisor/Manager focusing on;
    - i. The unacceptability of the worker's behaviour
    - ii. The risk that such behaviour creates for the safety of the individual and other workers or members of the public
    - iii. The worker's responsibility to demonstrate that the problem is being effectively addressed.
    - iv. The risk of any further offences
- 14.7 Second Offence - Confirmatory BAC above 0.000 and/or confirmed positive drug test
- a) The worker will be formally requested to attend counselling, if none was attended after the first offence. See H3 Employee Assistance Program. The worker may attend a counselling service of their choosing and at their own cost.
  - b) The worker will be instantly dismissed without notice if found to decline the offer of counselling after a second offence.
  - c) At the Shire's discretion, if/upon returning to work (pending disciplinary action), the worker must consent to alcohol and/or drug testing at a frequency and for a period of time that the Shire deems necessary, paid for the Shire.

- e) If confirmatory tests prove positive, their employment will be terminated without notice.
  - f) If the worker refuses to comply, their employment will be terminated without notice.
- 14.8 Third Offence - Confirmatory BAC above 0.000 and/or confirmed positive drug test
- a) The CEO will give the worker the opportunity to 'show cause' why their employment with the Shire of Kulin should continue.
  - b) At the CEO's discretion their employment will be terminated without notice.
15. Instant Dismissal  
The following are guidelines to circumstances that will result in dismissal without notice:
- 15.1 Any attempt to falsify the drug and alcohol screen
  - 15.2 Cultivating, selling or supplying drugs and/or other substances at any Shire of Kulin premises or worksites
  - 15.3 Unauthorised consumption of illicit drugs or alcohol or other substances at any Shire of Kulin premises or worksites during the working period.
  - 15.4 Unlawful behaviour
16. Worker Safety Induction  
An annual safety induction program will run in conjunction with this policy ensuring that workers understand the effects of drugs and alcohol in the workplace in order to make informed choices about their actions and behaviour. Workers will be advised on the effects of different drugs and the potential consequences in the workplace.
17. Employee Assistance Program  
The Shire of Kulin understands that workers may be experiencing drug and alcohol problems that may influence their behaviour, safety and health whilst at work. To assist with the recovery of the worker, the Shire of Kulin has in place a confidential Employee Assistance Program (EAP) – refer separate policy HR3 Employee Assistance Program
18. Confidentiality and Record Keeping  
The Shire of Kulin is committed to ensuring confidentiality and privacy of workers personal information. Accordingly, access to information that is retained on a workers personnel file regarding breaches of this policy and individual test results are strictly controlled and will be restricted to senior management at the Shire of Kulin. See A26 Records Management.

Relevant Legislation/Documents:

Work Health and Safety Act 2020

AS 3547.1:2019 Breath alcohol testing devices, electronic devices for professional use

AS/NZS 4760:2019 Procedure for specimen collection and the detection and quantification of drugs in oral fluid

References:

Guidance Note Alcohol and Other Drugs at The Workplace 2008

WA Government, Alcohol Think Again - Fitness-for-work-alcohol-policy-development WA Government, Alcohol Think Again - Fitness-for-work-alcohol-policy-inclusion

Workplace Health and Safety Queensland, Department of Justice and Attorney- Framework for alcohol and drug management in the workplace - Source: <https://www.worksafe.qld.gov.au/>

[data/assets/pdf\\_file/0022/17185/alcohol-drug-management.pdf](data/assets/pdf_file/0022/17185/alcohol-drug-management.pdf)

<https://www.worksafe.wa.gov.au/duties-relating-drugs-and-alcohol>

**HEAD OF POWER:** Work Health and Safety Act 2020

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## HR2 EMPLOYMENT MEDICAL

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### Human Resources

**PREAMBLE:** All appointed full time and part time permanent employees will be required to undertake a pre-employment medical examination. Casual employees at the discretion of their manager.

**OBJECTIVE:** To ensure that persons being appointed for employment positions at the Shire of Kulin are medically able to perform the duties of the position and that due diligence and a duty of care has been exercised when employing personnel.

**PRACTICE:** All offers of full-time permanent employment with the Shire of Kulin will be subject to a pre-employment medical examination conducted [wherever reasonably practicable] by the Shire's nominated medical practitioner. The appointment and costs associated with pre-employment medicals will be borne by the Shire. Any additional testing required to confirm suitability for the role will be at the expense of the potential employee.

Issues identified and or declarations made that indicate a pre-existing condition that will impact on the capacity of an appointed employee fulfilling the position role will be determined by the Chief Executive Officer, on advice from the Local Government Insurance Scheme (LGIS), WALGA Employee Relations service or the medical practitioner.

The Chief Executive Officer is charged with the responsibility to exercise a duty of care toward the potential employee and where appropriate involve them in a process of determination – considering;

- Extent of the medical condition and its impact on the role,
- Nature of the medical condition and whether it is likely to have a long- or short-term impact,
- Whether the potential employees medical history suggests the condition has potential to expose the Shire to additional medical or workers compensation claims,
- Whether commitments or waivers are appropriate to manage the situation,
- Whether the role can be adjusted to accommodate the medical condition.

Nothing in this process prevents a prospective employee from seeking a second medical opinion and presenting that information to the Chief Executive Officer.

The Chief Executive Officer may determine that a part time or casual position, because of the physical nature of the role requires prospective employees to also have a medical examination.

It is the Shire's preference that all medical examinations and reports be completed prior to confirmation of the employees appointment, BUT in the case where this is not possible, the Shire reserves the right to make the appointment "conditional" upon the completion of a medical examination that highlights no known reasons why the intended employee would not be fit for the role.

Employees found to have misrepresented fact of prior medical conditions in the pre-placement medical report that impact significantly on their capacity to undertake, or continue to undertake the role will be terminated on the basis of a breach of employment conditions and Shire Policy.

The Chief Executive Officer can require a current employee to undergo a medical examination if their role or Position Description changes substantially to the point where suitability is questioned.

The Shire of Kulin conducts a program of health checks (LGIS programmed health checks) every two years to support original medical assessment and has a flu vaccination service for all employees annually as part of an overall health policy.

**PROCESS:** The Chief Executive Officer will upon receipt of a medical examination determine the matter as soon as is practicable.

- the employee's manager will book a pre-employment medical assessment with the Shire's medical practitioner, prior to the employee commencing work;
- the employee's manager will pre-fill the pre-employment medical report with a brief description of the duties of the role.
- The employee will complete the Employee section of the pre-placement medical report prior to the medical assessment and hand this form to the medical practitioner for completion.
- The manager is to give the nomination medical practitioner instructions to return the medical report and account to the Chief Executive Officer;

If, in the opinion of the medical practitioner, the applicant is considered fit for employment, and all other selection processes have been satisfactorily completed, Chief Executive Officer will continue with the formal offer of employment to the applicant in accordance with established procedure.

If, in the opinion of the medical practitioner, the applicant is considered to be unfit, the Chief Executive Officer will notify the applicant verbally and in writing that, based on medical opinion, the formal offer of employment has been withdrawn and the applicant has the option to:

- (a) obtain full details of the examination through their own medical practitioner; and/or
- (b) make application to the Shire's Freedom of Information Officer to obtain specific details of why he/she is considered unfit.

An applicant will only be rejected on physical or medical grounds if:

- (a) the applicant is certified by a medical practitioner as being unfit to perform the direct tasks required of the position; and
- (b) the applicant is physically unable to perform the tasks required of the position; and
- (c) the tasks cannot easily be modified so that they can be performed.

Having a disability or an existing ailment is not grounds for not employing a person where it does not prevent them from performing the required duties. However, care should be taken to:

- (a) seek medical opinion as to whether an existing ailment might be worsened by undertaking the position;
- (b) determine whether there is unreasonable risk of injury, either to the person or to others; and/or
- (c) determine whether it is unreasonably difficult to provide special facilities for the person to be able to work.

Where any doubt is raised about offering employment to a person with a disability, the matter will be referred to the Equal Opportunity Officer who will initiate discussions with the Commissioner for Equal Opportunity and assess any legal implications.

**HEAD OF POWER:** Shire Policy

## HR3 EMPLOYEE ASSISTANCE PROGRAM (EAP)

### Human Resources

**PREAMBLE:** ~~The Shire of Kulin recognises the importance of employee wellbeing and the impact that personal or work related issues may have on health, wellbeing and workplace performance. The Employee Assistance Program (EAP) provides confidential support services to assist employees in managing personal and work-related challenges. To assist in the identification and resolution of productivity problems associated with employees impaired by personal concerns including health, marital, family, financial, alcohol/drug, emotional, stress and any other problems that adversely affect job performance.~~

**OBJECTIVE:** ~~To provide employees with access to confidential counselling and support services to assist with personal, family, health or work-related issues and to support employee wellbeing, and workplace performance. To identify and resolve people issues and identify work performance concerns. To assist people in coping with organisational and personal change and to make available confidential counselling to employees who experience personal or work-related problems such as family crisis, emotional distress or any other difficulty and to also make available crisis/critical incident counselling.~~

**PRACTICE:** The Shire of Kulin seeks to strike a balance between work performance, privacy and the concern of the individual. The Shire has no wish to intrude into the private lives of staff, however, the Shire has a responsibility to take action if problems of a personal nature are adversely affecting work performance, putting other employees at risk; or impact workplace wellbeing, safety or performance, bring the Shire into disrepute.

If the matter is of personal bereavement in nature the Chief Executive Officer is authorised at his discretion to allow compassionate leave with pay to any employee for a maximum of 5 days in lieu of maximums allowed in employment Awards.

**PROCESS:** The Employee Assistance Programs (EAP) is designed to assist employees with personal and work-related problems. The Shire of Kulin recognises that an employee's wellbeing significantly impacts on the work environment.

Counselling services can assist with problems such as interpersonal conflict, work related problems, relationships and family issues, emotional stress, financial difficulties, career issues, grief and alcohol/drug related problems.

#### Eligibility

The Employee Assistance Program is available to ~~permanent full time staff only~~ all Shire of Kulin employees. Employees may be referred by Chief Executive Officer, ~~Executive Manager of Financial Services, Executive Manager of Works or Occupational Health & Safety Officer~~ Managers or other authorised officers, or by self-referral to appropriate outside counselling and support facilities. An information booklet will be provided to staff wishing to participate in the Employee Assistance Program, that outlines the services offered and relevant contact numbers to make a booking. Employees can make bookings personally or request the assistance of the above mentioned Officers.

~~At the discretion of the Chief Executive Officer, a decision to allow employees to attend local counselling as Employee Assistance Program will be weighed against the costs and time loss of non-local services, particularly when paid time off, travel and or other costs become part of the equation. Employees are encouraged to access those services that they believe provide the best results for them over and above costs, and the CEO will be cognisant of the employee's views when making a decision on what services shall be accessed/supplied.~~

#### Leave Provisions

At the discretion of the Chief Executive Officer, paid time off during work hours may be allowed to an employee to attend the local Employee Assistance Program support up to a maximum of 5 working hours over a 12-month period or following a visit to a Doctor in accordance with his/her referral. Over

the phone assistance can be undertaken during working hours also. The Chief Executive Officer is authorised to provide leave in excess of this amount.

**Confidentiality**

A vital feature of the program is the high level of confidentiality and the respect for the employee's privacy. Information on all referrals under the Program will be in strict confidence. Confidentiality means that the Shire of Kulin will not receive any information from the program or any of its counsellors concerning the employee's problem, other than contact in order to arrange for payment of the consultations.

**HEAD OF POWER:** Local Government Act 1995

Work Health and Safety Act 2020

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## HR4 EMPLOYMENT – POLICE CLEARANCE

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### Human Resources

**PREAMBLE:** The assessment of an applicant's suitability for employment with the Shire of Kulin includes consideration of any police record, which may make the person unsuitable for the position.

**OBJECTIVE:** To provide appropriate levels of risk management and awareness in the recruitment process. To ensure that the Police records are as up to date as fits the role of the employee.

**PRACTICE:** All organisations providing ratepayer and grant funded services to youth, children, the disabled and the elderly have a legal responsibility to ensure that the rights and safety of program participants and users generally are adequately protected by thorough background checks on servicing staff.

The requirement to undergo a Police Clearance will be indicated on the Position Descriptions, Selection Criteria and recruitment documentation and at interview so that prospective employees are aware of requirement.

If an applicant refuses to consent to a Police Clearance, staff will then document that the applicant did not demonstrate that he/she possessed the essential selection criteria for the position.

All decisions on Police Clearances must be timely and should not cause undue delay in the overall selection process.

An applicant or employee, who is denied, refused or terminated in employment as a result of a criminal offence history, will be given the opportunity to discuss the history with the CEO or relevant Manager.

A manager may use their discretion when requiring a casual employee provide a police clearance on recruitment. If a casual employee was not required to provide a police clearance at recruitment becomes permanent, a police clearance will be required. For ~~ADULT~~ adult casual staff employed on Local Government operated/sponsored programs for youth, children, the disabled and/or the elderly, WILL be required to provide a Police Clearance. Where required by legislation or the nature of the role, employees and volunteers may also be required to obtain a Working With Children Check in addition to a National Police Clearance.

The cost of obtaining a Police Clearance will be borne by the employee.

The Shire of Kulin requires Pre-employment (where possible) Police Clearances for all adult full-time positions and any other adult part time or casual position that the Chief Executive Officer identifies that may be an area of risk.

### Assessment of Criminal Histories

An applicant should not be automatically precluded from a position with the Shire of Kulin on the basis of having a criminal record, although certain convictions will deem the applicant unable to meet the selection criteria. Examples would include a history of sex offences if the position were responsible for children and matters of theft if the position involved contact with the disabled or handling cash.

When considering prospective employees and volunteers with criminal histories, important factors to consider are:

- The nature of the offence and the relationship of the offence to the particular position for which the applicant is being considered.
- The length of time since the offence took place.
- The number of offences committed. An accumulation of individual minor offences may be sufficient to warrant rejection. The question to be decided is whether or not the offences are considered to establish a pattern or behaviours, which renders the applicant unsuitable for employment.

**Severity of punishment imposed.**

There may be mitigating or extenuating circumstances, which might be revealed in relation to the offence(s) committed. These could include age of applicant at the time of offence(s), and the circumstances in which the offence was committed. Mitigating circumstances, however, may not necessarily always be in favour of the applicant.

General character and time since the offence was committed. Relevant factors would include whether the person is currently employed and, if so, referee reports on his/her performance, other referee reports, steady employment record and favourable reports by past employers. Whether the offence is still a crime. The 'offence' may have now been decriminalised.

The final decision on whether to employ or not employ a prospective employee with a police record, lays with the Chief Executive Officer. A decision not to employ or place an applicant with the Shire of Kulin because of a National Police Record check and the rationale for the decision must be communicated to the applicant by the Chief Executive Officer.

A person denied employment or placement with the Shire of Kulin because of a National Police Records check is to be provided with the opportunity to discuss the results and the rationale for the decision.

If the person believes that a significant injustice has occurred, the Chief Executive Officer may review the decision in the first instance, and the person may seek review through the State Ombudsman, or the Commonwealth Human Rights and Equal Opportunity Commission.

**PROCESS:** Police Clearances are conducted by the Western Australian Police Service and provide details of information recorded against an individual from State and Federal Police records, including all criminal offences and any outstanding warrants. Documentation does not include spent convictions for the purposes of the Spent Convictions Act 1988.

The position applicant will be required to obtain the relevant documentation and provide it to the Shire.

The following process is to be followed:

- Prior to commencement of permanent employment (and casual employees at manager's discretion) the applicant will be required to produce a Police Clearance;
- Police Clearance information shall only be accessible to the Chief Executive Officer and relevant Manager;
- Police Clearance information on employees will be stored on personnel files and will remain confidential;

**HEAD OF POWER:** Shire Policy

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## **HR5 GENERAL – HUMAN RESOURCES PRACTICES**

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### **Human Resources**

**PREAMBLE:** Providing information on a variety of human resource practices, guidelines and operational information, each insignificant to warrant individual record.

**OBJECTIVE:** To ensure individual minor items are not lost in the system of recording practices, procedures and guidelines.

### **PRACTICES:**

#### **Senior Employees**

The following positions are classified as Senior Employees for the purposes of Section 5.37(1) of the Local Government Act 1995:-

- Chief Executive Officer

#### Salary Negotiations & Performance Reviews Senior Employees

Salary negotiations and performance reviews for senior employees are to be conducted annually and presented to the next available Council meeting for consideration.

#### **Employee Plant Use**

Employees may use the Shire plant after hours free of charge on their own residential land, Shire Residences and Property, with the express approval of the Chief Executive Officer, or Executive Manager of Works. This approval will be allowed or disallowed depending on the nature of the work to be carried out. Any damage from misuse to be paid for by the operator.

All other work outside of normal working hours will be carried out at Private Works rates (with the employee being paid through the payroll).

The intent of the above policy is that employees are not using the equipment for their own private commercial business.

#### **Conference Expenses**

Attendance at conferences by Council staff is to be encouraged, as it is the philosophy of Council that generally these conferences will benefit the Shire by the increased knowledge gained by the Officer.

The following policy in relation to attendance at conferences applies:-

- Council shall pay conference fees
- Council shall pay accommodation fees for the staff member and partner, as well as in-house meal expenses.
- Officers who do not have the use of a Council vehicle to attend a conference shall be entitled to be reimbursed the fuel usage.
- Staff attending conferences shall conscientiously attend all conference proceedings unless carrying out other duties on behalf of the Shire during the term of the conference.
- The Chief Executive Officer is authorised to allow staff attendance at conferences and seminars pertaining to a particular officers duties.

#### **Guaranteed Overtime**

As an incentive for outside employees, the Shire permits the working of one additional hour per day as overtime. This has been guaranteed by inclusion in the employee's appointment documentation and can only be withdrawn by a decision of the Council.

#### **Training St John Ambulance Course**

Employees will be encouraged to complete and/or renew the Senior First Aid St John Ambulance training course. The course will be organised in Shire time and funded by the Shire every two years.

**Human Resources Primary Documents**

The Secondary Documents for Shire of Kulin Human Resources are;

- Incident Investigation Procedure
- Shire of Kulin Induction and Training Procedure
- Safe Work Method Statements (as listed) 108, 109, 110.

**PROCESS:** The CEO shall ensure adequate resources are allocated annually in the budget to meet human resource requirements.

**HEAD OF POWER:** Local Government Act 1995

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## HR6 GRIEVANCE PROCEDURES

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### Human Resources

**PREAMBLE:** Whilst complaint handling processes target external forms of complaint, grievance procedures provide an avenue for staff to make complaint and have the complaint heard in a formalised process. It is sometimes required that because of the nature of the complaint and the close proximity of staff in a small local authority, it may be necessary for the Chief Executive Officer to engage competent assistance to resolve grievances.

**OBJECTIVE:** To clarify the operations of the Shire of Kulin grievance procedures.

**PRACTICE:** Although the Shire of Kulin at all time endeavours to maintain a harmonious and challenging work environment, there will unfortunately be times when disputes or grievances arise. In order to maintain effective staff communication and morale, the Shire of Kulin has adopted the following grievance procedure. All employees are encouraged to have a say in matters of concern, to have their views considered, and to receive feedback from Senior Management in response to the matters raised.

Nothing in this process prevents an employee from seeking assistance from their Union or employee representative/EAP counsellor or fellow employee in presenting and having their grievance heard.

Nothing in this process prevents staff from making a public interest disclosure under the Public Interest Disclosure Act 2003, as part of or separate to the lodgement of a grievance with the Shire of Kulin.

### **PROCESS:**

In the first instance, all grievances, if possible, should be dealt with at the point where the problem has arisen and where the people involved know all of the facts, i.e. between the employee and their immediate supervisor.

If the matter cannot be resolved at this level, the supervisor will call upon the assistance of the Executive Manager of Financial Services, the Shire's appointed Grievance Officer to help settle the grievance. At this point the matter should be committed to writing and include evidence (where possible) in relation to the matter raised. If the matter still cannot be resolved, the Grievance Officer will, as soon as practicable, refer the matter on to the Chief Executive Officer for attention.

In the event that an employee feels that they cannot talk to their immediate supervisor regarding a grievance, they may approach the Executive Manager of Financial Services directly as the Grievance Officer, but in the case where this is considered unpractical for direct supervision reasons, then the Chief Executive Officer may be approached to deal with the grievance.

It should be noted by all staff that, as the Chief Executive Officer is responsible for all staffing matters, staff under no circumstances should report to or lobby Councillors regarding grievances or staffing issues, to do so is a breach of the Code of Conduct and can result in disciplinary action.

### **Confidentiality**

The Shire will ensure that confidentiality is maintained where appropriate and care will be taken to ensure that the complainant will not experience any form of victimisation or retribution as a result of the raising of a grievance matter. Where the grievance relates to the conduct or behaviour of an individual staff member this will be handled by the relevant Manager and will be dealt with in accordance with the Shire of Kulin Code of Conduct.

Grievances that relate to the CEO (when not immediately able to be resolved or such that require independent mediation) will be handled by a competent external human resource consultant appointed by the Shire. The Chief Executive Officer will only deal with the complainant to inform them of the appointment of a person suitable to deal with the grievance. In all cases, the Shire President is to be informed of a grievance against the CEO and following the completion of a suitable response to the grievance, the President will determine if the grievance handling results are required to be reported to the Council under the Code of Conduct or any other legal requirement that requires their notification.

Grievances that relate to an individual Councillor will be handled by the Chief Executive Officer and will be dealt with in accordance with the Shire of Kulin Code of Conduct.

#### **Formal Grievances Highlighting Serious Breaches**

All grievances that suggest formal complaints should be established alleging maladministration, serious and substantial waste of public money, corrupt conduct or pecuniary interest are to be referred directly to the Chief Executive Officer. The Chief Executive Officer will refer such complaints to the appropriate external office.

#### **Unreasonable Grievances**

Occasionally grievances are assessed and discussed but complainants may not accept the Shire's supervisor or CEO determination or response to their grievance and engage in unreasonable grievance conduct.

This conduct is defined as:

- Using unreasonable persistence - by persisting with a grievance even though it has been comprehensively considered by the Shire, and even where all avenues of internal review have been exhausted by showing an inability to accept the final decision.
- Using unreasonable demands - by insisting on outcomes that are unattainable, (e.g. demanding outcomes that are beyond a Shire's power to deliver, demanding unreasonable outcomes, wanting to turn back time, and unreasonable prosecution of individuals).
- By insisting on a 'moral' outcome, (e.g. Justice in the community interest, when really a personal interest is at stake) and demanding an apology and/or compensation when no reasonable basis for expecting such an outcome exists.
- Using unreasonable lack of cooperation - by presenting a large quantity of information which is not organised, sorted, classified or summarised, where the complainant is clearly capable of doing this. By displaying unhelpful behaviours, (e.g. withholding information, dishonesty, misquoting others, swamping the Shire with documents).
- Using unreasonable arguments by holding irrational beliefs - holding what is clearly a conspiracy theory unsupported by any evidence. By insisting that a particular solution is the only correct one in the face of valid contrary or alternative arguments.
- Using unreasonable behaviours - by displaying confrontational behaviour, including rudeness, aggression, threats by phone calls, in person or via letters/emails where the complaint is about something that is beyond the Shire's jurisdiction or outside of the Shire's control.

#### **Managing Malicious, Frivolous, Persistent and Vexatious Grievances**

All grievances received by the Shire will be treated with the utmost seriousness. If following investigation, the Chief Executive Officer determines a grievance to be malicious, frivolous, unreasonable, persistent or vexatious, the Shire will take into consideration the following action:

- Such a determination must take into account any previously similar complaints from the staff member, the response and outcome to the previous grievances, the resources required to address the grievance to ensure that it is not an unreasonable diversion of public resources and that the principles of equity and procedural fairness have been taken into account.
- A decision to take no further action on the grievance will be made by the CEO, and the complainant will be informed in writing.
- The Shire has determined that the complainants conduct is unreasonable and the Shire refuses to communicate with the complainant further on the matter.

A decision to take no further action on the complaint may be made by the Chief Executive Officer and the complainant will be informed in writing.

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

**HEAD OF POWER:** Local Government Act 1995

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## HR7 INDUCTION OF NEW EMPLOYEES

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### Human Resources

**PREAMBLE:** The Shire of Kulin has a legal obligation to ensure employees are properly introduced to the rules, policies, guidelines and practices that apply in the workplace. The employer has a 'Duty of Care' imposed by the Occupational Safety and Health Act 1984 to minimise risk and exposure to hazards in the workplace and this will include providing adequate induction and training, relevant to the requirements of the particular employment.

Employees also have a legal duty of care under the Occupational Safety and Health Act 1984 to behave responsibly at all times and not expose themselves or others to safety risks due to a lack of knowledge in relation to their particular work circumstances, which may or may not have been explained to them during the induction process.

**OBJECTIVE:** To impose management strategies to induct all employees with the necessary knowledge to ensure their safe introduction to the workplace.

**PRACTICE:** The completion of both an online induction and detailed checklist is undertaken ideally within 28 days of commencement.

### PROCESS:

The CEO or relevant manager will work with the new employee to complete the *Shire of Kulin Employee Induction Form* which covers

- Onboarding
- Workplace Induction
- Payroll Induction
- WHS Induction (including on online induction)
- IT Induction (if relevant)
- Records Induction (if relevant)

Permanent employees will also be required to provide (on induction):

- Police clearance
- Medical clearance (driver medical for the works crew)
- A clear drug and alcohol screen
- Working with children check (if applicable)

Casual employees will be required to provide (on induction):

- police clearance (at managers discretion)
- medical – driver medical for works crew
- clear drug and alcohol screen (at managers discretion)
- WWC – childcare
- VEVO if relevant
- Online WHS induction
- Bronze Medallion / First Aid for slide

Once completed the employee and manager will sign off and the document is filed in Personnel.

**HEAD OF POWER:** Local Government Act 1995; Occupation Health & Safety Act 1984

## HR8 GRATUITY PAYMENTS (STAFF)

### Human Resources

**PREAMBLE:** The Shire of Kulin is committed to recognising long serving employees within the parameters prescribed in the Act and Regulations.

**OBJECTIVE:** To set out clear guidelines for staff to use to process gratuity payments for employees leaving the Shire of Kulin under relevant circumstances.

**PRACTICE:** A gratuity payment, in the form of a monetary payment or gift(s) to an equivalent value may be given as a token of appreciation for an employee's commitment and service to the Shire of Kulin, only when the employee is finishing their employment with the Local Government. This policy outlines the circumstances in which gratuity payments may be made to an employee.

This policy is to be read in conjunction with section 5.50 of the Local Government Act 1995 (WA) (Act) and regulation 19A of the Local Government (Administration) Regulations 1996 (WA) (Administration Regulation).

A gratuity payment may be paid in addition to any amount which an employee is entitled to under a contract of employment or industrial instrument. This policy does not form a contractual entitlement for any employee of the Local Government or impact or change an employee's contractual entitlements under legislation or an industrial instrument.

#### Eligibility

A gratuity payment entitlement is subject to completed years of continuous service (as detailed below) and is only payable at the time an employee finishes their employment with the Local Government for one of the following reasons:

- resignation (not as a result of any performance management or investigation or disciplinary process being undertaken by the Local Government)
- retirement, or
- redundancy.

An employee is not eligible to receive a gratuity payment under this policy where an employee:

- has been dismissed for any reason other than redundancy
- resigns following commencement of a disciplinary, investigation or performance management process, or

The Council will allocate funds for the purpose of gratuity payments in the Annual Budget.

The Chief Executive Officer (CEO) is authorised to approve expenditure for the purpose of gratuity payments in accordance with this policy. The CEO may determine the form of gratuity payments including a monetary payment or gift(s) of an equivalent value.

#### Amount of Gratuity

Service	Amount of Gratuity
Continuous service less than 2 years.	Nil
Continuous service of 2 or more years up to 5 years.	A monetary payment, gift, or contribution towards a gift, of \$20 per year of continuous service, up to the value of \$100
Continuous service greater than 5 years and up to 10 years.	A monetary payment, gift, or contribution towards a gift, of \$30 per year of continuous service, up to the value of \$300
Continuous service greater than 10 years.	A monetary payment, gift, or contribution towards a gift, of \$50 per year of continuous service, up to the maximum value of \$2,000 The gratuity is to be presented to the employee by the President or nominated representative of the President, at a function to be determined by the CEO.

Employees who have completed 20 years of service will be presented with an engraved glass plaque at Christmas function along with a gift or voucher valued at \$200. With an emphasis on the recognition of service of the employee.

#### Determining Continuous Service

Continuous service includes:

- any period of absence from duty on approved annual leave, long service leave, paid compassionate leave, paid personal/carer's leave and public holidays, and
- any period of absence that has been supported by an approved workers' compensation claim up to a maximum absence of 12 months.

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

- any period of unauthorised absence from duty
- any period of unpaid leave, or
- any period of absence from duty on unpaid parental leave.

The Council may, by resolution, determine to make a gratuity payment that is greater than prescribed in this policy but does not exceed the amount prescribed in Administration Regulation 19A, subject to Local Public Notice requirements prescribed in section 5.50(2) of the Act.

The Local Government is prohibited by section 5.50 of the Act from making any payment to an employee finishing their employment which exceeds the amount prescribed in Administration Regulation 19A.

**HEAD OF POWER:** Local Government Act 1995 (Section 5.50), Local Government (Administration) Regulations (Regulation 19A)

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## HR9 LOSS OF DRIVERS LICENCE

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### Human Resources

**PREAMBLE:** It is essential that employees maintain certain skills and qualifications in order to satisfactorily undertake their duties. The need for a valid Driver's Licence is one such qualification that is needed in many positions. Should an employee lose their driver's licence, this may negatively impact on their ability to perform their duties.

**OBJECTIVE:** To outline the possible outcomes if an employee loses their drivers licence or if their drivers licence was to lapse (or invalidated) and such licence is needed for them to satisfactorily perform their duties. "Loss of licence" for the purpose of this guideline shall include lapsed, cancelled, failure to renew, renewal not issued, suspension and or cancellation.

**PRACTICE:** An employee is required to notify their Supervisor/Manager at the earliest opportunity when they lose their licence.

An employee who has lost their licence must not operate any Shire of Kulin vehicle. Any employee who knowingly operates a vehicle whilst not in possession of a current drivers licence or knowingly fails to advise that the potential for them to "lose their license" is imminent will face disciplinary action under the Code of Conduct.

*Note: Driving a Local Government vehicle whilst not possessing a current drivers licence is violating the law and can potentially be invalidating the Local Government's vehicle insurance policy.*

Where an employee has lost their driver's licence and it is a requirement of the position that they hold a current C, HR or MR Class licence, then the employee's immediate Supervisor together with the Chief Executive Officer shall formulate a strategy to deal with the situation based on merit of the case.

Factors that shall be taken into account shall include:

- the extent to which the employee is required to use vehicles in performing the functions of their role;
- the reasons for loss of licence;
- the employee's length of service, work performance and behaviour record; and
- the length of time before the employee will gain an extraordinary licence/regain their driver's licence.
- whether alternative duties are available.

Depending on the merits of any particular case, the following strategies may be implemented:

- the employee shall apply for and be granted annual leave, long service leave or leave without pay (to a maximum of one month) to enable the granting of an extraordinary license;
- the employee shall perform alternative duties which do not require a driver's licence;
- the employee shall be redeployed elsewhere within the Shire of Kulin [which can be at a lesser level of pay];
- the employee's services shall be terminated.

The Chief Executive Officer shall have the final say as to whether employment shall continue, however the affected employee shall be advised of their right to contest any such decision through the appropriate dispute resolution process.

Should an employee's services be terminated that person may reapply for employment should a suitable vacancy be advertised once they have regained their licence.

Any redeployment to an alternative position shall be for a limited time period until the employee's licence is reinstated however an employee may remain in the alternative position if the Shire of Kulin believes that it is in its and the employees best long-term interest.

An employee will receive the relevant rate of pay under their award for the alternative position during this period.

**Alcoholism**

Attempts must be made to ascertain whether or not the employee has an underlying behavioural problem where an employee loses their licence due to a drink driving charge.

It is recognised that alcoholism is an illness which causes socio-economic problems for individuals and the community as a whole. People who suffer from alcoholism require treatment, support and counselling to overcome their addiction.

Employees who stipulate that they have a problem which resulted in them losing their licence may be assisted by the Local Government through the EAP service. The level of support will be determined at the discretion of the Chief Executive Officer. If the employee is willing to undergo rehabilitation and counselling to assist with their addiction then the Shire may look more favourably upon supporting them through the transitional period of recovery.

Due to the employer’s duty of care to the community, those people who have previously lost their licence due to a drink driving charge may be required at the discretion of the Chief Executive Officer to undergo a breath test before and after the use of a vehicle.

The decision to supply and/or fund counselling to the employee to assist with recovery during the employee’s illness lies with the Chief Executive Officer. No employee will be forced to attend counselling.

**Variation to Policy**

This practice may be varied at the discretion of the Chief Executive Officer from time to time to suit the particular circumstances of a case, but in doing so will report the practice variations to Council.

**HEAD OF POWER:** Shire Policy

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## HR11 PROTECTIVE CLOTHING – OUTSIDE STAFF (Permanent Employees)

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### Human Resources

**PREAMBLE:** To detail the provision of protective clothing and safety equipment at the Shire of Kulin for outside works staff who are permanent employees. Casual and part time staff are provided clothing and protective equipment on the basis of the requirements of the job allocated.

**OBJECTIVE:** To provide appropriate levels of protective clothing and safety equipment that meets the requirements of the task at hand and to ensure employees utilise all safety and health equipment made available to them.

**PRACTICE:** The Shire of Kulin will provide the following safety equipment:

- One pair of safety boots per year ;
- Four shirts per year;
- Two pairs of long pants per year;
- One Jumper per year
- One Jacket, or vest per year;
- A sun protection hat;
- Wet weather clothing; as required
- Ear muffs, Personal Protective Equipment, Overalls, as required;
- A maximum of two good quality safety sun glasses per year. Employees required to wear prescription sunglasses will be paid an allowance equivalent to the value of two quality safety sunglasses per annum;
- Sunscreen;

Outside staff are required to contact the Executive Manager of Works or Tech Officer, who will ensure that the above apparel is supplied to you or in the case of any defective or lost equipment.

The Shire also enforces an Outdoor Work Clothing Policy (Skin damage Prevention), due to the growing weight of evidence linking skin cancer to exposure to ultra-violet light.

The aim of this practice is to arrive at a dress code that will:

- Protect the employee from ultra-violet light;
- Protect the employee from physical injury, such as cuts and abrasions;
- As far as it is practicable, ensure that the clothing makes the person easy to see when working on or near roads, access-ways and mobile equipment;
- Comply with relevant Statues and Australian Standards;
- Prescribe clothing that is comfortable and acceptable to the majority of workers;
- Promote a team spirit and personal pride in workers with respect to their appearance.

### Standard Dress Code

The minimum clothing requirements for outdoor employees shall be a long sleeve shirt and long trousers. To prevent the adverse effects of hot weather, for the months of November to March inclusive, outdoor employees may be permitted to wear long shorts, i.e., to just above the knee and short sleeve shirts. This exemption will only apply in these months and for locations where the Mean Daily Maximum Temperature is 30°C or more and a sufficient sunscreen is applied to the skin. Unless there are safety related reasons, shirt sleeves must not be rolled up.

The Shire will provide a broad- brimmed hat which should be worn when working outside. This standard dress code is dependant at all times on the suitable application of sunscreen lotion. Hats, long sleeve shirts and trousers appropriate for the nature of the work are supplied by the Shire. Wherever practicable, the Ultra-violet Protection Factor (UPF) of clothing fabric will be 20 or better.

An “outside employee” for the purpose of this guideline is defined as a person whose regular daily duties require them to be in direct sunlight for more than one hour/day on a cumulative basis.

The following outdoor employees because of the nature of their activities, will be subject to this particular dress requirement:

- Rangers
- Pool Attendants (Long pants may hinder a pool rescue and are not recommended)
- Building Surveyors
- Building Maintenance Workers
- Workers on special Tasks

Where there is an obvious risk of immediate physical damage to the skin, the option to wear long shorts will not apply to:

- Operators of brush cutters, concrete/bitumen saws and chainsaws
- Employees handling bitumen
- Employees who handle chemicals. i.e., pesticides and herbicides

These workers must wear trousers and long sleeve shirts or overalls

The standard dress code will apply all year round. Exemptions may apply based upon written medical advice.

#### **Use of Sunscreen**

All outdoor workers will be supplied with sunscreen cream that should be applied to their uncovered skin in accordance with the manufacturer's directions and in conjunction with the above standard dress code requirements.

#### **High Visibility Clothing**

High visibility clothing must be worn by workers at all times which is supplied as part of the annual uniform issue.

Staff who do not wear high visibility uniforms (such as new staff who are yet to receive uniforms) are to wear an overlay high visibility vest. Should over garments (e.g. jumpers and jackets) be needed, then the overlay vest must be worn on the outside so that it is visible at all times.

#### **Supply and Use of Sun Glasses**

All staff working outdoors shall, when practicable, wear general purpose sun protection glasses which comply with AS1337 (1992) and AS1067 (1990) as appropriate. These will be made available to relevant staff as part of the standard personnel protective equipment issue.

#### **Physical Comfort and Overheating**

Comfort and overheating is considered an important issue by the Shire.

The key factors which may promote the body overheating are:

- Ambient and radiant temperature;
- Extent of air movement
- Pace and physical demand of work;
- Adequacy of water replacement by sweating;
- Humidity;
- Clothing.

Thus,

- All relevant staff shall be supplied with a water bottle and should have ample supplies of fresh cool water.
- The use of natural shade should be exploited.
- The erection of temporary shade should be considered where practicable.
- Temporary cessation from physically demanding work should be considered for the time when severe heat related conditions are experienced.

It is obvious that heavy work in hot weather is not efficient work without frequent stops, at least for drinks and possible self-dousing with water.

Staff should report immediately to their Manager any significant symptoms of bodily overheating.

**Consultation**

The Shire realises that the type of clothing worn in the field is of considerable importance to outdoor employees and as such, they will be consulted with respect to changes in style, type and fabric clothing as issued, in accordance with good management practice.

Wherever practicable, the Shire having adopted a clothing policy, will ensure that the style and fabric of garments is acceptable and appropriate to the relevant workforce.

**HEAD OF POWER:** Local Government Act 1995, Occupational Safety and Health Act 1985.

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## HR12 RELOCATION EXPENSES

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### Human Resources

**PREAMBLE:** To provide guidance to CEO and Managers in terms of the offer that can be made in assisting with relocation costs for successful appointees to a position vacant for the Shire of Kulin.

**OBJECTIVE:** To be clear but helpful to staff and to clearly state the requirements of the Shire for this financial assistance.

**PRACTICE:** Relocation expenses for employees will be paid for by the Shire. As a guide the following amounts (subject to two quotes being received under the Shire's purchasing practice), shall be used when considering the payment of relocation expenses.

Chief Executive Officer	\$3,000 - \$5,000
Executive Managers	\$3,000 - \$5,000
Managers	\$2,000 - \$4,000
Other Staff	\$0 - \$3,000

All other employees at the discretion of the Chief Executive Officer.

Where the Shire has paid relocation expenses the following shall apply.

If the employee leaves the Shire of his/her own choice:

- Prior to 1 years' service the employee shall reimburse the Shire the full cost of the original expense.
- between 1 year and 2 years' service the employee shall reimburse the Shire one half of the cost of the original expense, and
- After 2 years' service no repayment of costs is required.

The offer of relocation expenses will be indicated on all recruitment documentation and at interview so that prospective employees are aware of the "repayment" requirement.

### PROCESS:

The CEO at his/her discretion will determine the payment process applicable for each employee accessing the benefits provided by this practice, either pre-payment of costs, ordering/invoice for the relocation or reimbursement to the employee if paid in advance.

The CEO at his/her discretion will indicate what private expenses will/will not apply under this practice; though general procurement rules will apply to ordering or via the production of receipts.

**HEAD OF POWER:** Shire Policy; Procurement Practice

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## HR13 SECONDARY EMPLOYMENT

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### Human Resources

**PREAMBLE:** Staff wishing to engage in employment outside their official duties, must obtain prior permission from the Chief Executive Officer via the 'Secondary Employment – Application Form' prior to commencement of secondary employment.

**OBJECTIVE:** To allow staff to make application for secondary employment that will not have adverse effects on their employment with the Shire.

**PRACTICE:** Staff that intend to engage in Secondary Employment under this policy are to acknowledge that their first duty is to the Shire of Kulin. They are not to be engaged in providing their service, expertise or talents for secondary employers who will require a decision of the Shire of Kulin, either by a Council resolution, delegated authority or under Shire policy.

- Staff shall not engage in secondary employment, which might be detrimental to their performance of official duties.
- Secondary employment should not affect their efficiency, performance or impact adversely on work life balance;
- Should be wholly in the staff members private time; and

If in the course of their official duties, they have access to confidential information not available to the public, they will not be permitted to engage in any secondary employment to which this information might be relevant.

Should the Shire/management resolve to change the spread of hours of the officer then the Shire of Kulin as principal employer takes priority. Secondary Employment Form Attached as Appendices

Secondary Employment will be included as part of annual performance management procedures.

**PROCESS:** Staff member is to complete the Secondary Employment – Application Form and submit it to the Chief Executive Officer for consideration.

**HEAD OF POWER:** Local Government Act 1995

### SECONDARY EMPLOYMENT – APPLICATION FORM

This form is to be used as an Assessment Application for employees who undertake employment or businesslike activities outside their employment by the Shire of Kulin. This may or may not involve remuneration.

As you are aware, the Chief Executive Officer is responsible for the employment, management, supervision and direction of all staff employed by the Shire. Approval by the Chief Executive Officer is required for employees to undertake secondary employment.

Staff that are approved to engage in Secondary Employment are to acknowledge that their first duty is to the Shire of Kulin and they are not to be engaged in providing their service/expertise/talents to employers who will require a decision of the Shire of Kulin or the Council either by a Council resolution, delegated authority or Shire policy.

This form is for your self-assessment of any such activity you may be involved with, or may be proposing.

You should complete the self-assessment (see reverse) and submit it to your Manager.  
Any approval may be conditional and subject to review should circumstances alter.

Name:  
Manager:  
Secondary Position:  
Main Duties:

(for more than one position complete a separate application)

Location within Shire of Kulin  N  Location other

Signed \_\_\_\_\_ Date \_\_\_\_\_

The purpose of this checklist is to help assess –  
Whether the activity will interfere with the officer's prime employment with the Shire of Shire of Kulin  
Whether there is any conflict or potential conflict between the officer's duties and the proposed activity.  
The following questions are to be answered by ticking the appropriate box and then forwarding the form to your Manager.

Is the activity in the field of your profession, Investments, Similar to role with the Shire, Other work, Business Activity, Entertainment, Sport or Arts? \_\_\_\_\_

Is the activity lawful?

Y  N

Is the activity a conflict of interest with your employment?

Y  N

Does it have a potential to create such a conflict?

Y  N

Does the activity require approval of other staff within the organisation? If yes;

Once only Y  N  Occasionally Y  N  Regularly Y  N

Will undertaking this activity be likely to create an adverse perception within the community?

Y  N

Will undertaking this activity place any potential liability on the Shire of Shire of Kulin?

Y  N

Will the Shire continue to have your services as required?

Y  N

Will these other duties detract from your present duties?

Y  N

In carrying out these other duties will you be prepared to inform your superior if the situation changes?

Y  N

Manager Initial \_\_\_\_\_

Note: If there are any other comments you wish to add to this application, please do so. These may include involvement in voluntary work, which may affect the community. Please attach extra pages if required.  
The Shire as your employer is entitled to your exclusive service during the usual hours associated with your employment. This approval may be subject to review should circumstances alter.

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## HR14 STAFF UNIFORMS

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### Human Resources

**PREAMBLE:** This guideline defines the conditions that apply to officers uniforms for the Shire to fund the purchase of uniforms.

**OBJECTIVE:** To clarify the conditions that apply to Shire of Kulin uniform supply.

**PRACTICE:** That unless otherwise negotiated in salary considerations or under contract, the following guideline is to assist with the provision of recognised uniforms to staff members.

That permanent officers be offered a maximum of \$600 plus GST per annum in the first year of employment on a pro rata basis (time served) as a Shire contribution for an approved staff uniform. [Part time staff will be eligible for full time equivalent (FTE) pro-rata amount allowed.]

In the second and subsequent years of employment as the Shire's continuing contribution for an approved staff uniform a \$300 allowance will be made as per the adopted budget for that year for permanent officers. [Part time staff will be eligible for FTE pro-rata amount allowed.]

Those officers claiming a staff uniform contribution will be obliged to wear them for working purposes whilst in the employ of the Shire of Kulin.

Uniforms for Shire Administration staff are currently supplied by either Uniforms At Work or Kulin Hardware & Rural, both of whom can print/embroider the Shire logo. Uniforms are to be ordered using the Shire's purchasing policy.

The Shire will also provide suitable identification badges to be worn by administration staff.

Staff are to be advised that they will be asked to leave the workplace if they do not wear the correct clothing and they run the risk of being dismissed if they continue to come to work in unsuitable clothing.

**PROCESS:** At the time of appointment new officers are to be advised that subject to satisfactory completion of the 3-month probationary period the allowance will be provided to finance the purchase of the Shire uniform.

The officer, on receipt of the letter confirming permanency is to contact the Accounts Payable officer or Executive Manager of Financial Services to arrange for uniform purchases.

**HEAD OF POWER:** Local Government Act 1995

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## HR15 STUDY LEAVE

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### Human Resources

**PREAMBLE:** The Shire of Kulin is supportive of granting Study Leave and or reimbursing Study expenses, for permanent full-time employees who are undertaking studies relevant to their Shire of Kulin role and responsibilities, from a recognised Australian, or other approved, educational institution. Any variation from this guideline will be at the discretion of the CEO.

**OBJECTIVE:** to promote continuous learning and individual development as a joint responsibility, and to encourage a continuous learning environment whilst supporting employees to study part-time. To provide fair access to all staff, contribute value to the organisation by adding to its knowledge, skill and abilities base.

#### **PRACTICE:**

##### **1. Approved Courses:**

- a) Graduate, Undergraduate and Post Graduate Degree courses offered by a recognised University or other accredited institution.
- b) Diploma or Certificate courses offered by a Technical and Further Education College (TAFE) or other equivalent accredited college or training organisation.
- c) Continuing education courses offered by a recognised work-related professional institute or organisation (e.g. CPA or AHRI)

It is recognised that some courses may be undertaken in distance mode, possibly from interstate and this is acceptable under this guideline.

##### **2. Study Leave:**

Application for Study Leave must be made to the Chief Executive Officer via the relevant Supervisor/Manager and must be approved by the Chief Executive Officer. Study Leave shall not adversely affect the normal operations of the Shire generally an employee will be granted study leave to attend only one intensive course per annum. An employee may be granted time off with pay for part-time study purposes.

Approval of Time Off to attend lectures and tutorials, in every case, will be subject to the –

- a) Shire operational requirements;
- b) Course being studied on a part-time basis;
- c) Employee completing an acceptable formal study load in their own time; and
- d) Employee making satisfactory progress with their study.

Time off with Pay to be approved at the Chief Executive Officer's discretion. The Chief Executive Officer is to assess whether lectures and tutorials are available after working hours or during alternate less impactful work times.

Examinations – employees shall be granted sufficient time off with pay to travel to and sit for examinations. Sufficient prior notice is necessary to allow for any work arrangements to be considered.

Study Leave must be applied for on the Shire of Kulin Study Assistance & Study Leave Application Form.

##### **3. Study Assistance (Fees):**

The Shire of Kulin will provide financial assistance to employees studying an approved course, including unit fees, books and associated expenses on a semester-by-semester basis. Application must be made each semester via the Study Assistance & Study Leave Application Form and approved by the Chief Executive Officer.

Note: Successful completion means receiving a minimum pass for the subject.

Fees will be paid in advance by the Shire and employees will reimburse the Shire 25% of the cost of their course fees and books per semester by the 30 of June in the applicable financial year.

If approved, the 25% amount will be recouped within the financial year by fortnightly after-tax payroll deductions.

If the employee leaves the employ of the Shire or the Shire terminates the employee, at any time, outstanding payments will be deducted from the final salary payout.

Employees whose Shire of Kulin employment terminates (by either party) within twelve (12) months of having received the 75% benefit Study Expenses for their most recent claim, shall be required to repay a percentage of the value of the contribution made by the Shire, according to the following schedule:

Termination within 3 months – 75%

Termination within 6 months – 50%

Termination within 12 months – 25%

(This level of reimbursement to the Shire recognises that replacement employees may bring with them, qualifications funded by their previous employees. That is, it recognises the benefit to the individual and the industry as a whole.)

Recipients of the study support shall provide to the Chief Executive Officer a copy of their exam results. Should an employee not pass the exam then 100% of the fees paid by the Shire is to be repaid to the Shire and repayment shall be made via payroll deduction from salary owing to the employee and/or via the issuing of an invoice.

Repayments by payroll deduction are to clear the sum owing prior to any additional unit requests, or within six months of the notification of the exam results, or in full prior to the employee separating from the Shire's employ, whichever comes first.

The repayment options and policy requirements are to be agreed to in writing with the applicant.

#### **4. Study Assistance:**

Study assistance must be applied for in writing to the Chief Executive Officer.

The Application Form together with a copy of the;

- Enrolment Form;
- Receipt for fees paid and/or invoice, plus a book receipt;
- For course fees, a copy of the exam results is required;

shall be submitted to the Chief Executive Officer for consideration and signature.

#### **5. Continuity:**

To continue to qualify for assistance under the Study Leave & Study Assistance practice, employees will need to successfully complete each semester's subjects according to the course they are undertaking.

#### **6. Promotion:**

The successful completion of any approved course shall not necessarily entitle an employee to a higher classification or salary level.

#### **7. Other Expenses:**

Accommodation and meals will not be the responsibility of the Shire while employees are undertaking a course of study, or sitting examinations.

The operation of this Study Leave/Study Assistance Practice will be reviewed annually and the continued operation of the Practice is at the discretion of the Chief Executive Officer.

**PROCESS:**

1. Employee completes the request in writing for CEO approval to commence study.
2. Chief Executive Officer considers request and determines decision.
3. Chief Executive Officer advises Employee in writing of decision and conditions that apply – copies are sent to Payroll, including the payroll authorisation to deduct the 25% contribution toward costs.
4. Employee commences study.
5. Employee completes unit/course and submits the exam results.
6. CEO to submit invoice request to Debtors Officer if employee does not receive a minimum pass mark for the subject.
7. Employee completes a payroll deduction authorisation as per the agreement to recoup the incurred costs within twelve months.

**HEAD OF POWER:** Shire Procedure

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## HR16 SEXUAL HARASSMENT

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### Human Resources

**PREAMBLE:** The Shire of Kulin has a legal obligation to ensure employees are not subject to sexual harassment. Employees also have a legal responsibility to behave responsibly at all times and not engage in behaviour that could be regarded as offensive.

**OBJECTIVE:** The Shire considers sexual harassment to be an unacceptable form of behaviour that will not be tolerated and recognises that sexual harassment is unlawful.

**PRACTICE:**

Sexual harassment is any conduct of a sexual and/or sexist nature (whether physical, verbal or non-verbal) that is unwelcome and unsolicited and rejection of which may disadvantage a person in their employment or their life in general.

Definition: The following constitute sexual harassment when they are considered offensive to an employee, elected member or member of the general public:

- Deliberate and unnecessary physical contact such as patting, pinching, fondling, kissing, brushing against, touching;
- Subtle or explicit demands for sexual activities or molestation.
- Intrusive enquiries into a person's private life;
- Uninvited and unwelcome jokes that have a sexual nature and the display within the workplace of sexually offensive material.

The Shire recognises that sexual harassment can undermine health, performance and self-esteem of individuals and has the potential to create a hostile and intimidating environment. The Shire is therefore committed to any action that ensures the absence of sexual harassment in the workplace including general training of the workforce and specific training for officers identified to deal with complaints. Appropriate disciplinary action will be taken against any individual found to be engaging in such conduct.

Any complaints of sexual harassment made against another person associated with the Shire will be viewed seriously, treated confidentially and thoroughly investigated by appropriately trained persons.

Any person making a claim of sexual harassment will be protected at all times. No transferring of staff or face to face meetings between the complainant and the person whose behaviour has been found to be unwelcome will occur without the prior consent of both parties.

An employee whose health or work performance has been affected by sexual harassment will not have their employment status or conditions disadvantaged in any way.

The Shire's formal grievance procedure will be utilised to effectively resolve complaints of sexual harassment.

**PROCESS:**

All complaints of sexual harassment will be treated confidentially and resolved promptly.

Wherever possible, the handling of complaints and resolution of such will be at the workplace where they occurred. Care will be taken throughout the investigation to ensure that neither the complainant nor the alleged harasser is victimised.

It is recognised that cases of sexual harassment may occur between supervisor and employee and such as, alternative methods of raising complaints are provided for in the grievance procedure.

A complaint of sexual harassment should be lodged with the Executive Manager of Financial Services (Grievance Officer) who will determine if information pertaining to the fact that a complaint has been received will be presented to the;

- Immediate Supervisor (except where this person is the alleged harasser),
- Department Manager (if applicable-except where this person is the alleged harasser),
- Chief Executive Officer,
- President (only if the alleged harasser is the Chief Executive Officer)

The Grievance Officer upon receiving a complaint of sexual harassment will:

- Decide, in consultation with the complainant, whether the matter can be resolved at this level or whether it should be referred to a more senior level of management.
- Assure the complainant that all details of the complaint will be treated confidentially and allow the person to decide on procedure.
- Prepare a confidential report for the Chief Executive Officer on the nature of the complaint, making recommendation as to the referral to other competent jurisdictions, Police and or with request for competent assistance to resolve the allegation or mediation.
- Ensure no information regarding the complaint is discussed outside this procedure.
- In a case where a Union shop steward receives the complaint, the Department manager and/or Grievance Officer is to be advised of the details of the complaint.

The person handling the complaint will, with the approval of the complaint:

- As soon as possible, advise the alleged harasser of the nature of the complaint and provide an opportunity for that person to comment. Where appropriate the alleged harasser should be invited to discontinue any perceived unwelcome behaviour.
- Advise the alleged harasser of the right to contact their union for advice and representation.
- Advise the alleged harasser that no disciplinary action will be taken without the person being given the opportunity to be heard.
- Keep simple, brief notes of the facts of the interviews held with both the complainant and alleged harasser.

If it is not possible to resolve the complaint simply by discussion with the complainant and the alleged harasser then:

- The matter will be investigated and, where the complainant or the alleged harasser is a member of a union, the union will be party to the investigation.
- All documentation relating to the complaint will remain confidential and will not be produced or made available for inspection, except on the order of a court or a request from the Commissioner of Equal Opportunity.

During the period of the investigation of a case of serious sexual harassment:

- If requested by either party or by management, alternative working arrangements may be made.
- Arrangement will be made for the complainant to receive professional EAP counselling should there be an established need for such counselling.

If, following investigation a complainant is judged to have foundation:

- Appropriate remedial action will be taken including, where appropriate disciplinary/counselling action appropriate to the circumstances and/or seriousness of the matter.
- A record of the detail of the disciplinary action will remain on the employee's personal file.

If, following investigation, a complaint is judged to have no foundation:

- The complainant will be counselled, and if it is considered that the complaint was made frivolously or maliciously, disciplinary action may be taken against the complainant.
- Continued reference to a complaint and its aftermath could be considered as either a continuing or new incident of harassment.

**HEAD OF POWER:** Local Government Act 1995; Equal Employment Opportunity Act and Regulations

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## HR17 SUPERANNUATION

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### Human Resources

**PREAMBLE:** To provide detail of the Superannuation schemes that currently are available to Shire of Kulin staff.

**OBJECTIVE:** To ensure Shire staff are aware of the way in which they can maximise their superannuation benefits whilst working with the Shire of Kulin and to provide added incentive through superannuation benefits to employment at the Shire of Kulin.

**PRACTICE:** Employees have the option to contribute to any superannuation scheme of their choice and the Shire of Kulin extends this contribution on the basis of length of service at the Shire.

The primary superannuation scheme for local government in WA is Aware Super

The Shire is required to contribute an amount equal to 11.5% of your salary (12% from 1 July 2025), on a fortnightly basis under the Federal Government Superannuation Guarantee. This contribution is in addition to salaries and wages and is a mandatory contribution.

Nothing stops an employee from making an additional private contributions from their salaries and wages above this amount and requests to do so can be lodged with the payroll office.

### Additional Contributions

As an added incentive for employees, the Shire of Kulin will also make additional payments to superannuation for employees on the basis of length of service.

0 to 1-year service - No additional contribution.

1 to 5 years of service – Shire will pay an additional 5%.

After 5 years of service – Shire will match up to 7.5% (7.0% from 1 July 2025)

The maximum percentage payable by the Shire will be 19% per annum.

Any extra contributions that employees voluntarily make to their superannuation will not be matched.

**PROCESS:** Employees should be encouraged to seek financial advice in the preparation of their superannuation contributions as there are salary sacrifice and taxation limits that may apply. As a Local Government, the Shire of Kulin can obtain this advice from Aware Super and a number of salary sacrifice companies.

**HEAD OF POWER:** Local Government Act 1995, Superannuation Guarantee legislation.

## HR17a SUPERANNUATION – FIRST HOME SUPER SAVERS SCHEME

### Human Resources

**PREAMBLE:** To provide detail of the First Home Super Savers Scheme (FHSSS) that is currently available to Shire of Kulin eligible staff. To provide detail of the treatment of employer contributions made by the Shire in support for the scheme.

**OBJECTIVE:** To ensure Shire staff are aware of the way in which they can maximise the use of their superannuation contributions towards saving for their first home whilst working with the Shire of Kulin, under the FHSSS provided by the Australian Taxation Office (ATO).

### PRACTICE:

The First Home Super Saver Scheme (FHSSS) was introduced by the Australian Government in the Federal Budget 2017-2018 to reduce pressure on housing affordability. The FHSSS allows First Home Buyers (FHB) to save money for a first home inside their super fund. This will help first home buyers save faster with concessional tax treatment within super.

### About the scheme

From 1 July 2017 FHB can make voluntary concessional (before-tax) and non-concessional (after-tax) contributions into their super fund to save for their first home. From 1 July 2018 they can then apply to release their contributions, along with associated earnings, to help them purchase their first home. The FHB must be 18 years or over to apply for the release of these amounts.

To qualify a person must:

- have not previously owned property in Australia (or the Commissioner of Taxation has determined you have suffered a financial hardship as specified by regulations)
- have not previously released FHSS funds
- either live or intend to live in the premises you are buying as soon as practicable
- intend to live in the property for at least six months of the first 12 months you own it, after it is practical to move in.

### Contributions

An FHB can contribute up to \$15,000 in one year and up to a maximum of \$50,000 in total. The concessional contributions cap still applies and an individual cannot contribute more than \$27,500 at the concessional tax rate. Individuals are still entitled to make non-concessional contributions but these are made after tax or where a tax deduction has not been claimed.

When an FHB makes a personal superannuation contribution to their fund it is taxed at the concessional rate (concessional contributions cap is \$27,500) of 15%. When the funds have been approved for release the total savings plus the deemed investment earnings will be released to the FHB. The ATO will withhold from the savings tax at the individual's marginal rate less a 30% tax offset.

In the table on the left an individual, with a marginal tax rate of 35%, contributes \$1,000 to their super fund using the FHSS Scheme. In the table on the right an individual deposit \$1,000 of salary in to a bank to save for a deposit the conventional way.

<b>FHSSS</b>		<b>Conventional Savings</b>	
Contribution to super fund	1,000.00	Earns salary	1,000.00
Taxed at 15% (concessional rate)	(150.00 )	Taxed at 35%	(350.00 )
Total contribution to super fund	850.00	Total contribution	650.00
Earnings on contribution (4.7%)	40.55	Earnings on contribution 2.2%	14.30
Total available for withdrawal	890.55	Total available for withdrawal	664.30
Less tax on withdrawal from fund 35%	(311.69 )	Tax on Investment Earnings 35%	(5.01 )
Add back tax offset 30%	267.16		
Total savings remaining	<b>846.02</b>	Total Deposit remaining	<b>659.30</b>

As you can see a FHB is \$186.72 better off investing through the FHSSS than a conventional bank deposit.

**Applying to release the savings**

When the FHB is ready, the FHB will need to apply to the Commissioner of Taxation for a FHSSS determination and a release of their funds. The Commissioner of Taxation will issue a release authority to the superannuation fund and the fund will then send the requested release amounts to the ATO. The ATO will then withhold the appropriate amount of tax and send the balance to the FHB.

**Shire Contributions**

The Shire’s superannuation policy allows for matched contributions by the Council up to a limit based on an employee’s tenure. (See above Policy HR17 – Superannuation)

**Employee vs Employer Contributions**

The FHSS Scheme allows for First Home Buyers to cash out any employee contributions made to their superannuation fund after 1 July 2017. When an employee contributes superannuation via a salary sacrifice deduction it is classified as an “employee contribution”. When Council makes the matching contribution to the employee’s superannuation it is classed as an “employer’s contribution”. The Council has resolved that for the purpose of the FHSSS both contributions can be regarded as “employee contributions”.

This will allow for an employee who is a First Home Buyer to withdraw both the personal (salary sacrificed) contribution and the matched Council contribution in accordance with the rules of the scheme.

**PROCESS:** Employees should be encouraged to seek financial advice in the preparation of their superannuation contributions and contributions to the FHSSS as there are salary sacrifice and taxation limits that may apply. As a Local Government, the Shire of Kulin can obtain this advice from Aware Super, the ATO and a number of salary sacrifice companies.

**HEAD OF POWER:** Local Government Act 1995, FHSSS and Superannuation Guarantee legislation.

## HR18 WORKPLACE BULLYING

### Human Resources

**PREAMBLE:** ~~The Shire of Kulin is committed to providing a safe, respectful and inclusive workplace free from workplace bullying, harassment and victimisation. The Shire of Kulin has a duty under Occupational Safety and Health laws to protect workers from workplace bullying.~~

**OBJECTIVE:** ~~To prevent workplace bullying and provide a framework for reporting, responding to and managing workplace bullying concerns. To ensure that anti-bullying strategies are in place with an aim to eliminate workplace bullying.~~

**PRACTICE:** The Shire of Kulin considers workplace bullying unacceptable and will not tolerate it under any circumstances. Workplace bullying is behaviour that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees, clients or customers. Workplace bullying may cause the loss of trained and talented employees, reduce productivity and morale and create legal risks.

Shire of Kulin believes all employees should be able to work in an environment free of bullying. Managers and supervisors must ensure employees are not bullied. Shire of Kulin has grievance and investigation procedures to deal with workplace bullying. ~~All workplace bullying complaints will be managed as confidentially as practicable, having regard to procedural fairness, natural justice and the need to properly investigate and respond to allegations. Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially.~~

~~Reasonable management action carried out in a lawful and reasonable manner does not constitute workplace bullying.~~

The Shire of Kulin recognises that managers and supervisors are required to undertake legitimate management functions, including:

- ~~directing and allocating work;~~
- ~~providing feedback regarding performance or conduct;~~
- ~~addressing misconduct or behavioural concerns;~~
- ~~implementing organisational or operational change;~~
- ~~managing attendance, leave and work performance; and~~
- ~~undertaking disciplinary or performance management processes where appropriate.~~

~~Provided these actions are undertaken lawfully, reasonably and in accordance with Shire policies and procedures, they do not constitute workplace bullying.~~

~~In determining whether management action is reasonable, consideration will be given to the circumstances of the matter, the manner in which the action was undertaken and whether the action was proportionate and appropriate in the circumstances.~~

~~Where appropriate, workplace bullying concerns may be addressed through informal resolution processes prior to formal investigation.~~

Shire of Kulin encourages all employees to report workplace bullying in accordance with the relevant workplace health and safety guidance material and Shire procedures. ~~Commission for Occupational Health & Safety Guidelines.~~ Managers and supervisors must ensure employees who make complaints, or witness complaints are not victimised. Employees are expected to treat others with dignity and respect and refrain from behaviour that may constitute workplace bullying.

Disciplinary action will be taken against anyone who bullies a co-employee. Discipline may involve a warning, transfer, counselling, demotion or dismissal, depending on the circumstances.

The equity contact officers for this Workplace is the Executive Manager of Financial Services and, in the event, that the complaint is against them, the CEO will appoint an independent contact officer.

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**PROCESS:** The Shire of Kulin is to identify bullying risks in the workplace and assess and control risks associated with those matters identified and by reducing the risk of exposure to workplace bullying by providing safe and healthy systems of work with adequate information, instruction, training and supervision for employees.

**HEAD OF POWER:** Local Government Act 1995; ~~Occupational Safety and Health Act 1984~~Work Health and Safety Act 2020; Equal Opportunity Act 1984;  
Shire of Kulin - Equal Opportunity and Diversity Plan

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## HR19 WORK RELATED TRAVEL EXPENSES

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### Human Resources

**PREAMBLE:** Staff who are attending approved training or conducting work related travel (as required by their manager) will be reimbursed for all reasonable expenses.

**OBJECTIVE:** To set the guidelines and process for claiming reimbursement of reasonable work-related travel expenses.

**PRACTICE:** An employee may be eligible for reimbursement of reasonable out of pocket expenses actually and necessarily incurred in the course of his or her authorised duties expenses associated with an overnight absence from home or part day duties away from their base work location. Employees will be eligible to make a claim for reimbursement of the following travel expenses:

- Accommodation
- Mileage
- Food & Beverages
- Incidental expenses such as Wi-Fi/internet charges, parking, public transport and taxi fares.

Reasonable amounts for domestic travel expenses are set out in Table 1.1 at the end of this policy. All receipts for expenditure must be attached to the Travel Expense Claim Form in order to be eligible for reimbursement.

#### Accommodation

A staff member who is attending an approved training course or meeting which will require them to be away from their home overnight will have accommodation booked on their behalf by the CEO, Executive Manager of Financial Services or Manager Executive Support Services. Alternatively, the staff member will be eligible for a reimbursement for the cost of accommodation which they paid for personally.

If an employee chooses to stay at a private residence of their own or that of a friend or family member, they will be eligible for an allowance as set out in Table 1.1.

#### Mileage

An employee who is required to travel in the course of their duty may be authorised to use his or her private motor vehicle where a company vehicle is unavailable. The employee's motor vehicle must be registered, insured, and the driver must hold a current driver's licence. Unless directed by their Manager to use their personal vehicle, an employee is required to obtain prior approval before the travel takes place.

An employee who is authorised to use their private vehicle is eligible to be paid an allowance to cover the cost of using the vehicle by the most direct route. The allowance is calculated based on the distance travelled from the employee's base work location to the destination.

The normal cost of travelling to and from home to base cannot be claimed. Where the employee commences travel from home to the destination and/or completes the travel from the destination to home, only the excess distance between home and base location can be claimed if the normal mode of travel is by motor vehicle.

As soon as practicable after the travel, the employee is required to submit a claim using the Travel Expenses Form which includes the date, the purpose of the trip, the number of kilometres travelled and the type of vehicle used. It is expected that mileage claims will be submitted in the same financial year in which the travel occurred.

The mileage rate(s) payable to employees is that set by the Local Government Industry Award 2020 Industrial Agreement (\$0.91-per kilometre for a motor vehicle, current at May 2024). Claims will be paid at the mileage rate applicable on the date of travel. It is an ATO requirement that where an employee is paid an allowance for the use of a private motor vehicle, it is to be included on the employee's PAYG Payment Summary.

**Food & Beverages**

An employee who is required to travel in the course of their duty will be eligible to be reimbursed for reasonable food and beverage expenditure as per Table 1.1. Where meals are provided as part of the travel, for example lunch provided at a training course, no reimbursement will be provided for that particular meal.

**Incidental Costs**

Employees will also be eligible for the reimbursement of incidental costs when incurred while carrying out approved work-related travel. Incidental costs may include WiFi charges at their accommodation, parking fees, public transport charges, taxi fares and light snacks (eg coffee).

Table 1.1

Reasonable Travel Expenses – Officer Level Staff			
	Accommodation	Food & Beverage	Incidentals
Private Accommodation	\$80 (allowance)	B \$35 L \$40 D\$65	\$30
Commercial Accommodation	\$180	B \$33.90 L \$38.10 D\$64.95	\$30
Reasonable Travel Expenses – Executive Level Staff			
	Accommodation	Food & Beverage	Incidentals
Private Accommodation	\$80 (allowance)	B \$40 L \$55 D \$70	\$30
Commercial Accommodation	\$250	B \$36.90 L \$52.10 D \$73.10	\$30

**PROCESS:** Staff member is to complete the Travel Expenses – Application & Reimbursement Form and submit it to the Chief Executive Officer for consideration.

**HEAD OF POWER:** Local Government Act 1995

*Policy Adopted Ordinary Council Meeting 20 November 2019*

**HR20 EMPLOYEE FUNDED ADDITIONAL LEAVE**

**PREAMBLE:** A Purchased Leave Arrangement (the Arrangement) is a voluntary arrangement for employees who wish to purchase up to eight weeks’ additional leave in lieu of salary per year. Purchased Leave is additional leave “purchased” by setting aside a portion of their ordinary fortnightly earnings to facilitate payment during the period of authorised absence.

**OBJECTIVE:** To clarify the process and limitations for staff to self-fund up to an additional eight weeks leave annually. The Arrangement is designed to:

- provide eligible employees with an option to self-fund an extra period of leave of up to 8 weeks per year;
- assist employees to reconcile life and work interests/obligations /school or provide time to pursue sport, study, training or lifestyle options; and
- assist in the attraction and retention of valued employees.

**PRACTICE:** With the agreement of the Employer, eligible employees may reduce their ordinary earnings and purchase up to an additional eight weeks’ leave per year.

**PROCESS:** Purchased leave is additional leave “purchased” by setting aside a portion of salary to facilitate payment during the time it is taken. The Arrangement requires up to 12 months’ participation, whereby an employee can agree to take reduced wages spread over 3, 6, 9 or 12 months and receive up to 8 weeks’ additional leave as follows:

Weeks salary spread over 52 weeks	Total leave purchased
44	8 weeks
45	7 weeks
46	6 weeks
47	5 weeks
48	4 weeks
49	3 weeks
50	2 weeks
51	1 weeks

In order to access the Arrangement employees must make a written application to the CEO. Accordingly, access to the Arrangement will be subject to approval by the Employer, taking into consideration operational requirements. Operational requirements include:

- availability of suitable leave cover, if required;
- cost implications;
- impact on service requirements;
- impact on the work of other employees; and
- the employee’s existing leave liabilities.

Subject to an employee’s application being agreed to, participation in the Arrangement will commence from the earliest practicable pay period. The starting date cannot be backdated and will be prospective only. The Arrangement operates for 12 months from the 1 July to 30 June in any particular year. An employee can only enter the arrangement in July, October, December and April and, as such, this will affect the amount of leave which will accrue. The start date and maximum leave purchased is outlined in the following table:

Start Date	Maximum leave purchased
1 July	8 weeks
1 October	6 weeks
1 January	4 weeks
1 April	2 weeks

Leave will accrue on a pro-rata basis from the date of commencement of the arrangement.

Purchased leave must be taken by the 30 June of the year that the purchased leave Arrangement commenced. Any portion of purchased leave not utilised by 30 June will be paid out by the last pay period in July at the employee's current rate of pay. The lump sum payout will be taxed accordingly. An employee may apply to the CEO for an extension on the closing date and the accrual of purchased leave beyond 12 months.

If an employee resigns, retires or otherwise ceases their employment, the Arrangement will cease. The total value of the self-funded leave reduction will be calculated and that portion not already taken as leave will be paid to the employee in their final pay.

**HEAD OF POWER:** Shire Procedure

## HR21 SALARY PACKAGING

**PREAMBLE:** Salary packaging is a tax-effective way for employees to receive their salary as a combination of cash and benefits. The benefit is deducted from an employee's gross salary which reduces their taxable income and thus the amount of tax payable.

**OBJECTIVE:** To ensure staff are aware of their ability to salary sacrifice part of their salary and the extent of the benefits allowed to be packaged.

**PRACTICE:** Employees may salary package expenditure which is otherwise deductible or exempt from Fringe Benefits Tax. The payments are deducted from the employee's salary before tax and, as these benefits are exempt from FBT, there will be no cost to the Shire.

**PROCESS:** A range of benefits may be salary packaged, however, the specific benefits, cost effectiveness of any arrangement and employee eligibility will depend on a particular employee's gross salary and mode of employment. The available benefits that **may** be packaged are:

- motor vehicles (for private use) through a novated lease;
- additional superannuation contributions to a complying superannuation fund (detail at HR17);
- work-related portable electronic devices such as a laptop, notebook computer or tablet;
- mobile phone (predominantly for business use);

### *Motor Vehicles - Novated Lease*

*A Novated Lease is a tripartite agreement between the employee, the employer and a financier. Firstly, an employee enters into a finance lease and then by way of a Novation Agreement, transfers the lease to his/her employer. The employer undertakes to meet the lease rentals whilst the employee remains employed by the employer.*

*Motor vehicles are concessionally treated for tax purposes which may result in some savings when you salary package a vehicle. Essentially you pay Fringe Benefits Tax as opposed to income tax. If your FBT liability is less than your income tax liability you have the opportunity to save money. Employees are able to access Fleet Discount Rates/State Govt pricing for vehicles under a novated lease scheme.*

*Novated car leases for new or used cars may be packaged by employees. A car classified as 'luxury' by the Australian Taxation Office cannot be salary packaged. The lease may be finance only, partly maintained or fully maintained. At the end of the period of the lease the employee can elect to purchase the vehicle for the residual price or have the finance company sell the vehicle. If the vehicle is sold for less than the residual price the employee must pay the difference.*

*Fringe benefits tax (FBT) applies to novated car leases but can be offset if an employee makes a personal contribution towards the car out of after tax salary. Goods & Services Tax (GST) is applicable to car leases. An employee will be eligible to have the GST credited back to them provided the Shire receives a tax invoice provided by the Novated Lease provider. The GST on the residual due at the end of the lease period or on employee contributions made after tax will not be able to be claimed back.*

### *General Conditions of a Novated Lease*

- 1. Employees must seek independent financial advice prior to entering in to a Novated Lease arrangement. The information regarding Novated Leases is provided as a summary and may not relate to an individual's personal circumstances.*
- 2. Employees must undertake all administrative work related to entering in to the Novated Lease arrangement.*
- 3. During periods of approved unpaid leave, unpaid sick leave or unapproved leave an employee will be responsible for paying the lease payment, or, if unable to make the repayments, must terminate the Novated Lease Arrangement. Any costs incurred as a result of lease termination will be borne by the employee*
- 4. Any Fringe Benefits Tax (FBT) or other tax liability is to be met by the participating employee and the employee must agree to this by signing a salary packaging agreement prior to entering into a salary packaging arrangement with the Shire.*

5. *An employee may only package a total maximum of 50% of an employee's substantive, annual, base salary unless the employee can demonstrate that he/she can afford to sacrifice more of their income.*
6. *The Shire of Kulin reserves the right to refuse to process an employee's application for salary packaging if this could increase the Shire's administration or other costs and liabilities in any way*
7. *All Novated Lease agreements in the name of the Shire of Kulin, require the absolute majority approval of the Shire of Kulin Council and require signatures of the Shire President and Chief Executive Officer. In the event the Novated Lease is for the Chief Executive Officer the Lease will require the signature of both the Shire President and the Deputy Shire President*

#### **Superannuation Contributions**

Employees can deduct from their pay (before tax) contributions which will be paid on their behalf to the employee's superannuation fund. Employees should ensure that they understand the superannuation thresholds and seek advice on the impact upon their overall taxation position.

#### **Mobile Phone, Laptop/Notebook Computer, iPad or Tablet**

A laptop computer or tablet used for work purposes may be salary packaged. Authorisation from the CEO should be retained as evidence of the business purpose. There is a limit of one electronic device per staff member, per year.

*With respect to any novated leases, individual proposed lease arrangements must have prior approval by way of formal resolution or signature of the Shire President and Chief Executive Officer. Any other salary packaging arrangement must be approved by the CEO.*

**HEAD OF POWER:** Shire Procedure.

*Policy Amended November 2023*

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## HR22 RDO POLICY

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**PREAMBLE:** The Shire of Kulin is committed to providing flexibility in the workplace that considers the work requirements of the Council and the individual/family circumstances of the employees. The provision of rostered days off contributes to this commitment and may assist employees to achieve a greater work/life balance.

**OBJECTIVE:** To provide procedural guidance for staff wishing to engage in the rostered day off scheme for full-time administrative staff.

**PRACTICE:**

The standard hours for administrative staff are 8.30am to 5.00pm, Monday to Friday, with a one-hour lunch break. These hours result in the staff member working a 38 hour week, 7.6 hours per day. In order to work a 19 day month, and accumulate one day as an RDO, staff are required to work an additional 0.4 hours per day.

The nineteen-day month RDO's are dependent upon the approval of the Chief Executive Officer and can be approved where working hours are feasible and non- detrimental to the operations of Council. Where a nineteen-day month RDO is approved, employees will be offered the opportunity to nominate a preferred day within the month in accordance with their family/non-working needs and the needs of the business unit/department. This designated day may be changed through agreement with the employee's Manager under circumstances where required by the operational needs or as response to family/non work unforeseen circumstances.

Limits and restrictions

- Employees will not be allowed to accrue more than three RDO days to accommodate the 3 days from Christmas/New Year period which the employee would be required to take annual leave.
- RDO days are to be taken no more than one day per fortnight.
- RDO's should be taken in full days. Managers may however consider and approve RDO absences in half days or hours, at their discretion.

**HEAD OF POWER:** Shire Procedure.

## HR23 EMPLOYEE REMUNERATION & INCENTIVE POLICY

**PREAMBLE:** The Shire of Kulin pay staff a competitive salary to ensure they are an employer of choice within the Local Government Industry. While the terms and conditions of an individual’s employment is underpinned by the Local Government Industry Award 2020 Industrial Agreement the Shire offer additional financial benefits and amenities above the minimum requirements to ensure staff are rewarded financially for their contribution to our workplace.

**OBJECTIVE:** The purpose of this policy is to streamline the payroll process for all permanent, officer level staff, be able to identify why an individual’s total remuneration package differs from another, include all existing payroll incentives in one policy and to have information regarding remuneration readily available to give to staff.

### PRACTICE:

#### Financial Incentives

##### Attraction & Retention Allowance \$3.50/hr

The Shire of Kulin will offer all staff an attraction and retention allowance as an incentive for full-time and part-time employees who choose to work at the Shire of Kulin.

##### Experience & Qualifications

The Shire will recognise staff, beyond the rate described by their level, who have specialised knowledge or qualifications.

Award Allowances	Hourly	Annually
Recognition of Qualifications & Experience A	1.00	1,976
Recognition of Qualifications & Experience B	1.25	2,470
Recognition of Qualifications & Experience C	2.25	4,446
Recognition of Qualifications & Experience D	3.25	6,422
Recognition of Qualifications & Experience E	5.75	11,362

##### Service Pay

To recognise the contribution of permanent staff who have worked with the Shire of Kulin a service pay allowance will be paid based on the length of service provided by the employee. Currently these rates are:

Length of Service	Annual FTE Payment	Fortnightly Payment
1+ years	\$850	\$32.69
2+ years	\$1,275	\$49.03
5+ years	\$1,700	\$65.38

The following applies for service pay allowance:

- part time staff will receive pro-rata amount
- does not apply to unpaid leave
- does not apply to workers compensation

##### Superannuation (Refer HR17 for detail)

In addition to the Superannuation Guarantee Charge (SGC) the Shire will provide additional superannuation payments to match voluntary payments made by an employee up to a maximum of 19% (including the SGC).

Length of Service	Matching Rate	Total Contribution inc SGC
1+ years	5%	16%
2+ years	7%	19%

0 to 1-year service - No additional contribution.  
 1 to 5 years of service – Shire will pay an additional 5%.  
 After 5 years of service – Shire will match up to 7%

Housing Allowance (Refer A14 for detail)

~~Staff at the Shire of Kulin will be provided a housing subsidy by way of a Council provided premises or a housing allowance equal to the subsidy provided to those in Council provided houses. For those staff who rent or own their own property within the Shire of Kulin a housing allowance of \$6,432 annually will be paid.~~

~~Permanent part time employees working between 38 – 76 hours per fortnight will receive a pro rata allowance based on hours worked each fortnight. This will apply to all new staff commencing after 1 July 2024.~~

Incentive for Staff owning their own residence

The Shire recognises that long term employment will be encouraged if staff own their own residences and that ownership promotes a greater sense of community for employees.

The Shire will pay a Housing Incentive Allowance to permanent employees who own their own home, or are privately renting a home, as opposed to occupying a Shire residence.

The amount of housing allowance will be dependent on the employee’s classification and will increase by March quarter national CPI rate each year. The housing allowance rates are outlined in the table below:

<u>Housing Allowance</u>		
<u>Employee Classification</u>	<u><del>2024/25</del>2025/26 allowance</u>	<u>2025/26 allowance (March 26<sup>5</sup> qtr CPI 2.4.6%)</u>
<u>CEO</u>	<u>\$15,954</u>	<u><del>\$15,954</del>16,688</u>
<u>Executive Managers</u>	<u>\$13,615</u>	<u><del>\$13,615</del>14,241</u>
<u>All other permanent staff</u>	<u>\$6,586</u>	<u><del>\$6,889</del>6,586</u>

Eligibility

- This includes those employees who live with a spouse or partner who locally own a residence. It does not apply where a parent, who is an employee, lives with a child and vice versa.
- The allowance will be payable to any permanent employees. Pro rata allowance is paid to part time employees – refer to HR23 for details.
- The allowance will not apply to non-Kulin Shire owners/renters.
- The allowance can apply to farm housing-based employees.

The Shire reserves the right to reassess each individual employee’s entitlement to this Housing Incentive Allowance from time to time.

The Housing Incentive Allowance shall be determined solely by the Chief Executive Officer and will depend on the individual’s circumstances, employment contract arrangements and changing circumstances of the rental and housing marketplace as they impact on staff rentals.

The Housing Allowance will be spread evenly through the year and paid fortnightly through payroll.

The Shire will permit employees receiving this incentive to establish payroll deductions for the payment of their annual rates. Deductions will be credited to the employee’s rates account.

Communication Allowance

\$800 per annum

Key to Kulin (Refer A17 for detail)

The Key to Kulin is a concept introduced by Council where employees are reimbursed for costs they have incurred in accessing any facilities solely operated by the Shire. The purpose of the Key to Kulin is to add benefits provided to employees by entitling staff and their families' access to these Shire operated facilities. To claim entitlements under the scheme employees must;

- Personally pay for their membership
- Obtain a receipt for the payment
- Present the receipt to the payroll officer for reimbursement

Eligible Facilities:-

- Swimming Pool - Each employee and their immediate family are entitled to full use of the pool and pool slide facilities for the entire season (no reimbursement required).
- Freebairn Recreation Centre - Each employee and their immediate family are entitled to membership at the Freebairn Recreation Centre.
- Local sporting clubs – Employees are entitled to two full or one full and one social membership to any local sporting club using Council facilities.
- Childcare- Employees are entitled to child care benefits up to an amount not exceeding \$650.

Overtime (included at HR5)

Outdoor staff will be paid one hour of overtime, at time and a half, each day.

Relocation Allowance (in addition to HR12)

A relocation allowance of up to \$5,000 may be offered to new appointments in excess of the reimbursement of relocation expenses outlined at procedure HR12.

**Employee Appreciation Award**

At the discretion of Managers (and agreed to at a Managers Meeting) a \$50 gift voucher may be awarded to a member of staff identified undertaking work that aligns with Shire of Kulin identified values.

**Health & Wellbeing Incentives**

Flu Vaccinations

Annual flu vaccinations are provided free of charge to employees at the Shire.

Skin Cancer Screening

Skin cancer screenings are provided to all staff free of charge biennially, in alternate years to hearing tests.

Hearing Tests

Hearing tests are provided to all staff free of charge biennially, in alternate years to Skin Cancer Screenings.

Personal Protective Equipment

PPE is provided to all employees to ensure you are working in a safe and healthy environment.

Uniform Allowance (Refer HR14 for detail)

On appointment staff will be eligible to receive \$600 of uniform allowance from an approved Local Government uniform supplier.

**Leave Incentives**

Annual Leave

Four paid weeks per annum including leave loading of 17.5% (pro rata for part time workers and does not apply to casuals).

Personal Leave

Full time employees will be entitled to up to 10 days (pro-rata for part-time employees) paid personal leave per year. Evidence such as a medical certificate may be required by your Manager prior to the approval of paid sick leave.

**Rostered Days Off**

An RDO system is in place for eligible Shire employees. Full time administration staff will be entitled to one day off per month and full-time outdoor employees will be entitled to one day off per fortnight as per Council policy.

**Leave Loading**

The Shire of Kulin will pay leave loading of 17.5% on four weeks of annual leave annually.

**Two additional days of paid leave**

In lieu of repealed public service holidays, full time employees receive an additional two (2) days of paid leave in lieu of repealed public service holidays. Part time employees receive the same benefit in a pro rata amount.

**Unpaid Leave**

This entitlement may be accessed upon agreement with management after all annual leave has been exhausted. Whilst on unpaid leave (including parental leave) employees are not entitled to receive service pay or housing allowance/subsidy.

**Parental Leave**

Employees are entitled to up to 12 months of unpaid parental leave.

**Purchased Leave**

Employees are entitled to purchase up to 8 weeks additional leave.

**HEAD OF POWER:** Shire Procedure.

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## HR24 FLEXIBILITY AND RIGHT TO DISCONNECT

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**PREAMBLE:** The Shire of Kulin recognises the importance of fostering a positive work environment that promotes work-life balance and respects the personal well-being of its employees. In light of the recent passage of the Fair Work Amendment (Right to Disconnect) Bill 2023, the Shire acknowledges the need to address the evolving expectations regarding flexibility and the right to disconnect for both employees and their managers.

**OBJECTIVE:** To provide a workplace culture that values flexibility, respects employees' right to disconnect, and fosters open communication between managers and employees. By adhering to these principles and guidelines, we aim to create a positive and supportive work environment conducive to employee well-being and productivity.

### PRACTICE:

#### Principles

1. **Flexibility:** The Shire of Kulin values flexibility in the workplace, understanding that employees may need to attend to personal matters during work hours, provided that such activities do not significantly impede their work responsibilities.
2. **Mutual Understanding:** There exists an understanding that flexibility in work arrangements is a two-way street, wherein employees are expected to be accessible beyond standard work hours to address urgent work matters, while employers acknowledge and respect employees' need to manage personal affairs during work hours when necessary.
3. **Right to Disconnect:** Employees have the right to disconnect from work-related communications and tasks outside of their regular work hours, without fear of negative consequences or reprisal from their managers or supervisors.

#### Guidelines

1. **Reasonableness of Out-of-Hours Contact:** The Shire acknowledges that there may be occasions where out-of-hours contact is necessary. Factors relevant to determining the reasonableness of such contact include:
  - The urgency and importance of the matter.
  - The level and frequency of contact.
  - Compensation or remuneration for responding to out-of-hours contact.
  - The employee's job role and responsibilities.
  - The personal circumstances of the employee.
  - Whether the contact is an inherent requirement of the role or qualifies as reasonable additional hours under the Fair Work Act.
2. **Flexible Work Arrangements:** Employees working under flexible work arrangements, such as parental responsibilities or other personal circumstances, are entitled to perform some personal activities during work hours, provided that it does not significantly impact their work performance or productivity.
3. **Open Dialogue:** The Shire encourages open and ongoing dialogue between managers and employees regarding work expectations, flexibility, and the right to disconnect. Such conversations are essential for establishing mutual understanding and maintaining a healthy work environment.
4. **Compliance:** All employees and managers are expected to comply with the provisions outlined in this policy and adhere to any further guidelines provided by the Fair Work Commission regarding the right to disconnect.

**HEAD OF POWER:** Shire Procedure.

**COMMUNITY SERVICES**

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## **CS1 BUSH FIRE ADMINISTRATION**

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### **Community Services**

**PREAMBLE:** The Shire of Kulin is responsible for the application, management and control of the Bushfire Act 1954 in the district. This guideline aims to clarify the many aspects of this service.

**OBJECTIVE:** To maintain a simple coverage of rules and practices that supports the processes of Bushfire control for the Shire and the many volunteers that support this service.

#### **PRACTICE:**

##### **Annual Meetings of Bushfire Brigades**

The Annual Bush Fire Advisory Meeting is to be held at a suitable time between March & August each year and all Bush Fire Brigades are to be encouraged to hold their annual meetings prior to the Advisory meeting.

##### **Confirmation Appointment – Bush Fire Control Officers**

Appointments of Bush Fire Control Officers (BFCO) are recommended to the Shire at/by the Annual Meeting of Bush Fire Brigades and confirmed by the Council on an annual basis at its next available meeting.

The Shire will appoint (as required under the Bushfire Act) or continue with the appointments of the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer with the adoption of recommendations for the appointment of BFCO's each year.

The persons listed in the Kulin Fire Brigades/Officers List are appointed as Bush Fire Control Officers (BFCO) for the Shire of Kulin for the coming year. The Council may also make mid-term appointments by separate resolution passed at any Council meeting.

##### **Confirmation Appointment – Dual Fire Control Officers**

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

##### **Eligibility – Bush Fire Control Officer Appointment**

To be eligible for appointment, all newly appointed Bush Fire Control Officers must have attended, or be willing to attend, a Fire Control Officers course conducted by the Bush Fires Board before being able to act in that position. Expenses paid by the officers in attending these courses not reimbursed or covered by the Bush Fires Board will be paid by the Shire.

##### **Harvest Bans – Automatic**

The Shire imposes an automatic Harvest Ban on Christmas Day and New Year's Day.

##### **Harvest Ban Officers**

The officers authorised to impose bans on harvesting and movement of vehicles in paddocks within the Shire of Kulin are as follows (in order):

- Chief Executive Officer
- Executive Manager of Financial Services
- Executive Manager of Governance & Risk
- Executive Manager of Works
- Chief Bush Fire Control Officer; and
- Deputy Chief Bush Fire Control Officer.

All bans shall be imposed following consultation with the Fire Weather Officer or his/her Deputy if this is a different person to the Harvest Ban Officers named above.

**Notification if Brigade truck to attend fire more than 40km outside Kulin Shire**

Brigades/Captains to seek permission from the Chief Bushfire Control Officer, Deputy Chief Bushfire Control Officer or the Shire CEO to attend fires that are located more than 40km outside of the Shire boundary. Notification requires any request to be determined by CBFCO, DCBFCO or Shire CEO on the basis of known weather information and likelihood of other local fire incidents.

**Brigade Truck Maintenance**

That any Brigade fire truck maintenance be co-ordinated via the Executive Manager Works and the Shire Mechanic either as immediate (next day) after the event checks on repairs already completed or actioned as works/maintenance required. All Fire Brigade Vehicles to be inspected annual pre-season by Shire mechanic with repairs/maintenance records maintained.

**Permits**

No permits shall be issued to set fire to the bush during the prohibited burning period except for reasons as specified under the Bush Fires Act. When a Bush Fire Control Officer refuses to issue a permit, he must advise the Chief Executive Officer that the permit has been refused and details of the grounds for refusal to ensure that a permit is not obtained from another officer.

**Prosecutions**

The Shire's practice is that Bushfire Control Officers recommend to the Chief Bush Fire Control Officer persons who should be prosecuted under the Bush Fires Act for failing to comply with the provisions of the Act, with the knowledge that they may be called upon to give evidence when charges are heard. Prior to the adoption by any recommendation by the Shire on the advice of the CBFCO, the CEO is to confer with legal advisors, test supplied evidence and witness statements and confer with Government agencies and Departments on the balance of probability of a successful prosecution. Indication that a successful prosecution is possible, is only one of the factors considered prior to proceeding, others include overall cost, delay, relevance to educational and changed outcomes, potential benefits and severity of loss and or damage.

**PROCESS:** Reference and referral of administrative, control and management to Shire staff who administer the Bushfire function.

**HEAD OF POWER:** Local Government Act 1995 and Bush Fires Act 1954

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## **CS2 BUSHFIRE CONTROL - FIREBREAKS & PROPERTY CLEANUP**

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### **Community Services**

**PREAMBLE:** Where landowners fail to heed notices for firebreaks to be installed, except in circumstances where an exemption may have been claimed but overlooked, the Shire provides staff with the option of using Shire equipment and/or contractors to install the breaks and charging the full costs to the landowner.

**OBJECTIVE:** In the interests of protecting property and life from the dangers of fire, the Shire requires that staff take all steps possible to have fire breaks installed in accord with the Fire Break Order.

**PRACTICE:** The Shire's road grader may be used or contractors and their equipment to provide the required firebreaks on any property where the owner has failed to comply within seven (7) days of any formal request to make necessary improvements to the firebreaks, the charge incurred is to be levied for the service to be the full actual assessed costs including overheads, travelling, etc.

The Chief Executive Officer without reference to Council may take action in removing fire risk where it can be reasonably assumed the Shire will either recover the cost of the works or significantly minimise the risks. For the purpose of this clause, the CEO is authorised to undertake the works by agreement with the landowner (where recovery is possible) or where the landowner is not available to determine urgency and risk, to a value of \$2000 for works to rectify/eliminate the source of the fire risk. The CEO is authorised to recover by a charge on the property any costs incurred by the Shire.

**PROCESS:** The Fire Control Officer or Executive Manager of Works is to report the Chief Executive Officer those properties where it appears that reparation or mitigation works will not take place to satisfy the Shires Firebreak Notice, thereby initiating this guideline and the ultimate claim against the land owner.

**HEAD OF POWER:** Local Government Act 1995, Bush Fires Act 1954.

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## **CS3 BUSHFIRE CONTROL - PLANT USE FOR ADJOINING SHIRES**

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### **Community Services**

**PREAMBLE:** Uncontrolled fire needs to be managed as quickly as possible to protect life and property.

**OBJECTIVE:** To enable the Chief Executive Officer and the Executive Manager of Works to act quickly when requested by neighbouring Shires to provide plant and equipment, where life and property is threatened by fire.

**PRACTICE:** The CEO or Executive Manager of Works be authorised to allow Shire works staff and plant to attend fires within adjoining Shires when practical to do so with no costs to be charged against the landowner for any assistance given up to \$5,000 of staff, hire plant or equipment (above positioning and mobilisation costs).

Shire staff to be under the control of the Chief Fire Control Officer or incident controller whilst in attendance at a fire in neighbouring Shires.

**PROCESS:** The Chief Fire Control Officer, or the Fire Control Officer in charge of a fire is to contact the CEO or Executive Manager of Works in the first instance to request Shire works staff to attend fires within the adjoining Shires.

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

**HEAD OF POWER:** Local Government Act 1995 & Bush Fires Act 1954

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## **CS4 BUSHFIRE CONTROL– SHIRE PLANT FOR USE OF**

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### **Community Services**

**PREAMBLE:** Fire needs to be managed as quickly as possible, at times, the use of water is not enough to get the fire under control to protect life and property.

**OBJECTIVE:** To enable the CEO, the Shire President and the Chief Fire Control Officer to act quickly when requested to do so, where life and property is threatened by fire.

**PRACTICE:**

a) The Shire authorises the use of Shire plant and equipment, at the discretion of the Chief Executive Officer or the Shire President in the absence of the CEO.

b) The Council authorises the Chief Fire Control Officer, in consultation with the local area Fire Control Officer, to spend up to \$5,000 to hire plant or equipment (above positioning and mobilisation costs) if and when a bushfire cannot be effectively controlled by other means, or where it is considered necessary to engage additional resources to protect life or property.

This guideline does not limit the Shire Presidents authority to authorise expenditure in an emergency under section 6.8 (1) (c) of the Local Government Act 1995.

**PROCESS:** The Chief Fire Control Officer or the local area Fire Control Officer in charge of a fire is to contact the CEO in the first instance to request the use of Shire plant. If the CEO is not available the Shire President is to be contacted. Should the Shire President also not be available the Chief Fire Control Officer is authorised by this guideline to incur plant hire expenditure to the value of \$5,000 (above positioning and mobilisation costs).

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

**HEAD OF POWER:** Local Government Act 1995

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## **CS5 BUSHFIRE CONTROL - SUSTENANCE**

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### **Community Services**

**PREAMBLE:** The Shire appreciates the efforts that volunteer fire fighters put into protecting property from fire and acknowledges that on occasion's fires take a long time to get under control. Fire fighters need to keep up their strength and have energy to do the work they do in hot and sometimes very dangerous conditions.

**OBJECTIVE:** To ensure the wellbeing of volunteer fire fighters by providing them with sustenance whilst they are in the field fighting fires.

**PRACTICE:** Council directs that the Chief Fire Control Officer (CFCO), or in his absence, the CEO or an authorised person in control of a major fire, shall have authority to order the provision of the refreshments to fire fighters who have been engaged in firefighting at a fire scene for a reasonable time up to a limit of \$500.

**PROCESS:** The CFCO, CEO or authorised person in control of the fire is to make arrangements for the supply of food and refreshments for fire fighters. The Chief Executive Officer is to authorise a purchase order for the meals and arrange delivery to the fire scene up to \$500. No alcoholic beverages are to be supplied under this policy to the fire scene.

**HEAD OF POWER:** Local Government Act 1995

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## **CS6 BUSHFIRE PROHIBITED/RESTRICTED BURNING PERIODS – CHANGES**

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### **Community Services**

**PREAMBLE:** Prohibited burning times are set by the Minister in accordance with Section 17 (1) of the Bush Fire Act 1954. The Act recognises that variations to those dates may need to be made to cover local weather and seasonal conditions and allows for the local government to amend the prohibited and restricted burning times.

**OBJECTIVE:** This guideline allows for weather and seasonal conditions to be taken into account in either reducing or extending the prohibited and restricted burning times.

**PRACTICE:** In accordance with Section 17(10) of the Bush Fires Act 1954 (as amended), the Chief Bush Fire Control Officer and Shire President, be delegated authority to vary the “Prohibited Burning Time” [Section 17(7) and Section 17(8)] for the Shire of Kulin as they deem appropriate for prevailing weather or seasonal conditions.

In accordance with the Bush Fires Act 1954 (as amended), the Chief Bush Fire Control Officer and the Chief Executive Officer are delegated authority to vary the “Restricted Burning Period “ for the Shire of Kulin as they deem appropriate for prevailing weather or seasonal conditions.

In all cases, it is the Shire preference to vary the Prohibited and Restricted periods by the maximum time available under the Bush Fires Act 1954, which is 14 days – less the required mandatory advertising periods where they apply.

Mechanisms to end or suspend the Prohibited and Restricted 14-day change can be applied as required thereafter.

**PROCESS:** The Chief Bush Fire Control Officer on contact with the Chief Executive Officer shall nominate reasons why the prohibited and restricted burning times should be varied and the Chief Executive Officer if in agreement shall sign the appropriate Notice to that effect which is communicated to neighbouring Shires, DFES and SMS message users and advertised in the next available local newspaper (whilst meeting minimum 2 day Notice period).

A Notice varying the Prohibited or Restricted periods is also sent out to all Shire Fire Control Officers.

### **DELEGATION:**

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

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

**HEAD OF POWER:** Local Government Act 1995

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## **CS7 BUSHFIRE TRAINING ADMINISTRATION**

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### **Community Services**

**PREAMBLE:** The Shire of Kulin has the care and control of all bushfire brigades within its boundaries in accordance with the Bushfire Act 1954 and a duty of care to ensure that our volunteer bushfire brigade personnel have received a level of training commensurate to undertake firefighting duties safely, efficiently and confidently whilst on the fire ground.

**OBJECTIVE:** To indicate a preference for minimum training standards of brigade personnel, acknowledging that the Shire has difficulty in imposing hard and fast rules about what it can accept as minimum standards. DFES recommended training packages are the preferred minimum requirement for all new volunteer bushfire brigade members, FCO's and captains, with the training to be coordinated and recorded by Shire Bushfire Administration staff for the issue of certificates.

The Shire aims to hold to higher standards Fire Control Officer and Captains; therefore, they are required to complete the approved DFES Fire Control Officer package within one (1) year of election to the position and complete a refresher courses every five (5) years thereafter whilst holding the position, or in accordance with DFES regulations.

**PRACTICE:** That Shire of Kulin preferred volunteer minimum standards for Bushfire brigade members will be the completion of;

- the Volunteer Induction Program, the Introduction to Fire Fighting Course, the Bush Fire Fighting Course, the Basic Driver Training Course, (for members wishing to become drivers and Fire Control Officers/Captains)

though it is acknowledged that with the infrequency of both training and fire events in the region, achieving stated minimum standards may be difficult to enforce.

Due to a higher role and added responsibilities for duty of care of attendees at a fire ground, the prerequisite for Fire Control Officers and Captains is a minimum 2 years active Fire Fighting and the completion of any relevant training or the relevant refresher courses every five years.

The Chief Executive Officer is to plan training opportunities annually for either Volunteers and or Fire Control Officers as part of awareness raising of the Shire's preferred standards.

**PROCESS:** The Bushfire Administration staff will be directed by the Bush Fire Brigades Advisory Committee of any changes to this guideline or for a need for revision of training requirements and opportunities. The Bush Fire Brigades Advisory Committee to submit relevant changes to the CEO for Council acknowledgement and/or approval.

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

**HEAD OF POWER:** Local Government Act 1995 and Bushfire Act 1954

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## **CS8 CAT OWNERSHIP LIMIT – CAT CONTROL**

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### **Community Services**

**PREAMBLE:** With the introduction of the Cat Act 2011 and Cat Regulations 2012 this guideline is used to outline the principles of cat ownership and cat care within the Shire of Kulin.

**OBJECTIVE:** To encourage responsible cat ownership and compliance with the Cat Act 2011 and Cat Regulations 2012.

**PRACTICE:** For the purpose of this guideline, the term 'keep' refers to a cat being owned and registered to the owner, also a cat being fostered and/or waiting to be rehomed at a premise where the owner is ordinarily resident. For the purpose of this guideline a kitten is not deemed to be a cat until it is six (6) months of age.

The guideline limits the number of cats on a premise within the Shire of Kulin to a maximum of two (2) cats over the age of six (6) months.

**PROCESS:** The Shire of Kulin Cat guideline automatically permits a person to keep up to two (2) cats over the age of 6 months with approval.

The Shire Ranger(s) are required to investigate all notifications where information suggests more than two (2) cats are held on a premise and formal recommendation is to be submitted to the Chief Executive Officer for consideration.

#### **Minimum standards for the keeping of cats are:**

All cats must be registered with the Shire of Shire of Kulin or another local government, micro chipped and sterilised, in accordance with the Cat Act; and

All excreta to be disposed of without causing a risk to the health and safety of any person.

Cats must not be kept in a manner which:

- Endangers, or is likely to, endanger the health of any person or animal; and
- Causes a nuisance of any kind to the occupiers of premises in the surrounding areas.

#### **Cat Foster Carers**

Applications to keep three or more cats by Cat Foster Carers will be considered on the merits of the application. Due to the circumstances in which Cat Foster Carers operate, discretion will be used to assess these applications and conditional approval will vary from residential cat owner applications. The discretion exercised will allow Rangers to recommend alternatives for the keeping of cats up to the maximum number of four (4) cats set by this guideline, without specifying the cats being kept.

To qualify for this discretion the application to keep cats under the Cat Foster Carer provision, the following will be required:

- Written evidence that the person applying for the keeping three or more cats is a current member of a local Cat Foster or Cat Re-homing organisation;
- Written evidence that the person applying for the discretion to keep cats under the Cat Foster Carer provision is ordinarily resident at premises at which the cats are to be kept.

#### **Approval/refusal**

Approval/refusal will be granted by the Chief Executive Officer under delegation from Council. In the event an application is refused or the applicant is aggrieved by a condition of approval, the applicant will be informed of their right to request Council to reconsider the officer's decision. An application to review Council's decision may be made to the State Administrative Tribunal.

**DELEGATION:** To the Chief Executive Officer to determine applications to keep cats under the Cat Foster Carer provision of this policy.

**HEAD OF POWER:** Local Government Act 1995; Cat Act 2011 and Cat Regulations 2012.

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## **CS9 DOG CONTROL – ATTACKS**

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### **Community Services**

**PREAMBLE:** Dog attacks are a traumatic experience for both the persons and the animal attacked, the owners of animals and the alleged perpetrators owner.

**OBJECTIVE:** To expedite dealing with dog attacks to ensure evidence is gathered while it is fresh and obtainable and to have the matter dealt with quickly.

**PRACTICE:** The Shire Ranger in consultation with the Chief Executive Officer has authority, in accordance with the Dog Act 1976, Part VII to implement immediate proceedings against the owner of any dog that has been determined responsible for biting or attacking a person or animal.

The Ranger is to investigate as soon as practicably possible an incident of dog attack. The Ranger is to consult with the Chief Executive Officer or other authorised officer of the Shire of Kulin the circumstances, evidence, regulations as they apply and options for recommended courses of action.

The Ranger is authorised to issue necessary infringement and/or summonses to progress action against a dog owner following reference and recommendation to the Chief Executive Officer.

**PROCESS:** Where the Ranger believes criminal charges may also be appropriate, the Police are to be informed of the potential for offenses.

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

**HEAD OF POWER:** Local Government Act 1995, Dog Act 1976

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## **CS10 DOG OWNERSHIP LIMIT – DOG CONTROL**

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### **Community Services**

**PREAMBLE:** This guideline will provide for a consistent application/assessment and approval process for keeping more than two (2) dogs.

**OBJECTIVE:** To encourage responsible dog ownership and compliance with the Dog Act 1976. To adopt a formal process for investigation and assessment of applications received from residents who wish to keep more than two (2) dogs, but not more than four (4) (over the age of three (3) months) at a property.

**PRACTICE:** The guideline limits the number of dogs on a property within the Shire of Kulin to a maximum of four (4) dogs over the age of three (3) months.

• Definition – for the purpose of this guideline a puppy is not deemed to be a dog until it is three (3) months of age.

Provisions of the Dog Act 1976, stipulate that a person may only keep two (2) dogs over the age of 3 months, though allows for an application in writing to be made to keep more than two (2) dogs over the age of 3 months. The application shall be submitted addressing the prescribed requirements with the payment of the required application fee. Surrounding property owners will be notified in writing of the proposed application requesting comment.

The Shire Ranger(s) are required to investigate the application and ensure a formal recommendation is submitted to the Chief executive Officer for consideration. Upon receipt of an application to keep more than two (2) dogs the Shire Ranger(s) will inspect the property as part of the application assessment to ensure:

- There is adequate provision of shade, water and protection for the dogs;
- The size of the property is adequate for more than two (2) dogs;
- There are suitable means to contain the dogs to the property;
- The cleanliness of the property; and
- The existing dogs appear to be clean and well cared for.

#### **Minimum standards for the keeping of dogs:**

- All dogs must be registered with the Shire of Kulin or other local authority;
- All faeces and urine to be disposed of without causing a risk to the health and safety of any person;
- No environmental harm; and
- The fences must be of a height and construction to prevent to dogs from escaping over, through or under.

#### **Approval may be granted subject to the following conditions:**

- Once any of the existing registered dogs at the property are deceased, sold or otherwise disposed of, the approval automatically lapses;
- The applicant's approval will automatically lapse if any offences relating to the Dog Act 1976 are substantiated;
- The property must be kept clear of all animal excreta using proper disposal methods;
- Adequate cover and protection is available for the dogs at all times;
- The dogs being at all times adequately confined in accordance with the Dog Act 1976; and
- The approval may be revoked or varied at any time in accordance with the Dog Act 1976.

In the event an application is refused, the applicant will be informed of their right to request reconsideration of the decision. An application to review Council's decision may be made to the State Administrative Tribunal.

**PROCESS:** Application in writing to the Shire.

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

**HEAD OF POWER:** Local Government Act 1995, Dog Act 1976

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## **CS11 DOMESTIC WASTE & COMMERCIAL WASTE**

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### **Community Services**

**PREAMBLE:** The Shire of Kulin has a duty of care under the Health Act 1911 to facilitate the efficient and effective collection and disposal of domestic waste. This guideline details the collection method and the services included in the waste management program including the provision of waste and recycling containers, service areas and alternative waste disposal options.

**OBJECTIVE:** To ensure that domestic waste is managed in a manner that minimises the risk to public health and to ensure properties within the Shire are provided an effective and timely waste and recycling services.

**PRACTICE:** The Shire of Kulin provides;

- a kerbside mobile garbage bin contracted waste and recycling disposal service in the townsites of Kulin,
- bulk recycling bins in Kulin for general use,
- a Transfer Station, Truebody Street, Kulin which is open Sunday, Monday and Thursday 10-3pm where recycling, metal separation, green waste and bulk bins for general waste,
- a combination of contracted residential collection and fixed location mobile garbage bin waste disposal service in Pingaring at the rear of the Shire Community hall,
- a weekly bulk bin general waste collection at Dudinin, and
- twice yearly kerbside collection for green waste and whitegoods in Kulin.

Minor asbestos waste can be received on appointment in Kulin.

Only one residential 90ltr mobile garbage bin (MGB) and 120ltr recycling MGB is provided per residence. CEO is to determine applications for all additional paid MGB services.

Commercial collections are subject to waste stream evidence and sufficient bins and bulk bins are provided as required.

**HEAD OF POWER:** Local Government Act 1995; Health Act 1911, Shire of Kulin Health Local Laws 2000

## **CS12 FOOD SAFETY COMPLIANCE & ENFORCEMENT PRACTICE**

### **Community Services**

**PREAMBLE:** The Department of Health (WA) administers the Food Act 2008 (The Act). The Shire of Kulin is a designated enforcement agency under the provisions of the Act.

The objectives of the Act as defined in Section 3 include the following:

- to ensure food for sale is both safe and suitable for human consumption;
- to prevent misleading conduct in connection with the sale of food;
- to provide for the application in the State of the Food Standards Code.

The Food Standards Code means the Australia New Zealand Food Standards Code as defined in the Food Standards Australia New Zealand Act, 1991 of the Commonwealth of Australia. Enforcement of the Food Act is essential for the effective management of food safety risks and the prevention of misleading conduct in connection with the sale of food. Accordingly, the Department of Health (WA) and the Shire of Kulin are committed to ensuring there is a high level of compliance with the Food Act and Regulations. The Act sets out principles of compliance and enforcement to achieve effective regulatory goals in a manner that is:

Authorised by law;  
Procedurally fair;  
Accountable and transparent;  
Consistent; and  
Proportionate.

It is recognised that most food businesses want to comply with the law and produce food that is safe and correctly labelled. The compliance and enforcement role of the Shire of Kulin is to protect consumers from a minority who may not act in the interests of food safety. The enforcement options of this guideline are not required to be enacted on food businesses who act responsibly. It is the Shire's aim to provide education to food handlers to maintain the safety of food products produced or sold within the Shire of Kulin. It is however important that these enforcement options are clearly understood so that any action the Shire takes against a food handler or food premises is within the scope of the law and is appropriate for the given circumstances.

The range of offences under the Act and Regulations vary greatly in their seriousness and accordingly a variable range of penalties and enforcement options are available under the Act and Regulations. This guideline describes the options that are available and provides details of the matters that will be considered in their application toward achieving the objectives of the Act. This guideline also sets out the principles the Shire will apply in its compliance and enforcement activities. Breaches of the Act are classified as criminal offences and penalties of up to \$500,000 and/or two years imprisonment apply.

**OBJECTIVE:** The objectives of this guideline are:

- To provide transparency to consumers and industry on how the Shire of Kulin will make decisions on enforcement action;
- To guide decision making and action by Shire Officers in the use of enforcement options;
- To use regulatory implements in such a way as to best achieve the Shire's strategic and operational objectives.

### **PRACTICE: Compliance and Enforcement Principles**

As a regulatory authority the Shire of Kulin will endeavour to:

- Act in the public interest;
- Act consistently, impartially and fairly according to law;
- Promote consistency through effective liaison with field staff and the adherence to policies and procedures;
- Ensure we do not discriminate on the basis of race, religion, sex, national origin or political association;
- Ensure that enforcement action is taken against the right persons for the right offence;

- Ensure that all relevant evidence is placed before the courts or appeals tribunals;
- Make food businesses aware of their legal obligations through the widest possible dissemination of information;
- Explain the benefits of compliance to food businesses and discuss specific compliance failures or problems;
- Provide advice on mechanisms that can be used by food businesses to improve compliance;
- Confirm advice in writing when requested and provide written advice in a clear and simple manner, explaining what and why remedial work is to be undertaken, over what time period and ensure that all legal requirements are clearly explained;
- Advise proprietors of their right of appeal where provided by law;
- Provide alleged offenders with an opportunity to discuss the circumstances of their case; and
- Seek the support of industry leaders to influence compliance levels.

### **PROCESS: Decision Making Criteria**

Each case will be considered individually and the appropriate enforcement action to be taken determined on the particular circumstances of the case.

The Prosecution Policy of the Commonwealth states:

“The objectives previously stated – especially fairness and consistency – are of particular importance. However, fairness need not mean weakness and consistency does not mean rigidity. The criteria for the exercise of this discretion cannot be reduced to something akin to a mathematical formula; indeed, it would be undesirable to do so. The breadth of the factors to be considered in exercising this discretion indicates a candid recognition of the need to tailor general principles to individual cases” (1)

The following issues need to be considered and balanced in making a decision as to the type of enforcement action, if any, that is applied:

- The knowledge of the alleged offender as to the consequences of their actions;
- The degree of care taken by the alleged offender to ensure they did not commit an offence;
- The capability of the alleged offender to understand, cope and comply with the relevant requirements;
- The alleged offender’s antecedents and background, including culture and language ability;
- The openness, honesty and cooperation demonstrated by the alleged offender;
- The contrition demonstrated by the alleged offender;
- Any mitigating or aggravating circumstances;
- The culpability of the alleged offender and role played by other parties that may have contributed to the offence;
- The timeliness, the age, duration and magnitude of the offence;
- The totality of offences that may have been allegedly committed;
- The proportionality of the selected enforcement option so that the action will not be unduly harsh or oppressive;
- The prevalence of the alleged offence within the industry and any need for a deterrent effect;
- The difficulty and resources expended by the Shire of Kulin in investigating and proving the elements of the particular offence or the type of offence;
- The efficiency and cost to the Shire of Kulin of the compliance and enforcement option that is used;
- Whether the enforcement action required to achieve the objectives of the Act are appropriate;
- Whether or not the enforcement action would be perceived as counterproductive – for example, by bringing the law into disrepute;
- Whether or not the offence is of considerable general public concern;
- The necessity to maintain public confidence in the enforcement of the Act;
- The existence of any risk to public health and the nature and extent of that risk;
- The extent to which consumers have been defrauded;
- The need to protect the consumers either in or visiting the Shire of Kulin

The overriding consideration in taking enforcement action will always be the public interest.

(1) Commonwealth Director of Public Prosecutions 2004, Prosecution Policy of the Commonwealth.

### **Privacy**

The Shire of Kulin must observe the privacy principles set out in the Freedom of Information Act 1992. Information relating to compliance and enforcement action will generally be made available only where consistent with the Freedom of Information Act 1992 and Section 121 of the Food Act 2008.

### **Application of Compliance and Enforcement Options**

A range of compliance and enforcement options are available to Authorised Officers. This section gives guidance on when these options may be applied. The decision-making criteria will be considered in deciding which, if any, enforcement action is appropriate in each case.

### **Types of Compliance and Enforcement Action.**

The compliance and enforcement options available to Authorised Officers include:

- Verbal advice;
- Warning letters;
- The issuing of a statutory Improvement Notice which requires cleaning, repair, replacement, revision of food safety program, implementation of a food safety program or implementation of the Food Safety Standards;
- The issuing of a Prohibition Order which controls certain activities where there is failure to comply with an Improvement Notice or to prevent or mitigate a serious danger to public health;
- The seizure of food, vehicles, equipment, and labelling or advertising materials which do not comply with a provision of the Act or Regulations;
- The issuing of a Penalty Infringement Notice;
- The institution of proceedings in the Magistrates Court;
- Request for court orders for corrective advertising by a person found guilty of an offence;
- Publication of the names of offenders immediately after conviction.

### **Verbal Advice and Warnings**

Authorised Officers will routinely give advice on compliance to food businesses. This advice will relate to principles of food safety and explain the benefits of compliance or the purpose of the law. Verbal warnings should normally only be given for extremely trivial offences, where the offence is only of a technical nature or where there is insufficient evidence to justify a warning letter.

### **Written warnings**

Where there is evidence that minor breaches of the Act have occurred, warning letters may be issued at the discretion of the Authorised Officer. Warning letters may be inappropriate where there are a large number of minor offences on one occasion within one food business. Similarly warning letters will not normally be issued for a series of offences within a relatively short period of time or in those cases where warning letters have previously been issued. The totality of the offences should be considered in deciding the appropriate course of action. Where significant non-compliance is evident, more significant enforcement action may be appropriate. Warning letters will detail the exact nature of the offence, required remedial action, cite relevant clauses of the legislation, and specify the maximum penalty for the offence and the intention of the Shire to enforce the legislation. Warning letters will be followed-up within no less than 3 months to ensure the required actions have been taken. Further written warnings will not be issued for a subsequent similar offence except in exceptional circumstances.

### **Improvement Notices and Prohibition Orders**

Authorised Officers may serve Improvement Notices under Section 63 of the Act. An Improvement Notice is an order that may require, in relation to premises, food transport vehicles or equipment, cleaning, repair, replacement, and relating to the handling of food, revision of a food safety program, implementation of a food safety program or implementation of the Food Safety Standards. The orders may also require food to be handled in a specified way or for a specified purpose.

Improvement Notices should be issued with the same considerations as for a warning letter but should also only be used where there is an intention to proceed to a Prohibition Order following non-compliance with that Improvement Notice. In other circumstances a warning letter or other enforcement options should be considered.

An Improvement Notice must specify the specific legislative provision to which it relates and may specify the particular action to be taken by a person. The Improvement Notice must specify the date by which compliance must be achieved. While extension of the date of compliance is at the discretion of the Authorised Officers, extensions of time for compliance will not be granted for matters related to cleaning or food handling without the prior approval of the Chief Executive Officer. Appeals concerning Improvement Notices will be considered by the Chief Executive Officer.

Improvement Notices must be served on the proprietor of the food business. The person on whom an Improvement Notice has been served must be provided with a copy of the Improvement Notice upon request. Should the proprietor wish to seek an extension of time for compliance, that request must be in writing stating the reasons the extension is being sought. That request is to be submitted to the Shire of Kulin before the date of compliance as indicated in the Notice.

Improvement Notices are differentiated from warning letters in that they are a statutory notice that may lead to the issuing of a Prohibition Order under Section 65 of the Act. The issuing of an Improvement Notice does not preclude the issuing of a Penalty Infringement Notice or the institution of court proceedings in circumstances where these types of actions may be warranted.

#### Prohibition Orders

Prohibition Orders may be issued where an Improvement Notice has been issued and there has been a failure to comply with the Improvement Notice by the date of completion or where the issue of a Prohibition Order is necessary to prevent or mitigate a serious danger to public health.

A Prohibition Order will take a form that prohibits the handling of food on specified food premises, vehicle or equipment, or that food is not to be handled in a specified way or for a specified purpose. It should be noted that Section 8 of the Act defines food handling very broadly, including activities such as collection, transporting, storing or displaying food. Breach of a Prohibition Order will normally result in prosecution.

A Prohibition Order will remain in place until a Certificate of Clearance is issued following a written request for an inspection. An inspection will be undertaken within 48 hours of a written request being made by the proprietor of the food business to the Shire of Kulin or to the Authorised Officer who made the order. If an inspection is not made within 48 hours of the written request for an inspection, a Certificate of Clearance is deemed to have been granted.

Section 69 of the Act provides for appeal to the State Administrative Tribunal (SAT) if there is a refusal to issue a Certificate of Clearance. Section 70 of the Act provides for compensation to be paid if there were no grounds for the making of the Prohibition Order.

Prohibition Orders may only be issued by the Chief Executive Officer, being a duly authorised delegate under Section 118 of the Act. A brief of evidence sufficient to prove all elements of a prosecution will be the normal standard required prior to the issue of a Prohibition Order.

#### Seizure Powers

Authorised Officers have power under Section 40 of the Act to seize food, vehicles, equipment, and labelling and advertising materials which the Authorised Officer reasonably believes do not comply with a provision of the Act or Regulations or which there is evidence that an offence has been committed.

Whilst seizures are undertaken to collect evidence or to prevent further offences being committed, they effectively impose a penalty upon the person from whom the food, vehicle, equipment and labelling or advertising materials is seized. The impact of a seizure should be considered in the application of any other enforcement action. Persons from whom items are seized must be provided with a statement that describes the items seized, states the reasons for the seizure and the address at which the items will be held.

Where it becomes evident that there has been no contravention of the Act or Regulations in relation to items which have been seized, they are to be returned as soon as possible to the person from whom the items were seized. The person from whom items have been seized must also be informed of their right under Section 57 to appeal within 10 days of the seizure to the Magistrates Court for an order disallowing the seizure.

Compensation may be paid if there has been no application to a Magistrates Court and no contravention of the Act or Regulations had occurred in relation to the seized items.

### **Penalty Infringement Notices**

An Infringement Notice is a notice to the effect that the person to whom it is directed has committed a specified offence and that, if the person does not wish to have the matter dealt with by a court, the person may pay the specified amount for the offence within a specified time.

A penalty notice is issued under Section 126 of the Act. The notice requires payment of a specified monetary penalty, unless the person alleged to have committed the offence elects to have the matter dealt with by a court.

When an Authorised Officer during an inspection of premises, vehicles or equipment, detects or observes conditions or circumstances that give rise to the potential for the issue of an infringement notice, verbal advice will be given, at that time, to the person allegedly responsible for the alleged offence that an infringement notice may be issued for that alleged offence.

Prior to an infringement notice being issued, Authorised Officers must prepare briefs of evidence, which prove each element of the alleged offence to the standard required for prosecution. Further than establishing a prima facie case there must also be a reasonable prospect of a conviction being secured if the alleged offender chooses to have the matter heard in a court. That brief is to be submitted to the Chief Executive Officer for consideration and authorisation for the penalty notice to be issued.

When a decision has been made that an infringement notice is to be issued, that notice will be forwarded by post or hand delivered to the person alleged to have committed the offence. The infringement notice is to be accompanied by a written advice giving the reasons for the issuing of the infringement notice in that instance and also providing advice and information as to the means or requirements for the remedying or rectification of that condition or circumstance that gave rise to the infringement notice.

The decision-making criteria will be considered in the issuing of an infringement notice. Infringement notices provide a cost effective and efficient method of dealing with offences and will generally be sufficient response to breaches of the Act.

Infringement notices should not be used where the penalty is considered totally inadequate for the offence or where the penalty is likely to have no impact on the proprietor of the food business.

Infringement notices are not available for serious offences contained in Part 3, Division 1 of the Act. These relate to the handling of food in a manner that a person knows will render, or is likely to render, the food unsafe or where the food is handled in a manner that the person ought reasonably to know is likely to render the food unsafe.

A payment of a penalty notice is not an admission of liability and the person is not liable to any further proceedings for the alleged offence.

### **Prosecution**

Prior to any prosecution being launched, Authorised Officers must prepare briefs of evidence which prove each element of the alleged offence to the standard required for prosecution. That brief is to be submitted to the Chief Executive Officer for consideration and authorisation for the prosecution to proceed.

The resources available for prosecuting are finite and should not be expended pursuing inappropriate cases. The decision-making criteria will be considered in making a decision to prosecute. Prosecution will normally be reserved for the more serious breaches.

While the Act provides that proceedings must be commenced within 6 months for matters relating to food samples and 12 months for other matters, all matters should be prepared for hearing as quickly as possible.

The Act extends liability to a wide range of persons who may be involved in some way with contraventions of the Act or Regulations, including employees, proprietors, and individual directors of companies. Where the Shire of Kulin has selected prosecution as the appropriate option, the Shire will not necessarily proceed against all those who may be potentially liable under the legislation.

Prosecutions are eligible for publication by the Department of Health (WA).

**NOTE:** This guideline provides information as to the processes and actions that will be followed in the cases dealt with under the Food Act 2008, however due to the variety of circumstances that may be encountered through the range of inspections and enforcement procedures, the guideline cannot be used to limit the discretion of the Shire of Kulin to take any enforcement action for the purposes of obtaining high standards of food safety.

The guideline is to be interpreted as general guidance on how the Shire will undertake enforcement action. It should further be recognised that it is not the aim of the Shire of Kulin to undertake enforcement action except where absolutely necessary and that priority should be given to educating food handlers to prevent food safety standards from being compromised in any instance.

**DELEGATION:**

**HEAD OF POWER:** Food Act 2008

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## **CS13 GENERAL – COMMUNITY SERVICES PRACTICES**

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### **Community Services**

**PREAMBLE:** Providing information on a variety of community services practices, guidelines and operational information, each insignificant to warrant individual record.

**OBJECTIVE:** To ensure individual minor items are not lost in the system of recording practices, procedures and guidelines.

#### **PRACTICES:**

##### **Appointment of Authorised Officers**

As the duly appointed Chief Executive Officer (CEO) of the Shire of Kulin the CEO has the delegated authority to appoint officers for the purpose of infringement notices and administration of;

- the Shire of Kulin Animal Environment and Nuisance Local Law;
- Health (Asbestos) regulation 1992.

##### **Caravan Parks and Camping Grounds – Authorised Officers**

As the duly appointed Chief Executive Officer (CEO) of the Shire of Kulin the CEO has the delegated authority of Council under the Caravan Parks and Camping Grounds Act 1995 to appoint officers for the purposes of;

- Power of Entry and inspection and,
- The issue of Infringement Notices.

This delegation remains current until revoked.

#### **Office Hours**

The Administration and Community Resource Centre office hours shall be from 8:30am to 4:30pm from Monday to Friday, excluding public holidays.

#### **Contribution to Kulin Herbarium**

The Shire will provide a venue free of charge to the Kulin Herbarium and cover the cost of insurance for contents. The Chief Executive Office shall establish a use agreement with the Kulin Herbarium whereby the Herbarium will provide community education of its objectives.

#### **Kulin Combined Emergency Services Building**

The Shire will maintain the gardens and carry out minor building repairs to the Kulin Combined Emergency Services Building. Any items of a capital nature are the responsibility of the Kulin St John Ambulance Sub Centre, Kulin Volunteer Fire Brigade and Kulin Fire & Rescue.

#### **Shire Liquor Permits – Consumption of Alcohol**

The Chief Executive Officer is authorised to approve or reject applications to consume liquor in Shire buildings or on Shire controlled reserves without reference to Council. All applications to consume liquor are to be in writing and addressed to the Chief Executive Officer.

#### Application for Use of Land - Shire of Kulin and Kulin Bush Races facility – Lucca Pty Ltd

#### **Hire of Kulin Bush Races (KBR) facility**

The Chief Executive Officer is authorised to consider applications for approval to hold events under Schedule Item 4 of the Lucca Pty Ltd and Shire of Kulin License to Use Land Agreement (Kulin Bush Races facility) subject to compliance with the following terms and conditions;

#### **Public Functions**

- In the case of community, sporting or public functions and any other festival or event, only following an approval by the KBR Committee and following receipt of the Licensor's (Lucca Pty Ltd) approval; Council will consider the application via a report to a Council meeting from staff.

#### **Private Functions**

- In the case of private functions (where alcohol license is not required) by delegation to the CEO when approved by the Kulin Bush Races Committee and the Licensor;
- A copy of the Event License is to be sent to the applicant after Shire approval detailing any terms or conditions to be met;
- Event Application License will only be issued to a single applicant;
- Appropriate hygiene measures to be assessed and recommendations to be followed at all times;
- Appropriate licenses must be held for all licensable activities e.g. Fireworks
- All care will be taken to avoid damage to the KBR facility and no alterations or additions will be made to the facility without KBR Committee sanction;
- All care will be taken to avoid any major soil disturbance that will lead to soil degradation; and

Upon an applicant agreeing to the terms and conditions, the Chief Executive Officer will issue approval by letter.

**Management of Halls** – *MOU's to be investigated/created.*

#### **Shire Buildings – Smoke Free Zones**

All public buildings under Shire control are to be established as Smoke Free Zones.

#### **Aquatic Centre Opening Times**

As a guide to the Aquatic Centre opening times - Tuesday to Friday from 6:00 – 8:00am, 10:00am to 12:00 noon to 2:30pm to 6:30pm and on weekends and public holidays from 11:00am to 6:00pm. Slide hours are from 4:00pm – 6:00pm Thursday & Friday (depending on numbers) and from 11:00am – 6:00pm on Saturday and Sundays. Appointments can be taken for group bookings.

The Aquatic Centre will be closed on Good Friday, Christmas Day and will only be opened for the afternoon session on New Year's Day.

The Manager may close the Aquatic Centre on cool days and during inclement weather after notification to the Chief Executive Officer or Executive Manager of Financial Services. Generally, a pool temperature of 20 degrees Celsius is considered cold enough to warrant closure of the pool. Subject to negotiation and in accordance with the Manager's contract, the CEO is authorised to allow the pool to close for one day per week during the season. The nominated days for closure in this case shall be a Monday or a Tuesday. The above may be subject to change as necessary.

#### **Aquatic Centre Season Pass**

A family season ticket will apply for 2 adults and 2 children or 1 adult and 3 children. A child season ticket will apply to any person attending school on a full-time basis up to year 12. Season tickets will be half priced after 31st January.

For the purposes of determining entry fees a child is classified as:

1. a person who is 15 years or under, or
2. is a dependent attending school full time up to year 12.

Applicable fees are listed in the Shire of Kulin Fees & Charges each year.

#### **School Use of Pool for Carnivals**

When the Kulin District High School is given exclusive use of the pool for faction carnivals, all children and adults will be allowed free entry to the pool.

#### **Vacation Swimming Classes – Parents**

Parents accompanying children who are participating in vacation swimming classes and who are not swimming are permitted to enter at the same fee as a child.

#### **Hire of Community Bus**

The Community Bus is available for hire to local community groups and residents. The Shire does not object to the hire of the community bus to people from outside the Shire of Kulin. If, however, the bus is booked to a person or organisation not usually associated with Kulin, and the bus is subsequently required by a local, the non-local will be advised that the bus is no longer available.

At least one weeks' notice must be given to the non-local of the cancellation of the hire to enable them to make other arrangements.

The hire rates for the community bus and bus trailer are set out in the Shire of Kulin User Fees and Charges adopted each year. Users hiring the community bus must book usage in advance.

Commercial Hire / Use - Does not include fuel – Kilometre hire rate as set annually by Council in accordance with the annual review of Fees and Charges.

Community Use – Fuel will be reimbursed upon production of receipts – must be returned with a full tank unless otherwise arranged by prior notice with the Shire - Kilometre hire rate as set annually by Council in accordance with the annual review of Fees and Charges.

To ensure the availability of the Community Bus to local community groups and residents the maximum length of hire by commercial school bus operators and other businesses is 7 days. Any request from a business to hire the Community Bus for longer than seven days must be approved by the CEO.

Smoking is not to be permitted on the community bus.

If the bus is returned in an untidy state and it is not possible to contact the hirer responsible prior to the next hire of the bus, the bus will be cleaned, and the hirer will be responsible for the cost of the cleaning.

Failure to comply with any of the above conditions may result in refusal to hire the bus to that individual or organisation in the future.

#### **Australia Day Event**

Kulin's Australia Day Celebration is to provide an opportunity for the community to come together to celebrate the community and privileged country in which we live. It brings to the forefront those who have significantly contributed to our community and recognise their efforts through one of the 4 categories of Australia Day Awards.

An event procedure has been created which outlines the tasks, timeline and responsibility for running the event and includes:-

- Event Planning
- Venue
- Marketing
- Catering
- Entertainment
- Audio / Visual & Other Technology
- Event Debrief

Australia Day Event Procedure included in Shire of Kulin Policy Manual A8 Primary Documents and listed as a Secondary Document.

**DELEGATION:** To the Chief Executive Officer to;

appoint officers for the purpose of infringement notices and administration of;

- the Shire of Kulin Animal Environment and Nuisance Local Law;
- Health (Asbestos) regulation 1992.

appoint officers for the purposes of the Caravan and Camping Grounds Act 1995;

- Power of Entry and inspection and,
- The issue of Infringement Notices.
- to approve or reject applications to consume liquor in Shire buildings or on Shire controlled reserves.
- to approve applications for private events at the KBR facility in accordance with terms and conditions.

**HEAD OF POWER:** Local Government Act 1995

*Policy Updated October 2022*

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## **CS14 SEACONTAINERS USE OF – TOWN PLANNING**

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### **Community Services**

**PREAMBLE:** It is argued that sea containers provide safe, economical and convenient storage. The use of sea containers is acceptable within the Shire of Kulin providing the development complies with the relevant Shire of Kulin Town Planning Scheme No. 2 provisions and has a minimal effect on the amenity of the area.

**OBJECTIVE:** To regulate the use of sea containers within the Shire of Kulin.

**PRACTICE:** This guideline does not apply to sea containers already approved by the Shire. The Shire will permit the use of sea container(s) within any townsite defined by the Shire of Kulin Town Planning Scheme No. 2.

Approval for the placement of sea container(s) on properties outside of townsites as defined by the Shire of Kulin Scheme No. 2 is subject to;

- the approved sea container(s) not being used for habitation;
- the approved sea container(s) are used for the purpose of storage only, unless otherwise approved by the Shire; the approved sea container(s) being screened from view and shall not be highly visible from nearby roads, other public places, or adjoining properties; and/or
- if the sea container(s) are highly visible from nearby roads, other public places, or adjoining properties, then the exterior of the sea container(s) shall be upgraded (i.e. painted to blend in with the surrounding development or landscape) within 3 months of being granted planning approval.

In all zones under TPS2 within townsites, sea container(s) may be placed on a property to store building materials while construction of a house or commercial building is being carried out on the property, without requiring planning approval. A sea container must not be placed on the property prior to the issue of a building licence for the construction and must be removed immediately upon completion of construction or expiry of the building licence. The number of sea containers allowable on a property at one given time will be dealt with on a case-by-case base, with each application assessed on its merits.

### **DEFINITIONS**

'Sea Container'

Standardised re-sealable steel transportation box for unitised freight handling.

### **Approval Requirements:**

All proposals for the placement and use of sea containers within the Shire of Kulin require an application for planning consent to be submitted to the Shire of Kulin for approval. In considering an application for planning consent, the Shire shall before granting consent, be satisfied as to the impact of the proposal on the amenity of the area. If in the opinion of the Shire, a sea container will have a detrimental effect on the local amenity, or have the potential to visually impair or detract from the exterior design or appearance of other buildings in the vicinity, the application will be refused.

An application for planning consent shall be made on an Application for Planning Consent form together with the following information:

- A site plan showing the proposed location of the sea containers on the property and the location of any existing buildings/ structures
- Plans, dimensions, and details of the sea containers; and
- Details of modifications and other works to be carried out on sea containers such as painting etc. Notwithstanding that Planning Consent may be granted by the Shire, a building license may be required prior to the placement of the sea containers if modifications are to be made to the sea container (for example if a roof or patio were to be attached).

The structure will need to meet all relevant requirements under the Building Code of Australia and relevant Australian Standards.

**Standard Conditions of Planning Approval**

The placement and use of sea containers may be approved subject, but not limited to, the conditions stipulated below:

- All development being generally in accordance with the approved development plans which form part of this Development Approval.
- The exterior of the sea container shall be upgraded (i.e. painted to blend in with the surrounding development or landscape) within 3 months of being granted planning approval.
- Any activity relating to the hereby approved development is not to cause injury to or prejudicially affect the amenity of the locality including injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, smell, fumes, smoke, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.

The hereby approved development shall not be used for habitable purposes.

**PROCESS:** By Application

**DELEGATION:** To the Chief Executive Officer for the approval of applications for the use of sea-containers.

**HEAD OF POWER:** Local Government Act 1995, Shire of Kulin Town Planning Scheme No 2, Shire Policy.

## **CS15 SECOND HAND DWELLINGS – USE OF – BUILDING CONTROL**

### **Community Services**

**PREAMBLE:** The Shire appreciates that it may be economical to use second hand relocated and transportable dwellings as housing in lieu of constructing new homes. These may be acceptable within the Shire, providing the development is in keeping with the rest of the dwelling stock of the area into which it is proposed to bring the relocated or transportable dwelling.

**OBJECTIVE:** To maintain a high standard of dwelling stock with the Shire of Kulin and to ensure that the relocation of second hand dwellings and the construction of transportable dwellings is undertaken to an approved standard with regard to local amenity and aesthetics. Ensure the style, construction and design of relocated second hand and transportable dwellings is consistent with the character of the surrounding dwellings and the locality in general

### **DEFINITIONS**

'Second hand dwelling' - A residential dwelling which has not been specifically designed as a transportable residence and has previously been located at any place other than the lot upon which it is erected; or

- A building which has been specifically designed as a transportable residence and which has been used as residential dwelling at any place other than on the lot upon which it is to be erected.

'Townsite' - Residential areas bounded by a townsite boundary defined by the Shire of Kulin Town Planning Scheme No. 2.

'Transportable dwelling' - Any dwelling or part of that is prefabricated at any place other than on the site upon which it is to be erected.

**PRACTICE:** The Shire will consider all applications for the relocation of second hand dwellings and their re-erection in 'townsites' within the Shire of Kulin. This guideline shall apply to the relocation and installation of second hand dwellings and the construction of a transportable dwelling within the Shire of Kulin.

This guideline does not apply to:

- Relocated buildings for non-habitable uses;
- Sea and shipping containers; or
- Caravan and park homes.

### **Approval Requirements**

All proposals for the relocation and use of second hand dwellings and the construction of transportable dwellings require an application for planning consent to be submitted to the Shire of Kulin for approval. In considering an application for planning consent, the Shire shall before granting consent, be satisfied as to the impact of the proposal on the amenity of the area. If in the opinion of the Shire, a second hand relocated dwelling or a transportable dwelling will have a detrimental effect on the local amenity, or have the potential to visually impair or detract from the exterior design or appearance of other buildings in the vicinity, the application will be refused.

An application for planning consent shall be made on an Application for Planning Consent form together with the following information:

- A site plan showing the proposed location of the building on the property;
- Plans, evaluations, and details of the building;
- Details of modifications and other works to be carried out on the building such as re-cladding, painting, construction of verandahs, etc.; and
- Certification and a detailed report from a practicing structural engineer stating that the design and condition of the building is suitable for transportation and re-erection (in the case of second hand relocated dwellings),

is required to be lodged with the application for Planning Consent.

Notwithstanding that Planning Consent may be granted by the Shire, a building license is required prior to relocation or construction commencing. The building will need to meet all relevant requirements under the Building Code of Australia and relevant Australian Standards. With regards to second hand relocated dwellings, a condition of planning approval will be the payment of a bond to the amount of \$10,000 to be paid prior to the issuance of a building licence.

Refund of this bond will only occur upon fulfilment of conditions of planning approval. Partial refunds of the bond based on progressive completion of conditions will not be considered. Failure to comply with all conditions of planning approval within 12 months from the issuance of the building license (or any subsequent reissue), will result in forfeiture of the bond and removal of the building unless otherwise determined by the Shire.

No person shall occupy a relocated dwelling or a transportable dwelling until such time as a Certificate of Occupancy or equivalent has been issued by a Building Surveyor on behalf of the Shire.

#### **Development Guidelines Minimum Dwelling Standard.**

The following minimum dwelling standard applies:

- A minimum gross floor area of 60m<sup>2</sup>;
- At least one (1) bedroom separate from the other rooms in the dwelling;
- A lounge, meals and kitchen area (may be open plan); and
- A separate bathroom and laundry.

To be used as a dwelling, the building will be assessed against and must comply with the requirements for Class 1 buildings under the Building Code of Australia and Australian Standards.

#### **Energy Efficiency Requirements**

A second hand relocated or transportable dwelling is required to meet the current Energy Efficiency requirements for the Climate Zone outlined in part 3.12 of the Building Code of Australia to the satisfaction of the Shire of Kulin. A condition requiring compliance may be included in the planning consent.

#### **Bushfire Attack Level (BAL) assessment requirements**

A second hand relocated or transportable dwelling is required to meet the current Bushfire Attack Level (BAL) assessment requirements for its intended lot/location as outlined in the Dept. of Planning WA Bushfire Attack Level (BAL) assessment requirements, to the satisfaction of the Shire of Kulin. A condition requiring compliance may be included in the planning consent.

#### **Amenity**

When giving consideration to an application for planning consent, the Shire shall give consideration to:

- The second hand relocated or transportable dwelling being rendered visually acceptable by the use of verandahs, screening and/ or landscaping.
- The design, scale and bulk of the second hand relocated or transportable dwelling being compatible with the type of dwellings that exist in the locality in which it is to be located.
- In recognition of the higher standards of development and amenity expected within the Residential and Small Holding zones, applications for transportable dwellings within these zones will be subject to stringent assessment to ensure their compatibility with the amenity, character and development standards of that area.
- In recognition of the higher standards of development and amenity expected within the small rural and semi-rural zones, applications for second hand relocated dwellings within this zone will be subject to stringent assessment to ensure their compatibility with the amenity, character and development standards of that area.

#### **Standard Conditions of Planning Approval**

Second hand relocated and transportable dwellings may be approved subject, but not limited to, the conditions stipulated below:

- All development being generally in accordance with the approved development plans which form part of this Development Approval.
- This approval shall expire unless the development hereby approved has been completed within 12 months of the date of issuance of the building license (or any subsequent reissue),

or within any extended period for which the Shire has granted written consent. An application for such consent must be made within one month of the date of expiry of the approval.

- Any activity relating to the hereby approved development is not to cause injury to or prejudicially affect the amenity of the locality including injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, smell, fumes, smoke, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.
- No development shall take place on the subject site until an application for a crossover is submitted and approved by the Shire, unless a Shire approved crossover already exists on the subject site.

The hereby approved second hand relocated or transportable dwelling is to be assembled, upgraded and maintained in the following manner within twelve months of the date of issuance of the building license (or any subsequent reissue), to the satisfaction of the Shire of Kulin:

- The dwelling shall be properly fixed to stumps on the subject site and effectively re-joined or constructed in compliance with all legislation;
- External walls, fixtures and fittings to be made good;
- The dwelling is to have a high-quality external finish/cladding (painted or otherwise) completed in a tradesman-like manner.
- All debris to be removed from the subject site and left in a tidy state to the satisfaction of the Shire of Kulin
- No person shall occupy a second hand relocated or transportable dwelling until such time that a Certificate of Occupancy or equivalent has been issued by the Shire of Kulin.
- A bond of \$10,000 is payable to the Shire of Kulin prior to the issue of a Building License.

**PROCESS:** By Development Application.

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

**HEAD OF POWER:** Local Government Act 1995

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## **CS16 TEMPORARY ACCOMMODATION**

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### **Community Services**

**PREAMBLE:** This policy provides guidance to support applications seeking an approval for temporary accommodation on private property or in an area other than a caravan park or camping ground.

**OBJECTIVE:** A person may stay in temporary accommodation on a property for up to 5 nights per 28-day consecutive period without Shire approval. A person staying in temporary accommodation on a property for more than 5 nights per 28 days consecutive period requires Shire approval.

The Shire can approve one temporary accommodation application for up to 24 months per allotment. An applicant may reapply after 24 months to renew their application.

The Shire may consider an additional temporary accommodation application on the same lot, but the maximum term for any additional application is 3 months. Any period longer than 3 months is required from the Minister for Local Government, Sport and Cultural Industries.

If an applicant is seeking to camp on a State or Federal reserve, approval must be obtained from the relevant authority who manages that land.

### **PRACTICE/PROCESSES:**

This policy is supported by the Shires temporary accommodation guidelines, application and assessment process. For applications to be considered, the requirements detailed in the guidelines must be adhered to.

The applicant must own or have a legal right to occupy the land and is to complete the application form ([insert link](#)) and submit to the Shire with the applicable fee.

Applications will not be considered outside the following zoned areas;

- ▪ Residential
- ▪ Rural Townsite
- ▪ Rural
- ▪ General Industry
- ▪ Commercial

Any camp is to be located wholly on the property and be at least 1 metre from the property boundary, at least 1 metre from vehicle access areas, and at least 1.8 metres from structures.

Occupiers of adjacent properties will be notified in writing and the responses will be considered prior to the approval of any application.

Approvals will only be granted where health, safety and hygiene requirements have been met. This includes the following requirements;

- power
- potable water
- waste water management
- cooking and laundry facilities
- emergency management (fire suppression and smoke detection)
- waste and recycling (rubbish collection service or waste management plan is required)
- any other requirement at the request of the Shire.

Upon receipt of an application and fee, the Environmental Health Officer will assess the application, conduct an evaluation of the site, and issue a permit where the application is approved. Follow-up site assessments may be conducted throughout the duration of the approval period by an authorised officer.

Approval can be for a maximum period for 24 months, and any reapplication will require the completion of a new form, fee payable and be accompanied by a structural report confirming the integrity of the habitable camp.

The temporary accommodation cannot be used as holiday rental or for tourism purposes.

Should the temporary accommodation cease prior to the expiry of the permit, the local government must be notified. No refund is applicable.

The Shire reserves the right to withdraw an approval, where a breach of an approval condition has occurred.

**DELEGATION: NA**

**HEAD OF POWER:**

Local Government Act 1995

Caravan and Camping Ground Act 1995

Caravan and Camping Ground Regulations 1997 (as amended 1 September 2024)

Health (Miscellaneous Provisions) Act 1911

Building Code of Australia / National Construction Code

Shire of Kulin Local Planning Scheme No 2

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## **CS17 UNAUTHORISED STRUCTURES – BUILDING CONTROL**

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### **Community Services**

**PREAMBLE:** Acting quickly to prevent the erection of unauthorised structures saves both the Shire and the erector considerable angst and expense.

**OBJECTIVE:** To outline the process to address unauthorised structures progressing.

**PRACTICE:** Where a building, work or structure is constructed in breach of any provisions of the Building Regulations 1989 and/or Building Code of Australia, the Building Surveyor is authorised to give notice to the owner for the building work or structure to conform to the Building Regulations 1989 and/or Building Code of Australia:

- Serve written Notice on the owner of the building or the builder drawing notice to the existence of the structure in breach of the Building Regulations 1989 and/or the Building Code of Australia and requiring written explanation within 14 days of the Notice;
- Provided a satisfactory explanation is received and the relevant action is taken to comply with the requirements of the Notice, the Building Surveyor is authorised to issue a building licence;
- Should the owner or builder fail to comply with the requirements of the Notice within the prescribed time, or show good and sufficient reason for not doing so, the matter should be placed before Council for their consideration.

The CEO is authorised to seek legal advice under Shire policy to inform the Shire of its rights and actions in addressing unauthorised structures.

**PROCESS:**

Where an owner fails to respond to the Shires Notice, the CEO is authorised to seek legal assistance to prepare a “Stop Work” order as an interim step in allowing the Shire to consider the Notice response.

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

**HEAD OF POWER:** Local Government Act 1995, Building Regulations 1989.

## **CS19 FREEBAIRN SPORTS FOUNDATION**

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**PREAMBLE:** The purpose of the Foundation is to make scholarships available to Kulin residents who achieve a State or International level in their chosen sport or recreational activity.

**OBJECTIVE:** To provide financial assistance to talented sportspersons who are competing in State or International competitions.

### **PRACTICE:**

#### **Eligibility**

Applicants must reside within the boundaries of the Shire of Kulin with the Kulin townsite being their town of community interest. The allocation of funds under this selection criteria is purely at the discretion of the Councillors of the Shire of Kulin at the time of application.

Applicants may be any age.

Applicants must be chosen in a team or individual competition or event that is State or Internationally based. Representation in any team competing internationally or interstate may be considered subject to Council discretion however point two under the guidelines below shall be a major factor when any application is being considered under this part.

#### **Guidelines**

Applications must be submitted on the relevant form

All applications must be endorsed by the relevant State Association

Only one scholarship per person per year will be allocated.

Applications may be made at any time.

Scholarships are based on the applicants proposed 12-month program following the date of application.

Funding must be applied for prior to the commencement of the applicants program or event.

#### **Management**

The Shire of Kulin will manage the fund and have absolute discretion in the allocation of funds to any applicant.

The Council's decision shall be final and no appeal regarding a decision shall be entered into.

Unsuccessful applicants may reapply after a period of 12 months.

#### **Acquittal**

Applicants must produce evidence of the expenditure of funds within 3 months of the completion of their program or event.

#### **General**

Grants will generally not exceed \$2,000 however Council has absolute discretion to vary this amount depending on the circumstances of this applicant.

Grants will be made available for basically any expense that can be substantiated by the applicant and that expense is due directly to his/her selection in the State or International team or competition.

# **FREEBAIRN SPORTS FOUNDATION**

## **SCHOLARSHIP APPLICATION**

### **APPLICANT (athlete) DETAILS:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Post Code: \_\_\_\_\_

Phone: (H) \_\_\_\_\_ (W) \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Sport/s for which Scholarship is sought: \_\_\_\_\_

Name of Sporting Organisation / Sponsoring Body: \_\_\_\_\_

\_\_\_\_\_

List your major achievements to date in the above sport/s: \_\_\_\_\_

\_\_\_\_\_

Name of school/college/university you are attending or your current employer:

\_\_\_\_\_  
\_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone Number: \_\_\_\_\_

### **PROGRAM DETAILS**

What are your future goals? (short term – 12 months / Long term – 12 months>

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





## **CS20 SEED COLLECTION**

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### **Community Services**

**PREAMBLE:** To outline the process of application and approval for those seeking Shire approval to collect seeds from land managed and controlled by the Shire.

**OBJECTIVE:** To expedite the application and approval process for seed collection whilst outlining the Shire requirements.

**PRACTICE:** That Council permit seed collection under the following conditions;

- All persons collecting native seed are to be licensed according to the Wildlife Conservation Act 1950 and will abide by the conditions of this licence,
- A copy of the License is to be sent to the Shire on receipt of the Shire approval;
- Collection is to only be undertaken by the applicant or the applicant's staff,
- Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds,
- All care to be taken to avoid the disturbance of fauna habitat, and
- All care to be taken to avoid any disturbance that may lead to soil degradation.
- 10 % of seed collected within the Shire of Kulin is to be returned to the Shire of Kulin for replanting of native flora areas in our region; and

**PROCESS:**

Applicants should correspond or email the CEO requesting the issue of a seed collection license. CEO will issue license in writing, following agreement of applicant to terms and conditions.

**DELEGATION:** Without reference to the Council the Chief Executive Officer is delegated authority to process applications for seed collection licenses.

**HEAD OF POWER:** Local Government Act 1995

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## **CS21 KULIN CARAVAN PARK OPERATION**

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### **Community Services**

**PREAMBLE:** To clarify operational components of the Kulin Caravan Park with respect to maximum length of stay and COVID19 operating conditions.

**OBJECTIVE:** To provide staff and Council guidance with respect to various operational components of the Kulin Caravan Park to ensure the caravan park accommodation does not impact adversely on the amenity of an area on the environment.

**PRACTICE:** The Shire operates the Kulin Caravan Park within the Kulin townsite for the purpose of short stay accommodation with respect to business, tourists, community events subject to the following conditions:

- Bookings are to be made via the Shire of Kulin Caravan Park Caretake subject to availability and the discretion of the CEO;
- In general, the Kulin Caravan Park does not cater for Permanent or Long Stay Tenancy Residents.
- The maximum length of stay will be for a twenty eight (28) day period;
- Any requests for extended bookings longer than 28 days will be assessed on a case by case basis at the discretion of the CEO, requiring written approval in advance.
- Dogs are permitted in the Kulin Caravan Park with prior approval from the Caretaker. All pets are deemed under the supervision and control of the patron at all times. Pets are not allowed in ablution blocks or laundry facilities. We asked that your pet remains on a leash and that pet owners pick up after their pets using waste bags. Washing of pet blankets and other pet items in the park washing machine is not permitted.

**PROCESS:** Any applications for an extended period of stay are to be in writing and addressed to the Chief Executive Officer.

**DELEGATION:** To the Chief Executive Officer to approve applications for extended periods of stay at the Kulin Caravan Park.

**HEAD OF POWER:** Caravan and Camping Ground Regulations 1997: Regulation 6 and 11(2)(a);

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## CS22 SELF SUPPORTING LOANS

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### Community Services

**PREAMBLE:** To provide financial assistance by way of self-supporting loans to local non-profit clubs or organisations for capital asset acquisition or development in the Shire of Kulin.

**OBJECTIVE:** This policy establishes the framework within which Council may consider provision of self-supporting loans to community and sporting groups.

**PRACTICE:**

Council may consider requests to provide self-supporting loans to incorporated, community-based, not-for-profit organisations such as sporting clubs and not-for-profit community groups. Any application for a self-supporting loan must be for capital expenditure on assets and facilities and not operational equipment or expenditure. The facilities may or may not be on Council property, but must be within the Shire of Kulin.

The Shire will only provide access to self-supporting loans in exceptional circumstances and when financial circumstances permit. There must be compelling evidence of positive benefits to the community if the Shire was to provide a self-supporting loan.

Council will only consider requests for self-supporting loans where the applicant has exhausted all other financial avenues, such as grants, sponsorship, fundraising or application for credit from a lending institution.

Council in general, will only consider approving a self-supporting loan to a maximum of \$200,000 for any one applicant.

#### Ineligible Applications

The following list provides examples of applications that are not considered eligible for funding. This is not an exhaustive list and is provided to provide direction for officers assessing applications.

- Individuals.
- Organisations that operate for commercial purposes.
- Projects or events that are run for commercial purposes.
- Ongoing operational or administrative costs.
- Activities that are the primary responsibility of other funding agencies.
- Proposals which may lead to a continued dependence upon Council funds

In the assessment of applications consideration should be given to:

- The Shire's Long-Term Financial Plan;
- The Annual Budget and the Shire's current financial position;
- The Shire's Community Strategic Plan and whether the extension of funds contributes towards the achievement of (or does not hinder the Shire's ability to achieve) the Plan's outcomes;
- The Shire's ability to meet financial ratios
- The Shire's capacity to borrow and borrowing limits as set by the WA Treasury Corporation.
- Stability, sound management, membership base, community accessibility and longevity of applicant organisation.
- Where in the view of Council, the use of Shire's borrowing for the intended purpose will deliver greater benefits to the community that outweigh benefits for alternate purposes from which the said borrowings would have been diverted;
- The applicant is able to demonstrate it has the capacity to service the loan repayments out of its normal operations;
- Whether guarantors are required for the self-supporting loan or security is required of the over assets of the organisation;
- Compliance with the Local Government Act 1995 and relevant Regulations.

**PROCESS:**

The process for requesting a self-supporting loan is as follows:

1. All self-supporting loan applicants shall make written application to the Chief Financial Officer and include in its submission the following information:
  - Completed Self-Supporting Loan Application Form including amount and term of loan;
  - Purpose for which the borrowings will be used;
  - Benefits to the Kulin community of the proposed use of funds;
  - Plans for the construction and/or capital acquisition including detailed costings and an overall budget, including any financial contributions made by the organisation.
  - Professionally reviewed financial statements for the past 3 years
  - Compelling evidence of the organisation's ability to meet loan repayments including a forward financial plan in line with the borrowing term;
  - Statement demonstrating alternative funding options have been investigated prior to seeking the Shire's assistance and the reasons why they weren't successful;
  - Certificate of Incorporation;
  - Membership records for preceding 3 years;
  - Copy of the minutes from a legally constituted meeting of the organisation showing the formal resolution agreeing to the raising of the loan;
  - Provision of security over assets or guarantees that Council considers appropriate to ensure the loan is repaid;
  - Any additional information that will assist the Council with consideration of the application.
2. Officers will assess the application and prepare an agenda item for Council consideration. The applicant may, if it wishes, address Council in relation to its application.
3. Following Council approval, the Shire of Kulin is required to advertise the proposed loan pursuant to section 6.20(2) of the Local Government Act 1995 (if not included in the annual budget).
4. A "Self-Supporting Loan Agreement" will be written between the Shire and the community organisation. All costs associated with the preparation and stamping Self-Supporting Loan Agreement will be the responsibility of the community organisation.
5. If required, loan guarantees are received from the requesting organisation.
6. Signed Self-Supporting Loan Agreement returned to Council.
7. Funding is provided.
8. The community organisation will supply to Council on an annual basis:
  - a set of professionally reviewed financial statements within 4 months of the close of the financial year, as well as a copy of their budget for the current year.
  - Certificate of currency showing the facilities being financed by the Self-supporting loan are insured along with adequate public liability insurance.

**HEAD OF POWER:** Local Government Act 1995

Application form saved O:\15 GRANTS & SUBSIDIES\Shared Documents

## **CS23 EXEMPTION TO REQUIREMENT FOR DEVELOPMENT APPROVAL**

### **Community Services**

**PREAMBLE:** This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). This policy may be cited as 'Policy No.10 – Exemption to Requirement for Development Approval for Non-Habitable Farm Buildings and Incidental Farm Structures'.

To provide an exemption to the need for development approval for the construction and use of non-habitable farm buildings and incidental farm structures on all 'Rural' zoned land used for extensive agricultural purposes.

### **OBJECTIVES:**

- Facilitate the development of non-habitable farm buildings and incidental farm structures on all 'Rural' zoned land used for extensive agricultural purposes (i.e. broadacre cropping and grazing) without the need for development approval subject to compliance with a number of acceptable development criteria;
- Provide details of all criteria that must be satisfied to ensure an acceptable standard of development is achieved that does not detrimentally affect the amenity of the locality or the natural environment; and
- Assist local growers develop their properties more easily by reducing the regulatory burden and associated cost of having to seek and obtain the local government's development approval in each and every instance as is currently the case.

**DEFINITIONS:** Refer to Local Planning Policy No. 10 for full list of definitions.

### **Application:**

This policy applies to all land in the local government's municipal district classified 'Rural' zone in the Shire of Kulin Local Planning Scheme No.2 that has or is proposed to be developed and used for extensive agricultural purposes (i.e. broadacre cropping and grazing).

This policy is effective from the date of publication by the local government in accordance with clause 87, Part 12, Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and may be amended or revoked at the discretion of the local government.

If a provision of this policy is inconsistent with the Shire of Kulin Local Planning Scheme No.2, the Scheme prevails. This policy is not part of the Scheme and does not bind the local government in respect of any determination made pursuant to the Scheme. The local government shall however have due regard for the provisions of this policy and its objectives before making any determination.

### **Limitations:**

This Local Planning Policy does not apply to the following:

- a) non-habitable buildings and incidental structures on all 'Rural' zoned land used for rural purposes including but not limited to abattoirs, animal establishments, basic raw material extraction, biodiversity conservation, intensive agriculture, intensive animal husbandry, natural resource management, public purposes including prisons, cemeteries, public utilities and waste management facilities, rural pursuits/hobby farms, trade supplies, tree farms or wineries;
- b) non-habitable buildings and incidental structures on all 'Rural' zoned land used for non-rural purposes; and
- c) non-habitable buildings or structures associated with any residential development on 'Rural' zoned land including outbuildings (i.e. sheds), external fixtures, boundary walls or fences, decks, patios, pergolas, verandas, shade sails, garages, carports or swimming pools for which an exemption to the need for development approval is already provided in Schedule A of the Shire of Kulin Local Planning Scheme No.2 subject to compliance with a number of acceptable development criteria.

**Provisions:**

**Exemption**

Development approval is not required for the development of non-habitable farm buildings and/or incidental farm structures on any land classified 'Rural' zone lawfully used for extensive agricultural purposes subject to compliance with all of the following acceptable development criteria:

- a) The relevant lot comprises a total area greater than 20 hectares.
- b) Are sited on any lot in accordance with the following minimum lot boundary setbacks:
  - Front - 20.0 metres
  - Rear - 15.0 metres
  - Side - 5.0 metres
- c) Do not alter or affect existing waterways or water table/s or involve the removal of any existing native vegetation, including vehicle access arrangements, unless otherwise approved by the Department of Water and Environmental Regulation or an express exemption is applicable under other legislation.
- d) Are not located on any portion of any land designated by the Department of Water and Environmental Regulation as being flood prone.
- e) Are not located in a heritage-protected place or any special control area listed in Part 5 of Local Planning Scheme No.2.
- f) Are sited and oriented in order to minimise their visual impact on the local landscape with ridgelines or hilltops to be avoided.
- g) All external materials, finishes and colours complement and harmonise with the surrounding environment and the existing development on the land.
- h) All stormwater runoff is contained and disposed on-site and not directed towards, or has scope to negatively impact upon, any immediately adjoining property or any environmentally sensitive areas on or off-site. In the case of fertiliser storage sheds, these shall be located at least 50 metres from the edge of any waterway, wetland or creek line.
- i) Any proposed new dam wall is not more than three (3) metres in height.
- j) No new vehicle access is required or proposed to a State road under the care, control and management of Main Roads WA.

**Non-Compliance and Requirement for Development Approval**

Where any proposed new non-habitable farm building and/or incidental farm structure does not comply with the acceptable development criteria listed in clause 8.1 above, an application for development approval shall be prepared and submitted to the local government pursuant to the specific requirements of Part 7 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for formal consideration and determination prior to the commencement of development.

**PROCESS:**

**DELEGATION:**

**HEAD OF POWER:** Local Government Act 1995, Planning & Development (Local Planning Schemes) Regulations 2015; Shire of Kulin Town Planning Scheme No 2, Local Planning Policy No. 10.

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## **CS24 WORKFORCE ACCOMMODATION**

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### **Community Services**

**PREAMBLE:** This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). This policy may be cited as 'Policy No.11 – Workforce Accommodation'.

The intent of this policy is to:

- a) guide the preparation, processing and determination of development applications and statutory referrals for workforce accommodation on all land in the Shire of Kulin municipal district; and
- b) control the location, design, servicing, management, duration, decommissioning and rehabilitation or re-use of workforce accommodation in accordance with the aims and objectives of the local government's local planning framework.

### **OBJECTIVES:**

- Provide a clear and practical planning framework for the consideration and determination of development applications for workforce accommodation;
- Specify the information required to be provided by proponents when preparing development applications and the key matters required to be addressed;
- Require proponents to clearly demonstrate the need for workforce accommodation and the lack of availability or impracticality of alternative accommodation options;
- Encourage the accommodation of workers in more integrated forms of town-based accommodation wherever possible, preferably using new or established dwellings, or other properties approved for short-term accommodation purposes (i.e. hotel, motel, bed and breakfast accommodation etc.);
- Support the development of workforce accommodation on 'Rural' zoned land for major short-term construction projects or agricultural and other approved land uses where it can be demonstrated it will not lead to the loss or fragmentation of productive agricultural land and will not adversely, detrimentally or prejudicially affect the use, or continued use, of the land for agricultural or other approved uses;
- Protect productive agricultural land or environmentally sensitive areas by preventing the development of workforce accommodation where it may compromise these areas and their attributes;
- Ensure workforce accommodation avoids the potential for land use conflict and achieves a high standard of amenity as well as appropriate functionality commensurate with the development's lifespan and location;
- Ensure workforce accommodation is appropriately located and integrated into the surrounding local environment through physical design and management measures which encourage and promote social cohesion and inclusivity and do not negatively impact the amenity of the area;
- Ensure workforce accommodation is served by all key essential service infrastructure;
- Specify the period of approval for workforce accommodation based on its nature and purpose and the local government's requirements to extend the term of approval;
- Specify the circumstances under which temporary workforce accommodation for a period not exceeding 12 months may be supported by the local government without the need for development approval; and
- Provide details of the local government's expectations and requirements for the decommissioning and rehabilitation or adaptive re-use of work force accommodation developments.

**DEFINITIONS:** Refer to Local Planning Policy No. 11 for full list of definitions.

### **APPLICATION:**

This Policy applies to all development applications for 'Workforce Accommodation', as defined under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), within the local government's municipal district.

This Policy also provides guidance for the consideration of workforce accommodation proposals under other legislation referred to the local government for comment.

This policy is effective from the date of publication by the local government in accordance with clause 87, Part 12, Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and may be amended or revoked at the discretion of the local government.

If a provision of this policy is inconsistent with the Shire of Kulin Local Planning Scheme No.2, the Scheme prevails. This policy is not part of the Scheme and does not bind the local government in respect of any determination made pursuant to the Scheme. The local government shall however have due regard for the provisions of this policy and its objectives before making any determination.

**Limitations:**

The local government recognises the provisions within this policy cannot be unilaterally imposed on any development approved pursuant to state agreements ratified by acts of parliament or the *mining act 1978*. It is acknowledged that such proposals are exempt to the extent that the provisions of those acts override the *planning and development act 2005* and the shire of kulin local planning scheme no.2. However, the local government may be informed by and seek to influence any recommendation or decision, based on this policy.

It is not intended for this policy to be applied retrospectively to any existing approved development, except where a development application is required by the local government to amend an existing approval.

This policy does not apply to existing or proposed new single houses or grouped dwellings used to accommodate up to six (6) workers.

This policy does not negate or override the need to obtain approvals and comply with the standards and requirements of the *caravan parks and camping grounds act 1997* and associated regulations and/or the *construction camp regulations* prepared pursuant to the *health (miscellaneous provisions) act 1911* where applicable.

**DEVELOPMENT APPLICATION REQUIREMENTS:**

In addition to the information requirements prescribed in clause 63 in schedule 2 of the *planning and development (local planning schemes) regulations 2015* and the local government's development application checklist, all development applications for workforce accommodation must be accompanied by the following information:

- i. Details of the underlying need for and purpose of the proposed development (i.e. Whose workforce is intended to be housed and why the workforce cannot be housed in existing town-based accommodation);
- ii. Details confirming the maximum number of workers proposed to be accommodated on the land and for what period of time;
- iii. Details of the location of the work site(s) the occupants of the workforce accommodation will be employed;
- iv. Details confirming if and how the development will be staged and the likely date of commencement of works, completion and occupancy;
- v. Details confirming what essential services are available and will be provided to the site;
- vi. Details confirming the period of time the workforce accommodation is anticipated to be in place or will be operational for;
- vii. Details of any prior consultation with the local community, local government, other government agencies and key essential service providers;
- viii. Details of any immediate and ongoing community benefit the development will provide;
- ix. A detailed management plan demonstrating how the development will be effectively and appropriately managed and by whom. The management plan should address:
  - x. How noise, dust, odour, light spill and litter will be managed;
  - xi. How any conflicts with owners and/or occupiers of land within the vicinity of the site will be addressed and within what timeframe;
  - xii. How all vehicle parking will be managed and controlled;
  - xiii. How the consumption of alcohol and any associated anti-social behaviour will be managed and controlled (if applicable);
- xiv. Ongoing maintenance of and repairs to the facility;

- xv. Bushfire management;
  - xvi. Emergency evacuation measures/procedures; and
  - xvii. Who will be directly responsible for implementing the strategies contained in the management plan including their contact details.
  - xviii. Details confirming:
    - xix. When the workforce accommodation will be decommissioned;
    - xx. Any improvements that shall remain in place following decommissioning;
    - xxi. Arrangements for the decommissioning and rehabilitation of the site including likely timeframes; and
  - xxii. What assets may be transferred to public or private ownership where this has been agreed / committed to.
- 
- If the proposed workforce accommodation will be developed on land designated by the fire and emergency services commissioner as being bushfire prone, the application must be accompanied by suitable information demonstrating compliance with the specific requirements of state planning policy 3.7 entitled 'planning in bushfire prone areas' and the associated guidelines.

Provisions:

General

- The use class 'workforce accommodation' is not expressly listed in the Zoning Table of Local Planning Scheme No.2. As such, any application for development approval will be assessed and processed as a 'complex application' in accordance with the specific requirements of clause 18(4) of the Scheme.
- All development applications for 'workforce accommodation' will be advertised for public comment for 28 days in accordance with the requirements of clause 64 in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as it applies specifically to complex applications.
- Workforce accommodation should not be construed as a long-term solution for workers or as a permanent housing alternative. The use is by definition only temporary in nature unless otherwise approved by the local government.
- Workforce accommodation should not be seen as an alternative accommodation option to generate lease or rental income.

Need

- Proposals for new workforce accommodation facilities, requests to extend approval periods for existing workforce accommodation facilities or proposals to increase the number of beds associated with existing facilities must be accompanied by information that demonstrates need and the lack of availability or impracticality of alternative town-based accommodation options.
- Assertions that there is adequate demand for workforce accommodation to support business investment which are not substantiated with demonstrable demand will not be accepted as the basis for demonstrating need for workforce accommodation.

Location

- Due to the potential for land use conflict, the local government will have due regard for the type and scale of surrounding land uses and associated impacts and the local community's views before determining a development application for workforce accommodation or proposals under other legislation referred to the local government for comment.
- The local government does not support the development of workforce accommodation in circumstances where permanent accommodation arrangements are readily and practically available within existing townsites and in reasonable proximity to the workplace. The preference is for workers to be accommodated in more integrated forms of town-based accommodation wherever possible, preferably new or established dwellings or other properties approved for short-term accommodation purposes (i.e. hotel, motel, bed and breakfast accommodation and the like).
- Notwithstanding clause 9.3.2 above, the local government may approve the development of workforce accommodation on 'Rural' zoned land to support major short-term construction projects, or the continuation of agricultural or other approved rural or industrial land uses, where it can be demonstrated it will be consistent with and not compromise the aims and objectives of the local government's local planning framework.

- Workforce accommodation on 'Rural' zoned land shall:
  - k) have a minimum setback of 20 metres from front, side and rear boundaries unless otherwise required and approved by the local government;
  - l) be clustered in close proximity to existing dwellings and/or other buildings where possible;
  - m) be appropriately setback from existing productive agricultural land and buildings thereon to avoid land use conflicts such as spray drift, dust, odour and noise;
  - n) located to avoid the loss or fragmentation of productive agricultural land; and
  - o) not adversely, detrimentally or prejudicially affect the use, or continued use, of the land or any adjoining land for agricultural or other approved purposes.
- Workforce accommodation on land classified 'Commercial' or 'General Industry' zone shall be incidental to the predominant approved use of the land and located at the rear of the lot, behind the primary land use to allow for appropriate screening from view from adjoining and other nearby properties, including public places.
- Development approval will not be granted where the local government considers there may be potential for significant land use conflict between the workforce accommodation and any existing use on the land or any adjoining land.

#### Design

- All buildings and structures proposed to be used for workforce accommodation purposes are required to be of scale, form and appearance (including materials and colours) that do not detract from the amenity and desired character of the immediate locality. The standard of development must be commensurate to its location and existing development in the immediate locality.
- The development of workforce accommodation on any land classified 'Residential', 'Urban Development' or 'Rural Townsite' zone using typical transportable camp buildings and layouts, including dongas and sea containers, will generally not be supported by the local government due to inconsistencies with the aims and objectives of this policy. Any approval granted by the local government will be in exceptional circumstances only and should not be construed as being a precedent for development of this type/form in these zones.
- The use of second-hand transportable structures for workforce accommodation purposes will only be supported by the local government where the proponent clearly demonstrates the structures are in good condition, fit for purpose and will not have a detrimental impact on the visual amenity of the immediate locality.
- As a minimum, workforce accommodation developments shall be provided with the following essential facilities:
  - a) ablutions, including showers, toilets, laundry and associated facilities;
  - b) a clearly designated covered and/or sheltered main entry area;
  - c) an outdoor activity area, of which all or part may be covered or shaded;
  - d) kitchen/cooking facilities or a commercial kitchen and eating area/s;
  - e) suitably located, sized and screened clothes drying area/s;
  - f) suitably located, sized, screened and secure storage areas for the belongings of workers residing in the accommodation and equipment and other materials required for the management, maintenance and upkeep of the development; and
  - g) at least one easily accessible, appropriately located and screened area for the collection and storage of rubbish, including bin washdown facilities.
- Workforce accommodation should be appropriately screened by vegetation or other means, to the satisfaction of the local government when deemed necessary. If a proposed workforce accommodation development will be highly visible from a major road or have an adverse effect on any adjoining and other nearby properties, including public places, the local government may require a Landscaping Plan detailing hard and vegetated landscaping and ongoing maintenance regimes. Wherever possible, natural vegetation should be retained in any development scenario unless its removal is required for safety and/or bushfire management purposes.
- Internal pedestrian access is to be provided to and between all workforce accommodation buildings and facilities by way of adequately paved pathways to the satisfaction of the local government.
- Where workers have or are provided with access to private vehicles, one (1) car parking space shall be provided on-site for every two (2) workers (or part thereof) proposed to be accommodated within the development. The car parking spaces required are to be maintained at all times for the

exclusive use of workers accommodated on the land to the satisfaction of the local government.

- All internal roads and accessways are to be designed and constructed to the satisfaction of the local government to ensure the safe and convenient movement of all vehicles. The local government will have due regard for *Australian Standard AS/NZS 2890.1:2004* entitled 'Parking Facilities – Part 1: Off-Street Car Parking' (as amended) and any advice and recommendations provided by Main Roads WA when required.
- The layout and arrangement of workforce accommodation developments should minimise the impacts of noise and headlight glare of vehicles to bedrooms and major habitable rooms of existing dwellings on adjoining and other nearby properties.
- Adequate external lighting shall be provided to allow for pedestrian and vehicular safety and security throughout the development. All external lighting shall be designed and installed so as not to adversely impact adjoining and other nearby properties.

#### Essential Services

- Arrangements shall be made with the relevant service provider to ensure a reticulated water supply is provided to service the needs of a workforce accommodation development, including infrastructure required for firefighting purposes.
- Where a reticulated water supply service is not available, suitable arrangements shall be made to the specifications and satisfaction of the local government to provide an adequate supply of water for human consumption and firefighting purposes.
- All tanks and vessels used for the storage of water for human consumption shall have sufficient capacity to ensure a minimum of 80 litres of water per person per day is available at all times.
- All tanks and vessels used for the storage of water for human consumption shall be constructed and covered to prevent water stored from becoming polluted or contaminated.
- All water stored for human consumption shall be maintained at all times to the satisfaction of the local government and in accordance with the *Australian Drinking Water Guidelines* published by the National Health and Medical Research Council.
- Arrangements shall be made with the relevant service provider to ensure workforce accommodation development is served by reticulated sewerage disposal infrastructure where this service is immediately available. Where reticulated sewerage disposal infrastructure is not immediately available, suitable arrangements shall be made to the specifications and satisfaction of the local government or the Department of Health to provide an adequate on-site effluent disposal system.
- All stormwater runoff from a workforce accommodation development shall be contained and disposed on-site and not directed towards, or have scope to negatively impact upon, any immediately adjoining property or any environmentally sensitive areas on or off-site. The preparation and implementation of a detailed Stormwater Drainage Management Plan prepared by a suitably qualified person may be required as a condition of development approval.

#### Management

- The local government will only grant development approval for workforce accommodation where it is satisfied the proposed development will be effectively and appropriately managed at all times in accordance with an approved Management Plan.
- The local government may require the proponent of any workforce accommodation development to enter into a deed of agreement with the local government to ensure full compliance with an approved Management Plan.
- Workforce accommodation may only be occupied by workers who are employed as part of the employment generating business enterprise or industry for which the accommodation is required.
- Workforce accommodation may not be rented, leased or used by any other person / entity or for any other purpose unless otherwise approved by the local government.

#### Duration of Development Approval

- Development approvals for workforce accommodation will generally be subject to a temporary approval of up to 5 years. The specific time limit set in each case will however have regard to the purpose of the workforce accommodation (i.e. construction or operational staff). It should not be assumed that a 5 year approval period will be granted in all cases.
- In considering the period of time for which development approval is granted for workforce accommodation, the local government will consider the timeframe requested by the proponent and the tenure arrangements for the land.

- At the conclusion of the approved timeframe for any given workforce accommodation development, the development approval will expire and the use shall immediately cease.
- Any proposal to extend the term of approval for workforce accommodation development will require the preparation and lodgement of a new development application with the local government prior to expiry of any development approval current at the time. All applications will be assessed and determined in accordance with the standards and requirements of the local government's local planning framework applicable at the time.
- The local government may consider a written request for temporary workforce accommodation for a period not exceeding 12 months without the need for development approval pursuant to the exemptions afforded by clauses 61(1) and (2) in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the proponent demonstrating compliance with the standards and requirements of the Scheme and this policy.

#### Decommissioning and Rehabilitation or Adaptive Re-Use

- Workforce accommodation that is only required and approved for a certain period of time will be required to be decommissioned at the end of the project, unless the buildings can be re-used for another land use and have been designed to be adaptive. Approval for the re-use of the accommodation and associated facilities will need to be sought from the local government through the development application or statutory referral process.
- In the case where the owner/operator of workforce accommodation intends to sell or reuse the land and workforce accommodation buildings thereon for another use post completion of a project, the development shall be decommissioned within 6 months if the land is not sold and/or remains idle and unused for a period of 12 months.
- The local government will require all improvements associated with a workforce accommodation development to be decommissioned and removed from the land at the end of the approval term and the land reinstated to its natural condition insofar as practicable prior to the commencement of development. A condition may be imposed on any development approval granted requiring the preparation and submission of a Decommissioning and Rehabilitation Plan at an appropriate time for consideration and endorsement by the local government.
- The local government may require the proponent of any workforce accommodation development to enter into a deed of agreement with the local government to ensure full compliance with an approved Decommissioning and Rehabilitation Plan.

#### **PROCESS:**

#### **DELEGATION:**

**HEAD OF POWER:** Local Government Act 1995, Planning & Development (Local Planning Schemes) Regulations 2015; Shire of Kulin Town Planning Scheme No 2, Local Planning Policy No. 11.

## **WORKS**

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## **W1 GENERAL - WORKS PRACTICES**

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### **Works**

**PREAMBLE:** Providing information on a variety of work practices, guidelines and operational information, each insignificant to warrant individual record.

**OBJECTIVE:** To ensure individual minor items are not lost in the system of recording practices, procedures and guidelines.

### **PRACTICES:**

#### **Application for Private Works**

Whenever private works are requested to be carried out, the client should sign a private works authorisation form. This form can be obtained from the Shire Office or from the Executive Manager of Works and should include an indicative cost of works.

Private works are to be carried out on the following conditions:

- The client is responsible for marking out and supervising the work.
- The Shire of Kulin is not responsible for damage to property, foundations, cables etc. caused when working within the clients instructions
- The Shire of Kulin is not responsible for any expense incurred through breakdown or delay.

Private works will not be performed for individuals or contractors who still have unpaid invoices exceeding 3 months.

#### **Cemetery Tree Planting**

No planting of trees around the gravesites is permitted. Any beautification of gravesites involving vegetation should be submitted to the Chief Executive Officer.

#### **Niche Wall**

All plaques for the Niche Wall are to be approved by the Chief Executive Officer and fitted by Shire staff.

#### **Roadside Signage for Electoral Advertising**

For Federal, State and Local elections the placement and location of all signage must be approved by the Chief Executive Officer.

As a standard, all signs must;

- Be less than .8m<sup>2</sup>;
- Be freestanding and not affixed to road structures. Star pickets shall not be used to support the signs;
- Placed not to obscure the vision of drivers;
- Placed not to be an obstruction to vehicles, pedestrians or other road users;
- Not to be placed within 50m of an intersection median or 100m of a roadworks site;
- Produced from material not to cause injury or damage if struck by a vehicle;
- Must be securely installed; and
- Removed within 21 days of the election closing.

#### **School Bus Stop Signs**

The Shire practice is to provide the relevant school bus warning signs at all school bus stops. The CEO and Executive Manager of Works are to ensure that the signs are removed if not in use.

#### **Use of Depot - For Servicing Private Motor Vehicles**

The Shire will not permit the servicing or maintaining of private vehicles and equipment in the Shire Depot without the express permission of the Chief Executive Officer, who is authorised to delegate the authority to determine requests to the Executive Manager of Financial Services and Executive Manager of Works.

### **Verge Clearing**

All roads that are reconstructed are to be widened to 13 metres to allow for an 11-metre road with 1.5 metres on each side of the road for the table drain.

### **Use of Plant – Local Clubs and Organisations**

The Chief Executive Officer with the authority to delegate to the Executive Manager of Financial Services and Executive Manager of Works the authority to approve requests from clubs and community organisations to use Shire plant. The plant must be operated by a Shire employee with the club or organisation being responsible for payment of wages (if required) to the employee for time worked.

### **Minimum Standard of Footpath**

Footpaths and pathways in public areas are to be constructed to a minimum standard. In addition, these footpaths shall be clear of all obstruction and provide a vertical clearance of at least 2,000mm.

### **Townsite Crossovers**

#### Residential, Commercial and Industrial Lots

Council will provide one 3.6 metre crossover per lot free of charge to ratepayers. Additional costs involved in wider or additional crossovers (less the footpath portion) will be at the cost of the ratepayer.

#### Life Style

Council will provide one 4.8 metre crossover per lot free of charge to ratepayers. Additional costs involved in wider or additional crossovers (less the footpath portion) will be at the cost of the ratepayer.

### **Rural Crossovers**

Where landowners require a new culvert crossover, Council will provide one crossover free of charge and if an additional crossover is required to the same location or paddock, Council will provide the labour to install the culvert where the landowner pays for the culverts. A standard rural crossover is to be 12 metres wide.

### **Natural Surface Water Crossing**

Council upgrades natural surface water crossings to an adequate standard when requested for conservation purposes up to 900mm pipes.

### **Road Name Changes**

Anyone wishing to alter a road name to recognise a pioneering family is to apply to Council stating their reasons, and Council is to write to all the landholders adjoining the affected road to obtain their views.

### **DELEGATION:**

To the Chief Executive Officer to;

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

To the Executive Manager of Financial Services and Executive Manager of Works

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

**HEAD OF POWER:** Local Government Act 1995

*Policy Amended March 2023 (to remove Deep Drainage Road Crossings – now W11)*

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## **W2 GRAVEL SUPPLIES**

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### **Works**

**PREAMBLE:** The Shire of Kulin has maintained strict principles in its search for suitable road making gravel over many years. These principles revolve around seeking the best gravel available and not paying landowners for gravel sourced. If resourcing requires the Shire to resume land for gravel, it will do so. These principles and efforts have resulted in the construction and maintenance of a superior road network when compared to its peers.

**OBJECTIVE:** This guideline reinforces the principles of obtaining suitable roadmaking gravel for use within the Shire of Kulin.

**PRACTICE:** Where gravel supplies are required for roadworks, the Executive Manager of Works is to approach the landowner concerned with a request for the gravel. No payment is to be offered for the supply of gravel, except in these situations (updated June Council Meeting 2021):

- For gravel sourced for significant Kulin Shire Council projects over a nominal individual project value of \$1M in any budget year, that is greater than 75% funded, Council agrees to pay local landholders commercial rates of \$1/cubic metre and update W2 – APOG Manual accordingly.
- For gravel sourced for private works for Main Roads WA on State roads Council agrees to pay local landholders commercial rates at an agree value with the landholder following research of comparable gravel prices at the time and update W2 – APOG Manual accordingly.

All gravel pits opened on private property are to be reinstated before the plant moves to the next programmed job unless other firm arrangements are negotiated with the landowner.

All care is to be taken to ensure that the least amount of inconvenience is caused to the landowner.

The Executive Manager of Works may from time to time negotiate private works assistance for gravel removed with the landowner as part of the arrangement to open access to gravel.

### **Land resumption for Gravel**

If landowners are unwilling to allow the Shire access for gravel reserves, it is the Shire practice where no other suitable alternatives exist, to resume the land to enable the gravel to be obtained.

### **Gravel Supplies – Road Reserves**

Where possible, gravel for road building will not be obtained from existing road reserves.

### **Clearance**

The opening of new private and Shire gravel sources will only be undertaken when the Executive Manager of Works is confident that clearing, Native Title requirements and Flora and Fauna clearances/approvals have been obtained.

**PROCESS:** The Executive Manager of Works is to outline gravel requirements annually and source suitable local supplies to meet needs.

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

**HEAD OF POWER:** Local Government Act 1995

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## **W3 ROADS - CLEARING**

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### **Works**

**PREAMBLE:** Required to effectively manage vegetation on the road corridor.

**OBJECTIVE:** To ensure that clearing of roadsides is completed in a professional and satisfactory manner which is compliant with applicable State legislation.

**PRACTICE:** The Executive Manager of Works will in relation to the clearing of roadsides will ensure compliance with existing legislation;

#### **Environmental Act 1986**

Introduced provisions for regulating the clearing of native vegetation. To clear native vegetation requires an application for a permit from Department of Water and Environmental Regulations (DWER).

#### **Soil and Land Conservation Act 1945 (Agriculture WA)**

Clearing of any area of vegetation exceeding 1 hectare (this also includes the removal of a 1.5 m strip along a fence of length of .75km) requires that the Shire and the landowner gain the approval of Agriculture WA prior to the proposed action.

#### **Wildlife Conservation Act 1950-1979**

Under this Act, native vegetation may only be removed from a road reserve for the purposes of road construction or maintenance, drain construction and maintenance up to within one metre of an adjoining fence.

In areas already identified as having flora of significance – in accordance with Dept. guidelines.

#### **Main Roads Act**

Main Roads WA should be contacted for any clearing on a main road, which is under the care and control of Main Roads WA.

#### **Native Title Legislation**

Clearance of Native Title is required for identified areas of conservation significance or in the case of clearing exceeding 1 ha.

The following legislation also pertains to the management of road reserves and should be considered prior to any roadside verge works.

#### **State legislation:**

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

#### **Commonwealth legislation:**

- Environmental Protection and Biodiversity Conservation Act 1999

The Executive Manager of Works will in relation to the clearing of roadsides remain cognisant to conservation issues;

#### **Direct felling of vegetation**

That vegetation to be removed be felled in the direction that minimises damage to surrounding vegetation.

### **Disposal of Excess Waste Material**

Tree litter and excess material left over from road construction or verge clearing activities be removed and disposed of at a designated site of low conservation value specified by the Executive Manager of Works and not spread over existing vegetation or dumped on a nearby roadside.

### **Transfer of Soils and Materials**

That wherever possible and especially in high conservation areas, that soil or materials used for road maintenance operations not to be taken from at conservation risk sites. That in the event of major works that modify existing indigenous vegetation on a road side or where verges have become denuded of vegetation, then rehabilitation of verges should be encouraged.

The Executive Manager of Works will in relation to the clearing and maintenance of roadsides shall apply the following policy framework;

### **Clearing and Maintenance of Roadside vegetation**

That the guidelines contained in the Roadside Conservation Manual, and endorsed by the WALGA be formally adopted as guidelines for road verge clearing in the Shire of Kulin,

### **Weed Control**

Weed control methods that minimise disturbance to native vegetation will be implemented,

### **Proposals to Clear Vegetation**

That all proposals to clear vegetation on a road reserve must be submitted to the CEO in writing and should detail the location, number of trees and type of vegetation to be removed.

### **Annual proposals to Clear roadways of over protruding vegetation**

The Shire Executive Manager of Works may submit to the Council as part of annual budget processes, proposals to remove vegetation along particular roads, by way of slashing, flail mowing, mobile saw or mulching. The removal of vegetation in these circumstances (when approved in the Budget process) does not require additional approval by the CEO, or reference to Council. Clearing of this form, where the mulched remains of trees are to be left as mulch groundcover, is to extend to the top of the table drain and can include those tree limbs that protrude into the road space, table drain to table drain; if in the opinion of the Executive Manager of Works they pose a current or future hazard.

### **Authorisation to remove vegetation from fence lines**

That the Shire delegate authority to the CEO that following on-site inspection, to approve the removal of necessary vegetation only, up to within a minimum distance of one metre from the fence line. All requests for removing vegetation in excess of one metre from the fence, or more than 20 major trees per kilometre, must be submitted to Council for consideration prior to approval.

### **Application to Clear Vegetation from Services as part of Shire Works**

That service authorities operating in the Shire of Kulin be advised of the necessity to consult with the Shire when planning to extend or maintain activities which involve the disturbance of road verge vegetation and that they be informed of high conservation verge areas and the appropriate practices in these areas.

### **Written Authorisation Processes**

That the removal of roadside vegetation by service authorities must be authorised by the CEO in writing, prior to the commencement of such clearing, and that the authorisation specify the conditions of the clearing process in terms of the guidelines outlined above. Clearing to be carried out within 3 months of written approval, after which time the approval lapses.

### **On Site Implementation**

Either the Shire Executive Manager of Works or the designated contractor be given the onsite responsibility to ensure that no indigenous vegetation beyond the working zone be removed, disturbed or damaged.

**Verge Tree Planting**

Community groups or individuals wishing to plant verge trees are required to submit, in writing, plans of tree species and locations for planting to the Shire and the CEO will decide upon the suitability of the proposal. All roadside revegetation projects to be only of trees that are native to the area.

**Revegetation Plans**

The Executive Manager of Works is to include roadside revegetation proposals in the design plans for all reconstruction projects in rural areas of the Shire where practicable.

**PROCESS:** As above

**DELEGATION:** To the Chief Executive Officer the power to;

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

**HEAD OF POWER:**

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

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## W4 ROADS - DAMAGE TO

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### Works

**PREAMBLE:** During site works and construction of buildings and improvements or the transport of machinery or vehicles, a wide range of damage and maintenance issues occur on roads and road verges. The Shire will recover and recoup repair costs on a road or verge should the property owner or their contractor damage infrastructure and not repair it. This approach applies to all commercial, residential and industrial developments (new and significant improvements) and rural roads in the case of transportation of farm machinery and equipment.

**OBJECTIVE:** To allow the Shire to act quickly to prevent damage to roads and to recoup costs incurred in repairing damage to roads or verges as a result of the construction of buildings and improvements to properties or the transportation of equipment.

**PRACTICE:** All building permit holders whom impact the road or road verge is required to leave the local government property in a clean and tidy condition after use. Any building permit holder is required to report any damage sustained to local government property as a result of their activities, immediately, so assistance can be given to minimise damage, or repair can commence.

All damage by the transportation of farm machinery along local roads is to be reported by the parties concerned as soon as is noted.

Where road or verge damage notification is received, the Executive Manager of Works is authorised to seek redress and a commitment from the landowner or contractor to repair the damage. Failing the issue of a written commitment to repair the damage from the landowner or contractor, the Executive Manager of Works is to report the details and circumstances to the Chief Executive Officer (CEO).

The CEO will verify the circumstances and take immediate action to receive the commitment to repair – failing which the repairs will be undertaken and a cost recovery commenced. If cost recovery seems tenuous, the CEO may seek to apply the cost of the repairs to the landholding for recovery.

In major works situations where damage or alteration to the Shires road or verge asset is required, a deposit sufficient to cover the rectification works or any damage or mess to the verge caused by the property owner or their contractor can be imposed. Deposits will be used for reinstatement of the road and verge.

**PROCESS:** Under Section 6.16(2)(d) of the Local Government Act 1995, a Local Government may impose fees and charges in relation to receiving applications, issuing approvals, making inspections and issuing licences.

If in relation to a Building Licence application damage has occurred, the CEO may consider the application of a verge deposit prior to the continuance of any works. A letter/notice will be sent to the responsible party detailing separately the following costs:

- Damage Inspection costs recoverable; and
- Damage Deposit
- The terms and conditions upon which the Damage Deposit will be utilised or refunded.

### How Damage Deposits are reimbursed

On completion of the building or improvements a final inspection is conducted by the Executive Manager of Works. If the road/verge has been left in a satisfactory state the bond will be returned; if not, the owner or their contractor will be notified of the reason. Verges are to be left clean; trimmed (if material stockpiles were temporarily stored); and the kerb, gutter, road shoulder and seal swept to remove all materials. Any washed or blown materials shall also be removed and the road surface swept clean. Any damage to the road surface repaired to the satisfaction of the Shire.

Any infrastructure such as manhole covers and scour valves, covered by stockpiles, shall be exposed and swept clean. Swale drains are to be trimmed to reinstate the original gradient and shape. Any vegetation damaged is to be reinstated where possible to its original condition. Damaged signs, manhole covers, side entry pits, kerbing, pathways, etc. are to be replaced at the applicant's cost. Replacement must be according to the Shires specifications.

**Use of Damage Deposit by Shire**

Should damage or a maintenance issue remain unresolved, the deposit will be withheld and contact made with the applicant to rectify the defect. If the defect is not rectified within twenty-one (21) days of notification the Damage Deposit will be used to fund the repairs. Should the said repairs exceed the deposit held, the Shire may seek the balance of repair costs in terms of the Road Traffic Act 1974 (Section 85) through any court of competent jurisdiction.

**In the case of damage to rural roads**

The CEO is authorised to seek compensation or repair to Shire specifications from acknowledged landowners or contractors who have caused damage to rural roads or verges. The Executive Manager of Works is authorised to carry out immediate repair in the case of road safety issues, whereby the Shire may seek the repair costs in terms of the Road Traffic Act 1974 (Section 85) through any court of competent jurisdiction, when negotiation to recover costs fail.

**Works in Road Reserves Carried Out by Contractors**

Property owners are advised that all contractors must carry the necessary Public Liability Insurance and follow Shire's Work Safety Standards when engaged in works on road verges.

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

**HEAD OF POWER:** Local Government Act 1995

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## **W5 ROADS - ROADSIDE MARKERS – MANAGEMENT OF**

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### **Works**

**PREAMBLE:** Family and friends may wish to place roadside markers to commemorate where a family member or a friend has died in a car accident.

**OBJECTIVE:** To have consistent, fair and appropriate control over roadside memorials and to be able to manage road side markers.

**PRACTICE:** The Shire has no objections to the placing of small white crosses on the verge area at the scene of major road accident providing that;

- the applicant indemnifies Shire against any action or damage claim arising from the installation of the markers,
- White crosses to be no more than 450 mm in width and to be less than 600 mm in height, and can only be placed at locations that are approved by the Shire, considering future maintenance and verge treatments that may occur,
- Applicant to agree that whilst the crosses remain in existence, they are to be properly maintained by the applicant,
- Derelict crosses, non-approved materials, wreaths etc. littering the verge area shall be removed,
- In urban areas no crosses shall be erected,
- The Shire reserves the right to reject applications, remove installations and relocate markers if procedures are not followed,
- that a site plan be presented before approval,

In relation to indemnification, the Shire obtain a suitable pro forma indemnity for applicants to sign from Shire insurers.

### **PROCESS:**

1. Applications shall be in writing and supported by a sketch of the proposal.
2. Following approval or otherwise of the application the CEO is to advise the outcome to the applicant.

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

**HEAD OF POWER:** Local Government Act 1995

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## **W6    STORMWATER DRAINAGE**

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### **Works**

**PREAMBLE:** This Shire guideline is to express the means whereby storm water can be disposed from private property on to roadways.

**OBJECTIVE:** To ensure that stormwater discharge from private property is adequately planned and accommodated.

**PRACTICE:** The Shire requires the submission of stormwater drainage plans for all developments to be submitted in conjunction with the building licence application.

Rainfall run-off from the development of private property shall generally be retained on site but where overflow into Shire stormwater drainage is required or sought an applicant should make written application at the time of request of a Building License.

### **General**

An overflow provision into the Shire system for any further stormwater run-off may be provided at the developer's cost subject to approval of the Chief Executive Officer on the advice of the Executive Manager of Works.

The property owner is responsible for the maintenance of soak wells on private property. If in the opinion of the Executive Manager of Works soak wells have become inoperative, the property owner shall undertake any necessary maintenance.

Connections to the Shire's stormwater system shall be approved in writing.

Overflow connections from soak wells shall be made from the final soak well of the private drainage system. A trapped manhole shall be placed at the boundary of the lot prior to entering the Shire's system.

### **PROCESS:**

The applicant shall provide a stormwater drainage plan showing the following information:

- Table showing volume calculations, including lot area, impermeable area, minimum soak well volume required and additional volume required for high ground water or non-sandy soils.
- Plan of the site showing location, size and levels of soak wells, pipes and other drainage features.
- Where additional volume is required for high groundwater or non-sandy sites, calculations showing the additional storage volume and any levels necessary to ensure this is achieved.
- Details of any proposed connections to the Shire's drainage system.
- Construction details for soak wells, other drainage structures and any proposed connections to the Shire's drainage system.

### **Residential Development**

Soak wells shall be provided and maintained in all instances where the aggregate impervious area including roofs, carparks, driveways, carports and patios exceeds 250 square metres or where the lot size is less than 1000m<sup>2</sup>.

Soak wells shall be provided at the rate of 1.0 cubic metres of storage for each 65 square metres of impervious area in excess of 250 square metres.

An additional 1m<sup>3</sup> per 65m<sup>2</sup> of impervious area shall be provided in areas of clayey soils or in high groundwater table areas. The collection points and soak wells shall be located so as to minimise the amount of run-off entering the road reserve.

**Group Dwellings, Strata Lots, Commercial and Industrial Development**

Stormwater run-off from all roofs, carparks, driveways and other impervious areas shall be collected and disposed of into sufficient soak wells on site. Soak wells shall be provided at the rate of 1.0 cubic metres of storage for each 65 square metres of impervious area.

An additional 1m<sup>3</sup> per 65m<sup>2</sup> of impervious area shall be provided in areas of clayey or silty soils or in high groundwater table areas.

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

**HEAD OF POWER:** Local Government Act 1995

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## **W7 STREET TREES**

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### **Works**

**PREAMBLE:** To foster pride in the street appearance through efforts of tree planting and encourage ratepayers to undertake the growth of street trees.

**OBJECTIVE:** To control and manage the supply and planting of street trees.

**PRACTICE:** The Shire is prepared to provide and replace upon request, suitable trees to townsites householders for planting on the street verge fronting their properties on the condition that they are prepared to plant and maintain them.

Residents are permitted to plant and tend suitable street trees in townsites provided: -

- Trees are planted in accordance with acknowledged standards for street placement.
- Trees planted below power lines, etc. to be of a type that the average growth shall not reach to within 2.5m of the lowest height of the overhead lines.
- Street trees shall be of a variety suitable for pruning.
- Street trees shall be of a variety suitable to minimise leaf, stalk and flowering litter that requires regular clean-up.

No resident shall plant trees on the road reserve without the prior approval of the Chief Executive Officer who is authorised to stipulate the position and spacing and who may refuse tree varieties which he considers unsuitable.

All street trees must be planted with a root barrier or root director system to prevent damage to footpaths and road surfaces.

No street trees are to be removed within the Kulin Townsite without due consideration by the Chief Executive Officer.

**PROCESS:** Applications for trees for planting on the street verge fronting the property are to be in writing. Following approval or otherwise of the application the Executive Manager of Works is to advise the outcome to the applicant.

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

**HEAD OF POWER:** Local Government Act 1995

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## W8 STREETScape - IMPROVEMENTS

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### Works

**PREAMBLE:** It is accepted that road reserves form a significant proportion of public open space available to residents for improving their streetscape and lifestyle.

**OBJECTIVE:** To control, manage and permit verge treatments.

**PRACTICE:** Council delegates its authority to the CEO to approve the installation of any gardens, reticulation, landscaping or treatments other than grass to the verge between the front property line and the kerb.

The following principles shall apply to any application:

No permanent structure can be permitted in the road reserve except with the written approval of the Shire. Applications to the CEO for may include recommendations for terms and conditions that include the payment of deposit bonds for removal.

Verge treatments will be assessed on an individual basis against the following criteria:

- Safety;
- Drainage;
- Water Conservation;
- Ongoing Maintenance;
- Appearance; and Impact on others (including public services).

No part of verge treatment shall present any trip hazards, slip hazards or obstructions. Adequate space must be retained for the provision of services e.g. waste collection.

Hazards include but are not limited to the following examples:

- Trip Hazards - sudden depressions, protruding (i.e. Not flush) garden edging, kerbing, etc.
- Slip Hazards - loose aggregate and stones, etc.
- Obstructions - stakes, pickets, walls, etc.

Designs shall take into account the sight line requirements of vehicles using nearby intersections and driveways.

Consideration should be made for pedestrians, gophers, bikes, etc. An allowance should be made for a clear zone of 2m wide if no footpath is provided.

Materials used shall be a different colour to the existing road surface to provide definition and reduce the chance of the verge being confused as part of the road.

Planting within 6m of an intersection is restricted to grass, ground covers, low shrubs or similar plants and no plants may be planted between 6m and 10m of an intersection that exceeds or may exceed 750mm in height.

### Drainage

Stormwater run-off should not affect any other property, roadway or adjoining verge. If non-permeable materials are used as any part of the verge treatment, drainage must be accounted for in the design.

### Water Conservation and Environment

The Shire encourages designs incorporating the planting of drought tolerant and water sensitive plants and ground covers.

### **Ongoing Maintenance**

The ongoing maintenance requirements will form an important part of the Shire's assessment. The assessment will consider the overall maintenance requirements of the treatment as a whole, including pruning, stabilisation of hardstand areas, etc.

All verge treatments must be maintained by the adjoining property owner to ensure any approved treatments do not become unacceptable. Where there is a change in ownership the new owner will become responsible for any ongoing maintenance.

### **Appearance**

Proposed works will be assessed on their aesthetic qualities and should be designed with the local streetscape in mind.

### **Impact on Others and/or Services**

Proposed treatments should take into account the impact on neighbours and service providers. Examples: Planting low growing plants under power lines; and minimum clearance around any service installations e.g. water meters.

**PROCESS:** The treatments are to be in accordance with this guideline and installation may take place after formal written application and approval from the Chief Executive Officer. The CEO may take direction from the Executive Manager of Works and gardening staff in regard to each application and place such conditions on the approval as deemed necessary.

No works are to commence unless approval (with or without conditions) is granted.

Following approval, the applicant must notify Shire staff at any milestone points where the Shire's ongoing approval is required before proceeding to the next step. Non-conforming works shall be rectified until approved.

On completion of works a final inspection shall be undertaken to ensure the works have been completed as per the approval.

**DELEGATION:** To the Chief Executive Officer to approve streetscape improvements.

**HEAD OF POWER:** Local Government Act 1995

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## W9 ROADSIDE BURNING

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### Works

**PREAMBLE:** The Shire recognises the concerns of rural property owners regarding potential fire hazards on roadsides yet at the same time recognises the flora damage that fire can do to road verges.

**OBJECTIVE:** To reduce the risk of fire damage to road verges.

**PRACTICE:** No roadside burning is allowed by any persons within the Shire without the approval of the Shire. Similarly, any application to use chemicals on road reserves for firebreak protection for the elimination of weeds or grasses must be submitted to the Chief Executive Officer for approval.

To achieve that approval the landowner supported by the local Fire Control Officer is required to provide details of the sections of roadside proposed for burning or spraying to remove the fire hazards. The Chief Executive Officer under delegation with the agreement of the Executive Manager of Works may issue approval but this will be subject to:

- The adjoining property owner(s) supports the burn and accepts responsibility for protection of his/her fencing;
- Burning is carried out or directly supervised by members of a registered Bushfire Brigade and the Shire;
- Landowners are given instructions to only burn by way of a Fire Permit, issued with or without conditions as are considered appropriate by the issuing Fire Control Officer for each section of roadside;
- All reasonable precautions are taken to protect flora and fauna during the course of roadside burning (pest plants and wild weeds excluded).
- Warning signs must be displayed on the road at either end of each burn in accordance with Australian Standards on Traffic Management.
- The Shire is to coordinate the placing and removal of traffic warning signs.

Permission to burn road verges may be considered when in conjunction with Shire works or maintenance, where it considered beneficial to both the Shire and the landowner to burn.

**PROCESS:** Landowners requiring their road verge to be burned are to apply to their local Fire Control Officer and then present the information to the Shire. If an approval is granted, the Shire will be directly involved and provide signage.

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

**HEAD OF POWER:**

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

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## W10 RESTRICTED ACCESS VEHICLES

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### Works

**PREAMBLE:** Shire staff often receive applications from Main Roads WA Heavy Vehicle Services (HVS) to make changes to the existing Restricted Access Vehicle (RAV) rating on Council roads. Whilst HVS has an extensive and exhaustive criteria and assessment process in reviewing applications, they seek endorsement from Shires as to whether we approve of the proposed RAV network amendments.

**OBJECTIVE:** To designate those roads on which Restricted Access Vehicles (RAV) will be permitted and the conditions applicable.

**PRACTICE:** As of 31 March 1997, Main Roads Western Australia (MRWA) became solely responsible for the issuing of heavy vehicle permits. Lists of roads approved by Council are held by Main Roads Western Australia (MRWA). These lists form the basis of a common endorsement issued to any operator wishing to travel on any of the said roads. Roads may only be added or deleted from the list with Council approval.

Council receives applications from Main Roads WA Heavy Vehicle Services (HVS) to make changes to the existing Restricted Access Vehicle (RAV) rating on Council roads. Whilst HVS has an extensive and exhaustive criteria and assessment process in reviewing applications, they seek endorsement from Shires as to whether we approve of the proposed RAV network amendments.

Information assessed as by the Council in undertaking their assessment prior to providing recommendations includes:

- What is the existing road (sealed / unsealed)?
- What is the condition of the existing road?
- What is the existing RAV rating and conditions?
- What is the current ADT and ESA on the road?
- Is it a school bus route?
- What is the geometry of the intersections relevant to the existing and proposed RAV rating?
- What is the likely ongoing maintenance and renewal impact on the road from proposed RAV changes?

### RAV Categorisation and Assessment

Roads across the Shire have various RAV categorisation depending upon their condition, functionality regarding freight transport within the Shire and the region as well as previous applications from landholders and transport operators.

The standard RAV Categories have been grouped into four (4) assessment levels, as follows:

- Level 1 - RAVs Categories 2-4 (e.g. pocket road train, B-Double, and other RAVs with a maximum length of either 25.0 m or 27.5 m);
- Level 2 - RAVs Categories 5-6 (e.g. RAVs with a maximum length of 36.5 m and a maximum mass of 87.5T);
- Level 3 - RAVs Categories 7-8 (e.g. RAVs with a maximum length of 36.5 m and a maximum mass of 107.5T); and
- Level 4 - RAVs Categories 9-10 (e.g. RAVs with a maximum length of 53.5 m).

Many of the RAV ratings are also conditional, meaning that certain combinations of vehicles can operate on them, but under specific conditions. In such instances the RAV route might not meet all the HVS requirements of the requested RAV categorisation, but it provides a practical way for the Shire to work with landholders and transport operators to improve freight transport efficiency. It also enables Shire staff to retain some control of how heavy freight impacts Council road assets, as well as managing the safety risk associated with such vehicles.

Imposing conditions is a pragmatic way of managing RAV on Council roads. The purpose of this procedure is to outline a succinct list that can be applied across all "Conditionally Approved" RAV categorisations.

**RAV 2- 4**

All sealed roads within the Shire (excluding town streets) with a minimum seal width of 6m will be categorised **RAV 2 - 4**.

**RAV 5-7**

All sealed roads within the Shire (excluding town streets) with a minimum seal width of 7m will be categorised **RAV 5 - 7**.

**RAV 2 - 4 Conditional**

All unsealed roads of Low Volume (LV) within the Shire of Kulin (excluding town streets) will be categorised **RAV 2 – 4 Conditional** with the following conditions.

- All operators must carry current written approval from the road asset owner permitting use of the road.
- Headlights to be switched on at all times.
- No operation on unsealed road segment when visibly wet.
- This section of road must not be used as a through route. This section of road may be used as access to pick-up goods, deliver goods, or garage vehicles to properties located on this section of road, or on roads only accessible via this section of road. Drivers must carry documentation as proof of local delivery, pickup or garaging address.

**RAV 5 - 7 Conditional**

Specifically identified unsealed roads that cater for significant heavy freight transport routes will be categorised **RAV 5 - 7 Conditional** with the following conditions.

- All operators must carry current written approval from the road asset owner permitting use of the road.
- Headlights to be switched on at all times.
- No operation on unsealed road segment when visibly wet.
- This section of road must not be used as a through route. This section of road may be used as access to pick-up goods, deliver goods, or garage vehicles to properties located on this section of road, or on roads only accessible via this section of road. Drivers must carry documentation as proof of local delivery, pickup or garaging address.

Roads that won't be considered for RAV 5-7 categorisation would be those deemed a low-level access tracks as opposed to well-formed gravel roads (examples include Freebairn Road, Wilson Road, Kirby Road, with Works Manager to determine a comprehensive list of RAV4 only. These would be reclassified under the Roads Asset Management Plan.

**Concessional Loading**

Shire staff have also received applications for Concessional Loading under the Accredited Mass Management Scheme (AMMS) Permit process managed via HVS. This

- Allows for approved tandem drive and tri drive combinations to operate at three (3) concessional mass levels; and
- Does not prescribe specific loading methods nor restrict commodity types.

Participants in AMMS are able to operate their vehicles on Shire of Kulin roads under one of 3 levels, as shown in the following table:

AMMS Levels	Tandem Axle Group	Tri Axle Group	RAV
Non AMMS	16.5t	20t	
Level 1	17.0t	21.5t	RAV 5 – 7
Level 2	17.0t	22.5t	RAV 2 – 4
Level 3	17.5t	23.5t	Nil

**PROCESS:**

1. Applications to change a road's RAV categorisation shall be in writing.
2. Following approval or otherwise of the application the CEO is to advise the outcome to the applicant.

**DELEGATION:** To the Chief Executive Officer to determine Restricted Access Vehicle categorisation of Shire of Kulin Roads.

**HEAD OF POWER:** Local Government Act 1995

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## **W11 DEEP DRAINAGE ROAD CROSSINGS**

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**PREAMBLE:** This policy is applied to the Shire of Kulin landowners / landholders.

**OBJECTIVE:** The purpose of this policy is to ensure a procedure is in place for landholders planning to use deep drainage as an engineering option for salinity control that directly affects Council controlled land & infrastructure.

**PRACTICE:**

Prior to the commencement of drainage works within the Shire of Kulin the proponent or an authorised agent must submit a Notice of Intent to Drain (NOID) to the Department of Primary Industries and Regional Development pursuant to the Soil and Land Conservation Regulations 1992.

As part of the assessment of the NOID the Shire of Kulin will respond on invitation from the Department of Primary Industries and Regional Development (Office of the Commissioner of Soil and Land Conservation) to make comment and provide feedback relevant to proposed drainage works. The shires consideration / feedback / comments will relate to work that directly affects Council controlled lands and infrastructure (road reserve), specifically how drainage waters flow through / across Council infrastructure, thus mitigating risk of adversely affecting its integrity and standard.

Proposals to move water via the means of deep drainage excavation work needs to be accompanied by scaled design demonstrating flow / volume of water resultant from construction of the deep drain. The design should clearly show the depth and width of the drain and the size of the culvert or pipe where the drain intersects with a Shire Road. All the relevant supporting information is to be submitted to Council by the proponent for Council consideration prior to any works being undertaken.

All construction and remedial costs, including traffic management relative to drainage works shall be at the proponent's cost.

The proponent must provide a letter of no objection from the Department of Primary Industries and Regional Development to the Shire of Kulin prior to any drainage works commencing.

The design must;

- a) Extend the whole width of the road reserve, with the ends positioned inside the proponent's boundary (fence);
- b) The culvert or pipe and or headwall must be approved by the Shire; and
- c) Be in accordance with the design, relative to the maximum capacity of water flow resultant from the construction of the deep drain.

The material and labour associated with installing culverts at the Shire Road crossing as a part of the drain conveyance are at the proponent's cost. Installation and reinstatement works are to be either undertaken or supervised by Council. The proponent will sign an agreement which indemnifies the Shire against cost which may occur as a result of road degradation as a result of the deep drainage works.

**HEAD OF POWER:** Soil and Land Conservation Regs 1992

*Policy Adopted March 2023*