

SHIRE OF KENT



POLICY MANUAL

Adopted 21 March 2018

Last Update – 15 February 2023

Shire of Kent

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POLICY #	POLICY TITLE	AMENDMENT DESCRIPTION	DATE ADOPTED	COUNCIL RES #
2.1.11	Staff Housing Allowance for Non-Shire Accommodation	New policy	23.07.19	OCM1920/056
3.1.10	Covid-19 Financial Hardship	New policy	15.04.20	OCM1920/142
3.1.2	Purchasing and Creditor Control	Amended to increase \$150,000 - \$250,000 threshold	15.04.20	OCM1920/146
	Continuing Professional Development Policy	Policy relating to Continuing Professional Development; and determine the preferred service provider for Elected Member Training.	22.07.20	OCM2021/005
2.1.4	Drug and Alcohol Policy	Change to fitness for work policy to cover all aspects of employee fitness not just drug and alcohol.	17.03.21	OCM2021/081
1.5.1	Code of Conduct for Council Members, Committee Members and Employees	Repeal – new legislation	17.03.21	OCM2021/083
3.1.1	Significant Accounting Policies	To incorporate changes over the years to AASB's.	19.05.21	OCM2021/109
3.1.10	Covid-19 Financial Hardship	Amend to Financial Hardship Policy to support ratepayers and debtors experiencing financial difficulty throughout any declared state of emergency.	23.06.21	OCM2021/118
3.1.8	Request for Donations and Financial Assistance Policy	To include in kind support to the Pingrup Race Club to cover the use of the new accommodation at Pingrup Caravan Park for two nights on the weekend of the Pingrup Races	23.06.21	OCM2021/120
2.1.13	Temporary Employment or Appointment of CEO Policy	New policy	21.07.21	OCM2122/014
2.1.12	Superannuation Voluntary Contribution	New policy	15.09.21	OCM2122/038
2.1.14	Organisational Structure and Designated Senior Employees	New policy	15.12.21	OCM2122/088
9.1.8	Fitness for Work	The amended policy is a shorter version, clear to understand and covers all aspects of fitness for work. Consultation with Civic Legal throughout the process.	15.12.21	OCM2122/090
2.1.15	Disciplinary Policy	New policy	15.12.21	OCM2122/090
3.2.1	Record Keeping Policy	Review of policy	9.2.22	OCM2122/097
1.5.2	Elected Member Record Keeping Policy	New policy	9.2.22	OCM2122/097
3.1.9	Related Party Disclosures	Amended frequency of disclosures from quarterly to annually.	8.6.22	OCM2122/134
2.1.16	Grievance Policy	New policy	17.08.2022	OCM2122/019
5.1.8	Gravel Acquisition	New policy	15.2.23	OCM2223/098
2.1.9	Smoking in Council Premises/Vehicles	Policy update to include more specific guidelines.	15.02.2023	OCM2223/097

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Preamble

This manual contains Shire of Kent Council adopted policies. The manual should be read in conjunction with Code of Conduct for Elected Members, Code of Conduct for Employees and the current Delegated Authority.

Various pieces of legislation require policies, delegations or authorisations to be adopted to carry out the intent of the legislation. It should be noted that the expression of a delegation in one piece of legislations does not transfer to another piece of legislation and a delegation must be specifically stated in the legislation.

Legislation associated with this manual include:

- Local Government Act 1995 and Associated Regulations
- Bush Fires Act 1954
- Bush Fires (Infringements) Regulations 1978
- Bush Fires Regulations 1954
- Caravan Parks and Camping Grounds Act 1995
- Building Act 2011
- Cat Act 2011
- Cat Regulations 2012
- Freedom of Information Act 1992
- State Records Act 2000
- Dog Act 1976 and Regulations
- Health Act 1911
- Planning and Development Act 2005
- Food Act 2008
- Food Regulations 2009
- Occupational Safety and Health Act 1984
- Occupational Safety and Health Regulations 1996
- Litter Act 1979

Under section 2.7(2b) of the *Local Government Act 1995*, the Council is to determine the Local Government's policies. The Policy Manual is presented to Council for its review and adoption annually. In 2017 the manual underwent a complete revision and rewrite and is reviewed each year.

Where relevant, policies have been subject to consultation with professionals in the area of Planning, Health and Building, the Executive Management Team of the Shire of Kent and Employees of the Shire of Kent.

These policies will guide the decision making and actions of the Council and Executive Management Team in line with the 2017-2027 Community Strategic Plan.



ELECTED MEMBER POLICIES

Policy Number:	EM 1
Policy Title:	Elected Member Policies
Date Adopted:	25 October 2017
Date Reviewed:	First Adoption
Policy Type:	Governance

Policy Position 1.1 – Code of Conduct (EM1.1)

PREAMBLE

The Code of Conduct provides Elected Members, Committee Members and Employees in the Local Government with consistent guidelines for an acceptable standard of professional conduct. This code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments.

The Code is complementary to the principles adopted in the *Local Government Act 1995* and regulations which incorporates four fundamental aims to result in:

- a) Better decision-making by local governments;
- b) Greater community participation in the decisions and affairs of local governments;
- c) Greater accountability of local governments to their communities; and
- d) More efficient and effective local government.

The Code provides a guide and a basis of expectations for Council Members, Committee Members and Employees. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

STATUTORY ENVIRONMENT

The Code of Conduct observes statutory requirements of the *Local Government Act 1995* (Part 5, Div. 9 s5.103, s5.104 – *Codes of Conduct*) and *Local Government (Administration) Regulations 1996* (r.34B and 34C).

RULES OF CONDUCT

Council Members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the *Local Government Act 1995* and *Local Government (Rules of Conduct) Regulations 2007*.

1.1.1 ROLES

Role of Elected Member

The primary role of an Elected Member is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Local Government will be the focus of the Elected Member's public life.

The Role of Elected Members is set out in s2.10 of the *Local Government Act 1995* and states:

"An Elected Member –

- a) represents the interests of electors, ratepayers and residents of the district;*
- b) provides leadership and guidance to the community in the district;*
- c) facilitates communication between the community and the council;*
- d) participates in the local government's decision-making processes at council and committee meetings; and*
- e) performs such other functions as are given to an Elected Members by this Act or any other written law"*

An Elected Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives. In fulfilling the various roles, Elected Members activities will focus on:

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- achieving sound financial management and accountability in relation to the Local Government's finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- working with other governments and organisation to achieve benefits for the community at both a local and regional level; and
- having an awareness of the statutory obligations imposed on Elected Members and on Local Governments.

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through integration of environments protection, social advancement and economic prosperity.

Role of Employee

The role of Employee is determined by the functions of the CEO as set out in s5.41 of the *Local Government Act 1995* which states:

"The CEO's functions are to –

- a) *advise the Council in relation to the functions of a local government under this Act and other written laws;*
- b) *ensure that advice and information is available to the Council so that informed decisions can be made;*
- c) *cause Council decisions to be implemented;*
- d) *manage the day to day operations of the local government;*
- e) *liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;*
- f) *speak on behalf of the local government if the mayor or president agrees;*
- g) *be responsible for the employment, management supervision, direction and dismissal of the employees (subject to S5.37(2) in relation to senior employees);*
- h) *ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- i) *perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO."*

Role of Council

The Role of Council is in accordance with s2.7 of the *Local Government Act 1995*:

"(1) The Council –

- a) governs the local government's affairs; and*
- b) is responsible for the performance of the local government's functions.*

(2) Without limiting subsection (1), the Council is to –

- a) oversee the allocation of the local government's finances and resources; and*
- b) determine the local government's policies."*

Relationships between Council Members and Employees

An effective Elected Member will work as part of the Council team with the Chief Executive Officer and other members of employees. That teamwork will only occur if Council Members and Employees have a mutual respect and co-operate with each other to achieve the Community's Aspirations and Goals, and implement the Council's strategic objectives. To achieve that position, Elected Members need to observe their statutory obligations which include, but not limited to, the following:

- accept that their role is a leadership, not a management or administrative one;
- acknowledge that they have no capacity to individually direct employees to carry out particular functions; and
- refrain from publicly criticising employees in a way that casts aspersions on their professional competence and credibility.

Policy Position 1.2 – Conflict and Disclosure of Interest (EM1.2)

1.2.1 CONFLICT OF INTEREST

Conflict of Interest

- a) Elected Members, Committee Members and Employees will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- b) Employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- c) Elected Members, Committee Members and Employees will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government area or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- d) Elected Members, Committee Members and Employees who exercise recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- e) Employees will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti-discriminatory legislation.

Financial Interest

Elected Members, Committee Members and Employees will adopt the principles of disclosure of financial interest as contained within Part 5, Div.6 of the *Local Government Act 1995*.

Disclosure of Interest

Definition:

*In this clause, and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996 –
“interest” means an interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected but does not include an interest as referred to in section 5.60.*

- a) A person who is an employee and who has an interest in any matter to be discussed at a Council or committee meeting attended by the person is required to disclose the nature of the interest –
 - ii) In a written notice give to the CEO before the meeting; or
 - iii) At the meeting immediately before the matter is discussed.
- b) A person who is an employee and who has given, or will give, advice in respect of any matter to be discussed at a Council or committee meeting not attended by the person is required to disclose the nature of any interest the person has in the matter –
 - ii) In a written notice given to the CEO before the meeting; or
 - iii) At the time the advice is given.
- c) A requirement described under the items (a) and (b) excludes an interest referred to in s5.60 of the *Local Government Act 1995*.
- d) A person is excused from a requirement made under items (a) or (b) to disclose the nature of an interest it –
 - ii) the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
 - iii) the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.

- e) If a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of items (a) or (b), then –
 - ii) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - iii) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.

- f) If –
 - i) to comply with a requirement made under item (a), the nature of a person's interest in a matter is disclosed at a meeting; or
 - ii) a disclosure is made as described in item (d) (ii) at a meeting; or
 - iii) to comply with a requirement made under item (e) (ii), a notice disclosing the nature of a person's interest in a matter is brought to the attention of the persons present at a meeting, the nature of the interest is to be recorded in the minutes of the meeting.

Policy Position 1.3 – Personal Benefit (EM1.3)

1.3.1 PERSONAL BENEFIT

Use of Confidential Information

Elected Members, Committee Members and Employees will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm or detriment to any person or organisation.

Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

Improper or Undue Influence

Elected Members and Employees will not take advantage of their position to improperly influence other Elected Members or Employees in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

Gifts

Definitions: In this clause, and in accordance with Regulation 34B of the Local Government (Administration) Regulations 1996 –

“activity involving a local government discretion” means an activity –

- a) *that cannot be undertaken without an authorisation from the local government; or*
- b) *by way of a commercial dealing with the local government;*

“gift” has the meaning given to that term in S 5.82 (4) except that it does not include –

- a) *a gift from a relative as defined in S 5.74(1); or*
- b) *a gift that must be disclosed under Regulation 30B of the Local Government (Elections) Regulations 1997; or*
- c) *a gift from a statutory authority, government instrumentality or non-profit association for professional training;*

“notifiable gift” in relation to a personal who is an employee, means –

- a) *a gift worth between \$50 and \$300; or*
- b) *a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;*

“prohibited gift” in relation to a person who is an employee, means –

- a) *a gift worth \$300 or more; or*

- b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.*
- a) A person who is an employee is to refrain from accepting a prohibited gift from a person who –
- i) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion.
- b) A person who is an employee and who accepts a notifiable gift from a person who –
- i) is undertaking or seeing to undertake an activity involving a local government discretion; or
 - ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion, must notify the CEO, in accordance with item (c) and within 10 days of accepting the gift, of the acceptance.
- c) The notification of the acceptance of a notifiable gift must be in writing and include –
- i) the name of the person who gave the gift; and
 - ii) the date on which the gift was accepted; and
 - iii) a description, and the estimated value, of the gift; and
 - iv) the nature of the relationship between the person who is an employee and the person who gave the gift; and
 - v) if the gift is a notifiable gift under paragraph (b) of the definition of “notifiable gift” (whether or not it is also a notifiable gift under paragraph (a) of that definition) –
 - 1) a description; and
 - 2) the estimated value; and
 - 3) the date of acceptance, of each other gift accepted within the 6 month period.
- d) The CEO is to maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under item (c).

- e) This clause does not apply to gifts received from a relative (as defined in S 5.74(1) of the *Local Government Act*) or an electoral gift (to which other disclosure provisions apply).
- f) This clause does not prevent the acceptance of a gift on behalf of the local government in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the CEO, entered into the Register of Notifiable Gifts and used or retained exclusively for the benefit of the local government.

Policy Position 1.4 – Councillor Fees, Allowances and Reimbursements (EM1.4)

1.4.1 COUNCILLOR FEES, ALLOWANCES AND REIMBURSEMENTS

Purpose

The purpose of this policy is to ensure there is an equitable and transparent system for the payment of Elected Members' attendance fees and reimbursements and the Shire President's and Deputy Shire President's allowances.

Scope

Elected Members

Objective

- Specify the allowances paid to Elected Members;
- Specify the rate of reimbursement for travel; and
- Clarify "reasonable" expense reimbursement for attendance at conferences, seminars and training.

Principles

The Shire of Kent is bound by the provisions of the WA Salaries and Allowances Act 1975 and the determination of the Salaries and Allowances Tribunal in regard to the payment of Elected Members. The Shire of Kent is classified as Band 4 and must pay within the range allocated to Band 4.

Band 4 Range

Annual Allowance for Meeting Attendance

Elected Members:	Minimum \$3,553	Maximum \$ 9,410
Shire President:	Minimum \$3,553	Maximum \$19,341
Telecommunications Annual Allowance:	Minimum \$ 500	Maximum \$ 3,500
President's Local Government Annual Allowance:	Minimum \$ 508	Maximum \$19,864
Deputy President's Local Government Annual Allowance:	Not greater than 25% of the amount paid as an annual allowance to the President.	

Allowances

Elected members will be paid an annual allowance for meeting attendance which will be paid in equal instalments, quarterly (September, December, March and June) in arrears. All allowances will be paid on a pro-rata basis, based on the meetings attended.

- Elected Members Annual Meeting Attendance - \$8,000;
- President Annual Meeting Attendance - \$8,000;
- President Local Government Annual Allowance - \$8,000 per year;
- President's Telecommunications Allowance - \$1,000 per year; and
- Elected Members Telecommunications Allowance - \$1,000 per year.

The Telecommunications Allowance will cover the cost of the Data/Internet Package (SIM Card) for Elected Members iPad's, phones. The allowance will be paid to the Elected Member in four equal instalments each year.

Reimbursements

Reimbursement for travel will be made at the rate of 80 cents per kilometre. Reimbursement will only be made for travel conducted for attendance at council meetings from the location of the Councillors property within the Shire of Kent to the Nyabing Administration office. Travel will also be paid for attendance at regional meetings on behalf of council for organisations on the adopted list of Council Representatives where the following conditions are met:

- The elected member is the authorised Council representative or proxy on that committee;
- A completed claim form must be presented to obtain a reimbursement.

Conferences / Seminars / Training

The Chief Executive Officer will authorise the reimbursement of all reasonable expenses to members incurred whilst attending conferences, seminars and training courses endorsed by Council or deemed necessary by the Chief Executive Officer.

- Such expenses may include registration fees, accommodation, meals, travel and other appropriate out-of-pocket expenses. Before exercising this management responsibility, the Chief Executive Officer must obtain from the member receipts or other appropriate proof that the expense was incurred.
- This authority also applies to the payment of expenses for partners of members when the Council has specifically resolved that members attend and that attendance requires absence from the district overnight.

Procedure Associated with this Policy

Procedure - Reimbursement of Expenses:

- Complete a Reimbursement of Expenses form with original receipts for the claim attached; and
- Submit form to the Chief Executive Officer for approval.

Roles and Responsibilities

Elected Members

- Apply for reimbursement, supplying all relevant receipts

Chief Executive Officer

- Authorise reimbursements.

Deputy Chief Executive Officer

- Arrange for payment of allowances;
- Track telecommunications allowance and expenditure;
- Send out periodic claim forms to councillors prior to quarterly payments cut-off dates

Policy Position 1.5 – Conduct of Elected Members, Committee Members and Employees (EM1.5)

1.5.1 DEALING WITH COUNCIL PROPERTY

Use of Local Government Resources

Council Members and Employees will:

- a) be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other persons or body;
- b) use the Local Government resources entrusted to them effectively and economically in the course of their duties; and
- c) not use the Local Government's resources (including the services of Council Employee) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

Travelling and Sustenance Expenses

Elected Members, Committee Members and Employees will only claim or accept travelling and sustenance expenses arising out of travel-related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy and the provisions of the Local Government Act.

Access to Information

- a) Employees will ensure that Elected Members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities.
- b) Elected Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

1.5.2 ELECTED MEMBER RECORD KEEPING POLICY

1. Scope:

The purpose of this policy is to ensure that full and accurate records of the activities and decisions of Elected Members, in the course of their official duties for Council, are created, managed, and disposed of appropriately to meet the Council's organisational needs and accountability requirements.

2. Compliance with Legislation:

The Shire of Kent will comply with the recordkeeping requirements of the

- *State Records Act 2000*;
- *State Records Principles and Standards 2002*;
- *Freedom of Information Act 1992*;
- *Local Government Act 1995*;
- *State Records Office publications*:

- *State Records Office General Disposal Authority of Local Government Records*
- *State Records Office General Disposal Authority for Source Records.*
- *Shire of Kent Recordkeeping Plan*

Reference is also made to the State Records Office *Information Management Advice: Local Government Elected Members Records: Which records to capture? Dated October 2019.*

3. Elected Member's Records:

Elected Members have a unique and pivotal role within the local government and the community. They represent the interests of electors, residents and ratepayers, participate in local government decision making at Council and Committee meetings, and facilitate communication between the community and the Council.

The State Records Commission 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 its business." This may include, but not be limited to hardcopy and electronic correspondence, email, facsimile, databases and social media.

The Shire of Kent's Chief Executive Officer is responsible under the *Local Government Act 1995* for ensuring that all records of the Shire are kept in accordance with relevant legislation. In the case of records this means the *State Records Act 2000* and the *State Records Principles and Standards 2002*.

All Elected Member will be provided records and information management training appropriate to their individual responsibilities under this Policy.

4 Creation and Capture of Records:

4.1 What Records to Create and Capture

Records created and received by Elected Members that relate to the Shire of Kent's business must be forwarded to the Chief Executive Officer for capture into the corporate recordkeeping system.

Elected Members should create and capture full and accurate records of any significant business undertaken in the course of their official duties for Council. Significant business can include:

- Providing advice, instructions or recommendations;
- Giving permissions and consents; and
- Making decisions, commitments or agreements binding for the Elected Member or Council.

In addition, Elected Members should capture records relating to:

4.1.1 Communications, such as:

- Complaints and compliments;
- Correspondence concerning corporate matters;
- Submissions, petitions and lobbying; and

- Information for Council's interest relating to local government business activity and functions.

4.1.2 Lobbying - All correspondence or petitions relating to lobbying matters.

4.1.3 Telephone, Meetings and Other Verbal Conversations – regarding the Shire of Kent's business activities or projects.

4.1.4 Social Media i.e. Facebook, Twitter etc - where the posts:

- Create interest from the public or media;
- Communicate decisions or commit the Shire of Kent to an action;
- Seek feedback;
- Address issues of safety; and/or
- Relate to sensitive or contentious issues.

4.1.5 Work diaries/Appointment Books - containing information that may be significant to the conduct of the individual Elected Member on behalf of the Shire of Kent.

4.1.6 Records relating to allowances, benefits and gifts

All records relating to the receipt of benefits, allowances or gifts.

4.1.7 Addresses, Speeches and Presentations

Records, which have been delivered as part of the Elected Members official duties.

5 Elected Members Responsibilities:

Elected Members have a responsibility to create and capture records which document their conduct of official business for Council. Official business includes business relevant to the performance of the function and duties of an Elected Member. These records must be captured as part of the Shire of Kent's recordkeeping system and includes records in all formats.

Elected Members who retire or resign from Council and have possession of official business records are requested to forward the records to the Chief Executive Officer.

6 Access to Records:

Elected members have access to certain documents over and above the rights of electors or creditors of the municipality which are provided for in accordance with *Section 5.94 of the Local Government Act 1995*.

Additional rights as provided by *Section 5.92 of the Local Government Act 1995* are granted in order to enable an Elected Member to discharge adequately the functions of their elected office. A member may only seek such information from the Shire's recordkeeping system in the pursuit of Council business. Elected Members are not to use information for their own or another person's purpose, benefit or detriment unconnected with Council activities.

Elected members wishing to obtain access to records and/or information on a Council matter must contact the Chief Executive Officer.

7 Retention and Disposal of Records:

Records relating to the business of Council which are held by Elected Members must be retained or disposed of in accordance with the *State Records Act 2000*.

The State Records Office of Western Australia has issued the *General Retention and Disposal Authority for Local Government Records*, which outlines classes of records and how long they should be kept before being legally destroyed or transferred to archives. Periods specified are based on relevant legislation, guidelines and standards

Elected Members should liaise with the Chief Executive Officer regarding the disposal of any records of Council business as the Shire of Kent is responsible for:

- Ensuring legislative requirements are met
- Ensuring destruction is undertaken appropriately (e.g. that no sensitive information is released due to inappropriate destruction methods), and
- Documenting disposal decisions for accountability purposes.

8 Definitions:

<i>Access</i>	Right, opportunity, means of finding, using or retrieving information. (<i>International Standard ISO 15489.1: 2017 Records Management Part 1, Clause 3.1</i>)
<i>Capturing Records</i>	This involves registering business-related information as a record into the Shire of Kent's recordkeeping system.
<i>Council</i>	In this document means the Local Government office and the Council of the Shire of Kent
<i>Creating Records</i>	The process of generating or receiving business-related information in any format or media.
<i>Disposal</i>	Any method of removing records from an organisation's control through an approved process. Disposal actions include destruction, transfer of custody, or archiving of records.
<i>Disposal Authority</i>	A document which defines the minimum periods of time for which different classes of records must be kept. It stipulates how the records are to be disposed, whether by destruction or retaining them permanently. A disposal authority is approved by the State Records Commission.
<i>Elected Member</i>	Means a serving elected member of Council of the Shire of Kent
<i>General Disposal Authority</i>	Is a document setting out the disposition of records and authorising their disposal. The Shire of Kent is required to comply with the <i>General Disposal Authority for Local Government Records and the General Disposal Authority for Source Records</i> .
<i>Government Record</i>	Is a record created or received by or for a government organisation or a government organisation employee or contractor in the course of the work for the organization (State Records Act 2000)
<i>Record</i>	Recorded information, in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity. (International Standard ISO 15489, Records Management, Part 3 Terms and Definitions, Clause 3.1515489)

<i>Recordkeeping Plan</i>	<p>A Recordkeeping Plan sets out the matters which relate to how records are to be created by and how the organisation will keep its records. Western Australian government organisations are required to have a Recordkeeping Plan. It may comprise one or more documents. It must provide an accurate reflection of the records management program within the organisation. It needs to include information about:</p> <ul style="list-style-type: none">• The organisation's records management system/s;• Disposal arrangements;• Policies, practices and processes; and <p>Sufficient evidence that best practices have been implemented within the organisation. (State Records Office)</p>
<i>Recordkeeping System</i>	<p>Is a system to capture, maintain and provide access to records over time that displays features for ensuring authentic, reliable, complete and usable records that function as evidence of business transactions. (State Records Office)</p>
<i>State Archive</i>	<p>Means a State record that is to be retained permanently. (State Records Office)</p>
<i>State Record</i>	<p>Means a parliamentary record or a government record. (State Records Office)</p>
<i>State Records Act 2000</i>	<p>An Act to provide for the keeping of State records and for related purposes. It is the most significant piece of legislation affecting the management of State records. The Act and the accompanying <i>State Records (Consequential Provisions) Act</i> were proclaimed on 30 November 2001. The Act replaced the archives and recordkeeping aspects of the <i>Library Board of Western Australia Act 1951-1983</i>. (State Records Office)</p>
<i>State Records Commission</i>	<p>The State Records Commission was established in July 2001 under the terms of <i>Part 8 of the State Records Act 2000</i>. The Commission consists of four members: the Auditor General, the Information Commissioner, the Ombudsman, and an appointee with recordkeeping experience from outside Government (that is, someone who is not a public service officer under the terms of the <i>Public Sector Management Act 1994</i>). The fourth Commissioner is appointed by the Governor for a three year term. The Commission's functions are set out in the <i>State Records Act 2000</i>) (State Records Office)</p>
<i>State Records Office</i>	<p>The State Records Office of Western Australia is the Western Australian public records authority with responsibility for managing, preserving and providing access to the State's records. The State Records Office operates as a Government agency within the Department of Local Government, Sport and Cultural Industries. (State Records Office)</p>
<i>State Records Principles and Standards 2002</i>	<p>In accordance with <i>section 61 of the State Records Act 2000</i>, the State Records Commission is required to produce principles and standards to govern recordkeeping by State organisations. These principles and standards represent the core recordkeeping requirements for Western Australian State and local government agencies.</p>



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Policy Position 1.6 – Standing Orders (EM1.6)

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LOCAL GOVERNMENT ACT 1995

SHIRE OF KENT

STANDING ORDERS LOCAL LAW 2011

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Kent resolved on 18 May 2011 to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

- (1) This local law may be cited as the *Shire of Kent Standing Orders Local Law 2011*.
- (2) In the clauses to follow, this local law is referred to as “the Standing Orders”.

1.2 Application

All meetings of the Council or a committee and other matters as prescribed are to be conducted in accordance with the Act, the Regulations and these Standing Orders, except that the following Standing Orders do not apply to the meeting of a committee –

- (a) Clause 8.2, in regard to seating;
- (b) Clause 9.5, limitation on the number of speeches.

1.3 Definitions

- (1) In these Standing Orders unless the context otherwise requires:
“**Act**” means the *Local Government Act 1995*;

“**CEO**” means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the Shire of Kent ;

“**committee**” means a committee of the Council;

“**Council**” means the Council of the Shire of Kent;

“**local government**” means the Shire of Kent;

“**member**” means a councillor on the Council as well as the councillors who hold the office of President and Deputy President;

“**person presiding**” means the person presiding at a meeting of the council or a meeting of the electors whether it be the President, Deputy President, a councillor chosen by the Council at a Council meeting or a councillor or elector chosen by the electors at an electors meeting;

“**presiding member**” means the presiding member of a committee or the deputy presiding member, or a member of the committee when performing a function of the presiding member in accordance with the Act;

“Regulations” means the *Local Government (Administration) Regulations 1996*;

“simple majority” is more than 50% of the members present and voting; and

“substantive motion” means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

- (2) Unless otherwise defined herein the terms and expressions used in the Standing Orders are to have the meaning given to them in the Act and Regulations.

1.4 Repeal

The following local laws are repealed -

The former *Shire of Kent Standing Orders Local Law* as published in the *Government Gazette* on 5 September 2000

PART 2 – CALLING MEETINGS

2.1 Calling Committee Meetings

A meeting of a committee is to be held –

- (a) if called for in a verbal or written request to the CEO by the presiding member of the committee, setting out the date and purpose of the proposed meeting;
- (b) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) if so decided by the committee.

2.2 Notice of Special Council Meetings

- (1) Subject to subclause (2), the CEO is to convene a special meeting of the Council by giving each Council member at least 72 hours' notice of the date, time, place and purpose of the meeting.
- (2) Where there is a need to meet urgently, in the opinion of the President, the CEO may give a lesser period of notice of a special meeting than mentioned in subclause (1).

PART 3 - BUSINESS OF THE MEETING

3.1 Business to be Specified on Notice Paper

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the person presiding or a decision of the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) No business is to be transacted at a committee meeting other than that specified in the agenda or given in the notice as the purpose of the meeting, without the approval of the presiding member or a decision of the committee.
- (4) No business is to be transacted at an adjourned meeting of the Council or a committee other than that –
 - (a) specified in the notice of the meeting which had been adjourned; and
 - (b) which remains unresolved;

except in the case of an adjournment to the next ordinary meeting of the Council or the committee, when the business unresolved at the adjourned meeting is to have precedence at that ordinary meeting.

3.2 Order of Business

- (1) The order of business at any ordinary meeting of the Council shall be as decided by the President and the CEO unless the Council resolves what the order of business shall be.
- (2) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or at a committee meeting is to be the order in which that business stands in the agenda of the meeting.
- (3) Notwithstanding subclauses (1) and (2) in the order of business for any meeting of the Council or a committee, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

3.3 Petitions

A petition, in order to be effective, is to –

- (a) be addressed to the President;
- (b) be made by electors of the district;
- (c) state the request on each page of the petition;

- (d) contain the names, addresses and signatures of the electors making the request, and the date each elector signed;
- (e) contain a summary of the reasons for the request;
- (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
- (g) be in the form prescribed by the Act and *Local Government (Constitution) Regulations 1998* if it is –
 - (i) a proposal to change the method of filling the office of President;
 - (ii) a proposal to create a new district or the boundaries of the local government;
 - (iii) a request for a poll on a recommended amalgamation;
 - (iv) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.

3.4 Confirmation of Minutes

- (1) When minutes of a meeting are submitted to an ordinary meeting of the Council or committee for confirmation, if a member is dissatisfied with the accuracy of the minutes, then he or she is to -
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

3.5 Announcements by the Person Presiding Without Discussion

- (1) At any meeting of the Council or a committee the person presiding may announce or raise any matter of interest or relevance to the business of the Council or committee, or propose a change to the order of business.
- (2) Any member may move that a change in order of business proposed by the person presiding not be accepted and if carried by a majority of members present, the proposed change in order is not to take place.

3.6 Matters for which Meeting May be Closed

For the convenience of members of the public, the Council or committee may identify by decision, early in the meeting, any matter on the agenda of the meeting to be discussed behind closed doors, and that matter is to be deferred for consideration as the last item of the meeting.

3.7 Motions of which Previous Notice has been Given

- (1) Unless the Act, Regulations or these Standing Orders otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) A notice of motion under subclause (1) is to be given at least seven (7) clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good government of persons in the district.
- (4) The CEO –
 - (a) with the concurrence of the President, may exclude from the notice paper any notice of motion deemed to be out of order; or
 - (b) may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and
 - (c) may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) No notice of motion is to be out of order because the policy involved is considered to be objectionable.
- (6) A motion of which notice has been given is to lapse unless –
 - (a) the member who gave notice thereof, or some other member authorised by him or her in writing moves the motion when called on; or
 - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (7) If a notice of motion is given and lapses in the circumstances referred to in subclause (6)(a), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse.

3.8 Questions by Members of which Due Notice has been given.

- (1) A question on notice is to be given by a member in writing to the CEO at least seven (7) clear working days before the meeting at which it is raised.
- (2) If the question referred to in subclause (1) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.
- (3) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed thereon, unless with the consent of the person presiding.

3.9 Urgent Business Approved By the Person Presiding or by Decision

In cases of extreme urgency or other special circumstance, matters may, with the consent of the person presiding, or by decision of the members present, be raised without notice and decided by the meeting.

3.10 Deputations

- (1) A deputation wishing to be received by the Council or a committee is to apply in writing to the CEO who is to forward the written request to the President, or the Presiding Member as the case may be.
- (2) The President if the request is to attend a Council meeting, or the Presiding Member of the committee, if the request is to attend a meeting of a committee, may either approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Council or committee as the case may be, or may instruct the CEO to refer the request to the Council or committee to decide by simple majority whether or not to receive the deputation.
- (3) A deputation invited to attend a Council or committee meeting -
 - (a) is not to exceed five persons, only two of whom may address the Council or committee, although others may respond to specific questions from the members; and
 - (b) is not to address the Council or committee for a period exceeding 15 minutes without the agreement of the Council or the committee as the case requires.
- (4) Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or that committee until the deputation has completed its presentation.

PART 4 - PUBLIC ACCESS TO AGENDA MATERIAL

4.1 Inspection Entitlement

Members of the public have access to agenda material in the terms set out in Regulation 14 of the Regulations.

4.2 Confidentiality of Information Withheld

Information withheld by the CEO from members of the public under Regulation 14.2, of the Regulations, is to be –

- (a) identified in the agenda of a Council or committee meeting under the item “Matters for which meeting may be closed”; and
- (b) marked “confidential” in the agenda.

PART 5 - DISCLOSURE OF FINANCIAL INTERESTS

5.1 Separation of Committee Recommendations

Where a member of the Council has disclosed an interest in a matter, at a committee meeting, and the matter is contained in the recommendations of the committee to an ordinary meeting of Council or to another committee meeting that will be attended by the member, the recommendation concerned is to be separated on the agenda of that ordinary meeting or other committee meeting, from other recommendations of the committee, to enable the member concerned to declare the interest and leave the room prior to consideration of that matter only.

5.2 Member with an Interest may ask to be Present

- (1) Where a member has disclosed the nature of his or her interest in a matter, immediately before the matter is considered by the meeting, he or she may, without disclosing the extent of the interest, request that he or she be allowed to be present during any discussion or decision making procedure related to the matter.
- (2) If such a request is made, the member is to leave the room while the request is considered. If the request is allowed by the members, the member may return to the meeting and be present during the discussion or decision making procedure related to that matter, but is not permitted to participate in any way.

5.3 Member with an Interest may ask Permission to Participate

- (1) A member who discloses both the nature and extent of an interest, may request permission to take part in the consideration or discussion of the matter, or to vote on the matter.

- (2) If such a request is made, the member is to leave the room while the request is considered. If it is decided at a meeting that a member who has disclosed both the nature and extent of an interest in a matter, be permitted to participate in the consideration and discussion of the matter or to vote on the matter, or both, then the member may return to participate to the extent permitted.

5.4 Disclosures by Employees

- (1) If an employee within the meaning of section 5.70 of the Act, presents a written report to a meeting, on a matter in which the employee has an interest, the nature of the interest is to be disclosed at the commencement of the report.
- (2) If such an employee makes a verbal report to a meeting on a matter in which the employee has an interest, the employee is to preface his or her advice to the meeting by verbally disclosing the nature of the interest.

PART 6 - QUORUM

6.1 Quorum to be Present

The Council or a committee is not to transact business at a meeting unless a quorum is present.

6.2 Loss of Quorum During a Meeting

- (1) If at any time during the course of a meeting of the Council or a committee a quorum is not present –
 - (a) in relation to a particular matter because of a member or members leaving the meeting after disclosing a financial interest, the matter is adjourned until either -
 - (b)
 - (i) a quorum is present to decide the matter; or
 - (ii) the Minister allows a disclosing member or members to preside at the meeting or to participate in discussions or the decision making procedures relating to the matter under section 5.69 of the Act; or
 - (b) because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the person presiding is to suspend the proceedings of the meeting for a period of five minutes, and if a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the person presiding is to reschedule it to some future time or date having regard to the period of notice which needs to be given under the Act, Regulations, or the Standing Orders when calling a meeting of that type.

- (2) Where debate on a motion is interrupted by an adjournment under subclause (1)(b) –
 - (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
 - (b) in the case of a Council meeting
 - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (ii) the provisions of clause 9.5 apply when the debate is resumed.

PART 7 - KEEPING OF MINUTES

7.1 Content of Minutes

In addition to the matters contained in Regulation 11 of the Regulations, the content of minutes of a meeting of the Council or a committee is to include, where an application for approval is declined or the authorisation of a licence, permit, or certificate is otherwise withheld or cancelled, the reasons for the decision.

7.2 Preservation of Minutes

Minutes including the agenda of each Council and committee meeting are to be kept as a permanent record of the activities of the local government in accordance with the requirements of the *State Records Act 2000*.

PART 8 - CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS

8.1 Official Titles to be Used

Members of the Council are to speak of each other in the Council or committee by their respective titles of President or councillor. Members of the Council, in speaking of or addressing employees, are to designate them by their respective official titles.

8.2 Members to Occupy Own Seats

At the first meeting held after each ordinary elections day, the President is to allot a position at the Council table to each councillor and the councillor is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of councillors for a re-allotment of positions.

8.3 Leaving Meetings

During the course of a meeting of the Council or a committee no member is to enter or leave the meeting without first advising the person presiding, in order to facilitate the recording in the minutes of the time of entry or departure.

8.4 Adverse Reflection

- (1) No member of the Council or a committee is to reflect adversely upon a decision of the Council or committee except on a motion that the decision be revoked or changed.
- (2) No member of the Council or a committee is to use offensive or objectionable expressions in reference to any member of the local government, or any other person.

8.5 Recording of Proceedings

- (1) No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council.
- (2) Subclause (1) does not apply if the record is taken by or at the direction of the CEO, with the permission of the Council or committee.

8.6 Prevention of Disturbance

- (1) Any member of the public addressing the Council or a committee is to extend due courtesy and respect to the Council or committee and the processes under which they operate and must take direction from the person presiding whenever called upon to do so.

Penalty \$1,000

- (2) No person observing a meeting, is to create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

Penalty \$1,000

8.7 Distinguished Visitors

If a distinguished visitor is present at a meeting of the Council or a committee, the person presiding may invite such person to sit beside the person presiding or at the Council table.

PART 9 - CONDUCT OF MEMBERS DURING DEBATE

9.1 Members wishing to Speak

Every member of the Council wishing to speak is to indicate by show of hands or other method agreed upon by the Council. When invited by the person presiding to speak, members shall address the Council through the person presiding.

9.2 Priority

In the event of two or more members of the Council or a committee wishing to speak at the same time, the person presiding is to decide which member is entitled to be heard first. The decision is not open to discussion or dissent.

9.3 The Person Presiding to Take Part in Debates

Unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in these Standing Orders, the person presiding may take part in a discussion of any matter before the Council or committee as the case may be.

9.4 Relevance

Every member of the Council or a committee is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

9.5 Limitation of Number of Speeches

No member of the Council is to address the Council more than once on any motion or amendment before the Council except the mover of a substantive motion, in reply, or to a point of order, or in explanation.

9.6 Limitation of Duration of Speeches

All addresses are to be limited to a maximum of five minutes. Extension of time is permissible only with the agreement of a simple majority of members present.

9.7 Members Not to Speak After Conclusion of Debate

No member of the Council or a committee is to speak to any question after it has been put by the person presiding.

9.8 Members Not to Interrupt

No member of the Council or a committee is to interrupt another member of the Council or committee whilst speaking unless:

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 10.16; or
- (d) to move a motion under clause 11(e).

9.9 Re-Opening Discussion on Decisions

No member of the Council or a committee is to re-open discussion on any decision of the Council or committee, except for the purpose of moving that the decision be revoked or changed.

PART 10 - PROCEDURES FOR DEBATE OF MOTIONS

10.1 Motions To be Stated

Any member of the Council or a committee who moves a substantive motion or amendment to a substantive motion is to state the substance of the motion before speaking to it.

10.2 Motions to be Supported

No motion or amendment to a substantive motion is open to debate until it has been seconded, or, in the case of a motion to revoke or change the decision made at a Council or a committee meeting, unless the motion has the support required under Regulation 10 of the Regulations.

10.3 Unopposed Business

- (1) Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the person presiding may declare the motion in subclause (1) carried without debate and without taking a vote on it.
- (3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.
- (5) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

10.4 Only One Substantive Motion Considered

When a substantive motion is under debate at any meeting of the Council or a committee, no further substantive motion is to be accepted.

10.5 Breaking Down of Complex Questions

The person presiding may order a complex question to be broken down and put in the form of several motions, which are to be put in sequence.

10.6 Order of Call in Debate

The person presiding is to call speakers to a substantive motion in the following order:

- (a) The mover to state the motion;
- (b) A seconder to the motion;
- (c) The mover to speak to the motion;
- (d) The seconder to speak to the motion;
- (e) A speaker against the motion;
- (f) A speaker for the motion;
- (g) Other speakers against and for the motion, alternating in view, if any;
- (h) Mover takes right of reply which closes debate.

10.7 Limit of Debate

The person presiding may offer the right of reply and put the motion to the vote if he or she believes sufficient discussion has taken place even though all members may not have spoken.

10.8 Member May Require Questions to be Read

Any member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other member whilst speaking.

10.9 Consent of Secunder Required to Accept Alteration of Wording

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

10.10 Order of Amendments

Any number of amendments may be proposed to a motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn or lost.

10.11 Amendments Must Not Negate Original Motion

No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

10.12 Mover of Motion Not to Speak on Amendment

On an amendment being moved, any member may speak to the amendment, provided that if the person who moved the substantive motion does choose to speak to the amendment, the right of reply is forfeited by that person.

10.13 Substantive Motion

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and any further amendment may be moved.

10.14 Withdrawal of Motion and Amendments

Council or a committee may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no voice expressed to the contrary view by any member, in which case discussion on the motion or amendment is to continue.

10.15 Limitation of Withdrawal

Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

10.16 Personal Explanation

No member is to speak at any meeting of the Council or a committee, except upon the matter before the Council or committee, unless it is to make a personal explanation. Any member of the Council or committee who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood. When a member of the Council or committee provides an explanation, no reference is to be made to matters unnecessary for that purpose.

10.17 Personal Explanation - When Heard

A member of the Council or a committee wishing to make a personal explanation of matters referred to by any member of the Council or committee then speaking, is entitled to be heard immediately, if the member of the Council or committee then speaking consents at the time, but if the member of the Council or committee who is speaking declines to give way, the explanation is to be offered at the conclusion of that speech.

10.18 Ruling on Questions of Personal Explanation

The ruling of the person presiding on the admissibility of a personal explanation is final unless a motion of dissent with the ruling is moved before any other business proceeds.

10.19 Right of Reply

- (1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak on the question.
- (2) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

10.20 Right of Reply Provisions

The right of reply is governed by the following provisions:

- (a) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
- (b) if an amendment is moved to the substantive motion the mover of the substantive motion is to take the right of reply at the conclusion of the vote on any amendments;
- (c) the mover of any amendment does not have a right of reply;
- (d) once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

PART 11 - PROCEDURAL MOTIONS

11.1 Permissible Procedural Motions

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member to move the following procedural motions:

- (a) that the Council (or committee) proceed to the next business;
- (b) that the question be adjourned;
- (c) that the Council (or committee) now adjourn;
- (d) that the question be now put;
- (e) that the member be no longer heard;
- (f) that the ruling of the person presiding be disagreed with;
- (g) that the Council (or committee) meet behind closed doors, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members of the public under section 5.23 of the Act.

11.2 No Debate on Procedural Motions

- (1) The mover of a motion stated in each of paragraphs (a), (b), (c), (f) and (g) of clause 11.1 may speak to the motion for not more than two minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion stated in each of paragraphs (d) and (e) of Clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

11.3 Procedural Motions - Closing Debate - Who May Move

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

11.4 Procedural Motions - Right of Reply on Substantive Motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

PART 12 - EFFECT OF PROCEDURAL MOTIONS

12.1 Council (or Committee) to Proceed to the Next Business - Effect of Motion

The motion “that the Council (or committee) proceed to the next business”, if carried, causes the debate to cease immediately and for the Council (or committee) to move to the next business of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be again raised for consideration.

12.2 Question to be Adjourned - Effect of Motion

- (1) The motion “that the question be adjourned”, if carried, causes all debate on the substantive motion or amendment to cease but to continue at a time stated in the motion.
- (2) If the motion is carried at a meeting of the Council –
 - (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 9.5 apply when the debate is resumed.

12.3 Council (or Committee) to Now Adjourn - Effect of Motion

- (1) The motion “that the Council (or committee) now adjourn”, if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the person presiding or a simple majority of members upon vote, determine otherwise.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1) -
 - (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
 - (b) in the case of a Council meeting
 - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (ii) the provisions of clause 9.5 apply when the debate is resumed.

12.4 Question to be Put - Effect of Motion

- (1) The motion “that the question be now put”, if carried during discussion of a substantive motion without amendment, causes the person presiding to offer the right of reply and then immediately put the matter under consideration without further debate.
- (2) This motion, if carried during discussion of an amendment, causes the person presiding to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

12.5 Member to be No Longer Heard - Effect of Motion

The motion “that the member be no longer heard”, if carried, causes the person presiding to not allow the speaker against whom the motion has been moved to speak to the current substantive motion or any amendment relating to it, except to exercise the right of reply if the person is the mover of the substantive motion.

12.6 Ruling of the Person Presiding Disagreed With - Effect of Motion

The motion “that the ruling of the person presiding be disagreed with”, if carried, causes the ruling of the person presiding about which this motion was moved, to have no effect and for the meeting to proceed accordingly.

12.7 Council (or Committee) to Meet Behind Closed Doors - Effect of Motion

- (1) Subject to any deferral under clause 3.6 or other decision of the Council or committee, this motion, if carried, causes the general public and any officer or employee the Council or committee determines, to leave the room.
- (2) While a decision made under this clause is in force the operation of clause 9.5 limiting the number of speeches a member of the Council may make, is suspended unless the Council decides otherwise.
- (3) Upon the public again being admitted to the meeting the person presiding, unless the Council or committee decides otherwise, is to cause the motions passed by the Council or committee whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.

PART 13 - MAKING DECISIONS

13.1 Question - When Put

When the debate upon any question is concluded and the right of reply has been exercised the person presiding shall immediately put the question to the Council or the committee, and, if so desired by any member of the Council or committee, shall again state it.

13.2 Question - Method of Putting

If a decision of the Council or a committee is unclear or in doubt, the person presiding shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no voter's vote is secret, before declaring the decision.

PART 14 - IMPLEMENTING DECISIONS

14.1 Implementation of a Decision

- (1) If a notice of motion to revoke or change a decision of the Council or a committee that complies with Regulation 10 of the Regulations is received by the CEO before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with.
- (2) Implementation of a decision is only to be withheld under sub-clause (1) if the effect of the change proposed in a notice of motion would be that the decision would be revoked or would become substantially different.
- (3) The Council or a committee shall not vote on a motion to revoke or change a decision of the Council or committee whether the motion of revocation or change

is moved with or without notice, if at the time the motion is moved or notice is given:-

- (a) action has been taken to implement the decision; or
- (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate, and where that approval or authorisation of a licence, permit or certificate has been put into effect by the Council in writing to the applicant or the applicant's agent by an employee of the local government authorised to do so;

without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.

PART 15 - PRESERVING ORDER

15.1 The Person Presiding to Preserve Order

The person presiding is to preserve order, and may call any member or other person in attendance to order, whenever, in his or her opinion, there is cause for so doing.

15.2 Demand for Withdrawal

A member at a meeting of the Council or a committee may be required by the person presiding, or by a decision of the Council or committee, to apologise and unreservedly withdraw any expression which is considered to reflect offensively on another member or an employee, and if the member declines or neglects to do so, the person presiding may refuse to hear the member further upon the matter then under discussion and call upon the next speaker.

15.3 Points of Order - When to Raise - Procedure

Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker. Any member who is speaking when a point of order is raised, is to immediately stop speaking while the person presiding listens to the point of order.

15.4 Points of Order - When Valid

The following are to be recognised as valid points of order:

- (a) that the discussion is of a matter not before the Council or committee;
- (b) that offensive or insulting language is being used;
- (c) drawing attention to the violation of any written law, or policy of the local government, provided that the member making the point of order states the written law or policy believed to be breached.

15.5 Points Of Order - Ruling

The person presiding is to give a decision on any point of order which is raised by either upholding or rejecting the point of order.

15.6 Points of Order - Ruling Conclusive, Unless Dissent Motion is Moved

The ruling of the person presiding upon any question of order is final, unless a majority of the members support a motion of dissent with the ruling.

15.7 Points of Order Take Precedence

Notwithstanding anything contained in these Standing Orders to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other matter.

15.8 Precedence of Person Presiding

- (1) When the person presiding indicates a wish to speak during the progress of a debate, any member of the Council or committee then speaking, or offering to speak, is to immediately cease speaking and every member of the Council or committee present shall preserve strict silence so that the person presiding may be heard without interruption.
- (2) Subclause (1) is not to be used by the person presiding to exercise the right provided in clause 9.3, but to preserve order.

15.9 Right of the Person Presiding to Adjourn Without Explanation to Regain Order

- (1) If a meeting ceases to operate in an orderly manner, the person presiding may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. Upon resumption, debate is to continue at the point at which the meeting was adjourned. If, at any one meeting, the person presiding has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.
- (2) Where debate of a motion is interrupted by an adjournment under sub-clause (1), in the case of a Council meeting -
 - (a) the names of members who have spoken in the matter prior to the adjournment are to be recorded; and
 - (b) the provisions of clause 9.5 apply when the debate is resumed.

PART 16 - ADJOURNMENT OF MEETING

16.1 Meeting May be Adjourned

The Council or a committee may decide to adjourn any meeting to a later time on the same day, or to any other day.

16.2 Limit to Moving Adjournment

No member is to move or second more than one motion of adjournment during the same sitting of the Council or committee.

16.3 Unopposed Business - Motion for Adjournment

On a motion for the adjournment of the Council or committee, the person presiding, before putting the motion, may seek leave of the Council or committee to proceed to the transaction of unopposed business.

16.4 Withdrawal of Motion for Adjournment

A motion or an amendment relating to the adjournment of the Council or a committee may be withdrawn by the mover, with the consent of the seconder, except that if any member objects to the withdrawal, debate of the motion is to continue.

16.5 Time To Which Adjourned

The time to which a meeting is adjourned for want of a quorum, by the person presiding to regain order, or by decision of the Council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

PART 17 - COMMITTEES OF THE COUNCIL

17.1 Establishment and Appointment of Committees

A committee is not to be established except on a motion setting out the proposed functions of the committee and either –

- (a) the names of the Council members, employees and other persons to be appointed to the committee; or
- (b) the number of Council members, employees and other persons to be appointed to the committee and a provision that they be appointed by a separate motion.

17.2 Appointment of Deputy Committee Members

- (1) The Council may appoint one or more persons to be the deputy or deputies, as the case may be, to act on behalf of a member of a committee whenever that member is unable to be present at a meeting thereof and where two or more deputies are so appointed they are to have seniority in the order determined by the Council.
- (2) Where a member of a committee does not attend a meeting thereof a deputy of that member, selected according to seniority, is entitled to attend that meeting in place of the member and act for the member, and while so acting has all the powers of that member.

17.3 Presentation of Committee Reports

When the report or recommendations of a committee are placed before the Council, the adoption of recommendations of the committee is to be moved by –

- (a) the Presiding Member of the Committee if the Presiding Member is a Council member and is in attendance; or
- (b) a Council member who is a member of the committee, if the Presiding Member of the Committee is not a Council member, or is absent; or
- (c) otherwise, by a Council member who is not a member of the committee.

17.4 Reports of Committees - Questions

When a recommendation of any committee is submitted for adoption by the Council, any member of the Council may direct questions directly relating to the recommendation through the person presiding to the Presiding Member or to any member of the committee in attendance.

17.5 Permissible Motions on Recommendation From Committee

A recommendation made by or contained in the minutes of a committee may be adopted by the Council without amendment or modification, failing which, it may be –

- (a) rejected by the Council and replaced by an alternative decision; or
- (b) amended or modified and adopted with such amendment or modification; or
- (c) referred back to the committee for further consideration.

PART 18 - ADMINISTRATIVE MATTERS

18.1 Suspension of Standing Orders

- (1) The Council or a committee may decide, by simple majority vote, to suspend temporarily one or more of the Standing Orders.
- (2) The mover of a motion to suspend temporarily any one or more of the Standing Orders is to state the clause or clauses to be suspended, and the purpose of the suspension.

18.2 Cases not Provided for in Standing Orders

The person presiding is to decide questions of order, procedure, debate, or otherwise in cases where these Standing Orders and the Act and Regulations are silent. The decision of the person presiding in these cases is final, except where a motion is moved and carried under clause 11.1(f).

PART 19 - COMMON SEAL

19.1 The Council's Common Seal

- (1) The CEO is to have charge of the common seal of the local government, and is responsible for the safe custody and proper use of it.
- (2) The common seal of the local government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.
- (3) The common seal of the local government is to be affixed to any local law which is made by the local government.
- (4) Any person who uses the common seal of the local government or a replica thereof without authority commits an offence.

Penalty \$1,000

Policy Position 1.7 – Elected Member Training and Professional Development (EM1.7)

PREAMBLE

Under the Local Government Act 1995, all Councils are required to adopt a policy in relation to the continuing professional development of Elected Members, with a requirement that an up-to-date version of the policy be available on the Shire's website and the policy complying with any prescribed policy, if any.

There is no current prescribed policy, nor any proposed by the Department, at this time.

In addition the Shire is required to report on the training completed by Elected Members each financial year, and that report is to be published on the Shire's website within 1 month after the end of the financial year.

STATUTORY ENVIRONMENT

Continuing Professional Development observes the statutory requirements of the *Local Government Act 1995*, S5.127 and S5.128

1.7.1 ELECTED MEMBER TRAINING

Policy Objective

To ensure that Elected Members of the Shire of Kent receive appropriate information and training to enable them to understand and undertake their responsibilities and obligations.

Policy Statement

The Shire of Kent recognises the importance of providing Elected Members with the knowledge and resources that will enable them to fulfil their role in accordance with statutory compliance and community expectations and make educated and informed decisions.

Pursuant to the Local Government Act 1995, Elected Members must complete Council Member Essentials which incorporates the following training units:

- a) Understanding Local Government;
- b) Conflicts of Interest;
- c) Serving on Council;
- d) Meeting Procedures and Debating; and
- e) Understanding Financial Report and Budgets.

Council's preferred provider for the training is WALGA (WA Local Government Association).

All units and associated costs will be paid for by the Shire and must be completed by 30 June in the year immediately following the elected Member's election. The training is valid for a period of five years.

Additionally, the Shire will publish, on the Shire's website, training undertaken by all Elected Members within one month after the end of the financial year pursuant to Local Government Act 1995.

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

Procedures

Considerations for approval of the training or professional development activity include:

- The costs of attendance including registration, travel and accommodation, if required;
- The Budget provisions allowed and the uncommitted or unspent funds remaining;
- Any justification provided by the applicant when the training is submitted for approval;
- The benefits to the Shire of the person attending;
- Identified skills gaps of elected members both individually and has a collective;
- Alignment to the Shire's Strategic Objectives; and
- The number of Shire representatives already approved to attend.

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

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

Note well: any expenditure commitments associated with training or professional development must be performed by and authorised through the CEO.

First Adopted: 22 July 2020

Last review:



STAFF POLICIES

Policy Number:	ST 2
Policy Title:	Staff Policies
Date Adopted:	25 October 2017
Date Reviewed:	First Adoption
Policy Type:	Governance/Finance

Policy Position 2.1 – Staff/Employee Policy (ST2.1)

2.1.1 STAFF RECRUITMENT POLICY

Policy Objective

This policy is to provide clear guidance to the Chief Executive Officer on the values and application of selection and appointment of all employees, to ensure the most suitable person is recruited on merit to any vacant position.

Council aims to:

- ensure the most competent and suitable people are recruited and retained Shire of Kent positions;
- ensure all appointments are based on merit having regard to the applicant's ability, knowledge and skills relative to the position;

Policy Statement

Council is committed to ensuring recruitment and selection of prospective employees is in accordance with relevant employment legislation.

Effective employee selection and the subsequent management of employees are critical to the success of the Council and the provision of services to the community. This success depends on Council's ability to identify, attract and develop employees.

Council is committed to an effective and professional method of selecting employees that is consistent with organisational values.

Council aims to attract and appoint highly skilled and motivated employees who will aim to meet agreed objectives and performance improvement goals. For every recruitment and selection decision, the Chief Executive Officer will aim to ensure the best person for the job is appointed.

Responsibilities

The Chief Executive Officer is responsible to recruit and appoint employees to vacant positions and is authorized to employ casual and part-time staff as and when required, provided that the appropriate provision for the employment of such staff is made on budget.

Confidentiality

All information relating to the recruitment and selection processes must be kept strictly confidential and those staff involved in recruitment activities will take all reasonable steps to maintain confidentiality and respect the privacy of applicants.

Equal Employment Opportunity

The Shire of Kent recognizes its legal obligations under the Equal Opportunities Act 1984 and will actively promote equal opportunity based solely on merit to ensure that discrimination does not occur on the grounds of gender, gender history, sexual orientation, marital status, pregnancy, race, disability, religious or political status.

All offers of employment and employment training with the Shire of Kent will be directed towards providing equal opportunity to all employees providing their relevant experience, skills and ability to meet the minimum requirements engagement and promotion.

The Shire of Kent will not tolerate harassment within its workplace. Harassment is defined as any unwelcome, offensive action or remark concerning a person's race, colour, language, ethnicity, political or religious convictions, gender, gender history, sexual orientation, marital status or disability.

The Equal Employment Opportunity goals of the Shire of Kent are designed to provide a work environment free from any form of discrimination.

Reference Checks

Applicants are to provide the names and contact details for at least two (2) verbal referees. Work related referees should be a current/previous supervisor or someone who can comment with authority on the applicant's skills, experience and past performance as related to the position selection criteria.

The Chief Executive Officer or other designated Senior Staff member will complete the referee checks for the applicant/s in serious contention for the position. The applicant's current employer will only be contacted with the applicant's consent.

Pre-employment Medical

All employees who are required to operate plant as part of their employment are required to produce their driver's license on an annual basis, at the office for photocopying.

All new employees are to undergo pre-employment health assessment, at Council expense, prior to commencement of work. The Doctor selected by the employee to be ratified by the Chief Executive Officer.

All new employees are required to provide a Police Clearance Certificate to the Chief Executive Officer prior to the appointment to a position with the Shire of Kent being confirmed.

Probationary Period

All new employees may be appointed subject to a three month probationary period. The employee's performance will be formally reviewed at least twice during the three month period. The Manager should provide the employee with feedback on their work performance and any areas where unsatisfactory performance has been identified.

Should a probationary employee be demonstrably not suitable for the position on the basis of their capacity and abilities, their employment may be terminated subject to the provisions of the relevant employment legislation, the relevant Award or contractual entitlements and Council's staffing policies.

2.1.2 WORKING HOURS

Policy Objective

The objective of this policy is to define the hours of work, including rostered days off for staff.

ADMINISTRATION STAFF

- a) Nineteen day month RDO's are available to full time permanent administrative employees.
- b) The standard hours for office-based employees are 8.00am to 4.40pm, Monday to Friday, with a 40 minute lunch break. Hours may be varied by agreement with the Chief Executive Officer. One rostered day off every working month.
- c) A maximum of three rostered days may be accumulated at any time without prior approval (in writing) of the Chief Executive Officer.

OUTSIDE STAFF

Outside staff operates under an Enterprise Agreement approved by Fair Work Australia.

The aim of this Agreement is to provide a framework for the Local Government and employees to work together towards improving efficiency and productivity in all areas of the Local Government's operations, resulting in the provision of high standard local governance to the residents of the Shire of Kent.

Hours of Work under the Enterprise Agreement

The ordinary hours of work will be 1976 per annum (inclusive of all categories of leave) or 38 per week. Reasonable overtime will be expected to be performed of six hours per week. If an employee cannot perform reasonable overtime of six hours per week they may with agreement of the CEO vary their hours of employment.

The hours of work including 6 hours of overtime per week will be structured as follows:

Working hours shall be arranged on the basis of a flexible nine day fortnight provided that the following will apply:

- d) Ordinary hours will be worked on the basis of eight working days in the fortnight of ten hours per day and one working day of eight hours with a rostered day off (RDO) occurring on the second Monday of the fortnight.
- e) Upon the giving of 72 hours' notice the employer may notify its intention to alter the employees RDO to meet the needs of the operations of the Employer.
- f) Where an RDO falls on a public holiday, the RDO shall be taken on the next succeeding work day. As far as practicable RDO's shall be taken as they fall due.
- g) The Employer may allow RDO's to be accumulated up to a maximum of five days.

Accumulated RDO's may be taken in conjunction with annual leave.

- h) RDO's may not be accumulated in excess of five RDO's.

Maximum ordinary hours in a day

Unless otherwise agreed between the Employer and Employee, an Employee may work up to a maximum of 10 ordinary hours on any day (excluding unpaid meal breaks).

Individual Agreement

The Employer and Employee(s) may agree to an alternative arrangement of how working hours may be worked. All agreements shall be in writing indicating the Employees affected and the terms of the agreement.

ANNUAL LEAVE

As far as practicable and within the provisions of relevant Awards, employees should take their annual leave entitlement within the year that it falls due.

LONG SERVICE LEAVE

Long Service Leave is to be taken in accordance with provisions of the Local Government (Long Service Leave) Regulations, at the earliest practical date which is mutually convenient.

PUBLIC HOLIDAYS

The two paid days of absence granted in lieu of the Easter Tuesday and day after New Years Day are to be taken as such:

OUTSIDE STAFF

One day to be taken during the Christmas – New Year holiday period; and one day to be taken in the second half of each year on a day that does not fall as a rostered day off.

OFFICE STAFF

These days will be taken between Christmas and New Year each year during the Christmas Shutdown.

2.1.3 WORKPLACE BULLYING

Our Commitment

The Shire of Kent is committed to providing a safe and healthy workplace free from bullying. Employees are protected by this policy whether they feel bullied by a supervisor, another employee, client, contractor, Councillor or member of the public.

The Shire of Kent will treat reports of workplace bullying seriously. We will respond promptly, impartially and confidentially. This policy will be made available to all employees including contractors. New workers will be given a copy of this policy at their induction. Managers and supervisors will remind employees of the policy from time to time.

EXPECTED WORKPLACE BEHAVIORS

Under work health and safety laws, employees and other people at our workplace must take reasonable care that they do not adversely affect the health and safety of others.

The Shire of Kent expects people to:

- behave in a responsible and professional manner
- treat others in the workplace with courtesy and respect
- listen and respond appropriately to the views and concerns of others, and
- be fair and honest in their dealings with others.

This policy applies to behaviours that occur:

- in connection with work, even if it occurs outside normal working hours
- during work activities, for example when dealing with clients
- at work-related events, for example at conferences and work-related social functions, and
- on social media where workers interact with colleagues or clients and their actions may affect them directly or indirectly.

WHAT IS WORKPLACE BULLYING:

Workplace bullying is repeated and unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety.

Repeated behaviour refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Single incidents of unreasonable behaviour can also present a risk to health and safety and will not be tolerated.

WHAT IS NOT WORKPLACE BULLYING

Reasonable management action taken by managers or supervisors to direct and control the way work is carried out is not workplace bullying if the action is carried out in a lawful and reasonable way, taking the particular circumstances into account.

The Shire of Kent may take reasonable management action to effectively direct and control the way work is carried out. It is reasonable for managers and supervisors to allocate work and give feedback on an employee's performance. These actions are not workplace bullying if they are carried out in a lawful and reasonable way, taking the particular circumstances into account.

A manager exercising their legitimate authority at work may result in some discomfort for an employee. The question of whether management action is reasonable is determined by considering the actual management action rather than an employee's perception of it, and where management action involves a significant departure from established policies or procedures, whether the departure was reasonable in the circumstances.

WHAT CAN YOU DO?

If you feel you are experiencing or witnessing workplace bullying, and are not comfortable dealing with the problem yourself, or your attempts to do so have not been successful, you should raise the issue promptly either with your supervisor, health and safety representative or other manager within the organisation. If you are a member of the union you may also raise any issues with your delegate.

If you witness unreasonable behaviour you should bring the matter to the attention of your manager as a matter of urgency.

HOW WE WILL RESPOND

If workplace bullying or unreasonable behaviour is reported or observed we will take the following steps:

- The responsible supervisor or manager will speak to the parties involved as soon as possible, gather information and seek a resolution to satisfactorily address the issue for all parties.
- If issues cannot be resolved or the unreasonable behaviour is considered to be of a serious nature, an impartial person will be appointed to investigate. Both sides will be able to state their case and relevant information will be collected and considered before a decision is made.
- All complaints and reports will be treated in the strictest of confidence. Only those people directly involved in the complaint or in resolving it will have access to the information.
- There will be no victimisation of the person making the report or helping to resolve it. Complaints made maliciously or in bad faith may result in disciplinary action.

CONSEQUENCES OF BREACHING THIS POLICY

Appropriate disciplinary action may be taken against a person who is found to have breached this policy. The action taken will depend on the nature and circumstance of each breach and could include:

- a verbal or written apology
- one or more parties agreeing to participate in counselling or training
- a verbal or written reprimand, or
- transfer, demotion or dismissal of the person engaging in the bullying behaviour.

IF WORKPLACE BULLYING HAS NOT BEEN SUBSTANTIATED

If an investigation finds workplace bullying has not occurred or cannot be substantiated, the Shire of Kent may still take appropriate action to address any workplace issues leading to the bullying report.

2.1.4 FITNESS FOR WORK POLICY

1 INTRODUCTION

1.1 Policy Objective:

The principal objective of this policy is to highlight the Shire of Kent's ongoing commitment to its employees and meeting its obligations under the *Occupational Safety and Health Act 1984* by creating and maintaining a safe work environment.

The Shire also recognises that this duty is incumbent to all employees, directors, contractors performing work (paid and unpaid) at the Shire of Kent workplaces; and all visitors to the Shire of Kent workplaces and individuals alike by managing and reducing the risks associated with personnel being in an unfit state.

1.2 Definitions:

Fit for work	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.
Use	Eating, drinking, inhaling, injecting or dermal absorption of any substance or drug.
Alcohol	Any beverage containing alcohol.
Drugs	Amphetamines, Cannabinoids THC, Opiates, Barbiturates, Cocaine, Methadone, Benzodiazepines, Alcohol and other narcotics, prescription and non-prescription drugs.
Substance	Any drug that may have adverse effects causing impaired work performance.
Fatigue	The inability to perform work effectively or safely due to lack of sleep or illness. Or the adverse effects of medication, alcohol, drugs and/or other substances (including "hangovers" or "come downs")

1.3 Purpose:

The purpose of this Policy is to identify the risks and to put measures in place to ensure all employees are aware of their obligations and Shire's commitment to fitness for work. Conditions which could impact on a person's fitness for work include, but are not limited to:

- Sleep deprivation
- Physical injury
- Temporary or ongoing illness
- Alcohol use and subsequent impairment
- Grief and loss
- Other drug use; prescription, over the counter, or illicit
- Stress
- Emotional distress
- Mental health
- Personal issues

1.4 Policy:

All employees engaged by the Shire of Kent are required to be "fit for work" at all times. They are required to take all reasonable measures to maintain their physical and cognitive capacity to undertake the duties of their position, without the risk to self or others. Employees should disclose to their line manager anything that may impact on their ability to perform their duties.

The Shire of Kent will, as far as practicable, take all reasonable measures to ensure employees are in a fit state to work safely and to minimise risks to both themselves and others in the workplace.

The Shire of Kent will monitor fitness for work of all employees and other workers/visitors to ensure that any person at the workplace displaying signs of potentially being unfit for work is managed in accordance with the Shire's policies as may be appropriate.

A breach of this policy may result in disciplinary action including the termination of employment or sub/contractor agreement.

2 RESPONSIBILITIES

2.1 Executives, Supervisors, Line Managers and Leaders

Executives, Supervisors, Line Managers and Leaders remain accountable for the following in relation to fitness for work at the Shire:

- Assess and report to Management, on any person who appears to be, or has been reported as being, not fit for work.
- Seek advice from Management if they are concerned a person may not be fit for work.
- Ensure workers comply with this Policy.
- Maintain accurate and confidential documentation relating to a fit for work event.
- Reinforce the need for reporting any fitness for work issues and for individual self-awareness and management of their exposure to alcohol and other drugs to ensure safe work conditions for all.

2.2 All Personnel

All persons performing work for the Shire remain accountable for the following in relation to fitness for work at the Shire:

- Ensure they do not attend work in a unfit state which will affect their work performance that could endanger:
 - Themselves,
 - other employees,
 - members of the public, and/or
 - Cause damage to Shire equipment.
- Notify their direct Supervisor, Shire representative or Management if they are concerned about their own or fellow employees' fitness for work.
- Participate in health, wellbeing and fitness for work activities when requested by the Shire.

3 FITNESS FOR WORK CONTROLS

3.1 Pre-Employment Testing

Prior to appointment, a pre-employment medical assessment may be required. This may include a drug and alcohol screening test and will be performed at the cost of the employer. Should a non-negative screen be returned, that will be a consideration adverse to the decision to appoint (or employ).

3.2 Drug and Alcohol Screening

All personnel may be subject to drug and alcohol testing on entry to site, commencement of work or at time whilst performing work for the Shire. Test methods may include, but are not limited to, breath, urine, and saliva testing.

Testing (other than self-testing) will be conducted in accordance with AS/NZ Standards applicable at the time of testing by a suitably trained collector. The Shire has a zero (0.00%) alcohol limit, and measures drug levels in accordance with AS/NZ Standards.

It is a condition of work with the Shire that all personnel will submit to the following types of testing:

Random Testing

Random drug and alcohol testing if selected.

Blanket Testing

The Shire may administer blanket testing of personnel for drugs and/or alcohol at any time. This may include testing carried out on consecutive days. Blanket testing is defined as testing of persons within a defined area or work group.

For Cause Testing

For cause testing will be carried out where:

1. There is an incident;
2. There are reasonable suspicions based on a reasonable and clearly definable belief that the employee is under the influence of alcohol an illegal drug on the basis of specified, contemporary physical, behavioural or performance indications of probably alcohol or drug use; or
3. There is evidence of possible recent drug or alcohol use.

Information about for cause test results may be made available if required, for any subsequent incident investigations.

3.3 Drugs and Prescription Medication

Illicit drugs and other substances are strictly prohibited by the Shire of Kent. Being under the influence of, suffering adverse effects of, in possession of, or found to be cultivating, selling or supplying drugs or other substances whilst on the Shire property or premises will result in disciplinary action and possibly instant dismissal.

If suspected of the above, an employee must undergo a drug screen (paid by the Shire). Prior to undertaking testing, the person must advise the tester if they are taking any medication such as over the counter or prescription. An attempt to declare after testing will not be considered under any circumstances. Some prescription and over the counter medication can register as a non-negative result when drug testing occurs. For example:

- Codeine TM with Opioids
- Demazin TM with Amphetamines
- Codral TM with Opioids
- Actifed TM with Amphetamines

All personnel have a responsibility to ensure they have consulted with their doctor or pharmacist as to whether a drug or medication they are consuming may have an adverse

effect on their fitness for work, or on their results if they were to be subject to a drug or alcohol test.

If at any time personnel is taking medication or drugs which may affect their fitness for work, they have a responsibility to declare this to their direct supervisor or HR in writing. This will allow the supervisor or HR to arrange safe and suitable work tasks are assigned (where possible) or seek appropriate information to ensure the person and/or others are not placed at risk.

3.4 Fatigue Management

Fatigue is a general term used to describe the feeling of being tired, drained or exhausted and is accompanied by poor judgement, slower reactions to events and decreased skill levels. Where the effects of fatigue and/or the nature of work being performed induces fatigue, causing impairment to a person's health and safety, the Shire will ensure that appropriate and reasonable action is taken. Fatigue can be the result of many different situations.

Where a person is unfit for work due to fatigue, they must cease work immediately until such time as they are deemed fit to return.

3.5 Mental Health

Poor mental health can present in many ways and may include:

- Mood swings
- Anxiety and/or excessive worry
- Extreme confidence or energy
- Low energy and motivation
- Withdrawal

Where a person is considered unfit for work due to their level of mental wellbeing, they must cease work immediately until such time as they are deemed fit to return.

3.6 Education, Training and Awareness

The Shire of Kent will provide education and training to all employees about the effects of alcohol and other drugs and their risks to safety and health. Management will be given training that may identify situations where an employee is potentially misusing alcohol or drugs.

Employees who recognise that they have an alcohol or drug problem, or that they are at risk of developing one, are encouraged to come forward so that they can be assisted to receive the appropriate help.

3.7 Employee Assistance Program (EAP)

To assist personnel, the Shire's EAP is available to all Shire employees and their immediate family members. The program consists of professional counselling services in a number of areas, which include, but are not limited to:

- Drugs and alcohol
- Personal affairs
- Stress
- Support services
- Addictions

These discussions are with contracted companies and remain confidential.

3.8 Provision for Medical Assessment

A person may be required by the Shire to be examined by a certified medical practitioner of the Shire's choosing for a fitness for work medical assessment, coordinated and paid for by the Shire. This can only occur where the Shire has a genuine indication of the need for such examination and in deciding the need will take into account the following:

- Has there been a prolonged absence from the workplace without explanation or evidence?
- Has adequate medical information been provided to explain the absence and demonstrate the person's fitness for work?
- What level of risk is involved in the person's normal duties?
- Are there legitimate concerns that a person's illness or injury will impact on others in the workplace?

Where a certified medical practitioner will not or is unable to confirm a person's fitness for the stated duties, they will be requested to refer the person to a specialist at the cost of the Shire. Further action will be dependent on the fitness for duty report.

3.9 Work Related Injury or Illness

All work related injury or illnesses will be dealt with by Management in accordance with Injury Management and/or Workers Compensations processes.

3.10 Non-Work Related Injury or Illness (NWRI)

Non work related injury or illness (including physical, mental or psychological conditions) are those which do not arise out of the course of employment or have not been deemed compensable under the *Workers Compensation and Injury Management Act 1981*. If an employee experiences a significant non work related injury or illness that has the potential to impact on their ability to undertake the full duties of their position, then a medical clearance from their treating practitioner, confirming the employee's abilities to undertake the duties of their role, will be required before returning to work. If an employee presents to work and is subsequently unable to carry out the duties of their position, or where their Supervisor reasonably believes there is a risk to them or other employees, the employee may be stood down in consultation with Management until independent medical advice is received, confirming their fitness for work.

3.11 Alcohol and Drugs in Shire Workplaces

Personnel are not to consume or store alcohol and/or illicit drugs in Shire workplaces, this includes any place where work is conducted and in Shire vehicles. The exception would be where the drugs are of a type sold over the counter e.g. Panadol or have been prescribed to the employee. Where an employee is not sure, he or she should consult with Management.

On occasion, the CEO may approve functions at work after work hours where alcohol is made available to staff over the age of 18. The Shire will ensure non-alcoholic and low-alcoholic beverages are available. Food will also be offered. In this case, employees must continue to behave in a sensible and responsible manner with due care for their own and other people's safety and wellbeing.

Failure to have a sensible and responsible manner with due care, or any failure to follow any directions given by Management with regard to the consumption of alcohol may result in disciplinary action. It is a condition of the Shire of Kent that employees make alternative

arrangements to get home. The Shire accepts no responsibility for employees during travel to and from the function.

4 RISK MANAGEMENT

4.1 Self-Management

Any person, who believes they may be unfit for work for any reason is expected to inform their direct Supervisor accordingly and not to commence work or immediately cease work.

4.2 Identify and Assess

Where it is suspected that a person has presented to work in an unfit condition or such condition arises while at work, an assessment must be carried out and may include:

- Face to face discussions between direct Supervisor and the employee.
- Determining whether prescribed or over the counter medication may be producing their behaviour.
- Assessing work duties that may contribute to levels of stress or fatigue.
- Arranging a medical assessment (in conjunction with Management).
- Arranging for testing of alcohol and/or other drugs.
- Psychological/emotional assessments.
- Where practicable, obtaining witness statement of the incident involving the affected person.

4.3 Action

If, following an assessment, there is concern for the wellbeing of the person and their fitness for work, then appropriate action to ensure their safety is to be taken. Such action may include:

- Arrangements for further medical treatment.
- Offering appropriate and reasonable counselling such as EAP services.
- The person being instructed to cease all duties and suitable transport being arranged.
- Informing the person, they are being stood down from work pending investigation.
- Developing an appropriate review and case management plan if applicable.
- Maintaining regular contact with the person, offering support and assistance where appropriate.

5 DISCIPLINARY ACTION

5.1 General

Any employee who tests positive to an alcohol breath, urine or saliva test (as per 3.2) must cease work immediately and will not be permitted to resume work until such time as they have proven they are fit for work.

Any person who is found to be significantly fatigued must cease work immediately until such time that they are fit for work.

If personnel refuse a request to undertake a test in accordance with this Policy, or intentionally leave the workplace without participating in a test, they will be deemed to have not returned a

negative result. The collector must notify Management immediately for all positive and non-negative cases.

5.2 First Offence

The employee:

- a) Will be immediately suspended from duty if found unfit to work.
- b) Will not be permitted to return to work until they have been tested again and proved negative for all prescribed substances.
- c) Will be given the opportunity to state their case
- d) Will be counselled by their Supervisor that will focus on;
 - The unacceptability of the employee's behaviour;
 - The risk that such behaviour creates for the safety of the individual and other employees or members of the public;
 - The employee's responsibility to demonstrate that the problem is being effectively addressed;
 - Giving a warning that any future breach of the policy will result in second offence or instant dismissal.
- e) Will be offered the Employee Assistance Program.

5.3 Second Offence

The employee:

- a) Will be immediately suspended from duty if found unfit to work.
- b) Will not be permitted to return to work until they have been tested again and proved negative for all prescribed substances.
- c) Will be given the opportunity to state their case.
- d) Will be counselled by their Supervisor that will focus on;
 - The unacceptability of the employee's behaviour;
 - The risk that such behaviour creates for the safety of the individual and other employees or members of the public;
 - The employee's responsibility to demonstrate that the problem is being effectively addressed;
 - Giving a warning that any future breach of the policy will result in instant dismissal.
- e) May be submitted fortnightly or randomly for alcohol and/or drug screening for a period of two months, paid by the Shire of Kent. If any test in this period confirm positive, instant dismissal will follow. If the employee refuses to comply, instant dismissal will follow.

5.4 Third Offence

Third offence will be dealt with accordingly, in consultation with Shire of Kent Disciplinary Policy 2.1.15 as adopted by Council.

5.5 Instant Dismissal

The following are guidelines to other circumstances that will result in dismissal without notice:

- a) Any attempt to falsify the drug and alcohol screen.

- b) Cultivating, selling or supplying drugs and/or other substances on or off the worksite.
- c) Unauthorised consumption of illicit drugs or alcohol whilst on the work site or during the working period.
- d) Unlawful behaviour.

5.6 Other

If an employee is found to be heavily intoxicated, and/or above the legal limit to be permitted to drive without committing an offence against the *Road Traffic Act*, or extremely fatigued are instructed to cease work immediately, it is a requirement of the Supervisor to:

- a) Contact the employee's next of kin to arrange pickup from the workplace.
- b) If next of kin is unable to be contacted or unable to take employee home, a staff member authorised by the CEO will be appointed to take the employee home.

Document Control

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Legislation	<i>Occupational Safety and Health Act 1984 (WA)</i> <i>Workers Compensation and Injury Management Act 1981 (WA)</i>
Related Documents:	2.1.15 Disciplinary Policy Code of Conduct

2.1.5 PROTECTION FROM THE SUN/HEAT FOR OUTDOOR WORKERS

Policy Objective

With the growing weight of evidence linking skin cancer to exposure to ultra-violet light, Council, in order to meet its legal and moral responsibilities, Council has a formal policy document covering worker clothing. To this end, the following information is provided.

The aim of the policy guidelines is to arrive at a dress code which 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 highly visible when working on or near roads, access-ways and mobile equipment;
- comply with relevant statutes and Australian Standards;
- prescribe clothing which will be comfortable and acceptable to the majority of workers and
- help promote a team spirit and personal pride in the workers with respect to their appearance.

Clothing Policy Recommendation

Standard Dress

Council recommends that outdoor employees wear long sleeved shirts and trousers. However, to help alleviate the adverse effects of hot weather, outdoor employees may elect to wear long shorts and short sleeved shirts.

The minimum clothing requirement for outdoor employees shall be long shorts ie to just above the knee and sleeved shirts. This basic dress code will apply all year round. (Exemptions may apply based upon written medical advice).

It is recommended that except for the months of May, June, July and August a broad brimmed (8cm to 14cm) hat should be worn. Other types of hats may be substituted so long as they provide good protection to the face, ears and neck. This may include a peak cap with non-detachable neck flap. Baseball type caps with no ear or neck protection are not recommended.

Hats, long and short sleeved shirts, shorts and trousers appropriate for the nature of work will be supplied by Council. Wherever practicable, the Ultra-violet Protection Factor (UPF) of clothing fabric will be 20 or better.

An "outdoor employee" for the purpose of this document, is defined as a person whose regular daily duties require them to be in direct sunlight for more than one hour per day on a cumulative basis.

Where there is a risk of physical damage to the skin, the option to wear long shorts in certain areas will not apply to:-

- persons performing welding or mechanical repairs/maintenance;
- operators of brush cutters, concrete/bitumen saws and chainsaws;
- people handling bitumen;

- people who handle chemicals ie pesticides and herbicides and
- any person performing tasks where there is a risk of physical damage to the skin.

*These workers **must wear** trousers and long sleeve shirts or overalls and any other personal protective equipment (PPE) as required to carry out the task.*

Issue of Clothing, Footwear and PPE

In accordance with Section 19 (1) (d) of the OS&H Act 1984 and section 9 of this Manual, Council will issue employees with clothing necessary to protect them from hazards.

- 1 Pair cotton drill shorts/trousers or similar per year.
- 1 cotton drill shirt or similar per year.
- 1 pair steel capped boots/shoes when required.
- 1 pair safety tinted glasses per year or as required;
- 1 pair safety clear glasses per year or as required;
- 1 brightly coloured vest. (compliant with Australian Standards);
- 1 hat either broad brimmed, cotton canvas, or cap with neck/ear flaps;
- Noise protection (ear muffs or ear plugs);
- Hard hats as required by persons needing to enter worksites where required;
- 30+ RPF sun screen;
- Insect repellent;
- Gloves;
- Wellington boots;
- Respirator or dust mask (if required);
- Face shield (if required);
- Special Personal Protective Equipment will be issued on a needs basis for specific tasks from Council's stocks by Supervisors;
- A personal safety equipment bag shall be issued and is to be used for no other purpose; and
- First Aid Kits are available in all Shire vehicles;
- Wet weather gear;
- Castro Jacket (replace as required)

Use of Sunscreen Cream

All outdoor workers will be supplied with sunscreen cream which should be applied to their uncovered skin in accordance with the manufacturer's directions. Information, instruction and supervision will be provided in the use of sunscreens. In particular, this refers to their face, ears, necks and backs of hands, and legs if relevant. The cream provided will be registered under Australian Standards and shall be of the SPF 30+ Broad Spectrum type.

It is recommended that sun screen be used on the face, neck and ears all year round. Exemptions may apply based on written medical advice.

Other People Who Work Outdoors

It is recommended that all persons who work in direct sunlight for more than thirty (30) minutes (but less than one (1) hour) per day on a daily basis wear a broad brimmed hat (or equivalent) and sunscreen, both of which Council will supply.

High Visibility Clothing

Because of the requirement for Council workers to be easily seen by vehicle users, high visibility clothing which conforms with the relevant Australian Standard must be worn by workers while within the road reserve or near vehicle access ways.

While the use of an overlay garment in the form of a vest or singlet is preferred, red long sleeve shirts will be allowed and supplied. Should over garments (eg: jumpers and "parkas") be needed, then the overlay garment must be worn over these.

Since the above clothing policy has the implication of making workers less comfortable in hot conditions, the selection and use of high visibility overlay garments assumes greater importance.

Supply and Use of Sun Glasses

All staff working outdoors shall, when practicable, wear general purpose sun protection glasses which comply with the relevant Australian Standards, as appropriate. These will be made available to appropriate staff as part of the standard personnel protective equipment issue. Clip on sunglasses or a suitable alternative will be made available to employees who wear prescription glasses.

2.1.6 GIFTS, FUNCTIONS & PAYMENT OF GRATUITIES TO RESIGNING EMPLOYEES

Policy Objective

To adopt a policy in relation to employees who are retiring or resigning their employment with the Shire of Kent and outlining the circumstances in which Council will provide a farewell gift to a certain value and a farewell function.

The policy sets out the guidelines with regard to gratuity payments or farewell gifts and functions. This policy will satisfy the requirements of s5.50 of the *Local Government Act 1995* and Regulation 19A of the *Local Government (Administration) Regulations 1996*.

Gifts

The Shire of Kent may purchase a gift in recognition of continuous service provided by an employee who ceases employment, retires or resigns. The maximum value allowed for the gift or gratuity is in accordance with the length of continuous employment by the employee with the Shire as follows:

1. Between 0 and 2 years

No gratuity or gift would be made unless circumstances apply, in this case the gift is to be granted at the Shire President's discretion.

2. Between 2 and 5 years

The Chief Executive Officer may grant a gift to a maximum value of \$100 for continuous employment.

3. Between 5 and 10 years

The Chief Executive Officer may grant a gift to a maximum value of \$250 for continuous employment.

4. Between 10 and 15 years

The Chief Executive Officer may grant a gift to a maximum value of \$500 for continuous employment.

5. Between 15 and 20 years

The Chief Executive Officer may grant a gift to a maximum value of \$750 for continuous employment.

6. Between 20 and 25 years

The Chief Executive Officer may grant a gift to a maximum value of \$1000 for continuous employment.

7. Over 25 years

The Chief Executive Officer may grant a gift to a maximum value of \$2000 for continuous employment.

The Shire President or his/her nominee shall be invited to present the gift to the employee on behalf of Council.

Gratuity

For Senior Staff, Council will give particular regard to:

- a) The employee's history and length of employment with the Council;
- b) The employee's sick leave record; and
- c) The employee's personal contribution to the progress of Council's objectives and community well-being.

Council, after taking into account the above criteria, may agree to the awarding of the following gratuity:

- a) A maximum payment to the employee not exceeding one year's salary; or
- b) A payment based on unused sick leave entitlements

Council may make a payment to a retiring employee that exceeds this policy amount, however, before such a payment is made, public notice is to be given in relation to the payment to be made in accordance with Section 5.50 (2) of the *Local Government Act 1995*.

Farewell Functions

The Shire of Kent, at the discretion of the Chief Executive Officer, may offer a farewell function to those employees who ceases employment, retires or resigns.

2.1.7 PRIVATE USE OF COUNCIL VEHICLES

Policy Objective

To establish parameters for private use of all vehicles purchased, leased or hired by Council. This includes conditions of use for private use.

Statement

The primary use of Council vehicles is for the purpose of providing works, services and facilities to the community to achieve corporate and program objectives. Any other use is classified as secondary use for these vehicles.

Supply of Vehicles for Private Use – Senior Staff

Council will provide vehicles for private use to various senior employees. The positions held by employees to whom this refers to are:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Works Manager

The type of vehicle supplied for private use will be determined by the Chief Executive Officer. The private use of vehicles for the above-mentioned applies as part of a salary package/contract which has been approved by Council as part of that package.

Supply of Vehicles for Private Use – Other Staff

No private use of any vehicle by all other staff may be approved without the express approval of the Chief Executive Officer, Deputy Chief Executive Officer or Works Manager, prior to any use. Continued requests must be referred to the Chief Executive Officer.

General Conditions of Use

- a) Where an employee is provided with private use, he/she will ensure the adequate security of the vehicle whilst in private use, and carry out regular routine maintenance and cleaning to ensure the vehicle is kept in a safe and clean condition, to agreed standards.
- b) The motor vehicle shall be available for business during normal working hours, except whilst the employee is absent on leave.
- c) The vehicle may be used by any member of staff at the discretion of the Chief Executive Officer.
- d) Council prohibits any member or employee of Council, from smoking in any Council vehicle at any time.

Other Conditions of Use

- a) Unrestricted private use of the vehicle shall be limited to the participating employee and his/her partner. Members of the employee's immediate family who have a current drivers license, may also drive the vehicle, however under no circumstances shall they to use the vehicle for their own private use.
- b) In the event of a Council officer having their license suspended, the officer is forbidden to drive any Council vehicle.
- c) Vehicles are not to be used for rally or endurance racing.

Vehicle Replacement

The replacement of passenger vehicles is to be carried out to provide the most cost effective return to Council, within budget, as determined by the Chief Executive Officer.

2.1.8 COUNCIL VEHICLES – DRIVING POLICY

Objective

This policy is designed to ensure that those who work for the Council do so in an environment which, as far as is practicable, is free from traffic hazards. This policy aims to establish guidelines which will help reduce the risk of personal injury and property damage whilst driving on country roads.

Policy Statement

As an employer, the Council has a duty under the Occupational Safety and Health Act 1984 to provide a safe working environment and to protect all employees from hazards in the work place.

Speed Limits

Council has adopted guidelines in respect of speed limits for machinery, trucks and light vehicles.

All drivers in Councils employ must be aware that roads throughout the Shire are subject to storm damage, which may create dangerous wash outs, scours and rough road surfaces. During wet spells creeks and flood ways can become extremely hazardous, as water levels can rise very rapidly. Further, some roads are inclined to break-up during dry spells producing dust and sand holes, severe corrugations or areas of loose sand.

Maximum travelling speeds must therefore match road conditions at the time. Drivers must be conscious of the conditions and adjust their speed accordingly.

The following **maximum** speeds are considered appropriate **when conditions are good:-**

On all unsealed roads – maximum speed of **90 km/hour or in accordance with the applicable speed limit signage.**

On all unsealed roads of single lane width – maximum speed of **80 km/hour or in accordance with the applicable speed limit signage.**

Bitumen surfaced roads - **in accordance with the applicable legal speed limit.**

When travelling on unsealed roads the speed of vehicles should be further reduced when passing oncoming traffic.

Vehicle headlights **must be on** at all times whilst travelling on unsealed roads.

When driving in a Council Depot a maximum speed of **8 kph** must be observed. Exceeding this limit within a Council Depot may result in disciplinary action being taken.

Crossing Creeklines/Floodways

Council's policy with respect to crossing rising or fast flowing flood ways/creeks stipulates that employees are **not** to attempt a crossing if water levels are **0.4 metres (top of the hub)** or higher. When creeks and flood ways etc. are rising or flowing swiftly then attempts to cross should not be attempted no matter what the depth.

“Four wheel drive experts recommend that if a water crossing is to be attempted all windows should be opened prior to attempting the crossing as it may be impossible to open doors should problems occur (too much pressure on the doors from the water), and that seat belts should not be fastened, as a rapid evacuation may be required. Experts also recommend that person's first establish the depth (below 0.4 metre) of the water, how strongly it is flowing and what the state of the surface beneath the water is before attempting any crossing”.

Staff are reminded to exercise extreme caution when attempting to cross creeks or floodways. **If there is any doubt whatsoever as to how deep the water is, how swiftly it is flowing, or the condition of the road surface beneath the water – then do not attempt to cross. Inexperienced drivers are also advised not to attempt a crossing.** Wait until the water has subsided or attempt to retrace your steps. **Do not panic.**

Fatigue

Drivers and passengers must be aware of, and able to identify, the symptoms associated with fatigue and respond by stopping to rest or change drivers.

Where possible, work should be planned to avoid:

- Driving into the sunset or sunrise;
- Driving excessive distances or for extended periods or
- Driving at night.

Heavy haulage operators please refer to the EZI CHECK system.

General Safety Requirements

The driver must ensure that:

- A vehicle pre-start and safety check is conducted;
- All loose articles (which may become lethal projectiles or a distraction if the vehicle is stopped suddenly) are securely restrained;
- Any faults or damage to the vehicle are reported as soon as possible;
- They have notified a reliable person of their travel plans;
- They remain with the vehicle in the event of a breakdown, becoming bogged or other such situation that prevents them from reaching their destination;
- The vehicle carries a first aid kit & water; and
- Should the need arise they are able to change the tyres on the vehicle they are driving.

It should be noted that drivers are expected to render assistance to other motorists as appropriate and at a level commensurate with their skills, knowledge and available resources.

THE ABOVE PROCEDURES MUST BE ADHERED TO BY ALL EMPLOYEES DRIVING COUNCIL VEHICLES.

Employees are reminded that Council has adopted a policy that prohibits the use of drugs and alcohol in the workplace – including Council premises, parks, reserves, vehicles, plant or any other Council building or physical asset.

Of particular concern to Council is the danger associated with the consumption of alcohol before/ whilst driving a vehicle. **Council reiterates that it will not tolerate drink driving before/whilst driving a council vehicle.** This includes whilst travelling between towns and whilst travelling to remote areas for work related purposes. **Disciplinary action will be taken against an employee who is in breach of this policy.** It should be noted that drink driving in this context means the consumption of any alcohol whatsoever during working hours.

Council may exercise certain rights when drug or alcohol use is suspected, including the right to remove the employee from duty pending an urgent medical examination to determine fitness for duty.

Council encourages employees who suspect they may be dependant on alcohol or drugs to seek external clinical assistance or speak to the HRO about the support and advocacy that may be provided through the Council.

Where employees have private use of Council vehicles they are reminded that the legal blood-alcohol limit in Western Australia is 0.05. **Disciplinary action will be taken against an employee found to be driving whilst their blood-alcohol level is greater than 0.05.**

2.1.9 SMOKING IN COUNCIL PREMISES/VEHICLES

Objective

Any employee, Councillor or contractor is not to smoke on Council premises and in Council vehicles. It is designed to ensure that those who work for the Council do so in a clean and safe environment.

Policy Statement

As an employer, the Council has a duty under the Occupational Safety and Health Act 1984 to provide a safe working environment and to protect the health of all employees from hazards in the work place.

On the basis of a current medical opinion and following a landmark judgement in the Federal Court of Australia, it has been shown that passive smoking may affect a person's health. Accordingly, Council prohibits any member or employee of Council, from smoking in any enclosed workplace, building or vehicle of Council, including at all Council and Committee meetings.

All members of Council and employees shall have an individual responsibility for drawing the prohibition on smoking to the attention of any visitor, caller or employee, who it appears, may be in contravention of the Policy.

Council's commitment to the Policy will be demonstrated publicly by the display of appropriate signs throughout Council's buildings and facilities.

Guidelines

Smoking includes cigarettes, e-cigarettes, vapes, and any other product intended to be smoked.

2.1.10 SEVERENCE AND REDUNDANCY

Purpose

The purpose of this policy is to set down the maximum severance payable to terminating employees for the purpose of section 5.50 (1) of the Local Government Act (the “Act”). Note however these severance payments may be exceeded in accordance with clause 7 at the discretion of Council.

Terminating Employees

A terminating employee is entitled to severance pay and benefits in accordance with:-

- a) Any federal or state award or industrial agreement applicable to that employee;
- b) Any application provisions within the employee’s contract of employment;
- c) Any applicable award or order made by a federal or state employee tribunal arising from the circumstances of that employee being specifically brought before that tribunal, subject to any right of appeal;
- d) Where Council so agrees, any recommendation made by a federal or state Industrial Commissioner arising from the circumstances of that employee being specifically brought before that Commissioner.

Dismissed Employees – Disputes Resolution Procedure

If any part of this agreement, or the NES, is in dispute the parties will attempt to resolve the matter at the workplace level, including, but not limited to:

- 1. in the first instance by discussions between the Employee or Employees concerned and the relevant supervisor; and
- 2. if such discussions do not resolve the dispute, discussions between the Employee or Employees concerned and more senior levels of management (as appropriate); and
- 3. a party to the dispute may appoint another person, organisation or association to accompany or represent them in relation to the dispute; and
- 4. if a dispute is unable to be resolved at the workplace, and all agreed steps for resolving it have been taken, the dispute may be referred to Fair Work Commission for resolution by mediation and/or arbitration;
- 5. if either party refers the matter to mediation, both parties will participate in the mediation process in good faith; and
- 6. it is a term of this agreement that while the dispute resolution procedure is being conducted work shall continue normally unless an Employee has a reasonable concern about an imminent risk to his or her health or safety.

Redundancy Benefits

Redundancy benefits shall be made pursuant to Council's Redundancy Policy 13.2 as follows. This does not preclude Council from agreeing to a higher severance benefit where clauses 2 & 3 above apply.

Redundancy benefits are –

- a) A maximum period of notice possible but in any event no less than 4 weeks or payment in lieu of notice to a maximum of 4 weeks;
- b) Payment of 2 weeks pay;
- c) Plus 2 weeks pay for each completed year of service with the Local Government;
- d) The maximum payable under (b) & (c) shall be 26 weeks pay;
- e) Where an employee has been employed with the Local Government for a minimum of 5 years, pro rata long service leave shall be provided if the employee is not otherwise entitled to pro rata long service leave under Local Government Long Service Leave Regulations;
- f) All other pro rata entitlements payable under the appropriate award or agreement to a terminating employee;
- g) (Optional provisions for local governments in remote location). Where the employee was originally engaged from a distant location, reasonable relocation assistance may be provided to the place of engagement or another place (at a cost no more than relocation to original point of hire). Relocation assistance will be at Council's discretion and considered according to circumstances;
- h) Where the circumstances of a retrenched employee are such that it will be extremely difficult for that employee to find another job, Council may exercise its discretion to provided additional benefits to such employees. In this event details of the total redundancy package for such an employee shall be published in accordance with section 5.50 (2) of the Act.

Other Settlement

Council may decide to settle in a situation where an employee, due to illness or impairment is unable to perform his/her job and there has been mutual agreement that employment must end.

Matters to be taken into consideration by Council in determining the extent of any financial offers may include:

- The length of service;
- The conscientiousness of the employee over the past employment;

- The value of the employee's service having regard to position(s) held and the regard given by council to the employee's contribution;
- The length of time to retirement;
- The personal circumstances of the employee including family responsibility, future employment prospects and alternative sources of income; and
- Possible exposure to litigation if the employee was dismissed having regard to obligations of Council under the State Equal Opportunity Act, the Commonwealth Disability Discrimination Act and the Commonwealth Workplace Relations Act.

Weeks' Pay

The term "weeks' pay" means the normal weekly salary or wage payable to the employee including any penalty rates normally paid but excluding overtime or intermittent payments. The term also includes salary or wages specifically sacrificed for additional non-award benefits but does not include the value of any non-award benefits normally provided for the employee's position (such as a vehicle in the case of a senior position, the normal superannuation provided to all employees etc).

Special Circumstances

Nothing in this Policy prevents Council from determining that in special circumstances, terminating employees may be paid additional monies or provided additional benefits where justified. If Council so determines, details of the severance pay and benefits shall be published in accordance with section 5.50 (2) of the Act.

REDUNDANCY

Background

The need for a proforma redundancy policy arises because of changes and challenges faced by Local Government:

- a) "Hilmer", the National Competition Policy, accountability for delivery, cost efficient services demanded by electors, competitive tendering and contracting-out.
- b) New trends in WA Local Government requiring a re-evaluation of existing structures and services, and ways and means of reacting to demands from the State Government and the electors.
- c) The possibility of future amalgamations of local governments splits of existing large Local Governments and changes in boundaries.

Commission TCR Standard

The Commissioner's standard award minimum is the so-called "TCR" standard arising from the Full Bench Termination, Change and Redundancy Decisions. Some organisations have recently chosen to apply for higher benefits, which have been included in some enterprise agreements. Nevertheless the appropriate award provisions will continue to apply and this policy is to be read in conjunction with those award provisions - see Part 4 section 12 of the Local Government Officer's (WA) Award 1999 and Part 4 section 14 of the Municipal Employees' (WA) Award 1999.

Consultation

- a) The Local Government will consult employees likely to be affected by any proposed change as to the need for and/or reason for the change and no definite decision will be made until this process has been followed.
- b) Where an employer has made a definite decision that the employer no longer wishes the job the employee has been doing to be done by anyone, and this is not due to the ordinary and customary turnover of labour and that decision may lead to the termination of employment, the employer shall hold discussions with the employees directly affected and with their union or unions.

- c) The discussions shall take place as soon as practicable after the employer has made a definite decision which will invoke the provisions of paragraph (b) hereof, and shall cover, inter alia, any reasons for the proposed terminations, measures to avoid or minimise the terminations and measures to mitigate any adverse effects or any terminations on the employees concerned.

For the purposes of the discussion the employer shall as soon as practicable provide in writing to the employees concerned and their union(s), all relevant information about the proposed terminations including the reasons for the proposed terminations, the number and categories of employees likely to be affected and the number of workers normally employed and the period over which the terminations are likely to be carried out.

Provided that any employer shall not be required to disclose confidential information, the disclosure of which would be harmful to the employer's interests.

(NOTE: Paragraph (b), (c) and (d) have been taken directly from the awards and reflect the TCR requirements as to discussion prior to termination)

Transfers Within The Organisation

- a) Wherever possible and practical, appropriate employees should be offered a transfer to other positions within the enterprise and also offered the necessary and reasonable training to effect a successful transition.
- b) Where an employee is transferred to other duties for the purpose of avoiding retrenchment and those duties attract a lesser rate of pay than the incumbents previous position, the Local Government will make up the difference between the two rates of pay for the period of twelve months (or 2 years in the cases of employees covered by clause 13.2.6 below). After this time, the lesser rate will apply.

Severance Benefits

Where a position has been made redundant and a suitable transfer has not been possible, an employee may be retrenched on the following basis:

- a) A maximum period of notice possible but in any event no less than 4 weeks or payment in lieu of notice to a maximum of 4 weeks;
- b) Payment of 2 weeks' pay;
- c) Plus 2 weeks' pay for each completed year of service with the Local Government;
- d) The maximum payable under (b) and (c) shall be 26 weeks' pay provided that the severance payments shall not exceed the amount which the employee would have earned if employment with the employer had proceeded to the employee's normal retirement date;

- e) Where an employee has been employed with the Local Government for a minimum of 5 years, pro rata long service leave shall be provided if the employee is not otherwise entitled to pro rata long service leave under the Local Government Long Service Leave Regulations;
- f) All other pro rata entitlements payable under the appropriate award or agreement to a terminating employee will be paid;
- g) During the notice period the employee shall be allowed reasonable time off from the job without loss of pay to attend employment interviews or other similar activities to assist the employee find employment;
- h) (Optional provisions for Local Governments in remote locations). Where the employee was originally engaged from a distant location, reasonable relocation assistance may be provided to the place of engagement or another place (at a cost no more than relocation to original point of hire). Relocation assistance will be at Council's discretion and considered according to circumstances;
- i) Where the circumstances of a retrenched employee are such that it will be extremely difficult for the employee to find another job, Council may exercise its discretion to provided additional benefits to such employees. In this even details of the total redundancy package for such an employee shall be published in accordance with section 5.50 (2) of the Local Government Act.
- j) The term "weeks' pay" means the normal weekly salary or wage payable to the employee including any penalty rates normally paid but excluding overtime or intermittent payments. The term also includes salary or wages specifically sacrificed for additional non-award benefits but does not include the value of any non-award benefits normally provided for the employee's position (such as a vehicle in the case of a senior position, the normal superannuation provided to all employees etc).

Boundary Changes, Amalgamations and Break-ups

- a) Where a restructuring of Local Government boundaries (such as a break up of a Local Government or an amalgamation of Local Governments) results in a surplus of employees, Schedule 2.1 clause 11(4) of the Local Government Act provides for two years guaranteed employment except where employer and employee are able to agree to a mutually acceptable severance package.
- b) Clauses 3 and 4 above will apply. If a transfer is arranged, the "no-reduction" provision in clause 4(b) will apply for two years.

- c) Where a transfer is not possible, retrenchment will be offered on the basis of clause 5 above. Additional benefits may be offered in accordance with clause 5 (I) in an endeavour to reach a mutually acceptable severance package.
- d) If agreement on a severance package is not possible, the employee will be offered work for two years on conditions no less favourable than the existing contract of employment.
- e) At any time during the two years additional employment the Local Government and employee may re-open negotiations in an endeavor to reach agreement on a mutually acceptable severance package.
- f) Where an employee remains in employment for two years pursuant to schedule 2.1 of the Local Government Act and is then made redundant, there will be no entitlement to the redundancy benefits provided in clause 5. Redundancy benefits in accordance with the appropriate award still apply.

Counselling

- a) Counselling by a professional counselling service shall be available for any employee who has been or is to be retrenched.
- b) In appropriate circumstances an outplacement service may also be offered. In this event no payment in lieu of such will be made.

Termination During Notice

An employee who has been given notice of retrenchment in accordance with clause 5 may terminate during the period of notice and shall be entitled to the same benefits and payment as if he/she had remained until the expiry of the notice. Provided that in such circumstances, the employee shall not be entitled to payments in lieu of notice.

Alternative Work

- a) Should the Local Government have made suitable arrangements for alternative employment and the employee is not consequently unduly prejudiced, the additional benefits over and above the appropriate award arising from this Policy shall not apply.
- b) In addition the Local Government may make application to the Commission to have the award severance pay prescription varied in the case of such an employee according to the particular circumstances.

Exclusions

- a) Benefits provided under this policy which go beyond the appropriate award shall not apply where an employment is terminated as a consequence of conduct that justifies instant dismissal, including malingering, inefficiency or neglect of duty.
- b) The Policy does not apply in the case of casual or temporary employees who were engaged for a specific time period or for a specific reason or specific task, project or program.
- c) This Policy also does not apply to an employee engaged on a fixed term contract where the term of the contract expires.

2.1.11 STAFF HOUSING ALLOWANCE FOR NON-SHIRE ACCOMMODATION

Policy Objective:

This policy sets out clear guidelines and conditions applicable to the payment of an allowance to staff that provide their own accommodation.

Council aims to:

- Acknowledge the provision of staff housing to attract/retain employees and to provide a benefit to employees that live in non-shire housing.
- Acknowledge the provision of staff housing to attract/retain employees and to provide a benefit to employees that live in non-shire housing.
- Provide assistance to employees that live in non-subsidised housing.

Policy Statement:

For those staff who reside in non-shire owned accommodation, an allowance will be paid each week as part of their employment package.

This policy sets out the criteria and guidelines applicable to the payment of an allowance to staff who reside in their own accommodation.

Criteria:

The weekly housing allowance is only payable to:

1. Shire staff employed on Full time or Part time basis.
2. Employees who reside within Shire of Kent boundaries.
3. An individual household only, (ie if two (2) or more employees living together in non-shire owned accommodation, only 1 allowance is payable).
4. For consideration of the allowance an application to CEO in writing is required.

Guidelines:

- For full-time employees living in non-shire owned accommodation, the weekly allowance shall be \$50.
- Permanent Part-Time employees living in non-shire owned accommodation will be paid a pro-rata allowance.
- This allowance is not payable to Casual employees living in non-shire owned accommodation.
- Only one (1) allowance is payable to an individual household if more than one (1) shire employee occupies non-shire owned accommodation.
- The allowance shall be subject to review as part of the annual budget process.

First Adopted: 23 July 2019

Last review:

2.1.12 SUPERANNUATION VOLUNTARY CONTRIBUTION

Policy Objective:

The purpose of this Policy is to establish the level of superannuation contribution paid by the Shire of Kent (Shire) to its employees as part of total remuneration packages.

This policy also aims to:

- Provide a clear and consistent approach to Shire superannuation contribution payments; and
- Provide employment remuneration benefits that assist in the attraction and retention of staff.

Policy Statement:

1. In addition to the legislated Superannuation Guarantee (SG), where an employee makes a voluntary superannuation contribution, the Shire will make a matching contribution into the employee's chosen (complying) superannuation fund in accordance with the below:
 - a. Existing employees that contribute voluntary superannuation of 5% or greater will receive an additional Shire contribution of 3%.
2. Voluntary contributions by employees may be made through salary sacrifice or non-concessional superannuation contributions.

Guidelines:

The application of this Policy is to be considered in conjunction with the applicable legislation, employment contracts, awards and agreements, and applies to all current and future Shire employees.'

First Adopted: 15 September 2021

Last review:

2.1.13 TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO POLICY

Policy Objective

To establish policy, in accordance with Section 5.39C of the Local Government Act 1995 ('the Act'), that details the Shire of Kent'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..

Policy Scope

This policy applies to the statutory position of Chief Executive Officer (CEO) of the Shire of Kent

Policy Statement

1. Definitions:

- (1) Acting CEO means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed, but is on planned or unplanned leave.
- (2) 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.

2. Acting and Temporary CEO Requirements and Qualification

- (1) When the CEO is on planned or unplanned leave, or the CEO's employment with the Local Government has ended, an Acting or Temporary CEO is to be appointed in accordance with this Policy to fulfil the functions of CEO as detailed in Section 5.41 of the Local Government Act 1995, and other duties as set out in the Act and associated Regulations.
- (2) Through this policy and in accordance with section 5.36(2)(a) of the Act, the Council determines that employees appointed to the substantive position(s) of Deputy CEO or Manager are considered suitably qualified to perform the role of Acting or Temporary CEO.
- (3) A person appointed to act in the position of Deputy CEO or Manager is not included in the determination set out in Clause 3 (2).

3. Appoint Acting CEO – Planned and unplanned leave for periods up to 6 weeks

- (1) The CEO is authorised to appoint the Deputy CEO or Manager in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 6 weeks, subject to the CEO's consideration of the Deputy CEO or Manager performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.
- (2) The CEO must appoint an Acting CEO for any leave periods greater than 5 days and less than 6 weeks.
- (3) The CEO is to immediately advise all Council Members when and for what period of time the Deputy CEO or Manager is appointed as Acting CEO.

- (4) If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with (2), then the following line of succession shall apply:
 - a. The Deputy CEO will be appointed as Acting CEO; or
 - b. If the Deputy CEO is unable to act, the Manager will be appointed as Acting CEO;
- (5) Council may, by resolution, extend an Acting CEO period under subclause (4) beyond 6 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

4. Appoint Acting CEO for extended leave periods greater than 6 weeks but less than 12 months.

- (1) This clause applies to the following periods of extended leave:
 - a. Substantive CEO's Extended Planned Leave which may include accumulated annual leave, long service leave or personal leave; and
 - b. Substantive CEO's Extended Unplanned Leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
- (2) The Council will, by resolution, appoint an Acting CEO for periods greater than 6 weeks but less than 12 months, as follows:
 - a. Appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
 - b. Conduct an external recruitment process in accordance with clause 5(1)(b).
 - c.
- (3) The President will liaise with the CEO, or in their unplanned absence the Deputy CEO or Manager to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
- (4) Subject to Council's resolution, the President will execute in writing the Acting CEO appointment with administrative assistance from the Deputy CEO or Manager.

5. Appoint Temporary CEO – Substantive Vacancy

- (1) In the event that the substantive CEO's employment with the Shire of Kent is ending, the Council when determining to appoint a Temporary CEO may either:
 - a. by resolution, appoint Deputy CEO or Manager as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or
 - b. following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act, appoint a Temporary/Acting CEO for the period of time until the substantive CEO has been recruited and commences employment with the Local Government.

- (2) The President will liaise with the Deputy CEO or Manager to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
- (3) The President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Councils resolution/s, with administrative assistance from the Deputy CEO or Manager.

6. Remuneration and conditions of Acting or Temporary CEO

- (1) Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated between 70% to 100% of the cash component only of the substantive CEO's total reward package.
- (2) Council will determine by resolution, the remuneration and benefits to be offered to a Temporary/Acting CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.
- (3) Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

First Adopted: 21 July 2021
Last review:

2.1.14 ORGANISATIONAL STRUCTURE AND DESIGNATED SENIOR EMPLOYEES

Policy Objective:

The purpose of this policy is to establish for the purposes of the *Local Government Act 1995* (the Act):

- the role and responsibilities of the Chief Executive Officer (CEO) in relation to the Shire's organisational structure; and
- those positions designated as Senior Employees.

Policy Statement:

Organisation Structure

In accordance with Section 5.2 of the Act, the Council of a local government is to ensure there is an appropriate structure for administering the local government. To give effect to this requirement:

- a) The CEO shall be responsible for the preparation of an appropriate organisational structure for administering the Shire.
- b) The CEO shall keep Council informed of changes to the organisational structure.
- c) If the Council is not satisfied that an appropriate organisational structure exists, the Council shall inform the CEO of its reasons, and by resolution, direct the CEO to establish a structure that will address these reasons.

Senior Employees

In accordance with Section 5.37 of the Act, a local government may designate employees or persons belonging to a class of employees to be Senior Employees. To give effect to this provision:

- a) The following positions are designated as 'Senior Employees' for the purposes of the Act:
 - I. Chief Executive Officer
 - II. Manager Corporate
 - III. Manager Infrastructure
- b) The CEO is to inform Council of any proposal to employ or dismiss a Senior Employee.
- c) The Council may accept or reject the CEO's recommendation, but if Council rejects a recommendation, it is to inform the CEO of the reasons for doing so.

Other Employees

In accordance with Section 5.41 of the Act, the CEO is responsible for the employment, management supervision, direction and dismissal of all other employees.

First Adopted: 15 December 2021

Last review:

2.1.15 DISCIPLINARY POLICY

1. Policy Statement:

The Shire of Kent (**Local Government**) is committed to ensuring its employees conduct themselves in an appropriate and professional manner and perform their duties in accordance with Local Government policies, procedures and guidelines (**Policies**).

The Local Government may from time to time consider that issues of employee behaviour, misconduct or less than satisfactory performance require disciplinary action. All disciplinary action will be applied in a consistent, fair and objective manner as set out in this policy, and in appropriate circumstances employees may be given an opportunity and assistance to improve.

2. Application:

This policy applies to all employees at the Local Government.

3. Authority to take disciplinary action:

Disciplinary action, with the exception of termination of employment, will only be taken when authorised by the employee's line manager or Director/Executive manager. The authorising officer may only approve disciplinary action after consultation with Human Resources.

A decision to terminate an employee's employment with the Local Government must be authorised by the Chief Executive Officer.

4 General disciplinary principles:

The purpose of this Policy is to identify the risks and to put measures in place to ensure all employees are aware of their obligations and Shire's commitment to fitness for work. Conditions which could impact on a person's fitness for work include, but are not limited to:

The following principles will apply to any disciplinary action taken.

- **Procedural fairness and natural justice:** Before formal disciplinary action is taken against an employee, the nature of the allegations made against an employee will be put to the employee for their response.
- **Right to a support person:** Where an employee is required to attend a formal meeting regarding a disciplinary matter, the employee may be accompanied by a support person where practicable.
- **Fair, impartial and consistent:** The Local Government will strive to keep the disciplinary process fair, impartial and consistent, and all information will be considered before a decision is made regarding appropriate disciplinary action.
- **Confidential:** All parties must keep matters related to a disciplinary process confidential.

5 Instant dismissal from serious misconduct:

Serious misconduct pursuant to the *Fair Work Regulations 2009* (Cth) is defined to have its ordinary meaning and includes:

- Wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment
- Conduct that causes serious and imminent risk to:
 - the health or safety of a person, or
 - the reputation, viability or profitability of the Local Government.
- The employee, in the course of the employee's employment, engaging in any criminal behaviour.
- The employee being intoxicated at work
- The employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment
- Employees unable to present fit for work as a result
- Employees who do not respond to written warnings or comply with prescribed rehabilitation plans.

If an employee engages in serious misconduct they may be summarily dismissed.

6 Other disciplinary action:

With the exception of serious misconduct, where an employee has engaged in misconduct in breach of the employer's policies, procedures, code of conduct, employment contract and/or legislation, the employee may be disciplined as follows:

- **Verbal warning:** Management has the discretion to issue the employee with a verbal warning. The verbal warning should be noted in a file note and placed on the employee's personnel file.
- **Written warning:** Management has the discretion to issue the employee with a written warning. The employee must be given a copy of the written warning and it must be placed on the employee's personnel file.
- **Termination of employment with notice:** In cases other than summary dismissal, an employee's employment may be terminated with notice or payment in lieu of notice provided the Local Government has a valid reason for terminating the employee's employment and the employee has an opportunity to respond to the reasons for termination.

Whenever an employee is required to attend a meeting regarding a disciplinary issue, the employee may have a support person present where practicable. The type of disciplinary action taken against an employee is at the Local Government's discretion and the type of disciplinary action will depend on the seriousness and frequency of any misconduct or performance issue.

7 Reporting obligations:

Pursuant to the *Corruption, Crime and Misconduct Act 2003* (WA) it is the responsibility of the Principal Officer acting in their official capacity to notify where they suspect on reasonable grounds, a matter that concerns or may concern either serious or minor misconduct. Minor misconduct is reported to the Public Sector Commission. Please note that what constitutes 'minor' or 'serious misconduct' for the purpose of the CCM Act differs from the industrial definition of 'misconduct' and 'serious misconduct'.

Employees must also be aware of and adhere to any obligations pursuant to the *Public Interest Disclosure Act 2003 (WA)*.

8 Variation to this policy:

This policy may be cancelled or varied from time to time. The Local Government's employees will be notified of any variation to this policy by the normal correspondence method.

Document Control

Policy Number	2.1.15
Policy Version	1
Creation Date	15 December 2021
Last Review Date	15 December 20212
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	<i>Corruption, Crime and Misconduct Act 2003 (WA)</i> <i>Fair Work Regulations 2009 (Cth)</i> <i>Public Interest Disclosure Act 2003 (WA)</i>
Related Documents:	Policy 2.1.4 Fitness For Work Policy Code of Conduct

2.1.16 GRIEVANCE

1. Policy Objective

The Shire of Kent is committed to providing employees with the ability to raise a grievance or complaint with respect to their employment via an impartial internal process.

This policy aims to ensure that grievances and complaints are resolved in a timely, fair and transparent manner in accordance with the principles of natural justice.

2. Application

This policy applies to grievances raised by employees, contractors and volunteers engaged or appointed by the Shire of Kent in relation to employment or workplace related matters.

This policy does not apply to complaints about the Chief Executive Officer (CEO) or Elected Members.

3. Definitions

TERM	DEFINITION
Complaint	The grievance relating to employment or workplace matters raised by the complainant.
Complainant	An employee, contractor or volunteer who raises a complaint.
Respondent	An employee, contractor or volunteer who is alleged to have acted in a manner the subject of the complaint.
Support Person	A person chosen by the complainant and respondent to attend meetings with them, where practicable. The role of a support person is not to advocate on behalf of anyone, but to provide emotional and practical support.
Witness	A person, including an employee, who is requested by the Shire of Kent to assist the process by providing relevant information regarding the complaint.

4. What to do if you have a complaint

If the complainant believes they are the subject of behaviour that is inconsistent with the Shire of Kent's Code of Conduct, policies and procedures, the complainant may raise a complaint by following the process in the Grievance Procedure.

5. If a complaint is about the CEO

If the complaint is about the CEO, the Grievance Policy and Procedure does not apply. A complaint about the CEO must be raised directly with the Shire President.

6. Key principles in the complaint resolution process

The following principles are necessary for the fair investigation and resolution of a complaint.

PRINCIPLE	EXPLANATION
Confidential	<p>Only employees directly investigating or addressing the complaint will have access to information about the complaint. The Shire of Kent may inform or appoint a third party to investigate or advise on the investigation. All parties involved in dealing with a complaint are required to keep the matter confidential, including the complainant, respondent and witnesses. Information will only be placed on an employee's personal file if they are disciplined as a result of the complaint.</p> <p>This requirement does not preclude a complainant, respondent, witness or Local Government from seeking legal, financial or other professional advice.</p>
Impartial (unbiased)	<p>Both parties will have an opportunity to put their case forward. No assumptions will be made and no action will be taken until all available and relevant information has been collected and considered by either an impartial employee of the Shire of Kent or an externally appointed investigator.</p>
Sensitive	<p>The Shire of Kent will endeavor to ensure employees who assist in responding to complaints are trained to manage complaints sensitively and administer a process that is free of coercion or intimidation.</p>
Timely	<p>The Shire of Kent aims to deal with all complaints as quickly as possible and in accordance with any legislative requirements.</p>
Documented	<p>All complaints and investigations will be documented. In formal grievance processes, records will be kept of all documents collected and drafted as part of that process. For more informal processes, a file note or note in a diary will be sufficient.</p>

Procedural fairness	<p>Procedural fairness in the complaint process means that:</p> <ul style="list-style-type: none">• a respondent has the right to respond to the allegations before any determination is made• a respondent has the right to be told (where possible and appropriate) who made the allegation• anyone involved in the investigation should be unbiased and declare any conflict of interest• decisions must be based on objective considerations and substantiated facts• the complainant and the respondent have the right to have a support person present at any meetings where practicable• the respondent is advised of the details of any allegations when reasonably practicable• a respondent is entitled to receive verbal or written communication from the Shire of Kent of the potential disciplinary outcome if the allegations arising from the complaint are proven• any mitigating circumstances presented to the Shire of Kent through the grievance process are investigated and considered• any witnesses who can reasonably be expected to help with any inquiry or investigation process will be interviewed, and• all interviews of witnesses are conducted separately and confidentially.
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7. Outcome of a complaint

If a complaint against a respondent is substantiated, there are a number of possible outcomes as detailed in the Grievance Procedure.

8. Victimisation of complainant, respondent or witness

A complainant, respondent or witness should not be victimised for making a complaint, being the subject of a complaint or providing information about a complaint. Anyone responsible for victimising a complainant, respondent or witness may be subject to disciplinary action, including but not limited to termination of employment.

9. Reporting obligations

The Shire of Kent must comply with its obligations to report minor or serious misconduct to either the Public Sector Commission or Corruption and Crime Commission in accordance with the *Corruption, Crime and Misconduct Act 2003* (WA).

Employees must also be aware of and adhere to any obligations pursuant to the *Public Interest Disclosure Act 2003* (WA).

10. Variation to this policy

This policy may be cancelled or varied from time to time. The Shire of Kent's employees will be notified of any variation to this policy by the normal correspondence method.

11. Related documents

- Code of Conduct
- Disciplinary Policy
- Discrimination, Harassment and Bullying Policy
- Grievance Procedure



FINANCE AND ADMINISTRATION POLICIES

Policy Number:	FA 3
Policy Title:	Finance and Administration Policies
Date Adopted:	25 October 2017
Date Reviewed:	First Adoption
Policy Type:	Governance/Finance

Policy Position 3.1 – Finance Policies (FA3.1)

3.1.1 SIGNIFICANT ACCOUNTING POLICIES

Policy Objective

To provide a financial framework, in addition to Accounting Standards and other statutory requirements, to ensure the Shire's accounting data is accurate, reliable and compliant.

Policy Scope

This Policy covers the Shire's accounting data and financial reporting (including the Annual Budget, Budget Reviews and Annual/Monthly Financial Statements).

Policy Statement

Introduction

The Local Government Act (the Act) 'Division 4 – General Financial Provisions' outlines that the Chief Executive Officer (CEO) has a duty to ensure that there are proper accounts and records of the transactions and affairs of the local government. The Local Government (Financial Management) Regulations (the Regulations) state that the CEO must ensure that efficient financial systems and procedures are established for the local authority. This Policy is designed to ensure the Shire operates under appropriate financial governance and meets all regulatory obligations.

Principles

- Practices are conducive to good financial management.
- There is full compliance with all relevant financial standards and statutory requirements.
- Financial practices and reports are accurate, reliable, easy to understand and consistent.

Provisions

Financial Reporting

Financial Reporting is required to meet statutory requirements along with the organisational needs of the Shire to effectively monitor financial performance.

Monthly Reporting

Monthly reports will be prepared in accordance with section 6.4(2) of the Act and regulation 34 of the Regulations. Reports will be prepared on a calendar basis, in a timely manner and presented at the next available Council meeting.

Annual Financial Reporting

The Annual Financial Report will be prepared in accordance with section 6.4 of the Act and regulations 36 to 50 of the Regulations. The Annual Financial Report must be

submitted to the Shire's auditors by 30 September in the subsequent financial year. The audited Annual Financial Report will then be presented to Council.

ANNUAL BUDGET

The Annual Budget for the Shire is to be prepared in accordance with section 6.2 of the Act and regulations 22 to 33 of the Regulations. The Shire's Chief Executive Officer must ensure that the Annual Budget for the financial year is presented to Council after 1 June but no later than 31 August in the year to which the Annual Budget relates.

BUDGET REVIEW

Budget reviews will be conducted throughout the financial year as good financial practice. Any proposed budget amendments will be presented to Council, for determination, as part of the Monthly Financial Statements.

The Shire must undertake a formal Budget Review as per regulation 33A of the Regulations. The review must be undertaken between 1 January and 31 March each financial year. The review must consider the Shire's financial performance, position and outcomes. Council must be presented with the review within 30 days and determine whether to adopt.

Financial reports should be prepared in accordance with the following significant accounting policies:

1 BASIS OF PREPARATION

The financial report comprises general purpose financial statements which have been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities), and Interpretations, of the Australian Accounting Standards Board, and the *Local Government Act 1995* and accompanying regulations.

Material accounting policies which have been adopted in the preparation of this financial report are presented below and have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

1.1 Critical accounting estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

1.2 The Local Government reporting entity

All Funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 20 to these financial statements.

2 REVENUE

2.1 Grants, subsidies and contributions

Operating grants, subsidies and contributions are grants, subsidies or contributions that are not non-operating in nature. Non-operating grants, subsidies and contributions are amounts received for the acquisition or construction of recognisable non-financial assets to be controlled by the Shire.

2.2 Fees and charges

Revenue (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees.

3 CASH AND CASH EQUIVALENTS

3.1 Cash and cash equivalents

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of financial position.

3.2 Restricted assets

Restricted asset balances are not available for general use by the Shire due to externally imposed restrictions. Externally imposed restrictions are specified in an agreement, contract or legislation. This applies to reserves, unspent grants, subsidies and contributions and unspent loans that have not been fully expended in the manner specified by the contributor, legislation or loan agreement.

4 OTHER FINANCIAL ASSETS

4.1 Other financial assets at amortised cost

The Shire classifies financial assets at amortised cost if both of the following criteria are met:

- i. the asset is held within a business model whose objective is to collect the contractual cash flows, and
- ii. the contractual terms give rise to cash flows that are solely payments of principal and interest.

4.2 Financial assets at fair value through profit and loss

The Shire classifies the following financial assets at fair value through profit and loss:

- i. debt investments which do not qualify for measurement at either amortised cost or fair value through other comprehensive income.
- ii. equity investments which the Shire has not elected to recognise fair value gains and losses through other comprehensive income.

5 TRADE AND OTHER RECEIVABLES

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business

Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.

Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

6 INVENTORIES

6.1 Inventories

Inventories are measured at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

6.2 Land held for sale

Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.

Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point Land held for sale is classified as current except where it is held as non-current based on the Council's intentions to release for sale.

7 FIXED ASSETS

7.1 Fixed assets

Each class of fixed assets within property, plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

7.2 Initial recognition and measurement between mandatory revaluation dates

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with *Financial Management Regulation 17A (5)*.

These assets are expensed immediately. Expenditure of items of equipment under \$5,000 are recorded on a portable and attractive items register.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

Individual assets that are land, buildings, infrastructure and investment properties acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework, are recognised at cost and disclosed as being at fair value as management believes cost approximates fair value. They are subject to subsequent revaluation at the next anniversary date in accordance with the mandatory measurement framework.

7.3 Revaluation

The fair value of land, buildings, and infrastructure and investment properties is determined at least every five years in accordance with the regulatory framework, or when Council is of the opinion that the fair value of an asset is materially different from its carrying amount. This includes buildings and infrastructure items which were pre-existing improvements (i.e. vested improvements) on vested land acquired by the Shire. At the end of each period the valuation is reviewed and where appropriate the fair value is updated to reflect investment current market conditions. This process is considered to be fair in accordance with *Local Government (Financial Management) Regulation 17A (2)* which requires land, buildings, infrastructure, properties and vested improvements to be shown at value.

Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.

7.4 Vested improvements – from 1 July 2019

The measurement of vested improvements at fair value in accordance with *Local Government (Financial Management) Regulation 17A(2)(iv)* is a departure from AASB 16 which would have required the Shire to measure the vested improvements as part of the related ROU assets at zero cost.

Refer to note 12 that details the significant accounting policies applying to leases (including ROU assets).

7.5 Land under roads – from 1 July 2019

As a result of amendments to the *Local Government (Financial Management) Regulations 1996*, effective from 1 July 2019, vested land, including land under roads, are treated as ROU assets measured at zero cost. Therefore, the previous inconsistency with AASB 1051 in respect on non-recognition of land under roads

acquired on or after 1 July 2008 has been removed, even though measurement at zero cost means that land under roads is still not included in the balance sheet.

8 DEPRECIATION OF NON-CURRENT ASSETS

8.1 Depreciation

The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.

An asset's residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period. An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in the statement of comprehensive income in the period in which they arise.

8.2 Depreciation rates

Typical estimated useful lives for the different asset classes for the current and prior years are included in the table below:

Asset Class	Useful life
Buildings – specialised & non-specialised	50 years
Furniture & equipment	10 years
Plant & equipment – heavy	12 years
Plant & equipment – light	7 years
Electronic equipment	3 years
Sealed roads and streets:	
- formation	Not depreciated
- pavement	50 years
- bituminous seals	20 years
- asphalt surfaces	25 years
Gravel roads	
- formation	Not depreciated
- pavement	50 years
Footpaths – slab	20 years
Sewerage piping	100 years
Water supply piping & drainage systems	75 years
Right of use (buildings)	Based on remaining lease
Right of use (plant & equipment)	Based on remaining lease
Intangible assets – computer software licence	5 years

8.3 Depreciation on revaluation

When an item of property, plant and equipment is revalued, any accumulated depreciation at the date of the revaluation is treated in one of the following ways:

- i. The gross carrying amount is adjusted in a manner that is consistent with the revaluation of the carrying amount of the asset. For example, the gross carrying amount may be restated by reference to observable market data or it may be restated proportionately to the change in the carrying amount. The accumulated depreciation at the date of the revaluation is adjusted to equal the difference between the gross carrying amount and the carrying amount of the asset after taking into account accumulated impairment losses; or
- ii. Eliminated against the gross carrying amount of the asset and the net amount restated to the revalued amount of the asset.

8.4 Amortisation

All intangible assets with a finite useful life, are amortised on a straight –line basis over the individual asset's useful life from the time the asset is held for use.

The residual value of intangible assets is considered to be zero and the useful life and amortisation method are reviewed at the end of each financial year.

Amortisation is included with Depreciation on non-current assets in the Statement of Comprehensive Income and in Note 11.

9 LEASES

At inception of a contract, the Shire assess if the contract contains or is a lease. A contract is, or contains, a lease if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration.

At the commencement date, a right of use asset is recognised at cost and lease liability at the present value of the lease payments that are not paid at that date. The lease payments are discounted using the interest rate implicit in the lease, if that rate can be readily determined. If that rate cannot be readily determined, the Shire uses its incremental borrowing rate.

Right of use assets are measured at cost. This means that all vested right-of-use assets (other than vested improvements) under zero cost (i.e. not included in the statement of financial position). The exception is vested improvements on concessionary land leases such as roads, buildings or other infrastructure which are reported at fair value.

Right of use assets are depreciated over the lease term or useful life of the underlying asset, whichever is shortest. Where a lease transfers ownership of the underlying asset, or the cost of the right if use asset reflects that the Shire anticipates to exercise a purchase option, the specific asset is amortised over the useful life of the underlying asset.

All contracts that are classified as short-term leases (i.e. a lease with a remaining term of 12 months or less) and leases of low value assets are recognised as an operating expense on a straight-line basis over the term of the lease.

10 TRADE AND OTHER PAYABLES

10.1 Trade and other payables

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the financial year that are unpaid and arise when the Shire

becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.

10.2 Prepaid rates

Prepaid rates are, until the taxable event has occurred (start of the next financial year), refundable at the request of the ratepayer. Rates received in advance are initially recognised as a financial liability. When the taxable event occurs, the financial liability is extinguished and the Shire recognises revenue for the prepaid rates that have not been refunded.

11 CONTRACT LIABILITIES

Contract liabilities represent the Shire's obligation to transfer goods or services to a customer for which the Shire has received consideration from the customer. Contract liabilities are recognised as revenue when the performance obligations in the contract are satisfied.

12 BORROWINGS

12.1 Financial liabilities

Financial liabilities are recognised at fair value when the Shire becomes a party to the contractual provisions to the instrument.

Non-derivative financial liabilities (excluding financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.

12.2 Borrowing costs

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

13 EMPLOYEE BENEFITS

13.1 Short-term employee benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the statement of financial position.

13.2 Other long-term employee benefits

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any re-measurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.

The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

13.3 Provisions

Provisions are recognised when the Shire has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate if the amounts required to settle the obligation at the end of the reporting period.

14 INVESTMENT IN ASSOCIATE AND JOINT ARRANGEMENTS

14.1 Interests in joint arrangements

Joint arrangements represent the contractual sharing of control between parties in a business venture where unanimous decisions about relevant activities are required.

Separate joint arrangements providing joint ventures with an interest to net assets are classified as a joint venture and accounted for using the equity method. The equity method of accounting, whereby the investment is initially recognised at cost and adjusted thereafter for the post-acquisition change in the Shire's share of net assets of the associate. In addition, the Shire's share of the profit or loss of the associate is included in the Shire's profit or loss.

Joint operations represent arrangements whereby joint operators maintain direct interests in each asset and exposure to each liability of the arrangement. The Shire's interests in the assets, liabilities, revenue and expenses of joint operations are included in the respective line items of the financial statements.

15 OTHER SIGNIFICANT ACCOUNTING POLICIES

15.1 Goods and services tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).

Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

15.2 Current and non-current classification

The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Shire's operational cycle. In the case of liabilities where the Shire does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current or non-current based on the Shire's intentions to release for sale.

15.3 Rounding of figures

All figures shown in this statement are rounded to the nearest dollar.

15.4 Comparative figures

Where required, comparative figures have been adjusted to conform to changes in presentation for the current financial year.

When the Shire applies an accounting policy retrospectively, makes a retrospective restatement or reclassifies items in its financial statements that has a material effect on the statement of financial position, an additional (third) statement of financial position as at the beginning of the preceding period in addition to the minimum comparative financial statements is presented.

15.5 Budget comparative figures

Unless otherwise stated, the budget comparative figures shown in the annual financial report relate to the original budget estimate for the relevant item of disclosure.

15.6 Superannuation

The Shire contributes to a number of Superannuation Funds on behalf of employees. All funds to which the shire contributes are defined contribution plans.

15.7 Fair value of assets and liabilities

Fair value is the price that the Shire would receive to sell the asset or would have to pay to transfer a liability, in an orderly (i.e. unforced) transaction between independent, knowledgeable and willing market participants at the measurement date.

As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset or liability. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.

To the extent possible, market information is extracted from either the principal market for the asset or liability (i.e. the market with the greatest volume and level of activity for

the asset or liability) or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (i.e. the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs).

For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.

15.8 Fair value hierarchy

AASB 13 requires the disclosure of fair value information by level of the fair value hierarchy, which categorises fair value measurement into one of three possible levels based on the lowest level that an input that is significant to the measurement can be categorised into as follows:

Level 1

Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.

Level 2

Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3

Measurements based on unobservable inputs for the asset or liability. The fair values of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data. If all significant inputs required to measure fair value are observable, the asset or liability is included in Level 2. If one or more significant inputs are not based on observable market data, the asset or liability is included Level 3.

Valuation techniques

The Shire selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured. The valuation techniques selected by the Shire are consistent with one or more of the following valuation approaches:

Market approach

Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.

Income approach

Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.

Cost approach

Valuation techniques that reflect the current replacement cost of the service capacity of the asset.

Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Shire gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability are considered observable, whereas inputs for which market data is not available and therefore are developed using the best information available about such assumptions are considered unobservable.

15.9 Impairment of assets

In accordance with Australian Accounting Standards the Shire's cash generating non-specialised assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.

Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.

Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another Standard (i.e., AASB 116) whereby any impairment loss of a revalued asset is treated as a revaluation decrease in accordance with that other Standard.

For non-cash generating specialised assets that are measured under the revaluation model, such as roads, drains, public buildings and the like, no annual assessment of impairment is required. Rather AASB 116.31 applies and revaluations need only be made with sufficient regulatory to ensure the carrying value does not differ materially from that which would be determined using fair value at the ends of the reporting period.

First Adopted: 25 October 2017

Last review: 19 May 2021

3.1.2 PURCHASING & CREDITOR CONTROL

Policy Objective

- To provide compliance with the Local Government Act, 1995 and the Local Government Act (Functions and General) Regulations, 1996 (as amended in March 2007).
- To deliver a best practice approach and procedures to internal purchasing for the Shire of Kent.
- To ensure consistency for all purchasing activities that integrates within all the Shire of Kent operational areas.

Purpose

The Shire of Kent is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:

- Provides the Shire with a more effective way of purchasing goods and services.
- Ensures that purchasing transactions are carried out in a fair and equitable manner.
- Strengthens integrity and confidence in the purchasing system.
- Ensures that the Shire receives value for money in its purchasing.
- Ensures that the Shire considers the environmental impact of the procurement process across the life cycle of goods and services.
- Ensures the Shire is compliant with all regulatory obligations.
- Promotes effective governance and definition of roles and responsibilities.
- Uphold respect from the public and industry for the Shire's purchasing practices that withstand probity.

ETHICS & INTEGRITY

All officers and employees of the Shire of Kent 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 Local Government.

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 Shires policies and 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 Kent 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

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire of Kent. 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:

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

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 Kent 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's sustainability objectives.

Practically, sustainable procurement means the Shire 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 based on vehicle type and within the designated price range and best value to Council;
- For new buildings and refurbishments – where available use renewable energy and technologies.

PURCHASING THRESHOLDS

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

Amount of Purchase	Model Policy
Up to \$5,000	Direct purchase from suppliers requiring no quotations.
\$5,001 - \$19,999	Obtain at least two verbal or written quotations where possible.
\$20,000 - \$39,999	Obtain at least three written quotations where possible
\$40,000 - \$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) where possible.
\$250,000 and above	Conduct a public tender process.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$250,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$250,000, the normal tendering process is to be followed in full.

i) Up to \$5,000

Where the value of procurement of goods or services does not exceed \$5,000, no quotations are required.

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

ii) \$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 two verbal or written quotations (or a combination of both) are required. Where this is not practical, e.g. due to limited suppliers, it must be noted through records relating to the process.

The general principles for obtaining verbal quotations are:

- Ensure that the requirement / specification is clearly understood by the Local Government employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Read back the details to the Supplier contact person to confirm their accuracy.
- Written notes detailing each verbal quotation must be recorded.

i) \$20,000 to \$39,999

For the procurement of goods or services where the value exceeds \$20,000 but is less than \$39,999, 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).

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements.

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
 - 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.

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

ii) \$40,000 to \$249,999

For the procurement of goods or services where the value exceeds \$40,000 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.

The Local Government Purchasing and Tender Guide has a series of forms including a Request for Quotation Template which can assist with recording details. 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.

REGULATORY COMPLIANCE

i) 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 is under 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.

ii) 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.

iii) Anti-Avoidance

The Local Government 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 \$150,000, thereby avoiding the need to publicly tender.

iv) Tender Criteria

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

The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.

For Requests with a total estimated (Ex GST) price of:

- Between \$40,000 and \$99,999, the panel must contain a minimum of 2 members; and
- \$250,000 and above, the panel must contain a minimum of 3 members.

v) 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 local government 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 local government 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.

vi) 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 Kent not to compromise its Duty to be Fair.

vii) Tender Deadline

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

viii) 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 Council 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 Local Government. 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 Local Government Officers present at the opening of tenders.

ix) No Tenders Received

Where the Shire of Kent 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 \$40,000 & \$99,999 (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.

x) Tender Evaluation

Tenders that have not been rejected shall be assessed by the Shire of Kent 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.

xi) 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 Kent 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.

xii) Minor Variation

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

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.

xiii) 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.

xiv) 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 Local Government's internal records management policy.

3.1.3 AUTHORITY TO MAKE PAYMENTS FROM MUNICIPAL AND TRUST FUNDS

Policy Objective

To ensure there are appropriate financial control systems in place to authorise payments from Municipal and Trust funds in order to safeguard financial resources.

Policy Scope

This policy applies to the authorisation of all payments made from the Municipal or Trust funds.

Policy Statement

That the Chief Executive Officer and Deputy Chief Executive Officer be authorised to sign jointly from Council's Municipal Fund Account, Trust Fund Account, plus all Reserve Accounts held by Council, cheques and electronic funds transfers to a maximum of \$150,000.00 for payment of;

- Refunds of overpayments, deposits and bonds
- Postage
- Salaries
- Petty cash recoup
- Payment of creditors with discount available
- Nomination fees and expenses of delegations including authorised expenditure
- Shire vehicle licences
- Special emergency payments as authorised
- Loan Repayments
- Fortnightly creditor payments to be listed and endorsed at the next Council Meeting held after payment
- Transfer of monies between Council accounts as required

Where expenditure over \$150,000.00 is incurred in the course of administering larger projects, provided that the appropriate budget provision and tendering arrangements have been made and undertaken, the Chief Executive Officer and Deputy Chief Executive Officer will be authorised to authorise payments for the associated goods and services.

This policy is to be reviewed annually with other delegations with reference to approval for signatures for the financial year.

Where both signatories are not available, cheques may be signed by the available signatory and either the Shire President or Deputy Shire President.

3.1.4 REGIONAL PRICE PREFERENCE POLICY

Policy Objective

To assist local businesses with the opportunity to quote competitively with other businesses from outside the Shire of Kent and surrounding Shires.

Businesses within the Shire of Kent

A price preference policy is offered to suppliers of goods and services with business premises within the Shire of Kent which provides direct employment within the boundaries of the Shire of Kent. The price preference is for 10% of the value of the goods and services to a maximum purchase price of \$5000.

Businesses based within surrounding shires

A price preference is offered to suppliers of goods or services with business premises within the Shires of Katanning, Dumbleyung, Lake Grace, Gnowangerup and Jerramungup which provide direct employment within the boundaries of these Shires. The preference is for 5% of the good or services to a maximum purchase price of \$1000

Eligibility of Businesses for Regional Price Preference

The price preference is to be applied to businesses within the designated areas that have operated continuously for not less than 6 month.

Conclusion

Council staff are to ensure that every opportunity is given to utilise the goods & services provided by businesses under the abovementioned designated areas. Staff and councillors are to promote a “buy local” ethos within the community.

3.1.5 REVENUE COLLECTION

Policy Objective

To provide guidance to the accounts receivable staff of the Shire to ensure sound credit management and recovery of sundry debtors and collection of rates in a timely manner.

Policy Scope

This policy applies to Council staff responsible for recovery of all revenues owed to the Shire, including outstanding rates, service charges and all other general debts.

A significant proportion of revenue generated by the Shire is from property rates/charges and general fees and charges. Council will operate effective billing and debt collection processes including the efficient management of accounts receivable and related credit management, when a sundry debtor charge is raised.

Debts will be recognised at the time services are provided. The tax invoice will contain sufficient information so that the debtor can recognise the transactions included on the invoice and reconcile the debt if required.

Recovery of Rates and Service Charges

1. That a final notice be issued immediately following the expiration of 3 calendar months from the date of the rate notice, allowing fourteen days to pay or make suitable arrangements with the Chief Executive Officer for payment.
2. If payment is not forthcoming from the final notice, appropriate legal action to be instigated at the discretion of the Chief Executive Officer with approval of Council.
3. The Chief Executive Officer to continue issue of Warrant of Execution after delivery of summons unless some arrangement comes forward.
4. If rates and service charges remain **unpaid for two years** the Chief Executive Officer be authorised to lodge caveats on land where rates and service charges are in arrears and it is considered appropriate that the interest of the Council should be protected.
 - i. *The Chief Executive Officer be authorised to withdraw caveats lodged on land where the owner has met his/her obligation in relation to the rates and service charges outstanding.*

Recovery of Non-Rates Charges

If the invoice is not paid by the due date then the following procedure will take place:

1. A letter or reminder notice will be issued advising the debtor to contact administration otherwise payment is expected within two weeks of the issue date of the letter
2. If no response from (i) a demand notice may be sent to the debtor advising that if payment is not made within two weeks of this notice, then further action may be taken to recover the debt which could involve legal action. The debtor is to be advised that any fees incurred in recovering the debt will be passed on to the debtor.

3. Before any third party, such as a debtor recovery service, is engaged to recover the outstanding debt, the Chief Executive Officer must authorise the need to undertake further action.
4. Once all reasonable attempts to either locate the debtor or to obtain payment have failed, staff are to submit a written request to the Chief Executive Officer for the debt to be considered for write-off. Approval will then be sought from Council to have the debt written off.

Payment arrangements

Payment arrangements must be duly noted and authorised by a responsible officer. Defaulted arrangements will activate enforcement.

Write – off for Small Amounts Owing

The Chief Executive Officer is authorised to approve the write-off for amounts under \$50 each on outstanding rates and debtor accounts prior to 30 June each year.

Reporting

Finance staff will prepare a report for the Deputy Chief Executive Officer at the end of each month. The report will contain the reconciliation between the general debtor ledger and the Debtors Trial Balance and detail the amount outstanding into terms of current, 30 days, 60 days and 90+ days.

The reconciliation will also contain a schedule detailing follow up action for those outstanding debtors exceeding trading terms and the status of any special arrangements currently in place.

Taxation

Council will comply with its taxation and legislative obligations. GST applies to all invoices except in circumstances where the goods and/or services are not subject to GST.

3.1.6 CORPORATE CREDIT CARD

General

1. An agreement shall be signed by the cardholder and the local government which sets out the cardholder's responsibilities and legal obligations when using the credit card;
2. A register of all current cardholders shall be kept which includes, card number, expiry date of the credit card, credit limit and details of goods and services the cardholder has authority to purchase;
3. All new and existing cardholders shall be provided with a copy of the policies in relation to the use of credit cards;
4. The card is withdrawn in the event their employment ceases, an extended period of leave is taken or they are moved to a position, which does not require the use of a credit card, the card holder must notify the Chief Executive Officer two weeks before termination date, to arrange cancellation and to ensure all receipts and their credit card has been settled;
5. In the event that the cardholder loses or misplaces their credit card they will need to report this to the issuing financial institution by telephone. Written notification must also be forwarded to the Chief Executive Officer;
6. Cardholders cannot transfer the Corporate Credit Card to other users. An Account Number will only be assigned to one cardholder;
7. When the Corporate Credit Cards issued by the financial institution include reward schemes, these will be accumulated in the name of the Shire of Kent. The Chief Executive Officer, at their discretion, will decide how these rewards are to be utilised and could include offering these to charitable institutions, or sporting clubs. Under no circumstances is the reward scheme to be used for a Staff/Councillor private benefit;
8. All surrendered Corporate Credit Cards must be return to the Chief Executive Officer who will make arrangements for the destruction of the card; and
9. Where the cardholder fails to meet the policy guidelines, the Chief Executive Officer may request that the card be withdrawn or a temporary disqualification from use of the credit card or alternative action taken by the Chief Executive Officer.

Cardholders breaching Corporate Credit Card Policy

1. Any officer that believes a cardholder is entering into transactions that are seen to be unauthorised, excessive, and unreasonable should report the issue to the Chief Executive Officer. Any breach by a cardholder will require an investigation into activities and, if necessary, action to be taken by the Chief Executive Officer, resulting in withdrawal of the card or termination of employment;
2. Cardholders who do not follow any component of the Policy, at the discretion of the Chief Executive Officer, may have their Corporate Credit Card cancelled;
3. If the purchase has a component that is private in nature, the entire purchase will be recovered by the cardholder as private expenditure.

Purchasing

1. Corporate credit cards are only to be used for purchasing goods and services on behalf of the Shire of Kent which is authorised in the Current Budget. Cardholders must follow 4.11 Shire of Kent Purchasing Policy;
2. Personal expenditure is prohibited;
3. Corporate Credit Cards are not to be used for cash withdrawals;
4. Maximum credit limits are to be based on the cardholder's need - \$10,000 for the Chief Executive Officer, \$5,000 for the Deputy Chief Executive Officer and \$3,000 for the Works Manager; and
5. Where the purchase has been made via facsimile, telephone, or over the internet an invoice or receipt is required in all circumstances and must contain details of the purchase.
6. For Fringe Benefit Tax purposes, any expenditure must include the number of people who were in attendance and the full names of any Shire staff.

Payments

1. There will be a monthly account statement that will be sent to the respective cardholder to certify statement and they will also be required to attach all invoices/receipts for transaction. All paperwork must be returned to the Chief Executive Officer within 7 days of receiving statement.
2. Once the cardholder has returned the statement, it must be signed by their manager. The Shire President will be required to authorise and sign the Chief Executive Officer's statement.
3. All invoices/receipts must include the suppliers ABN, amount and whether GST applies, and a brief description of goods and services purchased.
4. Expenditure on entertainment shall be as per Chief Executive Officer's pre-approval.

Financial Institution

The Shire Corporate Credit Cards are to be issued by the financial institution that municipal transactions are made (referred to as transaction account).

Authorised Use and Limits

1. Corporate Credit Cards may be issued to the Chief Executive Officer and any authorised officers that would benefit from using this payment method.
2. Council must approve the use of a credit card to the Chief Executive Officer and any changes to their credit card limit.
3. The Chief Executive Officer may approve the use and any changes to credit card limits for any authorised officers.
4. The Local Government Act 1995 does not allow for the issue of Corporate Credit Cards to elected members. There are no provisions within the Act which allow an elected member to incur a debt, as would be the case with a credit card.

Chief Executive Officer

Council approves the following conditions for the Chief Executive Officer:

1. That a Corporate Credit Card be issued.
2. The card limit is \$10,000 and may only be used for Shire of Kent transactions.
3. The Shire President or Council must approve the monthly statements for the Chief Executive Officer.
4. All other terms and conditions set out in this policy and other relevant policies must apply.

Finance Staff Responsibilities

Finance Services must:

1. Arrange the issue and cancellation of Corporate Credit Cards when requested by the Chief Executive Officer.
2. Maintain a register of all cardholders.
3. Provide cardholders with the Policy, and where required any changes to the policy and their responsibilities and obligations as cardholders.
4. Process payments of Corporate Credit Cards. This includes ensuring all receipts and tax invoices have been attached and the relevant authorising officers have signed off on the statements.
5. Arrange for all cardholders to sign the Corporate Credit Card Agreement (refer to Appendix A) on receipt of the issue of the new card and ensure the signed agreement is placed in the Corporate Credit Card Register.

Cardholders Responsibilities and Obligations

Cardholders must:

1. Keep their card in a safe place.
2. Make payments that are within their card limit, budget, and authority to do so.
3. Adhere to the policy and procedures in relation to Corporate Credit Policy and Purchasing Policy.
4. Ensure that all receipts and tax invoices are kept and submitted to Finance Staff with credit card statements, within seven (7) days of receipt.
5. Costing accounts must be against each item of the credit card statements.

Delegated Authority

Other Relevant Policies and Documents

Local Government Act 1995

Other relevant legislation

Work Procedures

Nil

Appendix A - AUTHORITY FOR ISSUE OF CORPORATE CREDIT CARD

Name of Cardholder:	
Position:	
From:	Chief Executive Officer
Date:	

CORPORATE CARD USER AGREEMENT

As the Chief Executive Officer, I have authorised the issue of a Shire of Kent Corporate Credit Card in line with your official duties as a Shire Officer. The following conditions apply:

1. You have been authorised a card limit of \$ _____
2. All transactions are within the allocated budget provisions of the _____ (respective business unit) you have authority to purchase under.
3. The card is issued in your name, however it is a corporate credit card and all transactions must be official transactions on behalf of the Shire of Kent. Under no circumstances must the card be used for private purposes. When a transaction has a small component of private expenditure in nature, the entire transaction must be refunded.
4. At anytime, the Chief Executive Officer can call an enquiry into the use of the card, and any findings of transactions that are unauthorised, excessive or unreasonable will result in disciplinary action.
5. The card must be kept in a safe place.
6. Under no circumstances can cash be withdrawn from the card.
7. All tax invoices and receipts must be kept to validate transactions. Note, a credit card statement or EFTPOS receipt is not acceptable (GST cannot be claimed as it does not meet GST requirements to claim a refund). Cardholders must ensure tax invoices and receipts contain the following:
 - a. Suppliers Name.
 - b. Suppliers ABN
 - c. Brief description of goods and services supplied.
 - d. Identifies transactions where GST applies.
 - e. If the transaction relates to entertainment, the cardholder must document how many people they entertained, and the names of the Shire Officers that attended (for Fringe Benefit Tax purposes).
8. Cardholders must mark next to all transactions the costing accounts and ensure all tax invoices and receipts are attached to the monthly account. The cardholder must certify that the transactions on the statement are correct and has seven (7) working days, from the receipt of statement, to return to Finance Services.
9. Only supervisors can sign off on credit card statements, and in case of the Chief Executive Officer, this must be signed off by the Shire President.
10. If the card is lost or stolen, you must contact Commonwealth Bank Customer Service on 13 222. The Chief Executive Officer must also be notified in writing to arrange a replacement card.
11. If your employment is terminated, your card and all tax invoices and receipts must be submitted to the Senior Finance Officer, two (2) weeks before employment is ceased to ensure the account is settled.
12. If you agree to abide by the terms above and all other conditions set out in Council Policy Manual 4.11.8 – Corporate Credit Cards, please sign and return this statement to the Chief Executive Officer.

3.1.7 INVESTMENT

Policy Objective

This policy is to provide guidance for investing surplus Council funds, that may not be required for immediate use, at the most favourable rate of interest whilst having due consideration to the risk and taking into account legislative requirements.

Policy Scope

This policy applies to all funds (including general, reserve funds and other restricted funds) invested by Council.

Delegated Authority

That the Chief Executive Officer be given full authority to arrange the lodgement of interest bearing deposits, in accordance with the Local Government Act, of any temporary surplus in the Municipal, Loan Capital or Trust Funds.

Process

1. The Chief Executive Officer upon review of current funds required and available may direct the Finance Officer to invest a nominated amount in an investment or term deposit account with a financial institution.
2. The Finance Officer will:
 - i. Invest the nominated funds in a new term deposit fund; or
 - ii. Invest the nominated funds within an existing term deposit if there are funds maturing.
3. When determining the term for any investments, consideration will be given to other term deposit maturity dates, and expected expenditure for the deposit term.
4. When investing money under section 6.14(1), a local government may not do any of the following:
 - i. deposit with an institution except an authorised institution;
 - ii. deposit for a fixed term of more than 12 months;
 - iii. invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
 - v. invest in bonds with a term to maturity of more than 3 years;
 - vi. invest in a foreign currency.
5. Upon a term deposit maturing, consideration will be given as per 2(c) to what funds if any will be reinvested, and for what new term.
6. All instructions to the institution and transactions will be recorded in an investment register detailing:
 - i. Date invested
 - ii. Term
 - iii. Maturity date
 - iv. Interest rate
 - v. Institution reference number
 - vi. Previous institution reference number (if applicable)
 - vii. Transaction type – capital invested, interest earned, capital withdrawn, investment balance, interest earned credited to municipal funds, date credited in cash book

- viii. Any comments that may be relevant

Investor Selection

The Council's preferred investing institution is the Commonwealth Bank, but periodically other institutions will be checked to ensure Council is investing funds at a competitive rate.

Council is not committed to invest with any one institution.

Any intended investments outside the normal banking institutions are referred to Council prior to commitment of funds.

3.1.8 REQUESTS FOR DONATIONS AND FINANCIAL ASSISTANCE

Policy Objective

The purpose of this policy is to provide guidelines for the application; assessment and determination of requests received for funding from not for profit community based organisations, event organisers and individuals to support the promotion and development of projects with social, economical, recreational and cultural benefits to the community.

Policy Scope

This policy will provide guidance to community groups, individuals and organisations seeking financial support from Council.

From this policy, guidance will be provided to Councillors and Council staff in assessing requests for donations and financial support from Council.

Eligibility

The following criteria will be applied when evaluating the eligibility of requests for donations and financial assistance from Council:

- Be a not-for-profit community based group or organisation that are either based within the Shire of Kent or provide services and activities within the area that make a positive contribution to the Shire of Kent.
- Include within the request information that shows direct benefits to the community.
- Demonstrate within the request their contribution in the form of cash, voluntary service, other grant funding or in-kind support.

Ineligibility

Council does not make donations under this Policy to:

- Individuals;
- Profit making businesses;
- Political parties or lobby groups (religious groups may be eligible if it can be demonstrated that the program or project is of benefit to the wider community);
- Organisations based outside the boundary of Kent Shire, unless the demonstrated benefits are primarily to the Kent community.
- Council will only enter into a donation arrangement with an organisation/group whose reputation and image is consistent with the values, objectives and policies of the Council.

Recurring Donations

The following are recurring grants which are reviewed annually by Council and are subject to this policy:

Pingrup Post	\$1,000
Pingrup Races	\$ 500
Golf Club (Kent Shield)	\$ 500
Nyabing and Pingrup Parents & Citizens Associations Swimming Lessons	\$2,500
Pingrup Recreation Reserve	\$3,000**
Nyabing Recreation Reserve	\$3,000**

*** Subject to annual Budget consideration, Council will match the Ground Improvement Committee's contributions to the recreation reserves, on a one to one basis to a maximum of \$3,000 each. However should a committee be unable to commit a matching contribution of \$3,000 the balance of that contribution is to be offered to the other sporting committee on matching basis ***

Rates

Council may at its discretion, grant a donation of up to 100% of the rates, levied on land, leased by various bodies for the purpose of raising funds to be utilized on improvements to the facilities.

Sundry Donations

Donation requests up to the value of \$300 will be submitted to the Chief Executive Officer for consideration and the final decision.

Requests over \$300 will be submitted to the Council at the next meeting of the Council for consideration and make the final decision in the form of a resolution of the Council.

Waiver of Fees and Charges

All eligible requests for a Waiver of a Fee and Charge will be assessed at the discretion of the Chief Executive Officer with limitations under delegated authority.

Provision of In-Kind Support

For in-kind support requests to be assessed, they are to outline the support required by Council in detail.

The Chief Executive Officer in conjunction with Council, will consider requests for the provision of in-kind support such as:

- Provision of venues;
- Labour and plant assistance;
- Administrative assistance;
- Promotion through the Shire's communication channels or other non-monetary resources for a specific event or initiative;
- Provision of two night's accommodation at Pingrup Caravan Park for Pingrup Race Club.

The activity, event, competition or project must be offered within the Shire of Kent boundaries.

Halls and Pavilions – Hire Fees

The fee rate for Halls, Pavilions and equipment hire shall be as set annually by Council.

Where the following bodies hire Halls, Pavilions, furniture and equipment, the hire fee will be donated subject to the usual conditions of hire:-

- Health Department of WA Clinics
- Doctors
- Police
- Kent District Based Groups:-
 - Church Groups
 - Country Women's Association
 - Dancing Schools (volunteer only)
 - Guides & Brownies
 - Kindergartens
 - Music Teachers (volunteer only)
 - Schools
 - Parents & Citizens Associations (for the purpose of fundraising only)
 - Service Clubs
 - Sporting Association
 - St. John Ambulance Association
 - Craft Groups
 - "Other non-profit Community Groups"

The actual setting of fees and charges for the hire of halls, pavilions and equipment is reviewed annually as part of Council's Budget process, and it is therefore inappropriate that any reference to such should be made in Council Policy.

It is appropriate, however, for Council to have a Policy in relation to the provision of facilities to community groups free of charge.

Any users wishing to have free usage of facilities are to apply in writing to Council.

First Adopted: 21 March 2018

Last review: 23 June 2021

3.1.9 RELATED PARTY DISCLOSURES

Background

Effective from 1 July 2016 in accordance with *Australian Accounting Standard AASB124 – Related Party Disclosures*, local governments must disclose certain related party relationships and related party transactions together with information associated with those transactions in the annual financial report in order to comply with the standard.

In June 2017 the then Department of Local Government and Communities released an implementation guide for AASB124 Related Party Disclosures. The objective of this guide is to ensure local government financial statements contain the disclosures necessary to draw attention to the possibility that its financial position may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

It is important to note that AASB124 is not designed to detect and report fraud or misconduct. It is more so to enhance transparency and accountability of Council transactions.

Purpose

The purpose of this policy Related Party Disclosures is to define the parameters for Related Party Transactions and the level of disclosure and reporting required for the Shire of Kent to achieve compliance with the AASB124 - Related Party Disclosures.

Identification of Related Parties

Related parties includes a person who has significant influence over the reporting entity, a member of the key management personnel (KMP) of the entity, or a close family member of that person who may be expected to influence that person.

KMP are defined as persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly. For the purposes of determining the application of the standard, the Shire of Kent has identified the following persons as meeting the definition of Related Party:

- An elected Council member
- Key management personnel being a person employed under section 5.36 of the Local Government Act 1995 in the capacity of Chief Executive Officer or Director
- Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner.
- Entities that are controlled or jointly controlled by a Council member, KMP or their close family members. (Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).

The Shire of Kent will therefore be required to assess all transactions made with these persons or entities.

Identification of Related Party Transactions

A related party transaction is a transfer of resources, services or obligations between the Shire of Kent (reporting entity) and the related party, regardless of whether a price is charged.

For the purposes of determining whether a related party transaction has occurred, the following transactions or provision of services have been identified as meeting this criteria:

- Paying rates
- Fines
- Use of Council owned facilities such as [public buildings, library, parks, ovals and other public open spaces (whether charged a fee or not)]
- Attending council functions that are open to the public
- Employee compensation whether it is for KMP or close family members of KMP
- Application fees paid to the Council for licences, approvals or permits
- Lease agreements for housing rental (whether for a Council owned property or property sub-leased by the Council through a Real Estate Agent)
- Lease agreements for commercial properties
- Monetary and non-monetary transactions between the Council and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Council (trading arrangement)
- Sale or purchase of any property owned by the Council, to a person identified above.
- Sale or purchase of any property owned by a person identified above, to the Council
- Loan Arrangements
- Contracts and agreements for construction, consultancy or services

Ordinary Citizen Transactions (OCT's)

Some of the transactions listed above, occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives. These transactions are those that an ordinary citizen would undertake with council and are referred to as an Ordinary Citizen Transaction (OCT). Where the Council can determine that an OCT was provided at arms length, and in similar terms and conditions to other members of the public and, that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

The Shire of Kent exempts the following OCT transactions from reporting:

- Paying rates
- Fines and other Fees and Charges
- Use of Shire of Kent owned facilities such as recreation centres, public halls, libraries, parks, ovals and other public open spaces (whether charged a fee or not)
- Attending council functions that are open to the public
- Supply of gravel sand or other materials, goods or services that any other ratepayer can or does provide to Council.

Frequency of Disclosures

Frequency of disclosures Elected Council members and KMP will be required to complete a Related Party Disclosures - Declaration form annually or when they leave the Shire of Kent as an elected member or on cessation of employment, whichever comes earlier.

Disclosures must be made by all Councillors immediately prior to any ordinary or extraordinary election.

Disclosures must be made immediately prior to the termination of employment of/by a KMP.

Confidentiality

All information contained in a disclosure return, will be treated in confidence. Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified. Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality. Individuals may be specifically identified, if the disclosure requirements of AASB124 so demands.



3.1.10 FINANCIAL HARDSHIP POLICY

Policy Objective

To give effect to the Shire's commitment to support the whole community to meet the unprecedented challenges arising from a declared State of Emergencies, the Shire of Kent recognises that these challenges may result in financial hardship or ratepayers or debtors of the Shire.

This Policy is intended to ensure that the Shire offers fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time.

Policy Scope

This policy applies to:

1. Outstanding rates and service charges as at the date of adoption of this policy; and
2. Rates and service charges levied during any period where a declared State of Emergency is in force.

It is a reasonable community expectation, as the Shire deals with the effects of the any declared State of Emergency that those with the capacity to pay rates will continue to do so. For this reason the Policy is not intended to provide rate relief to ratepayers who are not able to evidence financial hardship and the statutory provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* will apply.

Policy Statement

1. Payment difficulties, hardship and vulnerability

Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants. The Shire of Kent recognises the likelihood that a declared State of Emergency will increase the occurrence of payment difficulties, financial hardship and vulnerability in our community. This policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.

2. Financial Hardship Criteria

While evidence of hardship will be required, the Shire recognises that not all circumstances are alike and will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:

- Recent unemployment or under-employment
- Sickness or recovery from sickness
- Low income or loss of income
- Unanticipated circumstances such as caring for and supporting extended family

Ratepayers are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. The Shire will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

3. Payment Arrangements

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

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

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

4. Interest Charges

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

5. Deferment of Rates

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

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

6. Debt recovery

Debt recovery processes may be suspended whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the 3rd due payment, then the Shire will continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any Rates and Service Charge debts that remain outstanding on 1 July 2021, the Shire will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of the 2021/2022 financial year.

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

7. Review

The Shire will advise ratepayers or debtors of all decisions made under this policy, and advise them of their right to seek review by the full Council.

8. Communication and Confidentiality

The Shire will maintain confidential communications at all times and we undertake to communicate with a nominated support person or other third party at your request.

The Shire will advise ratepayers of this policy and its application, when communicating in any format (i.e. verbal or written) with a ratepayer that has an outstanding rates or service charge debt.

The Shire recognises that applicants for hardship consideration are experiencing additional stressors, and may have complex needs. The Shire will provide additional time to respond to communication and will communicate in alternative formats where appropriate and will ensure all communication with applicants is clear and respectful.

First Adopted: 15 April 2020

Last review: 23 June 2021

Policy Position 3.2 – Administration Policies (FA3.2)

3.2.1 RECORD KEEPING POLICY

The Shire of Kent is committed to sound recordkeeping practices to ensure that information is available to support its business functions and operations. Good recordkeeping supports accountability and transparency, and ensures that records of ongoing historical and cultural significance are retained.

The purpose of this policy is to ensure that complete and accurate records and information from all of the Shire's business activities are created, captured, managed and retained or disposed of appropriately.

2. Compliance with Legislation

The Shire of Kent will comply with the recordkeeping requirements of the

- *State Records Act 2000*;
- *State Records Principles and Standards 2002*;
- *Freedom of Information Act 1992*;
- *Local Government Act 1995*;
- *State Records Office publications*:
- *State Records Office General Disposal Authority of Local Government Records*
- *State Records Office General Disposal Authority for Source Records*.
- *Digitisation Specification*
- *Shire of Kent Recordkeeping Plan*

3. Ownership and Custody

The ownership and custody of the Shire of Kent's records and information assets, resides with the Shire, irrespective of whether it was received or created by Shire Officers, Elected Members, contractors, consultants, volunteers and organisations performing work on behalf of the Shire. Regardless of type, format or media, all records and information resides within the Shire and not the individual.

The Shire of Kent will retain the custody and control of records and information in compliance with the *State Records Act 2000*, *State Records Principles and Standards 2002* and the Shire's *Recordkeeping Plan*.

4. Roles and Responsibilities

4.1 Chief Executive Officer

The Chief Executive Officer is accountable for the overall appropriateness and compliance of the Shire of Kent's recordkeeping system to the requirements of the *State Records Act 2000*. In addition, the Chief Executive Officer must also ensure that the organisational system for the capture and management of records and information is compliant with legislative requirements and meets best practice standards.

The Chief Executive Officer, together with all Shire staff, supports and fosters a culture of good recordkeeping within the Shire of Kent

4.2 Managers and Shire Officers

All Shire managers and officers are responsible for ensuring that records and information created, as a result of their official roles, regardless of type, format or media, is captured into the Shire's recordkeeping system.

In addition, Shire staff must ensure that records and information is kept secure, made accessible and disposed of in an appropriate manner.

Shire officers who cease employment with the Shire of Kent must ensure that prior to departure, all of the records and information in their possession or under their control has been captured in the Shire's recordkeeping system as appropriate. This requirement applies regardless of type, format or media.

4.3 Third Parties (Individuals and Organisations)

Any contract, agreement or other similar arrangement must include a requirement for external providers to manage records in accordance the Shire's Recordkeeping Plan and this Policy.

All Shire Officers, who are responsible for the contract, agreement or similar arrangement, must in liaison with the relevant third party (ies) arrange for all records to be transferred to the Shire of Kent at the conclusion of the contract, agreement or similar arrangement. This is in adherence to the Shire's Recordkeeping Plan and with the *State Records Commission Standard 6 – Outsourcing*.

5. Access and Security

5.1 Internal Access

The Shire of Kent will work to ensure access to the records and information that is needed in order to undertake business activities. It will do this while maintaining appropriate security over records which contain classified, commercially sensitive and personal information.

The Shire's records and information asset is a corporate resource that can be accessed by any Shire Officer, except where the nature of the information requires security controls. The purpose of these controls are to protect

a) The privacy of:

- Individual Shire Officers;
- The Shire of Kent's customers and stakeholders; and
- Third parties working with/for the Shire.

b) Records and information which are considered to be sensitive and confidential, as well as records and information, that if disclosed, may result in damage to the Shire's commercial interests, intellectual property or trade secrets.

5.2 Privacy

While Western Australia does not have privacy legislation, the Shire of Kent will support the spirit and intent of the Australian Federal *Privacy Act 1988* and its thirteen Australian Privacy Principles. The Shire will act to ensure the security of personal information. It aims to protect it against loss and unauthorised access, use, modification or disclosure.

5.3 Access to Personal Information

Records and information, including personal files, containing personal information about a Shire Officer or former officer is accessible to the individual concerned. Members of the Shire's staff who wish to view their own file may **contact the Chief Executive Officer**.

6. Recordkeeping System

The Shire of Kent will implement and maintain a recordkeeping system to capture, manage, retain and preserve records that are accurate, authentic, accessible and useable. Use of such a system will ensure that records are secure from unauthorised access, damage and misuse. The system will be managed to comply with the legislative and regulatory environment while supporting business processes.

Records to be captured and managed includes all records created, captured, received and used by the Shire of Kent in the normal course of business, regardless of type, format or media. This may include, but not be limited to hardcopy and electronic correspondence, email, facsimile, databases, social media and websites.

All Shire Officers and Third Parties will be provided records and information management training appropriate to their individual responsibilities under this Policy.

7. Disposal and Retention of Records

Regardless of format or medium, all of the Shire of Kent's records and information may only be disposed of in accordance with the *State Records Office's General Disposal Authority for Local Government Records* and the *General Disposal Authority for Source Records*. This also applies to records and information held within business systems.

Disposal of all records and information, electronic and physical, will be undertaken in a secure manner and with the proper authorisation as stated in the Shire's Recordkeeping Plan and relevant procedures and guidelines.

7.1 State Archives

Records designated as State Archives will be held by the Shire of Kent until required by the State Records Office. These records will be held in secure and monitored premises.

7.2 Investigations or Inquiries

If an Investigation or Inquiry is in progress (or likely or imminent), or if a request for access to information under the *Freedom of Information Act 1992* has been lodged, all records relevant or subject to the Investigation / Inquiry / FOI request must be identified and retained until the action and any subsequent actions are completed. This applies regardless of whether the records in question are due for destruction.

7.3 Records Relating to Aboriginal People
Section 76 of the *State Records Act 2000* requires that:
"If a State records contains information about –
(a) *Aboriginal cultural material or an Aboriginal site, or (b) any other matter relating to the heritage of Aboriginal Australians.*

These decisions must not be made unless Aboriginal bodies concerned with that information have been consulted about the decision –

- (a) a decision on whether the record will be a State archive;*
- (b) if the record is not a State archive, a decision as to the retention period for the record."*

8. Definitions

Access	Right, opportunity, means of finding, using or retrieving information. (<i>International Standard ISO 15489.1: 2017 Records Management Part 1, Clause 3.1</i>)
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<i>Capturing Records</i>	This involves registering business-related information as a record into the Shire of Kent's recordkeeping system.
<i>Council</i>	In this document means the Local Government office and the Council of the Shire of Kent
<i>Creating Records</i>	The process of generating or receiving business-related information in any format or media.
<i>Disposal</i>	Any method of removing records from an organisation's control through an approved process. Disposal actions include destruction, transfer of custody, or archiving of records.
<i>Disposal Authority</i>	A document which defines the minimum periods of time for which different classes of records must be kept. It stipulates how the records are to be disposed, whether by destruction or retaining them permanently. A disposal authority is approved by the State Records Commission.
<i>General Disposal Authority</i>	Is a document setting out the disposition of records and authorising their disposal. The Shire of Kent is required to comply with the <i>General Disposal Authority for Local Government Records and the General Disposal Authority for Source Records</i> .
<i>Government Record</i>	Is a record created or received by or for a government organisation or a government organisation employee or contractor in the course of the work for the organisation (State Records Act 2000)
<i>Record</i>	Recorded information, in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity. (International Standard ISO 15489, Records Management, Part 3 Terms and Definitions, Clause 3.1515489)
<i>Recordkeeping Plan</i>	A Recordkeeping Plan sets out the matters which relate to how records are to be created by and how the organisation will keep its records. Western Australian government organisations are required to have a Recordkeeping Plan. It may comprise one or more documents. It must provide an accurate reflection of the records management program within the organisation. It needs to include information about: <ul style="list-style-type: none"> • The organisation's records management system/s; • Disposal arrangements; • Policies, practices and processes; and Sufficient evidence that best practices have been implemented within the organisation. (State Records Office)
<i>Recordkeeping System</i>	Is a system to capture, maintain and provide access to records over time that displays features for ensuring authentic, reliable, complete and usable records that function as evidence of business transactions. (State Records Office)
<i>State Archive</i>	Means a State record that is to be retained permanently. (State Records Office)
<i>State Record</i>	Means a parliamentary record or a government record. (State Records Office)
<i>State Records Act 2000</i>	An Act to provide for the keeping of State records and for related purposes. It is the most significant piece of legislation affecting the management of State records. The Act and the accompanying <i>State Records (Consequential Provisions) Act</i> were proclaimed on 30 November 2001. The Act replaced the archives and recordkeeping aspects of the <i>Library Board of Western Australia Act 1951-1983</i> . (State Records Office)
<i>State Records Commission</i>	The State Records Commission was established in July 2001 under the terms of <i>Part 8 of the State Records Act 2000</i> . The Commission consists of four members: the Auditor General, the Information Commissioner, the Ombudsman, and an appointee with recordkeeping experience from

outside Government (that is, someone who is not a public service officer under the terms of the *Public Sector Management Act 1994*). The fourth Commissioner is appointed by the Governor for a three year term. The Commission's functions are set out in the *State Records Act 2000*) (State Records Office)

State Records Office The State Records Office of Western Australia is the Western Australian public records authority with responsibility for managing, preserving and providing access to the State's records. The State Records Office operates as a Government agency within the Department of Local Government, Sport and Cultural Industries. (State Records Office)

State Records Principles and Standards 2002 In accordance with *section 61 of the State Records Act 2000*, the State Records Commission is required to produce principles and standards to govern recordkeeping by State organisations. These principles and standards represent the core recordkeeping requirements for Western Australian State and local government agencies.

Change History

Version	Issue Date	Author	Reason for Change
V01.1	17 November 2021	Gail Murphy from IEA (information Enterprises Australia) Pty Ltd	External review – suggested changes

Authorisation

The Recordkeeping Policy for the Shire of Kent is issued under authority of the Chief Executive Officer. It was developed to ensure that complete and accurate records and information from all of the Shire's business activities are created, captured, managed and retained or disposed of appropriately.

Document Control

Policy Number	3.2.1
Policy Version	1
Creation Date	17 November 2021
Last Review Date	9 February 2022
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	<i>Local Government Act 1995</i> <i>Freedom of Information Act 1992</i> <i>State Records Act 2000</i>
Related Documents:	Shire of Kent Recordkeeping Plan Shire of Kent Elected Members Recordkeeping Responsibilities Shire of Kent Vital Records Guideline Shire of Kent Guideline for the Management of Digital Records and Documents Shire of Kent Guideline for the Retention and Disposal of Hard Copy Records

3.2.2 COMMON SEAL

Policy Statement

As per Section 9.49 of the Local Government Act, a document, is, unless the Act requires otherwise, sufficiently authenticated by a local government **without** its common seal if signed by the Chief Executive Officer or an employee of the local government who purports to be authorised by the Chief Executive Officer to so sign.

Council policy is that, when the Act requires the Common Seal to be affixed, the seal of the Municipality is to be affixed to documents in the presence of the Shire President and the Chief Executive Officer only. In the absence of either the Shire President or the Chief Executive Officer, and only when documents need to be executed urgently, the Seal may be affixed in the presence of the person/s acting in the capacity of the Shire President and/or the Chief Executive Officer.

A report is to be given to each Ordinary meeting of Council listing each document with which the common seal was executed.

3.2.3 ALCOHOL CONSUMPTION – COUNCIL FACILITIES

Policy Objective

The purpose of this policy is to manage the responsible consumption of alcohol within any Council owned facility.

Policy Scope

This policy will provide clarity to all users of any Council facility regarding their requirements in relation to the sale and consumption of alcohol.

Policy Statement

Council has no objection to the sale and consumption of liquor by local organisations in Council facilities, assuming that the individual hirer has already made arrangements to hire Council facilities and such facilities are available, and subject to compliance with the requirements of the Department of Racing, Gaming and Liquor, as appropriate.

The Chief Executive Officer or in his/her absence the Deputy Chief Executive Officer may permit the consumption of alcohol at Halls and Pavilions.



HOUSING POLICIES

Policy Number:	HOU 4
Policy Title:	Housing Policies
Date Adopted:	25 October 2017
Date Reviewed:	First Adoption
Policy Type:	Governance/Finance

Policy Position 4.1 – Housing Policy (HOU4)

4.1.1 HOUSING

Policy Objective

To provide access to housing to quality staff and to ensure that the organisation can attract staff to deliver organisational outcomes.

Housing Rental

Shire of Kent employees receive subsidised housing, which is based on market rental values.

Surplus staff housing rentals are determined purely based on the market value for rental of that particular nature in this area.

Allocation of Housing

The Shire of Kent provides housing for employees. Staff housing is vital to attract staff to ensure that organisational objectives are met.

Surplus staff housing may be available for community usage. Surplus staff housing will be advertised for rent as they become available. Applications will be required to be submitted to be considered for surplus staff housing.

N.B. The Shire of Kent **DOES NOT** maintain a waiting list for surplus staff housing.

Applications received in regards to community housing will be assessed on their individual merit. Selection criteria will include but will not be limited to:

- Number of people residing in the premises
- Ability to pay rent punctually
- Comments received from referees
- Circumstance of application

You are not permitted to vary the number of people living in our rental properties without prior consent of the Shire of Kent.

Inspection of Properties

The Shire of Kent will carry out inspections twice per year, generally in April and November. Tenants will be notified at least two weeks in advance of the inspection date and approximate time. Tenants are given the option to be present during an inspection.

Tenants Handbook

All tenants will be provided with a copy of the tenant's handbook prior to tenant moving in. Tenants must ensure that they comply and understand all components of the handbook.

Gutter Cleaning

The owner will be responsible for the cleaning of gutters on all Shire properties as required.

Floor Coverings

Cleaning or carpets in Council residences is the responsibility of the tenant during tenure.

Pest Control

Council staff are to arrange for all Shire owned properties to be professionally treated for pest control every two years or more frequently where required in special circumstances.

Tenant Additions and Improvements

Any additions or improvements made by tenants to Shire owned residences will become the property of Council, with the understanding that any such additions or improvements will require Council approval in writing prior to commencement of works.

Contents

All new Shire owned residences are to contain the following:

- a) Window treatments
- b) Carpets to bedrooms, lounge and family rooms
- c) Lino to meals and kitchen areas
- d) Tiles to WC, bathroom and laundry areas
- e) Bathrooms to have vanity cupboards
- f) Suitable linen, kitchen and storage cupboards
- g) Suitable heating system
- h) Suitable hot water system
- i) Fully reticulated lawn and garden areas
- j) Carport and/or garage
- k) Garden shed
- l) Built-in wardrobes in main bedrooms

All existing residences are to be brought up to this standard as time and funds permit.

4.1.2 COST OF WATER CONSUMPTION

Policy Objective

To ensure that water rates and consumption charges on shire owned residences are allocated and charged out correctly.

Policy Statement

The expenses of water rates and water consumption charges at shire owned residences are set out as follows:

Contract Staff

All water expenses to be included within contracts.

Other Employees

Council will meet the expense of water rates and water consumption charges for up to 320 kilolitres per annum.

Surplus Staff Housing Tenants (non-employees)

Council will meet the expense of water rates and water consumption charges for up to 50 kilolitres per annum. Staff will invoice tenants accordingly to tenants in excess of the 50 kilolitre allowance.

4.1.3 LAND ACQUISITION AND DISPOSAL

Policy Objective

The Shire of Kent will from time to time acquire and dispose of its land assets. This policy aims to ensure best value is achieved in Council land dealings.

Land Acquisitions

Council is to have one vacant residential block in Nyabing and Pingrup, where possible, as a minimum, as part of its asset base at all times.

Properties are to be identified taking into consideration the purpose for which they need to be acquired and the strategic nature of such properties.

Where properties are listed for sale on the open market, Council officers shall negotiate the terms of purchase with either the vendor or the vendor's agent. Where properties are not listed on the open market, any negotiations are to be conducted on the basis that a formal offer cannot be made until Council has considered the purchase of the property.

Land Disposals

When considering the disposal of Land and buildings, the asset needs to be evaluated against several criteria to determine whether the property is retained or sold.

- Existing usage – Is the land used or likely to be used to meet operational, community or recreational needs?
- Potential future use – is the land likely to be required for Council's operational needs.
- Conservation value – does the land have cultural, natural or heritage value that should be maintained?

- Site constraints and opportunities – in addition to conservation value are there other site constraints which may extend to [but not restricted to] flood liability, or other physical impairment?
- Maintenance issues – what maintenance requirement does Council have for the land?

Should the proposed sale be impacted by any of the above, it should not proceed unless it can be demonstrated that there is a public and/or economic benefit to the sale or the contract conditions can be structured to ensure that the issue is addressed.

The sale of Council land cannot be delegated and all sales must be affected by a resolution of Council.



WORKS POLICIES

Policy Number:	WKS 5
Policy Title:	Works Policies
Date Adopted:	25 October 2017
Date Reviewed:	First Adoption
Policy Type:	Governance/Finance

Policy Position 5.1 – Works Policy (WKS5)

5.1.1 ROAD CONSTRUCTION AND MAINTENANCE

Policy Objective

The Shire of Kent uses the following as a general guide to the production of road works program, this plan is to:-

- Widen and seal all existing sealed roads to a 6.2m seal.
- Ongerup Road to be upgraded to the 6.2m seal width to the Shire boundary.
- Progressively upgrade all sealed and gravel roads to an acceptable and appropriate standard.
- Ensure that sufficient time and money is allocated to the maintenance of roads to adequately protect these assets.

Standard of Construction

The general plan is to bring all roads up to an appropriate standard of construction as set out in the following schedule:-

CATEGORY		DESCRIPTION
1.	Major Feeder Roads	Roads connecting highways and secondary roads to towns (eg Ongerup Road)
2.	Lesser Feeder Roads	Heavy trafficked roads from areas connected to major feeder roads (eg Range Road)
3.	Farm Access Roads – Major	Roads used by a number of farmers (maximum of 5) to gain access to their farms (eg Sth Moornaming Road)
4.	Farm Access Road – Minor	Single farm use only (farm track – eg Solly Road)



STANDARDS FOR ROAD CATEGORIES

Column	Clearing Width (M)	Culvert Length (M)	Formed Width (M)	Paving Top Width (M)	Paving Depth (mm)	Bitumen Prime Width (M)	Seal Width (M)	Remark
1A >150 v.p.d	20.00	9.76	9.20	8.60	150	6.20	6.20	Important internal T & T roads >150 v.p.d
1B 50-150 v.p.d	20.00	9.76	9.20	8.60	150	6.20	6.20	Important feeder roads 50-150 v.p.d
2	13.00	8.54	8.00	7.40	100 sheet	-	-	General Feeder roads
3	10	7.32	6.2	6.2	75 sheet	-	-	Max 5 farm access roads only
4	7	6.1	5	5	50 sheet	-	-	Farm access tracks only

code: v.p.d. = Vehicle per day, T & T = Truck & Tourist roads, > = Greater than

Road Categories

The following road categories are applicable to all roads within the Shire of Kent.

Category One (BLUE) (Green)

Adams Road
Dualling Road
East Road
Fewson Road
Kukerin Road
Kuringup Road
Manuel Road
North Fence Road
North Kuringup Road
North Kwobrup Road
North Needilup Road
Nyabing South Road
Paterson Road
Peterson Road
Range Road
Rasmussen Road
Road
Ryan Road
South Fence Road
South Kuringup Road
Road
Steele Road
Wallacup Road
Warnaminup Road
Warren Road

Category Two (ORANGE)

Badger Road
Beagley Road
Challis Road
Chinocup Road
Crosby Road
Farr Road
Grant Williams Road
Hall Road
Harris Road
Hatwell Road
Humphreys Road
Lake Bryde Road
Lake Lockhart Road
Martens Road
McDougall Road
McLaren Road

Mills Road
Mindarabin Road
Mortvale Road

Nagel Road
North Jerramungup Road
Quartermaine Road
Rock Dam Road
Shields Road
Stephens Road
Tees Road
Thomas Road
Ward Road
Wilson Road

Category Three

Batt Road
Bowra Road
Browne Road
Collins Road
Cowcher Road
Day Road
Dixon Road
Gillis Road
Goodchild Road
Harvey Road
Hassett Road
Hobart Road
Holland Tank Road
Merilup Road
Neve Road
North Moornaming

Radunovich Road
Rosenberg Road
South Moornaming

Titicup Road
Watson Road
Whyatt Road
Wood Road
Yates Road
Zweck Road

Category Four (YELLOW)

Addis Road
Big Lake Road
Cheetham Road
Dicks Road
Dunnart Road
Featherstone Road
Gray Road
Haywood Road
Lee Road
North Boongadoo Road
Ramm Road
Skipsey Road
Solly Road
Thomson Road
Tuffley Road

Bailey Road
Bishop Road
Cusack Road
Ditchburn Road
Eddies Road
Garlick Road
Guelfi Road
Holmes Road
Lofgrens Road
Owens Road
Reeves Road
Shiner Road
South Boongadoo Road
Townsend Road

Beattie Road
Charsley Road
Davies Road
Duncombe Road
Emery Road
Garry Road
Gypsum Mine Road
Johnston Road
McDonald Road
Phillips Road
Ross Road
Smith Road
Sutherland Road
Tranter Road

Sealed Roads

The minimum seal width on all roads shall be 6.2 metres.

Fencing of Land following Resumption

Where fencing is required following the resumption of land for road works, the Works and Plant Committee Chairperson shall be involved in negotiations with the land holder and agreements be formalised prior to the commencement of the job.

5.1.2 ROADSIDE VEGETATION

Policy Objective

To provide guidelines for the effective management of native vegetation contained within rural road verges under the care, control and management of the Council.

Clearing Adjacent to Fence Lines

Where road works involve the clearing of vegetation adjacent to fence lines, the owner or occupier or agent for the relevant property is to be given adequate notice prior to the commencement of works and invited to discuss aspects of the operation with an appropriate Council Officer. The appropriate Council Officer is to liaise with any land holders who is or may be contemplating clearing for fence work so that any necessary clearing for road works may be done concurrently with the land holders clearing.

Land holders may be permitted to clear road side vegetation up to 1.2 metres (clarify) from the property boundary for the purpose of facilitating fencing work. The land holder must apply in writing to the Shire Council and all of the cleared vegetation is to be taken onto the land holders property.

Conservation of Roadside Vegetation

Council adopts the Code of Practice for Roadside Conservation in Road Construction and Road Maintenance.

5.1.3 SCHOOL BUS ROUTES

Policy Objective

To provide Council with the means to consistently and objectively assess requests for new school bus routes and bus stops.

Policy Statement

School bus route roads will be classed as category 2 roads and given priority in the general maintenance program.

Priority will be given to the provision of adequate signing in these roads.

The Chief Executive Officer in consultation with the relevant Members may deal administratively with requests to alter school bus routes and to remove, change or erect school bus route signs.

School bus turnarounds shall be constructed at existing gateways. This policy is not retrospective and may be modified at the Chief Executive Officer's discretion. Essentially the purpose is to reduce the amount of roadside vegetation being destroyed and to lower the cost of the type of work (i.e. in many cases this will entail the widening of crossing places only).

5.1.4 DRAINAGE AND CROSSINGS

Policy Objective

To provide guidelines in relation to drainage proposals and also the provision of vehicle crossings and the requests for additional crossings located at town or rural properties.

Drainage

Council adopts the following policy in respect to drainage: -

- a) Landowners to be advised that under Section 19(1) of the Local Government (Uniform Local Provisions) Regulations it is illegal for any person to interfere with the natural flow of surface water on, across or through any thoroughfare under the care and control of Council which will cause damage to that thoroughfare unless authorised to do so.
- b) If a landowner wishes to discharge or divert water on, across or through a road under care and control of Council and is of no benefit to that road, then the landowner is responsible for all costs associated with doing so.
- c) If a landowner wishes to discharge or divert water on, across or through a road under the care and control of Council and is of benefit to the road then costs may be negotiated upon application to Council.
- d) All drainage proposals to be inspected by the Local Council Member in conjunction with the Works Supervisor and the Chief Executive Officer. Where the Local Member requires additional assistance in regard to a proposal the Works Committee is to be involved. A report on each proposal is to be submitted to the next Ordinary Meeting of Council.

Vehicle Crossings

Owners/Occupiers of town or rural properties shall be entitled to one crossing off each public road at Council's cost.

At its discretion, Council may pay half the cost of one additional crossing from each public roads and the owner shall pay the full cost of any additional crossings.

The maximum width of crossings at culverts should be approximately 9 metres.

Crossovers shall be reinstated at Council's cost following any disturbance caused by works for which Councils is responsible.

5.1.5 GRAVELS AND OTHER MATERIALS OBTAINED LOCALLY

Policy Objective

The purpose of this policy is to provide guidance in relation to obtaining materials locally, such as gravel.

Policy Statement

Where possible, materials shall be taken from land which has already been cleared and the use of roadside pits is to be avoided.

Prior to taking materials from private property the owner, or his/her authorised agents, permission shall be obtained. Entry powers are to be used as a last resort. All pits shall be smoothed out and tidied or otherwise left to the satisfaction of the owner or his/her agent after use.

Where payment in kind (i.e. repairs to private roads etc.) for materials is agreed to, officers of the Council shall ensure that the relevant compensatory work is done.

All pits on land other than privately owned land shall be rehabilitated as soon as practicable after use.

5.1.6 STOCK ON ROADS

Policy Objective

The purpose of this Policy is to provide reasonable precautions that should be taken when moving stock on local roads, and to outline Council's requirements for provision of stock underpasses on local roads.

Policy Statement

Main Roads will provide guidance on reasonable precautions that should be taken when driving stock across or along a state road and will also permit stock underpasses under state roads subject to the underpass meeting Main Roads requirements.

The Shire of Kent Council will provide guidance on reasonable precautions that should be taken when driving stock across or along a local road and will also permit stock underpasses under local roads subject to the underpass meeting Main Roads requirements.

These guidelines do not address the issue of straying stock in unfenced pastoral areas.

Application and Approval Guidelines

Definitions

Unless otherwise indicated in the text of this Guideline:

AS	means Australian Standards.
Local road	means a road under the control of the Shire of Kent Local Government.
Main Roads	means the Main Roads of Western Australia.
RTC 2000	means The Road Traffic Code 2000.
State road	means a road under the control of Main Roads
Traffic signs	mean a sign as recognised in the Australian Standards or Main Roads Signs Index.

Background

The person in charge of moving stock across or along a road does not need formal permission from Council except for the following statutory requirements:

- For roads with declared Control of Access the consent of Main Roads is required. (**Main Roads Act 1930, Section 28A (4)**), and
- For roads within a town the permission of the Director General is required. (**RTC 2000 Regulation 277**).

A person droving stock on roads shall;

- not leave stock unattended (**RTC 2000 Regulation 275**), and
- provide reasonable warning and not cause unreasonable delay to approaching traffic (**RTC 2000 Regulations 276**)

The RTC 2000 allows the person in charge of moving stock on a road to install temporary road warning signs (**Regulations 297 & 276**), and to display an orange flashing warning light on a vehicle (**Regulation 289**).

APPLICATION

Precautions for Taking Stock onto a Local Road

General

The RTC 2000 requires the person in charge of stock on a road to:

- Take all reasonable precautions to warn approaching traffic of the presence of the stock, and
- Arrange the moving of the stock at such times, and in such numbers, and establishes such control of the stock on the road, as is likely to prevent it causing unreasonable delay to the passage of other traffic.

Reasonable Warning

Reasonable precautions to warn approaching traffic with warning signs and devices is provided in the **Technical Guideline (Section 3)**.

Unreasonable Delay

The following circumstances are considered to be cause for unreasonable delay:

- The duration of road closure is greater than 5 minutes; and for multiple crossing movements, all queued vehicles are not cleared before the commencement of the next crossing movement,
- The stock movement is on a dual carriageway road,
- The crossing is closer than 1 km to a stock underpass servicing the same landowner, or
- The road's annual average daily traffic volume is greater than 500 vehicles per day.

Costs

The person in charge of the stock is responsible of the supply, installation and removal of the road traffic signs and devices associated with the stock movement on a road.

Roads with High Traffic Volumes

Where a road's annual average daily traffic volume is greater than 500 vehicles per day, a stock underpass is the preferred method of moving stock across the road.

Stock Underpasses under Local Roads

General

A stockowner may install an underpass under a local road subject to compliance with the requirements of these guidelines. There are conditions on the design, construction, and maintenance.

Costs

There is no fee for Council to process an application. The applicant shall be responsible for all costs associated with the design, construction and maintenance of the underpass structure.

Design and Construction

For sections of the underpass that are within and at the boundary of the road reserve, the design shall be approved by Council and the construction shall be undertaken by Council or Council approved consultants and or contractors.

Maintenance

The applicant shall maintain the underpass. The maintenance of the underpass by the applicant includes removal of fouling and repair of any damage to the road infrastructure within the road reserve.

APPROVAL - STOCK UNDERPASSES

Applications

A person wishing to install a stock underpass must submit an application to Council.

Approval

Approval of an application shall include a condition that a Stock Underpass Agreement be signed by both the applicant and Council before commencement of any work in the road reserve and shall indicate the extent, if any, of Council's contribution to funding the underpass.

TECHNICAL GUIDELINES

General

The removal or covering of stock crossing signs when not in use is mandatory. Signs that are displayed while not in use may bring all signing into disrepute and may result in motorists disregarding important warnings. Signs should be covered such that they are not visible in all light conditions.

STOCK CROSSINGS

Stock Crossings with Sight Distance Greater Than 300 Metres

Where a stock crossing is located such that approaching motorists can see the stock crossing point from more than 300m away, signing should be as per Figure 1.

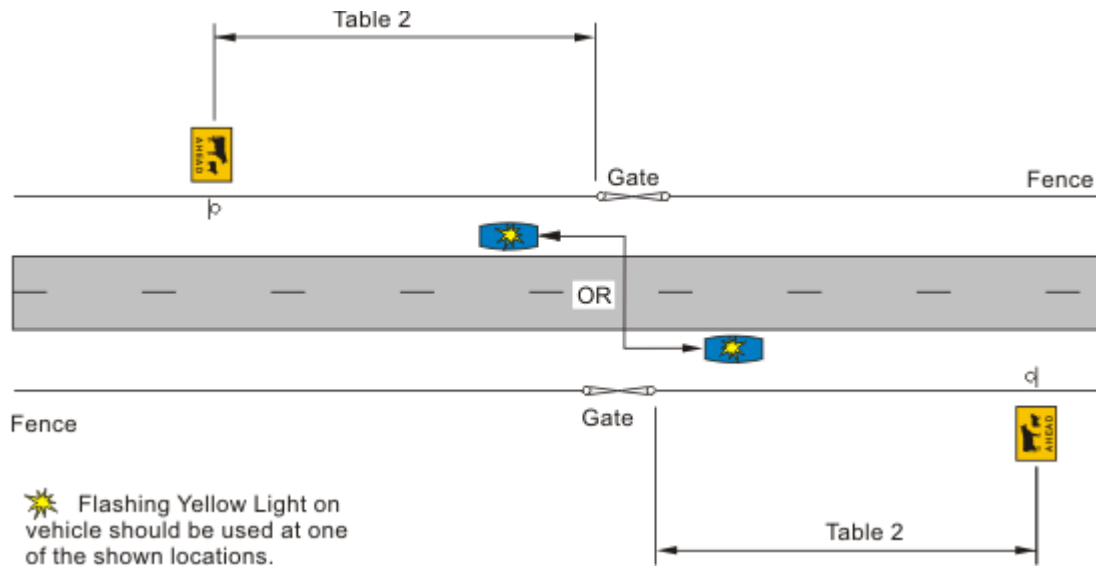


FIGURE 1 - Typical Stock Crossing Site – for bitumen roads.

NOTE: Gravel roads – there is no requirement for orange flashing lights

The crossing should desirably not be used when sun glare will interfere with drivers' view of the traffic signs or stock on the road.

Where stock movements are adjacent to or encompass an intersection, STOCK AHEAD and ON SIDE ROAD signs should be used on the side roads, to alert motorists entering the road

that there is stock on the road. The location of the STOCK AHEAD sign should be based on a distance from the stock crossing as shown in **Table 2**.

POSTED SPEED LIMIT KM/HR	MINIMUM SPACING DISTANCE METRES
60	120
70	140
80	160
90	180
100	200
110/ STATE LIMIT	220

Table 2 – Placement of STOCK AHEAD Signs

Stock Crossings with Sight Distance Less Than 300 Metres

If the stock crossing site is positioned such that approaching motorists cannot see the stock crossing point from at least a minimum of 300 metres away during the day, then signage should be as shown in figure 2.

The REDUCE SPEED and the STOCK AHEAD signs should be visible at the same time to the approaching motorist.

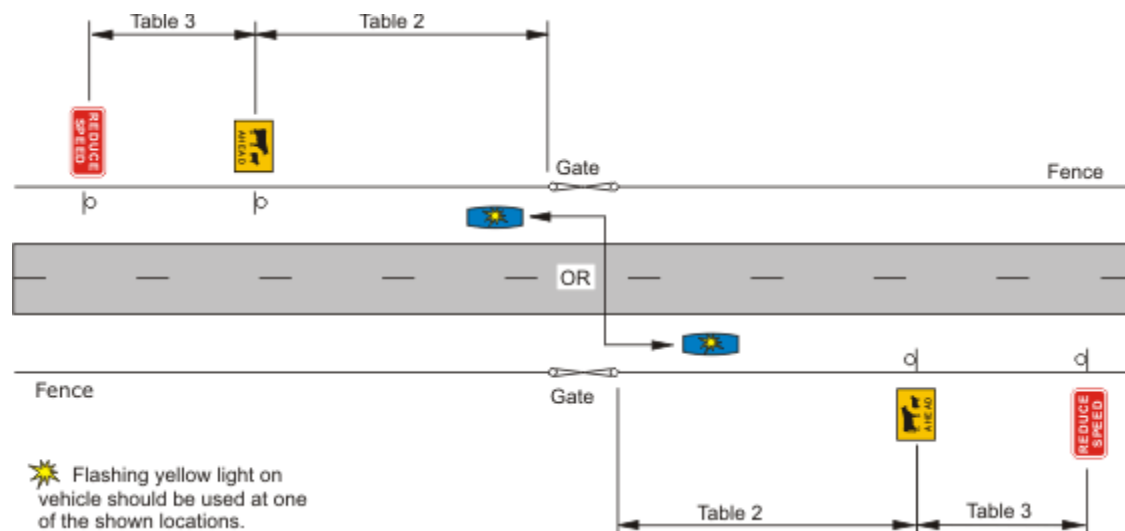


FIGURE 2 - Signing at stock crossings with sight distance less than 300m

POSTED SPEED LIMIT KM / HR	MINIMUM SPACING DISTANCE
60	30
70	35
80	40
90	45
100	50
110/Satae Limit	55

TABLE 3 - Placement of REDUCE SPEED Signs

Use of Stock Crossings during Night-Time, Periods of Poor Visibility or Hazardous Locations

Daylight use of stock crossings is preferred. Where the stock crossing is proposed to be used during nighttime, periods of poor visibility or in a hazardous location, the following actions should be taken:

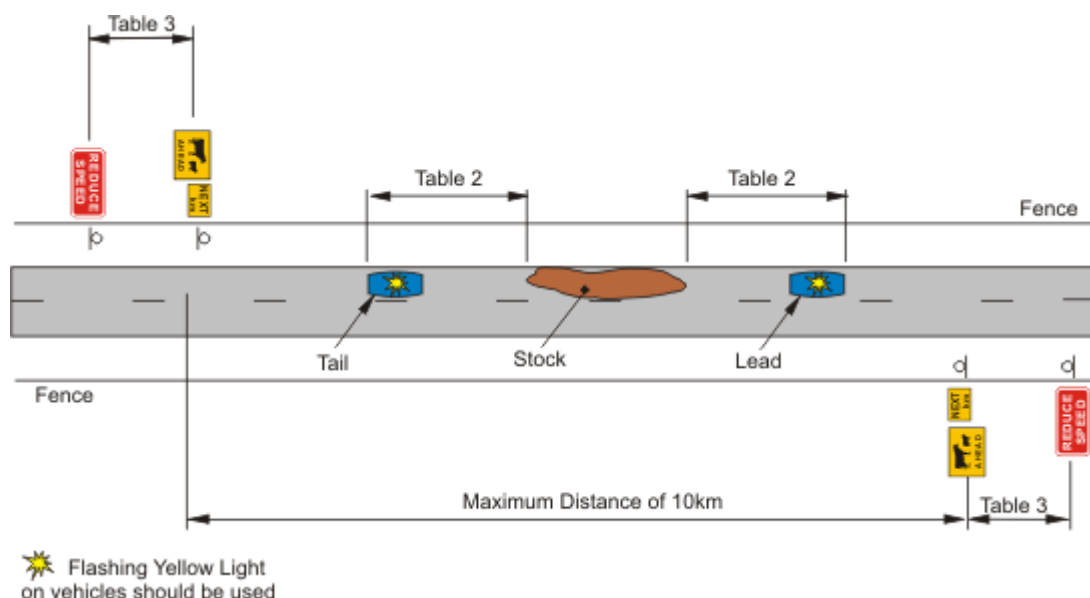
- Signing and flashing rotating orange light should be carried out in accordance with Figure 1 (**See also Sections 3.4 and 3.5**),
- Any person standing on or adjacent to the road for the purposes of controlling stock should wear clothing with reflective strips,
- Floodlighting shall be provided at the crossing point. The lighting should be sufficient to clearly illuminate stock on the road formation in the vicinity of the crossing point. If the road reserve is wider than 30m then floodlights should be placed on both sides of the road reserve, and
- The Council sign STOCK AHEAD PREPARE TO STOP (MR-WAW-6) should be considered for use. With reference to **Figure 1**, the STOCK AHEAD PREPARE TO STOP sign should be positioned in place of the STOCK AHEAD sign.

DROVING OF STOCK ALONG A ROAD

Where it is necessary to move stock more than 100m along a road reserve, signs should be erected along the road shoulder in accordance with **Figure 3**. In addition, a lead vehicle and/or a tail vehicle should be placed in front and/or at the rear of the stock to warn approaching motorists. The vehicles should be located at a distance from the stock as shown in **Table 2**.

NOTE: On gravel roads no orange flashing light is required.

FIGURE 3 - Signing for droving of stock



NOTE: Where stock can be moved along the road reserve without stock or vehicles traveling on the carriageway, it remains necessary to adhere to the signage shown in Figure 3.

SIGNS

The conditions of the following publications have been described in this guideline:

- Main Roads Signs Index and relevant guidelines,
- Occupational Safety and Health Regulations 1996 Act, and
- Relevant Australian Standards.

This guideline provides sufficient guidance for a person wanting to take stock onto a road to comply with the necessary standards. If required, further information can be obtained by contacting Main Roads.



Signs should be erected in accordance with these guidelines and Main Roads Standard Drawings 9548 - 0106 and 8720 -0762. All signs shall be rigid. The class of retro reflective material used shall be Class 1.

Signing should be displayed prior to and during the stock movement. Signs and flashing orange warning lights should be positioned and erected so that:

- they are properly displayed and firmly secured so as to prevent them being blown over by the wind or passing traffic, and
- Signs may be placed on the roadside or road shoulder and should be at least 1m clear of the road lanes.

The signs and any flashing orange lights should be displayed or installed immediately prior to the stock being driven on to the road reserve and folded over or removed as soon as the stock are no longer in the road reserve, as per **Section 3.1**.

Signs are a specified treatment in this guideline, and typical signs are listed in **Table 4**.

<p>"STOCK AHEAD"</p> <p>AS 1742.2 Designation T1-19B Sign Size: 1200 x 900mm (sealed roads) OR 900 x 600mm (unsealed roads)</p>	
<p>"REDUCE SPEED"</p> <p>AS 1742.2 Designation G9-9A Sign Size: 1500 x 750mm</p>	




"NEXT ... KM" AS 1742.2 Designation W8-17-1B Sign Size: 750 x 450mm	
"ON SIDE ROAD" AS 1742.2 Designation W8-3B Sign Size: 750 x 500mm	
"STOCK AHEAD PREPARE TO STOP (With Flashing Yellow)" Main Roads Designation MR-WAW-6B (See Section 2.3) Sign Size: 1100 x 1600mm Sign Dimensions Sign Post Dimensions	

TABLE 4 - List of typical signs for Stock Crossings and Droving of Stock

VEHICLE MOUNTED WARNING DEVICE

The flashing orange warning light shall comply with the equipment described in the Road Traffic (Vehicle Standards) Regulations 2002. Vehicle indicator lights do not constitute a flashing orange warning light.

STOCK UNDERPASSES

Stock underpasses generally consist of reinforced concrete box culverts of a size suitable to allow safe passage of the stock and the farmer. Sizes for these structures may, for example, be:

- 1200 x 1200 mm Sheep movements,
- 1500 x 1500 mm Sheep movements where the stock owner may access the underpass, or
- 1800 x 1800 mm Cattle movements and where the stock owner may utilise a vehicle in the underpass.

Fencing details for the underpass to prevent stock from entering the road is available from Main Roads.

5.1.7 PLANT AND VEHICLE REPLACEMENT POLICY

Policy Objective

Provide staff guidance to manage Council plant and equipment in the most efficient and economical manner.

- To follow Best Practice principles for vehicle and plant fleet asset management with the flexibility to operate within changing market conditions;
- To maintain a modern, reliable and efficient plant fleet within the limits of funds available; and
- To ensure that the process of purchasing, leasing, renting or replacing plant and vehicles are legal, ethical and to Council's best advantage.

The outcomes of this policy are: open and effective competition, value for money, ethical behaviour and fair dealing.

Plant Replacement Program

The range of plant and vehicles include (but are not limited to): Graders, backhoes, loaders, trucks, tractors, mowers, rollers, utilities and sedans.

PLANT/VEHICLE	REPLACEMENT YEARS
Graders	12 years
Loaders	8 years *see notation*
Backhoe & Skid Steer	10 years
Heavy & light trucks	10 years
Rollers/Tractors	20 years
Tipper Trailers/Low Loader	20 years
Utilities	4 years
SENIOR STAFF VEHICLES	**See notation**

this is based on selling the oldest loader and keeping the newest loader for second loader

***Senior Staff vehicles shall be considered for trading at a most advantageous and beneficial time in relation to the vehicle change-over price. The CEO/DCEO is empowered to negotiate provided costs are within budget constraints. ***

5.1.8 – GRAVEL ACQUISITION

1. Objective:

To ensure that the Shire of Kent provides fair and equitable compensation to all landowners within the Local Government Area for the acquisition of gravel as a road-building material.

2. Policy Statement:

An appropriate and effective internal control framework is the responsibility of all employees.

All employees are accountable for implementing systems, controls, processes and procedures in their own area of responsibility and will play a part in the internal control framework in differing degrees.

The Shire will, when materials for construction and maintenance purposes need to be sourced from private land, obtain such material in consultation with the landowner or his/her authorised representative. Where such negotiations are successful the Shire will:

- a) Satisfactorily rehabilitate pit areas if requested, including drainage, upon completion of extraction;
- b) Construct where necessary and repair affected haul roads, gates, fences or other structures; and
- c) Negotiate compensation with the landowner for materials extracted from within the Shire district, up to a rate of \$3.00 per bank cubic metre for gravel (dependant on quality of gravel). Payment for gravel royalties will be by normal bank payment processes.

The Shire of Kent will not pay for gravel acquisitions by way of private works in lieu on behalf of the landowner.

Should an agreement for the removal of gravel not be reached with the land owner and the Chief Executive Officer (CEO) considers the acquisition of these materials in the best interest of the public, the CEO is to provide such notices, and takes such actions, as are prescribed by the *Local Government Act 1995* to secure these materials.

3. Legislation:

Section 3.27 of the *Local Government Act 1995* states:

Particular things a Local Government can do on land that is not Local Government Property -

1. *A Local Government may, in performing its general functions, do any of the things prescribed in Schedule 3.2 even though the land in which it is done is not Local Government property and Local Government does not have consent to do it;*
2. *Schedule 3.2 may be amended by Regulation; and*
3. *If Schedule 3.2 expressly states that this subsection applies, subsection (1) does not authorise anything to be done on land that is being used as a site or curtilage of a building or has been developed in any other way or is cultivated.*

Schedule 3.2 of the *Local Government Act 1995* states:

The Local Government may

(3) Take from land any native growing or dead timber, earth, stone, sand or gravel that, in its opinion, the Local Government requires for making or repairing a thoroughfare, bridge, culvert, fence or gate.

(4) Deposit and leave on land adjoining the thoroughfare any timber, earth, stone, sand, gravel and other material that persons engaged in making or repairing a thoroughfare, bridge, culvert, fence or gate do not, in the Local Government's opinion, require.

Section 3.22 of the *Local Government Act 1995* stipulates that an owner or occupier of land is to be compensated by the Local Government for any damages sustained through the performance of its functions under this Act.

4.. Procedures:

Acquisition

Staff will abide by the following procedures when attempting to secure road building materials from private lands:

- a) The Manager Infrastructure and/or Chief Executive Officer shall approach landowners and request acquisition from their property by way of right of entry to search for materials.
- b) If suitable materials are located a written agreement (as attached as appendix 1) is to be reached with the landowner for compensation for materials removed. The written agreement is to be signed by both parties and a copy is to be provided to the landowner.
- c) Payment for road building materials acquired from the landowner will be in accordance with Council's schedule of payments and negotiated between the landowner and the Manager Infrastructure.
- d) Should agreement for the removal of road building materials not be reached with the landowner, procedures to take such materials in accordance with the Legislation detailed in the Local Government Act, 1995 will be considered by the CEO prior to commencement.
- e) Once gravel has been pushed it legally becomes the property of the Shire and will be paid for in accordance with the measurements undertaken by the Manager Infrastructure at the time gravel is removed from the property.

Excavation

Existing access tracks where possible are to be utilised and will be maintained by the Shire for the duration of works and on completion.

Excavation is not to encroach any closer than 3 meters from any fence line.

Damages

The Shire will reinstate any fencing and access tracks damaged during the course of works.

Rehabilitation

If requested by the landowner, Staff will rehabilitate exhausted pits. Rehabilitation will include the Borrow pit floor to be ripped, top soil and other overburden is to be pushed back over the borrow pit. Inclines on sides of borrow pits are to be reduced to a suitable back slope. Any other requirements are to be negotiated with the landholder in writing before commencement of works.

5. Variation to this policy:

This policy may be cancelled or varied from time to time.

Document Control

Policy Number	5.1.8
Policy Version	1
Creation Date	15 February 2023
Last Review Date	N/A
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	<i>Local Government Act 1995</i>
Related Documents:	Appendix 1 – Gravel Acquisition Agreement



SHIRE OF KENT
ABN 74 945 163 281

**AGREEMENT BETWEEN THE SHIRE OF KENT AND LANDOWNER FOR THE
ACQUISITION OF GRAVEL**

NAME:	
ADDRESS:	
PHONE NUMBER:	
ESTIMATED VOLUME:	
FROM LOCATIONS:	
PAYMENT: <i>Council will pay the landowner on receipt of tax invoice. Please forward tax invoice with banking details to admin@kent.wa.gov.au</i>	Agreed gravel compensation rate is: \$.....per bank cubic metre (GST exclusive)
IS REHABILITATION REQUIRED: <i>If YES please note any additional rehabilitation conditions agreed, other than those listed in Council's Policy)</i>	YES/NO (please circle)

LANDOWNERS CONSENT:

I(name) hereby give consent to the Shire of Kent to remove gravel as details above in accordance with Council Policy and conditions outlined.

Signature:_____ Date:_____

ACCEPTANCE:

The Shire of Kent hereby undertakes to ensure that the requirements as noticed in this form and in Council's Policy are adhered to.

Signature:_____ Date:_____

Chief Executive Officer



OCCUPATIONAL SAFETY & HEALTH POLICIES

Policy Number:	OSH 6
Policy Title:	Occupational Safety and Health Policies
Date Adopted:	25 October 2017
Date Reviewed:	First Adoption
Policy Type:	

Policy Position 6.1 – OSH Policy (OSH6)

6.1.1 OCCUPATIONAL SAFETY AND HEALTH POLICY

Policy Objective

To provide employees and management with a clear understanding of their responsibilities regarding Occupational Safety & Health in the workplace.

Scope

This policy applies to all employees employed on a:

- Permanent full-time and part-time basis
- Contract of employment.

Policy Statement

The Kent Shire Council is committed to ensure that health, safety and welfare of all employees whilst engaged in Council's services in any workplace. The responsibility for implementing this policy rests with the Chief Executive Officer.

This policy recognises that the safety and health of all employees within the Shire of Kent is the responsibility of Council management. In fulfilling this responsibility, management has a duty to provide and maintain, so far as is practicable, a working environment in which employees are not exposed to hazards. This will be achieved by:

- providing and maintaining safe plant and systems of work;
- making and monitoring arrangements for the safe use, handling, storage, disposal and transport of plant and substances;
- maintaining the workplace in a safe and healthy condition;
- providing information, training and supervision for all employees thereby enabling them to work in a safe and healthy manner and
- consulting and cooperating with Safety & Health Representatives and employees on OS&H matters.

The **Chief Executive Officer (CEO)** is responsible for the implementation and monitoring of this policy.

The **Deputy Chief Executive Officer (DCEO)** is assigned the authority to act as the Safety Co-ordinator and is responsible for initiating and driving all safety strategies on behalf of the Chief Executive Officer.

The safety and health duties of **Management** at all levels are detailed below and Council procedures for training and back-up support should be followed. In fulfilling

the objectives of this policy, management is committed to regular consultation with employees to ensure that the policy operates effectively and that safety and health issues are regularly reviewed.

Duties

Recognising the potential risks associated with hazards that may be present, this Council will take very practicable steps to provide and maintain a safe and healthy work environment for all employees.

Management (OS & H Policy)

- is responsible for the effective implementation of the Council's safety and health policy;
- must observe, implement and fulfil its responsibilities under Acts and Regulations which apply to Local Government;
- must ensure that the agreed procedures for regular consultation between management and those with designated and elected safety and health responsibilities are followed;
- must make regular assessments of safety and health performance and resources in co-operation with those persons having designated and elected safety and health function;
- must ensure that all specific policies operating within the Council eg fire and evacuation, purchasing, training, first aid and safe systems of work, are periodically revised and are consistent with Council's safety and health objectives;
- must provide information, instruction, training and supervision for all employees in the correct use of plant, equipment and substances used throughout the Council;
- must be informed of incidents and accidents occurring on Council premises, to Council employees and/or to Council plant and equipment, so that safety and health performance can be accurately gauged and
- must ensure that Safety & Health Representatives are able to carry out their legislated duties. (S 33 OS&H act).

Employees (OS & H Policy)

- have a duty to take the care of which they are capable for their own safety and health and the safety and health of others affected by their actions at work;
- must comply with the safety procedures and directions agreed between management and employees with nominated or elected safety and health representatives;
- must not wilfully interfere with or misuse items or facilities provided in the interests of safety and health of Council employees;
- must use items and facilities provided in the interests of safety and health (protective clothing etc) in a manner in which he/she has been properly instructed to use it;
- must, in accordance with Council procedures for accident and incident reporting, report potential and actual hazards and accidents/incidents to their supervisor and/or safety and health representatives and

- must cooperate with the employer in the carrying out of their obligations (S 20 OH & S act).

Contractors

All contractors engaged by the Shire of Kent shall comply with the guidelines contained in sections 24, 25 and 26 of this manual. They are also required to complete the contractor checklist (see appendix 7) and sign the contractors safety agreement (see appendix 8).

Policy Review

This policy will be reviewed bi-annually and as required subject to any legislative and/or Council changes that may affect the intent of this policy. Management seeks co-operation from all employees/contractors in realising our safety and health objectives and in creating a safe work environment. All employees will be advised, in writing, of agreed changes and arrangements for their implementation.

6.1.2 DUTY OF CARE TO VISITORS AT WORKPLACES

Policy Objective

Council is committed to ensuring that visitors to workplaces are not exposed to hazards. Severe penalties apply under the Occupational Safety and Health Act 1984 if visitors to workplaces are injured through not being appropriately cared for.

Policy Statement

All visitors who wish to enter workplaces or specified locations of a workplace shall obtain the **prior permission** of the Supervisor.

Visitors **are not permitted to wander around Shire workplaces unaccompanied**. All visitors are to report to the front counter (where applicable) or to the appropriate works supervisor before entering any Shire workplaces/sites.

Prior to being authorised to enter a workplace, all visitors must be provided with workplace specific **induction** on the nature of hazards within the workplace and must be instructed in **emergency evacuation procedures**. It is important that the promotion of a safety culture within the workplace is transferred to the visitor by way of instruction and induction training.

Staff members **are to accompany all visitors at all times**.

Visitors are **restricted from entering all high hazard areas**.

It is essential to ensure that the work environment allows **safe access/egress** of visitors at all times. This can be achieved by ensuring that all walkways remain clear of obstacles.

It should be noted that the above procedures also apply to the family of employees who wish to enter any of Council's work places.

Visitors are not permitted to wander around Council workplaces unaccompanied.
Visitors are not to be left alone within a work area.

6.1.3 OCCUPATIONAL SAFETY AND HEALTH COMMITTEE

Policy Objective

This policy outlines the roles and responsibilities of Council's Occupational Safety and Health Committee.

Composition (Section 38 OS&H act)

The composition of the Safety and Health Committee shall be as follows:

Works Supervisor, Chief Executive Officer, Deputy Chief Executive Officer, all Safety & Health and Council Representatives.

Committee Terms of Reference

a) Mission

To facilitate continuous improvement practices to ensure best practice is achieved in the management of safety, health, welfare, rehabilitation and claims management of council employees in line with the council goals and vision statement.

b) Role

The Safety and Health Committee is the means by which Council management and employees consult on broad issues concerning the health, safety and welfare of Shire of Kent employees.

The committee may consider any matter raised by Council, management, Safety and Health Representatives or employees regarding the occupational safety, health and welfare of Shire of Kent employees.

c) Functions (Section 40 OS&H act 1984)

Co-ordinate the identification and development of health and safety policies, practices and procedures.

- Identify areas for policy development based on risk assessments of hazards and legal requirement.
- Consult all relevant parties in relation to the formulation of policies and procedures.
- Recommend to management group the implementation of policies and procedures.
- Review the implementation and effectiveness of policies and procedures.

Consider any proposal for, or changes to policies, practices or procedures which may affect the safety and health of Shire of Kent employees.

- Receive proposals for or changes to, policies, practices or procedures from Shire of Kent management and staff.
- Ensure all relevant parties are consulted.

- Assess proposals with regard to the safety and health of the Shire employees.

Promote the importance of a high level of awareness of safety and health among employees and management.

- Respond to issues raised by employees.
- Inform employees of the committee's membership and terms of reference.
- Assist in the promotion of the role of work place representatives among employees.
- Encourage and support a preventative approach through hazard and/or incident reporting by staff.
- Inform employees of benefits and advantages of excellence in OS&H areas.
- Identify and implement techniques for informing and involving all employees about OS&H matters.
- Develop techniques for evaluating employee awareness and responsiveness to OS&H matters.

Promote staff acceptance of their safety and health responsibilities.

- Encourage management understanding of safety and health aspects of the tasks their staff perform.
- Encourage staff to seek guidance from their supervisors if they are doubtful about the safety of any aspect of work.

Provide advice and assistance to Management in setting targets and standards to meet safety and health objectives.

- Identify occupational health and safety performance measures and other targets for recommendation to Management.
- Identify and determine safety and health standards applicable to the needs of the Shire of Kent for recommendation to Management.
- Review the implementation and ongoing operation of performance measures and compliance with safety and health standards.

Monitor the Shire of Kent occupational safety, health and welfare performance and provide feedback to Management.

- Review information and records about work related injuries suffered by employees.
- Review OS&H inspection non compliances.
- Identification of risk factors in the workplace likely to cause manual handling and other injuries, physical or mental.
- Review control strategies with primary emphasis being placed on work organisation, job and task design.

Monitor the system for the management and rehabilitation of employees with work related injury and disease.

- Request regular feedback from the Shire of Kent rehabilitation coordinator on the progress of cases.
- Consult all relevant parties in relation to the formulation of policies and procedures.
- Monitor and make recommendations in regard to policies and practices in the management of claims and rehabilitation of injured employees.
- Monitor statistics relating to return to work of injured employees.
- Monitor and make recommendations in regard to training managers in the return to work of injured employees.

d) The Deputy Chief Executive Officer (DCEO)

The DEPUTY CHIEF EXECUTIVE OFFICER is assigned the authority to act as the Safety Coordinator and as such will:

- Ensure that OS&H meetings are adequately chaired;
- Make financial decisions pertaining to safety and health - within budgetary constraints;
- Report to CEO if major funding is required;
- Report status of previous decisions and recommendations to the committee and all employees;
- Advise on safety issues;
- Follow up to ensure that issues raised at meetings receive necessary consideration; and
- Co-ordinate OS&H meetings (compile agenda, advise of dates and venues, send out Safety Audit Checklist, ensure adequate minutes are taken and distributed in a timely fashion, provide background information on issues as required etc).

6.1.4 FIRST AID POLICY

Policy Objective

This policy is designed to ensure that those who work for the Council do so in an environment, which, as far as is practicable, has appropriate first aid facilities and persons trained in first aid.

Policy Statement

As an employer, the Shire of Kent has a duty under the Occupational Safety and Health Act 1984 to provide a safe working environment and to provide treatment or care of persons who are injured or who become ill at a work place.

Accordingly, Council adopts the following guidelines in respect of the provisions of first aid facilities and persons trained in first aid:

First Aid Facilities

Definition of a Work Place

“A work place means a place, building or other structure where employees or self employed persons work or are likely to be in the course of their work (including a vehicle)”

Each work place shall have such first aid facilities as are appropriate having regard to –

- the type of hazards at the work place; the risk of those hazards impacting adversely on persons at that workplace, and
- the number of persons at the workplace.

It is the responsibility of the Supervisor, Senior First Aider (where appointed) and/or the Safety Representative to ensure that the first aid box in their work place is adequately stocked at all times.

All Shire vehicles are to contain a fully stocked first aid box. It is the responsibility of the officer allocated the vehicle or the driver of the vehicle to ensure that first aid supplies are checked and adequately stocked at all times.

Senior First Aiders

Each work place shall, so far as is practicable, have persons trained in first aid who are available to give first aid at the work place.

A list of the persons qualified and prepared to render first aid assistance should be displayed in a prominent area in the work place eg on a notice board adjacent to the safety committee minutes. Persons, to be suitably qualified must have successfully completed a Senior First Aid certificate course conducted by St John Ambulance (or equivalent).



FIRE CONTROL POLICIES

Policy Number:	FCP 7
Policy Title:	Fire Control Policies
Date Adopted:	25 October 2017
Date Reviewed:	First Adoption
Policy Type:	

Policy Position 7.1 – Fire Control Policies (FCP7)

7.1.1 BRIGADES AND OFFICERS

Senior Officer Positions

At the Annual General Meeting of the Bush Fire Advisory Committee, the Officers present are to recommend to Council, that the following positions be filled:

- Chief Fire Control Officer
- Deputy Chief Fire Control Officer
- Fire Weather Officers
- Burning Permit Issuing Officer(s)

Chief Fire Control Officer's Length of Term

The Chief Bushfire Control Officer's serve in the position for a maximum period of 4 years, the Deputy to attend DOAC meetings and chief training in the last year of the chief's service so that the deputy is trained up for when chief retires.

7.1.2 USE OF COUNCIL OWNED EQUIPMENT FOR FIRE FIGHTING PURPOSES

Policy Statement

Council owned plant and equipment and staff may be made available to Fire Control Officers/Brigade personnel to assist in the fighting of fires. The Chief Executive Officer is authorised to commit Council resources to the firefighting effort.

7.1.3 VEHICLE MOVEMENT BANS

Policy Statement

Where a harvest ban or a harvest and movement of vehicles in paddocks ban has been imposed, the Chief Executive Officer, in consultation with the Works Supervisor and the Chief Bush Fire Control Officer may at his/her discretion order shire road plant working on roadways to cease operation.

Christmas Vehicle Movement Bans

Christmas Day will be declared a Total Harvest and Vehicle Movement Ban within the Shire of Kent and this is to be advertised on a yearly basis one week prior to Christmas.