SHIRE OF KENT

POLICY MANUAL

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POLICY#	POLICY TITLE	AMENDMENT DESCRIPTION	DATE ADOPTED	COUNCIL RES #
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
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
3.2.1	Record Keeping Policy	Review of 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
5.1.8	Gravel Acquisition	New policy	15.2.23	OCM2223/098
	Community Consultation and Engagement Policy	Adoption of new policy	20.12.23	OCM2324/085
	Elected Member Policies	Review of Elected Member policies following local government elections 2023	20.12.23	OCM2324/086
6.1.1	Work, Health and Safety Policy	Policy amended to reflect new WHS legislation.	20.12.23	OCM2324/087
6.1.2	Workplace Visitor Policy	Policy amended to reflect new WHS legislation.	20.12.23	OCM2324/087
6.1.3	Work Health and Safety Committee Policy	Policy amended to reflect new WHS legislation.	20.12.23	OCM2324/087
3.2.5	IT Physical Security Policy	New Policy	21.02.24	OCM2324/100
2.1.1	Recruitment and Selection Policy	Major amendments to a modern standard	21.02.24	OCM2324/101
2.1.2	Working Hours	Deleted	21.02.24	OCM2324/101
2.1.2	Workplace Bullying	Change of numbering and minor amendments	21.02.24	OCM2324/101
2.1.3	Fitness for Work Policy	Change of numbering and minor amendments	21.02.24	OCM2324/101
2.1.4	Sun Protection Policy	Change of numbering; major amendments	21.02.24	OCM2324/101
2.1.5	Use of Council Vehicles	New Policy	21.02.24	OCM2324/101
2.1.6	Gifts, Functions & Payment of Gratuities to Resigning Employees	Minor formatting amendments	21.02.24	OCM2324/101
2.1.7	Private Use of Council Vehicles	Deleted – merged into new policy 2.1.5	21.02.24	OCM2324/101
2.1.8	Council Vehicles – Driving Policy	Deleted – merged into new policy 2.1.5	21.02.24	OCM2324/101
2.1.7	Annual Leave and Long Service Leave Management Policy	New policy	21.02.24	OCM2324/101

2.1.8	Release of Staff to Assist Emergency Services	New policy	21.02.24	OCM2324/101
2.1.9	Smoke Free Workplace Policy	Major amendments to a modern standard	21.02.24	OCM2324/101
2.1.10	Severance and Redundancy	Deleted as covered in awards	21.02.24	OCM2324/101
2.1.10	Staff Housing Allowance for Non-Shire Accommodation	Change of numbering and minor amendments	21.02.24	OCM2324/101
2.1.11	Employee Relocation Expenses	New policy	21.02.24	OCM2324/101
2.1.12	Superannuation Voluntary Contribution	Minor formatting amendments	21.02.24	OCM2324/101
2.1.13	Temporary Employment or Appointment of Acting CEO Policy	Minor formatting amendments	21.02.24	OCM2324/101
2.1.14	Organisational Structure and Designated Senior Employees	Minor formatting amendments	21.02.24	OCM2324/101
2.1.15	Disciplinary Policy	Minor formatting amendments	21.02.24	OCM2324/101
2.1.16	Grievance Policy	Minor formatting amendments	21.02.24	OCM2324/101
2.1.17	Social Media Policy	New policy	21.02.24	OCM2324/101
2.1.18	ICT Acceptable Usage Policy	New policy	21.02.24	OCM2324/101
4.1.2	Water Consumption Subsidy at Council Owned Houses	Amended to include subsidy for all water costs at employee houses	19.06.24	OCM2324/143
2.1.10	Staff Housing Allowance for Non Shire Accommodation	Allowance increase and policy changes	24.07.24	OCM2425/018
3.2.6	Annual Closure During Christmas Period	New Policy	20.11.24	OCM2425/053
3.1.5	Revenue Collection	Delete old policy and adopt new policy.	23.07.25	OCM2526/003
5.1.1	Road Construction and Maintenance	Rescind policy as new framework in place – Road Maintenance Management Plan	20.08.25	OCM2526/017
5.1.3	School Bus Routes	Rescind policy as new framework in place – Road Maintenance Management Plan	20.08.25	OCM2526/017
3.2.7	Community Grants	New Policy.	17/09/2025	OCM2526/025
4.1.4	Camping Other Than at a Caravan Park or Camping Ground	New policy.	18/03/2026	OCM2526/061
3.2.8	Privacy Policy	New Policy.	17/06/2026	OCM2526/088
3.1.11	Emergency Services Reserve Fund Policy	New	15/09/2026	OCM2627/026

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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 2023-2033 Community Strategic Plan.

ELECTED MEMBER POLICIES

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 CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

Division 1 – Preliminary provisions

1. Citation

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

2. Terms used

(1) In this code —

Act means the *Local Government Act 1995*;

candidate means a candidate for election as a council member;
complaint means a complaint made under clause 11(1);
publish includes to publish on a social media platform.

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

Division 2 – General principles

3. Overview of Division

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

4. Personal integrity

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

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

(c) act lawfully; and

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

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

(2) A council member or committee member should —

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

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

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

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

5. Relationship with others

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

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

(b) respect and value diversity in the community.

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

6. Accountability

A council member or committee member should —

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

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

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

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

Division 3 – Behaviour

7. Overview of Division

This Division sets out —

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

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

8. Personal integrity

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

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

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

(2) A council member or committee member —

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

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

9. Relationship with others

A council member, committee member or candidate —

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

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

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

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

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

10. Council or committee meetings

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

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

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

(c) must not repeatedly disrupt the meeting; and

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

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

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

11. Complaint about alleged breach

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

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

(2) A complaint must be made —

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

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

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

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

12. Dealing with complaint

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

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

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

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

(a) take no further action; or

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

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

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

(a) engage in mediation;

(b) undertake counselling;

(c) undertake training;

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

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

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

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

13. Dismissal of complaint

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

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

(b) either —

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

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

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

14. Withdrawal of complaint

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

(2) The withdrawal of a complaint must be —

(a) in writing; and

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

15. Other provisions about complaints

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

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

Division 4 – Rules of conduct

Notes for this Division:

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

16. Overview of Division

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

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

17. Misuse of local government resources

(1) In this clause —

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

resources of a local government includes —

(a) local government property; and

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

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

18. Securing personal advantage or disadvantaging others

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

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

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

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

19. Prohibition against involvement in administration

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

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

20. Relationship with local government employees

(1) In this clause —

local government employee means a person —

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

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

(2) A council member or candidate must not —

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

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

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

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

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

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

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

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

21. Disclosure of information

(1) In this clause —

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

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

document includes a part of a document;

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

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

(a) derived from a confidential document; or

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

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

(a) at a closed meeting; or

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

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

(d) to an officer of the Department; or

(e) to the Minister; or

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

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

22. Disclosure of interests

(1) In this clause —

Interest —

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23. Compliance with plan requirement

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

Document Control

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Legislation:	*Local Government Act 1995*
Related Documents:	Nil

1.1.2 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 an 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.

Document Control

Policy Number	1.1.2
Policy Version	1
Creation Date	25 October 2017
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Next Review Due	October 2025 - following Ordinary Local Government Elections
Legislation:	*Local Government Act 1995*
Related Documents:	Nil

Policy Position 1.2 – Councillor Fees, Allowances and Reimbursements (EM1.2)

1.2.1 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.

1. Payment of Fees and Allowances

1.1 Annual Meeting Attendance Fees in lieu of Council Meeting and Committee Meeting Attendance Fees:

a) In lieu of paying the *Shire President* and *Councillors* meeting attendance fee for each prescribed meeting, the Shire will pay a percentage (not less than 50%) of the maximum annual attendance fee set by the Salaries and Allowances Tribunal through determination published in the Government Gazette from time to time. The amount to be paid will be set by Council as part of the adoption of the Annual Budget.
b) Payments will be made quarterly in arrears on a pro-rata basis throughout the annual period.

1.2 Annual Local Government Allowances – President and Deputy President

a) The Shire will pay an Annual Local Government Allowance for the *Shire President* that is a percentage (not less than 50%) of the maximum set by the Salaries and Allowances Tribunal through determination published in the Government Gazette from time to time. The amount to be paid will be set by Council as part of the adoption of the Annual Budget.
b) The Shire will pay an Annual Local Government Allowance for the *Deputy Shire President* that is equivalent to 25% of the Shire President's Allowance.

c) Payments will be made quarterly in arrears on a pro-rata basis throughout the annual period.

1.3 Expenses to be Reimbursed

Council Members may be reimbursed for the following expenses in accordance with s5.98 of the *Local Government Act 1995* and as prescribed under Regulation 31(1) of the *Local Government (Administration) Regulations 1996*, (subject to provision of a tax invoice/receipt and a signed Expenses Claim Form):

- Childcare and travel costs incurred by a council member because of the member's attendance at a council meeting or a committee meeting on which they are a member.

The extent to which a council member can be reimbursed for these expenses is outlined in *Extent of Expenses to be Reimbursed* the Salaries and Allowances Tribunal.

1.4 Conditions of Payment

a) All allowances and fees shall be paid automatically into a nominated bank account unless an Elected Member has advised the Chief Executive Officer (CEO), in writing, that they do not want to claim any or part of those fees and allowances.
b) If an Elected Member advises that they do not want all or part of the fees and allowances to which they are entitled, any subsequent request for full or additional payment will not be back-paid but accrued from the date of the CEO receiving such a request.

1.5 Information, Communication and Technology (ICT) Equipment & Use

a) Upon commencement, Elected Members will be issued with a Wi-Fi compatible mobile device with keyboard or equivalent technology.
b) Conditions of issued equipment:
    i. Any damage of loss of the equipment during that time caused by negligence or improper use is the responsibility of the Elected Member to repair and fund or replace. This may include the payment of any insurance excess where applicable.
    ii. The equipment is strictly to be used for Shire purposes only including, researching Council related matters, Shire related pictures or filming, email correspondence, diary requests and Council meeting agendas.
    iii. The CEO, if requested, may provide assistance to Elected Members with user support and training.
    iv. All information on Shire issued equipment is subject to Freedom of Information requests.
    v. All Elected Members will receive an @kent.wa.gov.au email address which is to be used for all Shire related correspondence.
c) The Shire will pay an ICT Annual Allowance of $1,000 per Elected Member.

d) At the end of the operational like of any mobile devices issued to Elected Members or where they are being replaced with updated versions, Elected Members have the opportunity to purchase the obsolete device at market value.

2. Attendance at Conferences and Training within Australia

a) Council will determine, as part of the annual budget process, the Annual Conference and Training budget, which is to be in addition to costs associated with attendance at the annual West Australian Local Government Convention.
b) All fees associated with a training event or conference, including travel, meals and accommodation expenses and course fees etc will be covered by the Shire, to the extent listed in clause 2.1. Supporting evidence must be provided.

2.1 Extent of Expenses to be reimbursed

a) The Shire will reimburse all accommodation costs associated with training and conferences providing the nightly rate is fair and reasonable.
b) If an Elected Member requires accommodation and provides their own accommodation, an allowance of $150 per night will apply.
c) An Elected Member attending a conference and/or training event is entitled to be reimbursed for 'normally accepted' living costs while travelling. Such living costs are to be reimbursed in accordance with the Salaries and Allowances Tribunal through determination published in the Government Gazette from time to time and include, but are not limited to:
    - meals and refreshments for the Elected Member (that are not covered by the conference and training registration costs);
    - dry-cleaning and laundry expenses; and
    - reasonable telephone and internet charges.
d) Elected Members will generally not be reimbursed for the cost of meals or refreshments for other people with the exception of an accompanying person as specified in 2.2 of this policy.
e) Expenses will generally be reimbursed from the time an Elected Member leaves home to attend an event to the time the Elected Member returns home. Should an Elected Member extend a visit by leaving prior to the time necessary to arrive for the event or return after the time at which the Elected Member could have returned following the event, reimbursements will be paid for the days of the conference and/or training event only.
f) Costs of taxi fares, ride-share services, vehicle hire and parking, which are reasonable, required and incurred in attending conferences and/or training, will be reimbursed by the Shire in accordance with the Salaries and Allowances Tribunal through determination published in the Government Gazette from time to time.
g) Should an Elected Member withdraw their registration from a conference or training course past the last cancellation date, any costs incurred by Council that cannot be recouped from event organisers or recovered through insurance shall be reimbursed to Council by that Elected Member.

2.2 Extent of Expenses to be reimbursed

a) Where an Elected Member is accompanied at a conference or training event, all costs incurred by the accompanying person, including, but not limited to, travel, breakfast, meals, registration and/or participation in any event programs, are to be borne by the Elected Member/accompanying person and not by the Shire.
b) The exception to the above being the cost of attending any official conference/training event dinner where partners would normally attend as well as accommodation costs association with a shared room with the Elected Member, where such costs are not above a room rate for the Elected Member alone.
c) Where the Shire meets an account containing any expenditure or cost incurred on behalf of the accompanying person attending, such expenditure must be repaid to the Shire by the Elected Member/accompanying person within 30 days of being invoiced for such expenditure following the conclusion of the conference and/or training event.

Document Control

Policy Number	1.2.1
Policy Version	2
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Next Review Due	October 2025 - following Ordinary Local Government Elections
Legislation:	*Local Government Act 1995* *Local Government (Administration) Regulations 1996*
Related Documents:	Salaries and Allowances Tribunal through determination published in the Government Gazette from time to time

Policy Position 1.3 – Conduct of Elected Members, Committee Members and Employees (EM1.3)

1.3.1 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:

Access	Right, opportunity, means of finding, using or retrieving information. (*International Standard ISO 15489.1: 2017 Records Management Part 1,* Clause 3.1)
Capturing Records	This involves registering business-related information as a record into the Shire of Kent's recordkeeping system.
Council	In this document means the Local Government office and the Council of the Shire of Kent
Creating Records	The process of generating or receiving business-related information in any format or media.
Disposal	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.
Disposal Authority	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.
Elected Member	Means a serving elected member of Council of the Shire of Kent
General Disposal Authority	Is a document setting out the disposition of records and authorising their disposal. The Shire of Kent is required to comply with the *General Disposal Authority for Local Government Records and the General Disposal Authority for Source Records.*
Government Record	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)
Record	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)
Recordkeeping Plan	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: • 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)
Recordkeeping System	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)
State Archive	Means a State record that is to be retained permanently. (State Records Office)
State Record	Means a parliamentary record or a government record. (State Records Office)
State Records Act 2000	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 *State Records (Consequential Provisions) Act* were proclaimed on 30 November 2001. The Act replaced the archives and recordkeeping aspects of the *Library Board of Western Australia Act 1951-1983*. (State Records Office)
State Records Commission	The State Records Commission was established in July 2001 under the terms of *Part 8 of the State Records Act 2000.* 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.

Document Control

Policy Number	1.3.1
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Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*State Records Act 2000* *Freedom of Information Act 1992* *Local Government Act 1995*
Related Documents:	Policy 3.2.1 – Shire of Kent Record Keeping Policy Shire of Kent Record Keeping Plan

1.3.2 ATTENDANCE AT EVENTS POLICY

Introduction
Section 5.90A of the *Local Government Act 1995* provides that a local government must prepare and adopt an Attendance at Events policy.

This policy is made in accordance with those provisions

Purpose
This policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events of council members and the chief executive officer (CEO).

Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above $300 and the donor has a matter before council. Any gift received that is less than $300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest. Receipt of the gift will still be required under the gift register provisions.

5.90A Policy for attendance at events

(1) In this section –
event includes the following –

(a) a concert;
(b) a conference;
(c) a function;
(d) a sporting event;
(e) an occasion of a kind prescribed for the purposes of this definition.

(2) A local government must prepare and adopt* a policy that deals with matters relating to the attendance of council members and the CEO and events, including -

(a) the provision of tickets to events; and
(b) payments in respect of attendance; and
(c) approval of attendance by the local government and criteria for approval; and
(d) any prescribed matter.

**Absolute Majority required.*

(3) A local government may amend* the policy.

**Absolute Majority required.*

(4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements replating to the form or content of a policy under this section.

(5) The CEO must publish an up-to-date version of the policy on the local government's official website.

Provision of tickets to events

1. Invitations

1.1 All invitations of offers of tickets for a council member or CEO to attend an event should be in writing and addressed to the CEO.

1.2 Any invitation of offer of tickets not address the CEO is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.

2. Approval of attendance

2.1 In making a decision on attendance at an event, the council will consider:

(a) who is providing the invitation or ticket to the event,
(b) the location of the event in relation to the local government (within the district or out of the district),
(c) the role of the council member for CEO when attending the event (participant, observer, presenter) and the value of their contribution,
(d) whether the event is sponsored by the local government,
(e) the benefit of local government representation at the event,
(f) the number of invitations/tickets reserved, and
(g) the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.

2.2 Decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy.

3. Pre-approved events

The Shire approves attendance at the following events by Elected Members, the CEO and Employees of the Shire:

(a) advocacy, lobbying or Members of Parliament or Ministerial briefings (Elected Members, the CEO and Executive Management only);
(b) meetings of clubs or organisations within the Shire of Kent;
(c) any free event held within the Shire of Kent;
(d) Australian or West Australian Local Government events;
(e) events hosted by clubs or not for profit organisations within the Shire of Kent to which the Shire President, Elected Member, CEO or employee has been officially invited;
(f) Shire hosted ceremonies and functions;
(g) Shire hosted events with employees;
(h) Shire run tournaments or events;
(i) Shire sponsored functions or events;
(j) cultural events/festivals within the Shire of Kent or District;
(k) events run by a local, state or federal government;
(l) events run by schools and universities within the Shire of Kent;
(m) opening or launch of an event or facility within the Shire of Kent or District;
(n) events run by WALGA, LGIS or a recognised and incorporated WA based local government professional association;

All Elected Members, the CEO and employees with approval of the CEO or their respective Executive Manager, are entitled to attend a pre-approved event.

4. Payments in respect of attendance

4.1 Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation for events outside the district if the council determine attendance to be of public value.

4.2 For any events where a member of the public is required to pay, unless a pre-approved event, the council will determine whether it is in the best interests of the local government for a council member or the CEO or another officer to attend on behalf of the council.

4.3 If the council determines that a council member of CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.

3.4 Where partners of an authorised local government representative attend an event, any tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the council.

5. Definitions

Term	Definition
CEO	Chief Executive Officer
Council	Includes the Shire President and all Councillors.
District	Is defined as the Great Southern Region of Western Australia.
Elected Members	Includes the Shire President and all Councillors.
Event	In accordance with section 5.90A of the *Local Government Act 1995* is defined as: • Concert • Conference • Function • Sporting event • Occasions prescribed by the *Local Government (Administration) Regulations 1996*
LGIS	Local Government Insurance Services
Shire	The Shire of Kent
WALGA	Western Australian Local Government Association

6. Variation to this policy:

This policy may be cancelled or varied from time to time.

Document Control

Policy Number	1.3.2
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Last Review Date	N/A
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Local Government Act 1995* *Local Government (Administration) Regulations 1996*
Related Documents:	Nil

Policy Position 1.4 – Standing Orders (EM1.4)

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18.1 Suspension of Standing Orders
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PART 19 – COMMON SEAL

19.1 The Council's Common Seal

PART 1 - PRELIMINARY

1.1 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.

1.2 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.

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 Seconder 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

Document Control

Policy Number	1.4.1
Policy Version	2
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Legislation:	*Local Government Act 1995* *Local Government (Administration) Regulations 1996* *Local Government (Constitution) Regulations 1998* *State Records Act 2000*
Related Documents:	Nil

Policy Position 1.5 – Elected Member Training and Professional Development (EM1.5)

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*

1.5.1 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.

Document Control

Policy Number	1.5.1
Policy Version	1
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Next Review Due	October 2025 - following Ordinary Local Government Elections
Legislation:	*Local Government Act 1995*
Related Documents:	Nil

Policy Position 1.6 – Standards for CEO Recruitment, Performance and Termination (EM1.6)

1.6.1 CEO RECRUITMENT, PERFORMANCE AND TERMINATION

1. Citation

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

2. Terms used

a) In these Standards—

Act means the *Local Government Act 1995*;
additional performance criteria means performance criteria agreed by the local government and the CEO under clause 16(1)(b);
applicant means a person who submits an application to the local government for the position of CEO;
CEO means the local government's Chief Executive Officer;
contract of employment means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;
contractual performance criteria means the performance criteria specified in the CEO's ***contract of employment*** as referred to in section 5.39(3)(b) of the Act;
job description form means the job description form for the position of CEO approved by the local government under clause 5(2);
local government means the [insert name of local government];
selection criteria means the selection criteria for the position of Chief Executive Officer determined by the local government under clause 5(1) and set out in the job description form;
selection panel means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

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

Division 2 – Standards for recruitment of CEO's

3. Overview of Division

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

4. Application of Division

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

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

(2) This Division does not apply —

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

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

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

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

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

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

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

6. Advertising requirements

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

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

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

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

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

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

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

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

8. Establishment of selection panel for employment of CEO

(1) In this clause —

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

(a) a council member;

(b) an employee of the local government;

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

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

(3) The selection panel must comprise —

(a) council members (the number of which must be determined by the local government); and

(b) at least 1 independent person.

9. Recommendation by selection panel

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

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

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

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

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

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

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

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

(a) in an impartial and transparent manner; and

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

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

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

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

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

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

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

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

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

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

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

11. Offer of employment in position of CEO

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

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

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

12. Variations to proposed terms of contract of employment

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

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

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

(1) In this clause —

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

(2) This clause applies if —

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

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

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

and

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

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

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

14. Confidentiality of information

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

Division 3 – Standards for review of performance of CEO's

15. Overview of Division

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

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

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

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

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

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

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

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

17. Carrying out a performance review

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

(2) The local government must —

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

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

18. Endorsement of performance review by local government

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

19. CEO to be notified of results of performance review

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

(a) the results of the review; and

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

Division 4 – Standards for termination of employment of CEO's

20. Overview of Division

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

21. General principles applying to any termination

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

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

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

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

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

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

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

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

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

(a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the performance issues) related to the performance of the CEO; and

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

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

(d) determined that the CEO has not remedied the performance issues to the

satisfaction of the local government.

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

23. Decision to terminate

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

24. Notice of termination of employment

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

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

A copy of these Standards is to be placed on the local government's official website, pursuant to Section 5.39B(6) of the Local Government Act 1995

Document Control

Policy Number	1.6.1
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Legislation:	*Local Government Act 1995* *Local Government (Administration) Regulations 1996* *Local Government (Administration) Amendment Regulations 2021*
Related Documents:	Nil

HR POLICIES

Policy Number:	ST 2
Policy Title:	HR Policies
Date Adopted:	25 October 2017
Date Reviewed:	21 February 2024
Policy Type:	Governance/Organisation

Policy Position 2.1 – HR Policy (ST2.1)

2.1.1 RECRUITMENT AND SELECTION POLICY

1. Policy statement

This policy is designed to ensure appropriate and consistent recruitment and selection standards are applied at the Shire of Kent (**Local Government**). This policy outlines the Local Government's commitment to undertake the recruitment and selection of employees in accordance with the principles outlined in section 5.40 of the *Local Government Act 1995* (WA) (**Act**) and to ensure successful recruitment and selection decisions are made.

2. Application

This policy applies to the recruitment and selection of all vacant positions excluding the Chief Executive Officer (**CEO**).

CEO recruitment and employment procedures are prescribed in the relevant sections of the Act and the *Local Government (Administration) Regulations 1996* (WA).

If the CEO is recruiting a 'senior employee' as defined in section 5.37 of the Act, this policy applies in addition to the requirement for the CEO to inform Council of any decision to employ or dismiss a 'senior employee'.

3. Merit and equity

The Local Government is committed to ensuring recruitment, selection, promotion and other personnel decisions are fair, consistent, transparent, professional and compliant with the principles set out in section 5.40 of the Act. These principles are outlined below:

- employees are to be selected and promoted in accordance with the principles of merit and equity
- no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage
- employees are to be treated fairly and consistently
- there is to be no unlawful discrimination against employees or persons seeking employment by a Local Government on a ground referred to in the *Equal Opportunity Act 1984* (WA) or on any other ground of discrimination, and
- employees are to be provided with safe and healthy working conditions in accordance with the *Work Health and Safety Act 2020* (WA)

Recruitment and selection practices are to be conducted to ensure high calibre candidates apply for vacancies.

4. Equal Employment Opportunity

The Local Government recognises its legal, moral, social and ethical obligations to actively promote and practice the principles of equal opportunity in all aspects of employment.

The Local Government will ensure it meets its obligations to coordinate a process free from discrimination by ensuring:

- all advertisements, job descriptions and titles are non-discriminatory
- the most suitable person is appointed to a position based on qualifications, skills, expertise, experience and aptitude
- all personnel forms are non-discriminatory and relevant in phrasing and requirements, and
- benefits and entitlements are accessible and administered in a consistent manner throughout the workforce.

5. Authorities and responsibilities

Executive Managers, in consultation with the CEO, are responsible for the recruitment and selection of employees:

- by assessing the need to recruit for a position
- within the scope of their direct or indirect supervision
- within approved budget allocations
- in accordance with this policy and relevant operational procedures, and
- in consultation with Human Resources.

Once an appointment is approved the CEO will execute the employment contract on behalf of the Local Government.

Human Resources is responsible for working with Executive Managers to ensure procedural integrity of the recruitment and selection process.

6. Confidentiality of information and conflict of interest

All employees involved in the recruitment and selection process will be bound by:

- strict standards of confidentiality, and
- disclosure of interest requirements as outlined in the Local Government's Code of Conduct.

7. Probation

All new permanent or maximum/fixed term appointments of more than six months will be subject to a probation period of at least three months but no more than six months.

8. 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 CEO or Executive Manager 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.

9. 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 CEO.

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

10. Record keeping

Records must be created and maintained to evidence compliance with this policy, in accordance with the Local Government's Record keeping Plan and the *State Records Act 2000* (WA).

11. Variation to this policy

This policy may be cancelled or varied from time to time to reflect changes in organisational policy, best practice in recruitment processes and compliance with relevant legislation. The Local Government's employees will be notified of any variation to this policy by the normal correspondence method.

Document Control

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Related Documents:	Policy 2.1.3 Fitness for Work Policy

2.1.2 WORKPLACE BULLYING

1. Policy statement

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.

2. Expected workplace behaviours

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.

3. Workplace bullying definitions

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.

4. 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.

5. Guidelines

5.1 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.

5.2 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.

6. 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 termination of employment of the person engaging in the bullying behaviour.

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.

7. Variation to this policy

This policy may be cancelled or amended periodically. Employees will be notified of any variation through standard correspondence methods.

Document Control

Policy Number	2.1.2
Policy Version	2
Creation Date	25 October 2017
Last Review Date	21 February 2024
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Work Health and Safety Act 2020 (WA)* *Industrial Relations Act 1979* *Corruption Crime and Misconduct 2003* *Worker's Compensation & Injury Management Act 1981*
Related Documents:	Code of Practice: Violence, Aggression and Bullying at Work (2006) Shire of Kent Employee Code of Conduct 2021

2.1.3 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 *Work Health and Safety Act 2020 (WA)* 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

Policy Number	2.1.3
Policy Version	2
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Last Review Date	21 February 2024
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation	*Work Health and Safety Act 2020 (WA)* *Workers Compensation and Injury Management Act 1981 (WA)*
Related Documents:	Policy 2.1.15 Disciplinary Policy Shire of Kent Employee Code of Conduct 2021

2.1.4 SUN PROTECTION POLICY

1. Policy statement

The Shire of Kent (**Local Government**) has an obligation to provide a working environment that is safe and without risks to health. This obligation includes taking reasonably practicable steps to eliminate risks to health and safety, or if this is not possible, to reduce health and safety risks associated with exposure to UV radiation for outdoor workers so far as is reasonably practicable.

2. Policy objective

This policy aims to provide ongoing organisational support to reduce worker exposure to UV radiation by implementing appropriate sun protection control measures.

3. Responsibilities

3.1 Management should:

Engineering controls

- provide shaded areas or temporary shade where possible
- encourage workers to move jobs where possible to shaded areas
- consider applying window tinting to work vehicles
- modify reflective surfaces where possible
- identify and minimise contact with photosensitising substances
- provide indoor areas or shaded outdoor areas for rest/meal breaks
- consider shade for all outdoor events
- consider shade in plans for future buildings and grounds

Personal protective equipment (PPE) and clothing

Provide outdoor workers with the following PPE, (covering as much skin as possible, which must be worn when working outdoors, and be chosen in consultation with workers:

- long-sleeved shirt with a collar made from material with an ultraviolet protection factor (UPF) of 50+
- long trousers made from UPF50+ material
- a sun-protective hat that shades the face, head, ears and neck, is made from UPF50+ material, and is in a broad-brimmed, bucket or legionnaire style
- attachable brims and neck flaps when wearing a hard hat
- broad-spectrum, water-resistant sunscreen and lip balm with a sun protection factor (SPF) of 30 or higher, that is applied generously 20 minutes before going outdoors so that it can be absorbed, and reapplied at a minimum of every two hours
- sunscreen is stored in a cool place (below 30°C) to prevent deterioration and reduced effectiveness. The expiry date on the bottle is checked and adhered to
- sunglasses that are close fitting, have a wrap-around style and have an eye protection factor (EPF) of 9 or 10, or meet Australian Standards (AS/NZS 1067) or safety glasses rated “O” (AS/NZS 1337.1)

Education and training

- provide training to workers to educate about the risks of working outdoors and enable them to work safely in the sun
- ensure training is provided as part of induction for new workers
- ensure workers are provided with information to effectively examine their own skin
- inform workers of tax deduction entitlements for sun protective work equipment
- promote sun-protective behaviour in prominent areas as a reminder to employees
- ensure managers and supervisors act as positive role models
- adopt sun protection practices during all company social events
- promote the use of sun protection measures 'off the job'

3.2 Workers should:

- co-operate with all measures introduced by management to minimise the risks associated with exposure to UV radiation
- comply with instructions and advice in regards to the use of sun protection control measures
- participate in sun protection education programs
- act as positive role models
- be responsible for their own sun-protective practices at work
- report incidents of UV radiation overexposure, including sunburn of the skin and photokeratitis of the eye

4. Commitment

The Shire of Kent:

- recognises that standard company grievance procedures will be initiated where an employee fails to take reasonable care for their own health and safety or co-operate with the sun protective measures implemented to reduce the risks associated with UV radiation exposure in the workplace.
- will ensure injury reporting procedures are followed when an incident of sunburn or excessive exposure to UV radiation occurs in the workplace.
- that a combination of sun protection measures, which includes engineering and administrative controls and personal protective equipment and clothing, provides the best protection to workers from risks to health associated with exposure to UV radiation.

5. Variation to this policy

This policy may be cancelled or amended periodically. Employees will be notified of any variation through standard correspondence methods.

Document Control

Policy Number	2.1.4
Policy Version	2
Creation Date	25 October 2017
Last Review Date	21 February 2024
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Work Health and Safety Act 2020 (WA)*
Related Documents:	Shire of Kent Employee Code of Conduct 2021 Policy 2.1.15 Disciplinary Policy Policy 2.1.16 Grievance Policy

2.1.5 USE OF COUNCIL VEHICLES

1. Policy objective

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

2. Scope

This policy applies to all drivers of Shire of Kent (**Local Government's**) vehicles.

3. Definitions

Authorised driver means any employee or Councillor, other than the designated driver, who is required to drive the vehicle as part of their duties and responsibilities.

or

The designated driver's spouse or partner, if specified in the employee's employment agreement

Designated driver means any employee of the Local Government who has been assigned the vehicle as part of their employment.

4. Application

4.1 All drivers

All drivers of Council owned vehicles must comply with the following general conditions:

a) Drivers must hold a current Western Australian driver's license appropriate for the class of vehicle.
b) The vehicle shall be operated responsibly and legally, observing all road rules and traffic regulations.
c) The driver is financially responsible for any fines and/or infringements (including parking) received during the operation of the vehicle.
d) Smoking is strictly prohibited within Council vehicles at all times.
e) Vehicles must be parked in a safe and secure place and be properly secured when unoccupied.
f) Vehicles must be examined prior to use for any damage and faults.
g) Any vehicle accident or damage must be reported immediately (or as soon as practicable) to the Chief Executive Officer (CEO) or Executive Management.
h) No confidential material or valuables are to be left in vehicles. Any personal items left in vehicles are solely the responsibility of the owner of the personal items.
i) Any designated driver of authorized driver shall immediately advise the CEO if their driver's license is suspended or cancelled.

4.2 Designated drivers

Designated drivers shall comply with the following additional conditions in respect to the vehicle in their care:

a) The vehicle shall be available for business during normal working hours.

b) Advise the Local Government's Mechanic when scheduled servicing of the vehicle is due or repairs required.
c) Ensure the vehicle has a sufficient amount of fuel/lubricant, water and correct tyre pressure in between scheduled servicing.
d) Vehicles must be kept in a clean and tidy condition.

Document Control

Policy Number	2.1.5
Policy Version	1
Creation Date	21 February 2024
Last Review Date	N/A
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Local Government Act 1995*
Related Documents:	Shire of Kent Employee Code of Conduct 2021 Policy 2.1.15 Disciplinary Policy Policy 2.1.3 Fitness for Work Policy

2.1.6 GIFTS, FUNCTIONS & PAYMENT OF GRATUITIES TO RESIGNING EMPLOYEES

1. Policy objective

To adopt a policy in relation to employees who are retiring or resigning their employment with the Shire of Kent (**Local Government's**) 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*.

2. Gift guidelines

The Local Government 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.

3. Gratuity guideline

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.*

4. Farewell Functions

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

Document Control

Policy Number	2.1.6
Policy Version	1
Creation Date	25 October 2017
Last Review Date	21 February 2024
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Local Government Act 1995* *Local Government (Administration) Regulations 1996*
Related Documents:	N/A

2.1.7 ANNUAL LEAVE AND LONG SERVICE LEAVE MANAGEMENT POLICY

1. Policy statement and purpose

This policy is to clarify employee entitlements to annual leave and long service leave and provide guidelines to facilitate the management of accrued entitlements for employees of the Shire of Kent (**Local Government**).

2. Application

This policy is provided to facilitate consistency throughout the Local Government in accordance with the Shire of Kent Outside Workforce Enterprise Agreement, the *Minimum Conditions of Employment Act 1993* (WA) (**MCE Act**), and the *Local Government (Long Service Leave) Regulations* (WA) (**LSL Regulations**).

3. Annual leave

Annual leave is intended to assist staff to achieve a work life balance. Employees are entitled to and are encouraged to take annual leave. Employees and their Managers are responsible for leave planning and management and will work together to avoid high leave accruals, including where annual leave balances exceeds eight weeks.

If an employee requires personal leave during a period of annual leave, they may apply to have the leave reversed if this is provided for in the Shire of Kent Outside Workforce Enterprise Agreement or the employee's employment contract. There is no minimum entitlement to convert annual leave to personal leave if the employee was sick during a period of annual leave under the MCE Act.

4. Long service leave

Long service leave is additional leave with pay, granted to employees after a period of continuous service. Its purpose is to recognise the employee's service and to enable the employee to have a lengthy period of rest and relaxation during their working life. The entitlement to long service leave comes from the LSL Regulations. Long service leave is inclusive of public holidays that fall during a long service leave period.

5. Applying for leave

A leave request is to be submitted by the employee via a leave request form. The employee's manager will either approve or deny the leave request based on the operational needs of the organisation. If the leave request is denied, the employee must be provided with a reason for the leave being denied.

An employee's manager is to maintain a leave roster to ensure adequate coverage of functions during leave periods. The employee must give at least two weeks' notice to their manager of their intention to take annual leave.

An employee is required to give two months' written notice to their manager of their intention to take long service leave, following the accrual of a long service leave entitlement.

Employees are advised that travel arrangements should not be made prior to leave approval. The Local Government is not responsible for any loss incurred by the booking and/or payment of travel prior to the approval of related leave.

6. Payment for annual leave

Employees can request to receive payment to annual leave and long service leave in advance provided leave applications are approved and given to payroll with sufficient time to process before commencing leave. Application forms are to be signed by the applicant and employee's manager.

7. Annual leave during Christmas close down

It is standard practice for the Local Government to close for business for the week between Christmas and New Year each year and depending on when those days fall relative to weekends, for a day or more prior to or after. These days, exclusive of the public holidays, are generally taken as annual leave.

Employees will be notified mid-year of the dates of the Christmas close-down. Where an employee does not have sufficient annual leave to cover the Christmas close-down unpaid leave will be approved.

8. Consequences of breaching this policy

This policy constitutes a lawful instruction to employees. Any breach of this policy may lead to disciplinary action including, but not limited to, termination of employment.

9. Variation to this policy

This policy may be cancelled or varied from time to time. Employees will be notified of any variation to this policy.

Document Control

Policy Number	2.1.7
Policy Version	1
Creation Date	21 February 2024
Last Review Date	N/A
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Local Government (Long Service Leave) Regulations (WA)* *Minimum Conditions of Employment Act 1993 (WA)*
Related Documents:	Shire of Kent Outside Workforce Enterprise Agreement 2021

2.1.8 RELEASE OF STAFF TO ASSIST EMERGENCY SERVICES

1. Policy purpose

Council supports and recognises the need of volunteers as members if the emergency services within the Shire and adopts as policy the following:

The release of staff, who are trained volunteers to assist the emergency services of which they are members in, an emergency situation only when approval from a manager is given.

Staff released to assist in an emergency will be remunerated without less pay or leave while attending the emergency event during working hours.

The emergency services are those defined under LEMC (Local Emergency Management Committee) and are:

- St John Ambulance
- Bushfire Brigades
- State Emergency Services
- Australian Red Cross

2. Scope

This policy applies to all employees.

3. Conditions

3.1 Approval shall be limited to a maximum of 38 hours per calendar year, unless approved by Chief Executive Officer;

3.2 Employees seeking leave under this policy must provide certification that they are an active member of a recognised volunteer emergency service organisation;

3.3 Employees deployed to provide assistance during an emergency will receive remuneration without any deduction in pay or leave for the duration of their involvement in the emergency event that falls during regular working hours.

4. Review and Revision

This policy will undergo an annual review and be updated as necessary.

Document Control

Policy Number	2.1.8
Policy Version	1
Creation Date	21 February 2024
Last Review Date	N/A
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Local Government Act 1995*
Related Documents:	Shire of Kent Community Strategic Plan – 4.2 Civic Leadership

2.1.9 SMOKE-FREE WORKPLACE POLICY

1. Policy purpose

The Shire of Kent (Local Government) recognises that passive smoking is hazardous to health and is committed to ensuring that all employees, elected members, visitors, and contractors are not exposed to tobacco smoke or vapours from e-cigarettes (vapes) in the workplace, including enclosed and outdoor spaces and Council vehicles.

2. Policy objective

This policy aims to:

- Ensure provision of a smoke-free environment
- Provide a safe work environment for employees, elected members, contractors, volunteers and visitors.

3. Policy scope

This policy applies to all:

- Employees, elected members, contractors and volunteers performing work at the Shire of Kent workplaces.
- Visitors to the Shire of Kent workplaces.
- Shire of Kent workplace sponsored functions.

4. Guidelines

Smoking is NOT permitted in:

1. All enclosed spaces that are either owners or leased by Council, including but not limited to:

    a. Office spaces
    b. Car parks
    c. Toilets
    d. Lunchrooms
    e. Common areas
    f. Sheds/Depots

2. Within five metres of any doorway, or access walkway to a Council building.

3. Outdoor spaces, including but not limited to:

    a. Outdoor areas where food or drinks are provided
    b. Thoroughfares
    c. Loading bays
    d. Within ten metres of children's play equipment open to the public

4. All Council vehicles and plant OR your own personal vehicle if a co-worker is present.

5. Hazardous areas, where flammable gases or dusts may be present.

6. **No Smoking/Smoking Prohibited** signs are to be placed at all entrances to Council buildings and in all Council vehicles.

7. Smoking breaks are not an entitlement and do not constitute paid work.

5. Assistance to quit smoking

Council may provide support to employees who require assistance in giving up smoking with the provision of individual health consults within the LGIS health and well-being program.

For assistance with giving up smoking, employees may also seek free support resources from:

- WA Quitline by phoning 13 78 48 or visit www.quit.org.au
- My Quit Buddy: Download the free app
- Quit Now Calculator: available at quitnow.gov.au

6. Consequences of breaching this policy

All Council employees, visitors, volunteers and contractors may report breaches of the Smoking in the Workplace Policy by completing an Incident Report form and providing it to their respective managers.

Breaches of the policy must be managed in accordance with Council's Code of Conduct.

7. Definitions

Enclosed means if it has a ceiling or roof and is greater than 50% enclosed by walls, or other vertical structures or coverings. A vehicle meets the definition of an 'enclosed' workplace.

Smoking means inhaling tobacco from a cigarette, cigar and pipe, as well as inhaling vapour from an e-cigarette (vape).

Council means the Shire of Kent

8. Roles and responsibilities

- The Shire of Kent has a duty of care to provide a safe workplace to its employees, as per health and safety legislation and common law.

- Employees, elected members, contractors, volunteers and visitors are responsible for maintaining a smoke-free work environment and reporting any breaches to management.

- The employer and direct manager are responsible for ensuring adherence to this policy.

9. Variation to this policy

This policy may be cancelled or amended periodically. Employees will be notified of any variation through standard correspondence methods.

Document Control

Policy Number	2.1.9
Policy Version	1
Creation Date	25 October 2017
Last Review Date	21 February 2024
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Work Health and Safety Act 2020* *Work Health and Safety (General) Regulations 2022* *The Tobacco Products Control Act 2006*
Related Documents:	Shire of Kent Employee Code of Conduct 2021 Shire of Kent Community Strategic Plan – 4.2 Civic Leadership Policy 2.1.15 Disciplinary Policy

2.1.10 STAFF HOUSING ALLOWANCE FOR NON-SHIRE ACCOMMODATION

1. Purpose

This policy sets out clear guidelines and conditions to the payment of an allowance to non-contract staff that provide their own accommodation within the Shire of Kent.
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.
- Provide assistance to employees that live in non-subsidised housing.

2. Scope

Full-time and part-time non-contract employees of the Shire of Kent.

3. Policy Statement

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

1. The allowance will be paid each fortnight as part of an employee's package.
2. The weekly maximum allowance will be $125 per week.
3. Part time employees will be paid a pro-rata allowance.
4. This allowance is not payable to casual employees.
5. Employees must reside within the Shire of Kent.
6. The allowance may continue during any period of paid leave for the employee.
7. An individual household only is permitted to claim the subsidy. For example;
    - If two (2) or more employees are living together in non-shire owned accommodation, only one allowance is payable.
    - If two (2) or more employees reside together in shire-owned accommodation and one tenant pays employee rental rates, no other employee residing in that house is eligible to claim the housing allowance.
8. For consideration of the allowance a request must be made to the CEO.
9. The allowance shall be subject to review as part of the annual budget process.
10. This policy may be cancelled or amended periodically.
11. Employees will be notified of any variation through standard correspondence methods.

Document Control

Policy Number	2.1.10
Policy Version	2
Creation Date	23 July 2019
Last Review Date	24 July 2024
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Local Government Act 1995*
Related Documents:	Shire of Kent Community Strategic Plan 2023-2033 *(4. Civic Leadership – 4.2 Proactive and well governed Shire)*.

2.1.11 EMPLOYEE RELOCATION EXPENSES

1. Purpose

The purpose of this policy is to ensure a relocation subsidy policy is in place to assist in the attraction of employees.

2. Scope

The Shire of Kent (**Local Government**) may offer financial assistance to new or existing employees who meet the following criteria:

- The employee is appointed and has formally accepted a permanent, ongoing, or maximum term contract
- The employee would be required to relocate from outside the Shire boundaries in order to accept the position
- In the instance where more than one family member is employed with the Local Government and relocation is required, then financial support will be approved for the primary employee only

3. Policy statement

At the CEO discretion, the cost of relocation and removal expenses, are negotiated when employing new staff. The Local Government may reimburse an employee who has negotiated removal expenses to a maximum of $3,000.

Receipts must be produced to claim reimbursement and relocation costs should be claimed during the time of relocation and cannot be banked for usage at a later date, neither will it be paid out in cash

Should the employee resign, or their employment is terminated for misconduct or serious misconduct, they will be required to repay all, or a portion of the total relocation costs paid by the Local Government as detailed below:

Years of Service	Repayment Required
Less than one year's service since commencement in the position for which the relocation was provided	100% of the Shire's contribution
At least one year, but less than two years' service since commencement in the position for which the relocation was provided	50% of the Shire's contribution
At least two years' service since commencement in the position for which the relocation was provided	Nil

4. 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	2.1.11
Policy Version	1
Creation Date	N/A
Last Review Date	21 February 2024
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Local Government Act 1995* *Local Government (Administration) Regulations 1996*
Related Documents:	Shire of Kent Community Strategic Plan – 4.2 Civic Leadership Policy 2.1.15 Disciplinary Policy Shire of Kent Employee Code of Conduct 2021

2.1.12 SUPERANNUATION VOLUNTARY CONTRIBUTION

1. 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.

2. Policy statement:

2.1 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%.

2.2 Voluntary contributions by employees may be made through salary sacrifice or non-concessional superannuation contributions.

3. 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.'

4. 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	2.1.12
Policy Version	2
Creation Date	15 September 2021
Last Review Date	21 February 2024
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Superannuation Guarantee (Administration) Act 1992*
Related Documents:	N/A

2.1.13 TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO POLICY

1. 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..

2. Scope

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

3. Statement

3.1. 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.

3.2. 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).

3.3. 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.

3.4. 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).

(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.

3.5. 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. 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.

3.6. 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.

Document Control

Policy Number	2.1.13
Policy Version	1
Creation Date	21 July 2021
Last Review Date	21 February 2024
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Local Government Act 1995* *Local Government (Administration) Regulations 1996*
Related Documents:	N/A

2.1.14 ORGANISATIONAL STRUCTURE AND DESIGNATED SENIOR EMPLOYEES

1. 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.

2. 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.

Document Control

Policy Number	2.1.14
Policy Version	1
Creation Date	15 December 2021
Last Review Date	21 February 2024
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Local Government Act 1995* *Local Government (Administration) Regulations 1996*
Related Documents:	N/A

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	21 February 2024
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Corruption, Crime and Misconduct Act 2003 (WA)* *Fair Work Regulations 2009* (Cth) *Public Interest Disclosure Act 2003 (WA)*
Related Documents:	Policy 2.1.4 Fitness For Work Policy Shire of Kent Employee Code of Conduct 2021

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	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. This requirement does not preclude a complainant, respondent, witness or Local Government from seeking legal, financial or other professional advice.
Impartial (unbiased)	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.
Sensitive	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.
Timely	The Shire of Kent aims to deal with all complaints as quickly as possible and in accordance with any legislative requirements.
Documented	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.

Procedural fairness	**Procedural fairness in the complaint process means that:** • **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.**

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.

Document Control

Policy Number	2.1.16
Policy Version	1
Creation Date	17 August 2022
Last Review Date	21 February 2024
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Corruption, Crime and Misconduct Act 2003 (WA)* *Public Interest Disclosure Act 2003 (WA)*
Related Documents:	Policy 2.1.15 Disciplinary Policy Policy 2.1.2 Workplace Bullying Policy Shire of Kent Employee Code of Conduct 2021

2.1.17 SOCIAL MEDIA POLICY

1. Policy statement and purpose

This policy outlines the protocols for employees of the Shire of Kent (**Local Government**) for using social media on behalf of the Local Government and provides guidance for employees when using their personal social media accounts.

2. Application

This policy applies to all employees, contractors and volunteers at the Local Government who access and use social media for professional or social purposes whether via personal devices or those supplied by the Local Government.

3. Definition of social media

Social media encompasses websites and applications where users create or participate in online communities to share information, ideas, personal messages, photos, videos and other content.

Examples of social media platforms include:

- Social networks such as Facebook, Instagram, Snapchat, LinkedIn and X
- Media sharing networks such as YouTube, Vimeo, Utube, Twitch, Daily Motion and Vevo
- Discussion forums such as Reddit
- Content curating networks such as Pinterest
- Consumer review networks such as TripAdvisor and Yelp
- Blogging and publishing networks such as WordPress and Tumblr

4. Local Government use of social media

The Local Government may direct employees to use social media via the Local Government's social media accounts. Only employees with appropriate training and knowledge who are expressly authorised by the Chief Executive Officer may use social media for Local Government purposes.

Employees who are authorised to use social media in the course of their work must:

- ensure information posted is truthful, accurate, professional and in the best interest of the Local Government
- not post commercially sensitive information or personal information about employees and rate payers
- use spell check and proofread each post before publication
- Verify facts and sources
- be respectful of all individuals and communities when interacting online
- not post or engage with any material that is inappropriate, unlawful or infringes on any intellectual property rights
- seek to conform to the cultural and behavioural norms of the social media platform being used
- acknowledge and correct any errors promptly after disclosing the error to the line manager

- comply with any procedure for social media posts to be approved by the line manager
- be aware that the Local Government is responsible and liable for any social media posts made on behalf of the organisation.

5. Personal use of social media

5.1 Local Government social media accounts

An employee cannot comment on behalf of the Local Government on social media unless expressly authorised by the Chief Executive Officer.

An employee may share links, 'like' a post or comment on a post published by the Local Government, provided the interaction complies with the Code of Conduct and the personal use of social media provisions in clause 5.2 of this policy.

5.2 Personal social media accounts

Employees who use personal social media accounts must not, at any time:

- infer or state they are speaking on behalf of the Local Government
- disclose any Local Government information that is not otherwise publicly available
- use their personal social media accounts in such a way that it interferes with their ability to work professionally, efficiently and impartially
- Registering personal accounts with work email addresses.
- criticise decisions of a Local Government, Councillors or employees of the Local Government

Personal use of social media by an employee may be considered inappropriate and may result in disciplinary action if it is:

- likely to damage the employer's interests
- likely to damage the relationship between the Local Government and the employee
- incompatible with the employee's duties.

Employees should be mindful that content published on the internet, including posts on social media are permanently retained and even if an employee is posting on their private social media account, this may be viewed by the public.

6. Consequences of breaching this policy

This policy constitutes a lawful instruction to employees. Any breach of this policy may lead to disciplinary action including, but not limited to, termination of employment.

7. Variation to this policy

This policy may be cancelled or amended periodically. Employees will be notified of any variation through standard correspondence methods.

Document Control

Policy Number	2.1.17
Policy Version	1
Creation Date	21 February 2024
Last Review Date	N/A
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Local Government Act 1995*
Related Documents:	Shire of Kent Employee Code of Conduct 2021 Policy 2.1.18 ICT Acceptable Usage Policy Policy 2.1.15 Disciplinary Policy

2.1.18 ICT ACCEPTABLE USAGE POLICY

1. Introduction

The Shire of Kent's (**Local Government's**) ICT Acceptable Usage Policy outlines the acceptable use of information technology resources provided by the Local Government. All employees, contractors, vendors and third parties accessing the Local Government's ICT resources must adhere to this Policy. Failure to comply may result in disciplinary actions, including termination and legal consequences.

2. Purpose

The purpose of this Policy is to:

- Protect the integrity, confidentiality and availability of the Local Government's ICT resources.
- Ensure a secure and productive computing environment.
- Define the appropriate and inappropriate use of ICT resources.
- Promote responsible and ethical behaviour in the use of technology.

3. Scope

This Policy applies to all ICT resources owned, leased or operated by the Local Government, including but not limited to:

- Computer systems and servers.
- Network and internet access.
- Software applications and licenses.
- Email and communication systems.
- Data and information stored electronically.
- Mobile devices provided by the Local Government.

4. Definitions

Authorised User means any employee that has been granted authorised access to the Local Government's ICT facilities.

Email means the Local Government provided Microsoft Outlook, Outlook Web Access, or any Local Government email system that is synchronised to a PC or mobile device, whether the mobile device is provided by and remains the property of the Local Government, or owned by an Authorised User.

ICT means Information, Communications, and Technology. This includes but is not limited to mail, telephones, mobile phones, voice mail, SMS, email, intranet, computers, tablets, printers, multi-functional devices, scanners and other electronic devices owned by the Local Government.

Malware is an abbreviation of 'malicious software' and means software programs designed to cause damage and other unwanted actions on a computer system. Examples of malware include spyware, worms, viruses and Trojans.

Network Access includes connectivity from any device to Local Government managed ICT infrastructure connecting both local and remote network servers.

Prohibited Material means content which:

- could be reasonably regarded as pornographic
- contains offensive language, cruelty or violence
- is illegal, defamatory or discriminatory
- breaches copyright
- promotes terrorism or encourages terrorist acts, and
- contravenes the Local Government's values and policies.

5. Acceptable use

5.1 Responsible use

Employees and Councillors must use ICT resources responsibly and professionally. This includes:

- Complying with all applicable local, state and federal laws and regulations.
- Protecting sensitive information and respecting confidentiality.
- Using resources for job-related tasks and approved business purposes. A degree of personal use is allowed however as outlined under section 5.2.
- Respecting intellectual property rights including copyrights and trademarks.
- Prioritise professionalism in email/messaging communications by maintaining a respectful and positive tone in all exchanges.
- Clearly articulate ideas and information, ensuring that messages are concise, relevant and free from personal attacks or insults.
- Consider the impact of tone and language on the recipient, fostering a positive and collaborative atmosphere in email interactions.

5.2 Personal use

Employees are permitted a degree of reasonable personal use of the Local Government's ICT assets, devices and systems. This allowance is subject to responsible and conservative judgement on the part of employees but must abide by the following:

- Personal use should be conducted either before or after contracted working hours or during authorised breaks.
- It is essential that personal use is limited and brief, avoiding excessive downloads or transmissions. An acceptable illustration of personal use includes brief transactions through internet banking.
- In instances of uncertainty regarding the acceptability of personal use, employees are to seek guidance from their respective supervisors or managers.

5.3 Remote access

- Users with remote access are reminded that while connected to the Local Government's network, their devices function as extensions of the network. Consequently, employees are subject to the same rules and regulations as per the Local Government's policies.
- It is imperative that any device remotely connected to the Local Government's corporate network maintains a robust security posture, Employees and Councillors

should retain complete control of all devices, regardless of personal or Local Government ownership.

- Devices connected through remote access must be equipped with up to date anti-malware/Anti-Virus software.
- Employees and Councillors are advised to refrain from utilising public access terminals for establishing remote connections. In these instances, the Local Government's VPN (Virtual Private Network) connection must be used to establish connectivity with the Local Government's network.

5.4. Security

Employees and Councillors are responsible for safeguarding ICT resources and data. This includes:

- Not sharing login credentials or access to ICT resources.
- Reporting security incidents promptly to ICT.
- Locking any unattended ICT computer/laptop/phone if unattended.

5.5. Privacy

Employees and Councillors are to respect the privacy of others, including:

- Not accessing or sharing confidential employee, councillor or rate payer information without proper authorisation.

6. Unacceptable use

6.1 Unauthorised access

- Attempting to access or using ICT resources without authorisation.
- Unauthorised use of another employee's or Councillor's account or identity.

6.2 Malicious activities

- Introducing viruses, malware or other malicious software.
- Hacking, cracking or attempting to breach security measures.
- Distributing spam or phishing emails.

6.3 Inappropriate content

- Accessing, creating or sharing offensive, discriminatory, illegal or pornographic content.
- Engaging in online harassment eg, Cyber bullying.

6.4 Resource misuse

- Wasting ICT resources, including excessive bandwidth or storage use.
- Unauthorised installation or removal of software or hardware.

6.5 Violation of Copyright

- Unauthorised distribution or downloading of copyrighted material.
- Using Local Government resources for illegal file sharing or piracy.

7. Monitoring and enforcement

The Local Government reserves the right to monitor ICT resource usage for compliance with this Policy. Non-compliance may result in disciplinary action, up to and including termination of employment or contract.

8. Reporting violations

Employees and Councillors should promptly report any violations or suspected breaches of this Policy to the IT department or their supervisor.

9. Review and updates

This Policy is subject to periodic review and updates. Employees and Councillors will be notified of any changes to the Policy.

10. Acknowledgement

I acknowledge that I have read and understood the Shire of Kent ICT Acceptable Usage Policy. I agree to abide by the terms and conditions outlined in this Policy.

[Employee Name] [Date]

(Signature)

Document Control

Policy Number	2.1.18
Policy Version	1
Creation Date	21 February 2024
Last Review Date	N/A
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Local Government Act 1995*
Related Documents:	Shire of Kent Employee Code of Conduct 2021 Policy 2.1.17 Social Media Policy Policy 2.1.15 Disciplinary Policy

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

a) Practices are conducive to good financial management.
b) There is full compliance with all relevant financial standards and statutory requirements.
c) 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 in 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 am 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 vale 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 efficient and effective guidelines for the recovery of outstanding debts owed to the Shire of Kent, while maintaining quality customer service.

The Shire of Kent will actively pursue all outstanding rates and sundry debtors in accordance with the *Local Government Act 1995* and associated regulations.

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.

Council will operate effective billing and debt collection processes including the efficient management of accounts receivable and related credit management, when a 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.

Equity and Fairness

The Shire of Kent will:

- Provide consistency and equal treatment in the collection of outstanding rates and sundry debtors;
- Provide the community with information on how Shire staff are instructed to collect outstanding rates and sundry debts; and
- Formalise the process for entering into a payment arrangement for outstanding debts owing to the Shire of Kent.

Recovery of Non-Rates Charges
Rates are due for payment not less than 35 days from date of issue of the Rates Notice, in accordance with section 6.50(2) of the *Local Government Act 1995*. Subject to Policy 3.1.10 – Financial Hardship, should a debtor fail to pay within the initial 35 day period (or failure to choose to pay by instalments or enter into a negotiated payment arrangement) the following debt collection process is followed (for non-pensioner rates and service charges).

a) <u>Interest</u>
The Shire of Kent will charge interest against rates debts that remain outstanding for more than 35 days from the date of the issue of the Rates Notice, as follows:

- where payment of rates is made by instalments pursuant to section 6.45(3) of the *Local Government Act 1995*, interest will be charged at the rate adopted by Council as part of the Annual Budget, up to the maximum prescribed by regulation 68 of the *Local Government (Financial Management) Regulations 1996*; and
- where rates remain unpaid after the due date for payment pursuant to section 6.51 of the *Local Government Act 1995*, interest will be charged at the rate adopted by Council as part of the Annual Budget, up to the maximum prescribed by regulation 70 of the *Local Government (Financial Management) Regulations 1996*.

b) Rates outstanding after the due date shown on the Rates Notice

i. Final notice is forwarded via post and email (if appropriate) outlining payment within 14 days or debt collection/legal action may occur as well as additional costs incurred.

Final Notices are not to be issued to eligible persons registered to receive a pensioner or senior rebate under the *Rates and Charges (Rebates and Deferments) Act 1992*; as such, persons have until 30 June of the current financial year to make payment, without incurring any penalty interest. However, the Shire may issue a Final Notice to registered pensioners or seniors for any unpaid charges not subject to a rebate or deferment (for example, waste collection charges).

ii. If payment has not been received by the due date shown on the Final Notice, attempt to contact the debtor by other means, including telephone and email, regarding payment of the debt.

iii. Intention to Summons – If the debtor is uncontactable or payment is not received within 7 days, a letter of demand is to be issued (Intention to Summons) outlining that failure to make payment within 7 days will result in recovery action with additional costs and interest.

If the debtor fails to make any appropriate arrangements for payment, an item is presented to the Council to request the processing of a GPC by the Shire's debt collection agency.

iv. General Procedure Claim (GPC) –

This is a court document to initiate legal action for collection of the unpaid debt. If the property is rented, the option to collect landlord rent for rates as per section 6.60 and 6.61 of the *Local Government Act 1995* may be actioned, which requires approval of the Shire of Kent (either Council or delegated officer, if delegated).

v. Property (Seizure and Sale) Order (PSSO) or Means Enquiry Summons (MES) - If the GPC has been served and no arrangement to pay or payment in full has been received, the rates department will explore options for collection through:

PSSO – This court document allows the Shire to seize goods and/or property/land for the collection of the outstanding debt

MES – This court document allows the Shire to nominate a debtor to attend court and provide all financial records in order for the court to make a decision on their ability to pay.
Arrangements are then made for collection based on the outcome.

Options to recover rates debts outstanding for at least three years
The Shire of Kent may seek to recover an outstanding rates debt that has remained unpaid for at least three years by taking possession of the land in accordance with Part 6, Division 6 Subdivision 6 of the *Local Government Act 1995*.

This may include:

- Leasing the land
- Selling the land

- Causing the land to be transferred to the Crown; or
- Causing the land to be transferred to the Shire.

Legal costs and other expenses
Legal costs and expenses incurred by the Shire in recovering rates debts will be charged against the land in accordance with section 6.43 of the *Local Government Act 1995*.

Payment arrangements
Rates debtors who are unable to pay outstanding rates by the due date may apply in writing to the Shire to enter into a payment arrangement to make periodical payments. Payment arrangements must be duly noted and approved by a delegated officer or Council. Defaulted arrangements will activate enforcement.

The Shire may decline to enter into a payment arrangement with a rates debtor.

Interest will continue to be payable on outstanding rates debts that are subject to a payment arrangement with the Shire of Kent.

Recovery of Outstanding Debt – All other Sundry Debtors
Should a debtor fail to pay within the initial 14 day period, the following debt collection process is followed:

1. Debt outstanding – 14 days: A statement is forwarded to the debtor with a reminder alerting them to their unpaid invoice.
2. Debt outstanding – 30 days: A reminder notice is forwarded to the debtor.
3. Debt outstanding – 60 days: Contact is made by way of email and phone as a friendly follow-up. If contact cannot be made, an urgent action letter is sent (and emailed if appropriate) requesting immediate payment. Assistance can also be requested from the relevant service area to communicate with the debtor.
4. Debt outstanding – 90+ days: A final notice is forwarded outlining payment within 7 days or debt collection action will occur. The debtor is to be advised that any fees incurred in recovering the debt will be passed on to the debtor.

5. Non-payment within 7 days of final notice: An item is presented to the Council to forward the outstanding debtor to the Shire's debt collection agency.
    - Ongoing communication occurs between the Shire and the debt collection agency relating to the collection.
    - Continued failure to pay or respond to debt collection results in legal action (dependent on circumstances and cost benefit to the Shire).

Writing off Bad Debts
Any requests from staff to write off bad debts ae to be handed either in accordance with Council approved delegations or by Council.

Reporting
Finance staff will prepare a report for the Deputy Chief Executive Officer (or delegate) at the end of each month. The report will contain:

- The reconciliation between the general debtor ledger and the Debtors Trial Balance
- The reconciliation between the rates ledger and the Rates Debtor Trial Balance
- 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.

Document Control

Policy Number	3.1.5
Policy Version	1
Creation Date	23 July 2025
Last Review Date	23 July 2025
Next Review Due	2028
Legislation:	*Local Government Act 1995*
Related Documents:	Nil

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 unreason able 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
    iv. 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 organisiers 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

3.1.11 EMERGENCY SERVICES RESERVE FUND POLICY

1. Policy Objective

To establish a transparent and collaborative framework for the management and use of the Shire of Kent Emergency Services Reserve Fund.

This policy is intended to ensure that:

- funds are retained and used for emergency services purposes within the Shire of Kent;
- local emergency services groups are consulted regarding proposed contributions and expenditure;
- funding requests are assessed consistently and transparently;
- community-raised funds continue to provide a direct benefit to the local community; and
- the Reserve is administered in accordance with the *Local Government Act 1995* and applicable financial management requirements.

2. Background

The Emergency Services Reserve Fund was established following a request from local emergency services representatives to transfer community-raised emergency services funds to the Shire for ongoing management.

The funds were originally raised by members of the local community to support emergency services operating within the Shire of Kent. Upon establishment of the Reserve, the local emergency services group or groups made an initial contribution as recorded below:

Initial contribution: *$[to be inserted by the Chief Executive Officer once received]*

Date received: *[to be inserted by the Chief Executive Officer once received]*

Council authorises the Chief Executive Officer to insert the confirmed amount and date above once the funds are received. This is an administrative update recording a historical fact and does not constitute an amendment to this policy.

Council acknowledges the considerable effort of local volunteers and community members in raising these funds and recognises that the funds were raised by the local community for the benefit of the local community.

Once transferred to the Shire, the funds become local government funds and must be administered by the Shire in accordance with the *Local Government Act 1995* and associated financial management requirements. Accordingly, while Council will consult with local emergency services groups, responsibility for approving expenditure from the Reserve remains with Council.

3. Reserve Name and Purpose

The Reserve will be known as the:

Emergency Services Reserve Fund

The purpose of the Reserve is:

"Provision, maintenance, improvement and support of emergency services within the Shire of Kent."

The Reserve is established and maintained under section 6.11 of the *Local Government Act 1995*. Regulation 17 of the *Local Government (Financial Management) Regulations 1996* requires a reserve account to have a title that clearly identifies the purpose for which its money is set aside.

4. Application

This policy applies to:

- Council members and Shire employees involved in administering the Reserve;
- emergency services groups operating within the Shire of Kent;
- contributions made to the Reserve; and
- all requests and proposals for expenditure from the Reserve.

For the purpose of this policy, a local emergency services group means an emergency services organisation, brigade, unit or volunteer group that operates within and provides emergency services to the Shire of Kent community.

5. Guiding Principles

The Reserve will be managed in accordance with the following principles:

5.1 Local community benefit

Reserve funds must be used for projects, services, equipment or activities undertaken within the Shire of Kent and providing a direct benefit to emergency services within the district.

5.2 Collaborative decision-making

Council and local emergency services groups will consult with each other before any expenditure from the Reserve is approved or undertaken.

5.3 Council responsibility

All funds held in the Reserve are local government funds. Council retains final responsibility and decision-making authority regarding the allocation and expenditure of those funds.

Consultation under this policy does not constitute a delegation of Council's financial or decision-making responsibilities.

5.4 Transparency and accountability

All contributions, funding requests, decisions and expenditure must be properly documented and reported through the Shire's financial management and reporting processes.

5.5 Long-term sustainability

Funding decisions should consider the ongoing sustainability of the Reserve and maintain an appropriate balance for future emergency services requirements.

6. Contributions to the Reserve

The Reserve may receive:

- contributions from local emergency services groups;
- allocations from Council;
- donations or community-raised funds accepted by Council;
- grants or other funding where the relevant funding conditions permit the money to be placed in the Reserve;
- interest earnings allocated in accordance with Council's budget; and
- other amounts approved by Council.

6.1 Annual matching contribution

Where local emergency services groups collectively contribute a minimum cash amount of **$3,000** to the Reserve during a financial year, Council will contribute **$3,000** to the Reserve for that financial year.

For clarity:

- the $3,000 threshold may be met through contributions from one or more eligible local emergency services groups;
- the groups' contribution must be received by the Shire during the relevant financial year;
- unless otherwise resolved by Council, volunteer labour, donated materials and other in-kind support will not count towards the $3,000 threshold;
- Council's matching contribution is limited to $3,000 per financial year, irrespective of whether the groups' combined contribution exceeds $3,000; and
- Council's contribution will be included in the annual budget or budget review as appropriate.

Council may approve additional contributions to the Reserve at its discretion.

7. Eligible Uses

Subject to Council approval, Reserve funds may be used for:

- the acquisition, replacement or significant upgrade of emergency services vehicles, plant and equipment;
- emergency communications and information technology equipment;
- personal protective equipment and operational safety equipment;
- construction, renewal, improvement or major maintenance of emergency services buildings and facilities;
- equipment storage, secure compounds and associated infrastructure;
- training equipment, exercises and specialist training that provide a direct operational benefit;
- emergency preparedness, prevention, response and recovery initiatives;
- contributions towards eligible grant-funded emergency services projects;
- other emergency services purposes consistent with the stated purpose of the Reserve.

8. Ineligible Uses

Reserve funds will not ordinarily be used for:

- projects, equipment or services located outside the Shire of Kent;
- activities that do not provide a clear benefit to emergency services within the Shire;
- routine social activities, gifts or entertainment;
- expenditure primarily benefiting an individual;
- reimbursement of expenditure incurred without prior Shire authorisation;
- recurring operating expenses that should reasonably be met through an emergency services group's normal operating allocation;
- expenditure that is inconsistent with legislation, Council policy or applicable funding conditions;
- expenditure for which sufficient alternative funding is readily available, unless there is a demonstrated need for a Reserve contribution; or
- expenditure that would create an unreasonable or unfunded ongoing liability for the Shire.

The purchase of equipment or services from a supplier located outside the Shire may be permitted where necessary, provided the funded equipment, service or project is delivered, installed, retained or used within the Shire of Kent for local emergency services purposes.

9. Consultation Before Expenditure

Consultation between the Shire and relevant local emergency services groups is mandatory before expenditure from the Reserve occurs.

9.1 Proposal initiated by an emergency services group

Where an emergency services group proposes expenditure from the Reserve, the group must consult with the Shire and submit a funding request in accordance with this policy.

9.2 Proposal initiated by the Shire or Council

Where the Shire or Council proposes expenditure from the Reserve, the Shire must consult with the local emergency services group or groups reasonably likely to be affected by, benefit from or have an interest in the proposal before the proposal is presented to Council for approval.

9.3 Consultation record

The relevant Council report must summarise:

- the consultation undertaken;
- the views expressed by the emergency services group or groups;
- any areas of agreement or disagreement; and
- how those views have been considered in the recommendation.

Consultation does not require unanimous agreement. Where agreement cannot be reached, the differing views must be presented to Council before it makes its decision.

10. Funding Request Process

Funding requests should be submitted to the Chief Executive Officer in writing and include, where applicable:

- the name of the requesting emergency services group;
- a description of the proposed project, purchase or activity;
- the amount requested from the Reserve;
- an explanation of how the proposal supports emergency services within the Shire;
- evidence of consultation with other affected emergency services groups;
- quotations or a reasonable cost estimate;
- details of other funding or contributions available;
- the proposed timeframe;
- ownership and responsibility for the completed asset or purchased equipment;

- ongoing operating, maintenance, insurance and replacement implications;
- any procurement, approval or legislative requirements; and
- details of any urgency or operational risk.

The Shire may request further information before progressing an application.

11. Approval of Expenditure

All expenditure from the Reserve must:

- be consistent with the Reserve's adopted purpose;
- occur within the Shire of Kent, subject to the purchasing clarification in clause 8;
- be preceded by consultation in accordance with clause 9; and
- be included in the Shire's adopted annual budget or authorised through an applicable budget amendment process;

No emergency services group or individual member may commit, order or incur expenditure on behalf of the Shire without prior written authorisation.

Where funds are proposed to be used for a purpose different from the adopted Reserve purpose, the requirements of section 6.11 of the *Local Government Act 1995* must be satisfied. This may include local public notice and an absolute-majority decision unless the proposed change or use has been disclosed in the annual budget.

12. Policy Review and Amendment

This policy will be reviewed at least once every four years, or earlier if:

- there is a material change to legislation;
- the purpose or operation of the Reserve is proposed to change;
- requested by Council; or
- significant implementation issues are identified.

Any proposed amendment, replacement or revocation of this policy must be developed in consultation with local emergency services groups before being presented to Council.

The Council report considering any change must document the consultation undertaken and the views received. Council retains the authority to adopt, amend or revoke the policy in accordance with its statutory responsibilities.

Document Control

Policy Number	3.1.11
Policy Version	1
Creation Date	15 September 2026
Last Review Date	N/A
Next Review Due	This policy will be reviewed at least once every four years, or earlier where circumstances require.
Legislation:	*Local Government Act 1995, particularly sections 6.2, 6.8 and 6.11.* *Local Government (Financial Management) Regulations 1996.*
Related Documents:	Shire of Kent Annual Budget. Shire of Kent Purchasing Policy. Shire of Kent Delegations Register. Shire of Kent Strategic Community Plan and Corporate Business Plan. Applicable emergency management legislation, plans and arrangements.

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. (*International Standard ISO 15489.1: 2017 Records Management Part 1,* Clause 3.1)
Capturing Records	This involves registering business-related information as a record into the Shire of Kent's recordkeeping system.

Council	In this document means the Local Government office and the Council of the Shire of Kent
Creating Records	The process of generating or receiving business-related information in any format or media.
Disposal	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.
Disposal Authority	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.
General Disposal Authority	Is a document setting out the disposition of records and authorising their disposal. The Shire of Kent is required to comply with the *General Disposal Authority for Local Government Records and the General Disposal Authority for Source Records.*
Government Record	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)
Record	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)
Recordkeeping Plan	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: • 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)
Recordkeeping System	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)
State Archive	Means a State record that is to be retained permanently. (State Records Office)
State Record	Means a parliamentary record or a government record. (State Records Office)
State Records Act 2000	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 *State Records (Consequential Provisions) Act* were proclaimed on 30 November 2001. The Act replaced the archives and recordkeeping aspects of the *Library Board of Western Australia Act 1951-1983.* (State Records Office)
State Records Commission	The State Records Commission was established in July 2001 under the terms of *Part 8 of the State Records Act 2000*. 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 P*ublic 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:	*Local Government Act 1995* *Freedom of Information Act 1992* *State Records Act 2000*
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 or 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.

3.2.4 COMMUNITY CONSULTATION AND ENGAGEMENT POLICY

Introduction
This Policy ensures the Shire's commitment to fostering strong, transparent, and collaborative relationships with the communities we serve. Public consultation is in accordance with s.94(c) of the *Freedom of Information Act 1992* so that members of the public have a number of opportunities to participate in the formulation of the Shire's plans, policies and strategies, as well as comment on the performance of the Shire's functions.

Where a decision is likely to attract significant public interest Council may determine the required level of consultation and engagement, notwithstanding the minimum requirements set out in this policy.

Objective
The primary objective of this policy is to establish a framework that guides how the Shire will involve the community in the decision-making process, ensuring inclusivity, transparency, and responsiveness to the diverse needs and aspirations of our stakeholders by:

- Outlining principles of community consultation and engagement to encourage greater community participation;
- demonstrating Council's commitment to inclusive and informed decision-making;
- providing guidance on determining the level of impact, and the level of consultation and engagement relevant to Council issues; and
- To outline the process Council will use when undertaking consultation and engagement relevant to Council.

Scope
This policy applies to employees, consultants and elected members to provide guidance in community engagement and consultation for key projects, strategic planning and policy development.

Policy Statement
Council is committed to providing leadership and a strong commitment to information sharing, consultation and active participation of the community in contributing to the decision-making processes of Council. Council shall ensure adequate resources are allocated in the Shire's Annual Budget to provide the opportunity for the Shire to undertake community consultation and engagement initiatives.

1. Principles of Community Consultation and Engagement
To enable Council to consult with the community on any matter, and in ways that are ethical, transparent and accountable, the following principles will apply:

1. **Inclusivity:** We are dedicated to engaging a broad spectrum of community members, including but not limited to residents, local businesses, advocacy groups, and other stakeholders, to ensure that multiple perspectives are considered.
2. **Transparency:** We are committed to providing clear and accessible information about our projects, initiatives, and decision-making processes. Transparency is crucial in building trust and understanding among community members.
3. **Early Engagement:** We believe in engaging the community at the earliest stages of planning and decision-making to gather insights, address concerns, and integrate community values into our projects.

4. **Communication:** Open and effective communication is key to successful community engagement. We will employ a variety of channels, such as public meetings, newsletters, social media, and online platforms, to keep the community informed.
5. **Feedback and Collaboration:** We value the input of the community and actively seek feedback throughout the decision-making process. Collaboration with community members is essential to co-create solutions that best meet their needs.

2. Consultation criteria

The level of consultation and engagement will vary dependant on the nature and complexity of the project or decision.

2.1 Level A – No Consultation

Circumstances where Council may decide not to consult are as follows:

i. Emergencies – matters concerning public safety and the like;
ii. Legal Constraints;
iii. A final decision has already been made by Council or another agency;
iv. Consultation is not required or is precluded under relevant legislation; and
v. Consultation has previously occurred and only minor modifications are proposed.

2.2 Level B – Low

i. Low level of impact or risk within the Shire, sections of the community, or user group of a specific facility or service;
ii. It is likely that the decision will be accepted by the majority of the community impacted; the decision may be an inconvenience for some sections of the community (perceived or real).

Approach (any or combination of the following):

- Advising community and/or stakeholders of a situation or proposal or informing of a decision or direction.
- Provide high quality information to those affected by and are interested in the change or decision.

Engagement examples (any or combination of the following):

- Mail drop
- Social media, website, community email
- Signage
- Shire Newsletter

2.3 Level C – Medium

i. There is a medium level of impact or risk within the Shire, or sections of the communities.
ii. It is likely that the decision will be widely accepted by the community and seen as having a positive outcome.

Approach (any or combination of the following):

- Seek comment to involve the community and stakeholders in discussion and debate on proposed options.
- Comprehensive Information should be made available to the whole community.

- Any feedback to be collated and updates provided to interested stakeholders and local community.

Engagement examples (any or combination of the following):

- Mail drop
- Social media, website, community email
- Signage
- Shire Newsletter
- Surveys
- Face to face engagement
- Feedback and submission forms

2.4 Level D – High

i. There is a high level of impact or risk within the Shire, or sections of the communities.
ii. It is likely that the decision could potentially create controversy and/ or have varying levels of acceptance within the community.

Approach (any or combination of the following):

- Prior to commencement of any development, work or activity, information should be sent out to the whole community at least 21 days prior; and
- Formal public comment period of a minimum period of 14 days for submissions.
- Comprehensive information is made available to the Community to enable informed input.

Engagement examples (any or combination of the following):

- Advertisements in local or state newspaper
- Notices displayed on Council's website
- Signage on site in a prominent location
- Community forums, workshops and/or surveys
- Mail drop, media releases, community email

3. Receipt of submissions

Acceptable submissions will be those that do not contain defamatory remarks, offensive language or matters pertaining to the personal affairs or actions of Members, or Workers.

Any copies of submissions received from the public will not be intended to be released to the public by the Shire, and efforts will be undertaken by Shire Officers to ensure that personal information such as names, addresses, and contact details are not included in the Schedule of Submissions provided publicly to Council.

4. Consideration of Submissions

a) Upon receipt of a submission, the Records Officer shall send correspondence to the submitter acknowledging receipt of the submission;
(b) When a decision is to be made by Council, submissions are to be included as an attachment to the next available Council Meeting Agenda to ensure that Councillors may consider the submissions when determining the action to be taken; and
(c) Matters taken into account in the consideration of submissions are outlined as follows:
i. Consideration outlined in the relevant Council policies or strategies;

ii. Potential for detrimental impact on the enjoyment of nearby properties due to alteration of views to and from the proposed site, overshadowing, privacy, noise impact, proposed use or activities, or building scale, height, external appearance and bulk;
iii. Impact of the proposal on streetscape and the amenity of the locality;
iv. Heritage values or significance;
v. Traffic generation and probable effect on safety and traffic movement;
vi. Whether the area contains species of endangered native flora and fauna;
vii. Any other environmental consideration including, but not limited to, potential for soil erosion or land degradation, water quality degradation, or increased environmental risk;
viii. Potential loss of any community service or benefit;
ix. Adequacy of community and public utility services; and
x. Any other matter relevant to the orderly and proper functioning of Local Government, as outlined in Section 3.1 of the *Local Government Act 1995*.

(d) Once a decision has been made on the relevant matter the Responsible Officer or Shire Officer assigned the task, shall write to all submitters advising them of the outcome.

Reference Information

- Framework developed by the International Association for Public Participation.

5. Definitions

Term	Definition
Community Engagement	Involves a range of activities that are designed to enable the community to be informed of and provide input into Shire activities and local issues.
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the *Local Government Act 1995*.
Land	All land and facility assets owned or controlled by the Shire of Kent. May also mean land that includes any building or part of a building created on the land.
Member	In relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.
Neighbouring Land	Any land, other than adjoining land which may be adversely affected by the use of a site for development (and includes properties in a neighbouring local Council area).
Notification	The act of notifying a person or persons in writing, to inform and/or consult that may provide an opportunity to formally respond, comment, or take action in regard to information conveyed.
Primary Stakeholders	Those persons/groups with a direct interest in an outcome: e.g. Councillors, residents or businesses who live or operate near a project, directly affected.
Regulations	*Local Government (Administration) Regulations 1996*.
Responsible Officer	Shire Officer responsible for a project, or a department that will respond to enquiries about the subject matter.
Secondary Stakeholders	Those persons/groups with a general interest in an outcome e.g. Shire Officers, Workers, consultants, or the broader community.
Shire	The Shire of Kent

Shire Officer	Employee of the Local Government. May also be referred to as Worker in accordance with Work Health and Safety (WHS) legislation.
Shire President	A mayor or president elected by the Council from amongst the councillors.
Submitters	Those persons affected, impacted, with an interest, or requested to make a written comment or submission on a proposal within the formal comment period or shortly thereafter at the discretion of the Shire.
WHS Legislation	*Work Health and Safety Act 2020.* *Work (Health and Safety) General Regulations 2022.*
Workers	Employees, contractors, and volunteers of the Shire as per the Work Health and Safety legislation (WHS) and regulations.
Works	Any physical alterations made to land or property within the municipality, either by Council or a government agency or third party authorised by the relevant agency.

6. Variation to this policy:

This policy may be cancelled or varied from time to time.

Document Control

Policy Number	3.2.4
Policy Version	1
Creation Date	20 December 2023
Last Review Date	N/A
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Local Government Act 1995* *Freedom of Information Act 1992*
Related Documents:	Nil

3.2.5 IT PHYSICAL SECURITY POLICY

1. Policy Overview

This policy is formulated to establish comprehensive physical security protocols for IT equipment within The Shire of Kent. These protocols are aimed at mitigating unauthorised access, theft and potential damage.

Equipment within The Shire of Kent, aimed at mitigating unauthorised access, theft and potential damage. These protocols are aimed at mitigating unauthorised access, theft and potential damage. The Shire of Kent historically maintains a very low risk profile in terms of in terms of the occurrence of

2. Access Control

a. Restrict access to designated staff within The Shire of Kent through role-based access controls where appropriate.
b. Implement secure entry points with individual swipe card or keypad-based access points

3. CCTV Surveillance Measures

a. If theft or damage to IT equipment takes place, conduct a requisite assessment on the implementation of a CCTV network
b. Ensure any CCTV system deployed provides optimal camera coverage of entry points and critical areas.
c. Regularly review surveillance footage for anomaly detection and suspicious activities.

4. Locking Mechanisms

a. Employ high-security locks on building entry points.
b. Ensure core server/ networking equipment is housed in lockable cabinets.
c. Conduct periodic assessments and upgrades to ensure the resilience of lock mechanisms.

5. Environmental Controls

a. Ensure equipment is not exposed to weather elements that exceed manufacturer limits in regard to moisture, temperature and humidity.
b. Install fire suppression systems and/or appropriate extinguishers in key points of building.

6. Inventory Management

a. Maintain an up-to-date inventory of all IT equipment within The Shire of Kent using a centralised asset management system.
b. Conduct audits to reconcile physical equipment with the asset management database.
c. Promptly report and investigate any discrepancies in the inventory.

7. Visitor Access

a. Implement a visitor management system for external individuals entering The Shire of Kent, ensuring traceability.
b. Provide escorted access to visitors in areas containing sensitive IT infrastructure.
c. Communicate and enforce security protocols to all visitors.

8. Equipment Marking and Tracking

a. Clearly label all IT equipment within The Shire with unique identifiers for easy tracking.
b. Utilise a robust asset tracking system to monitor equipment movement and changes in status.
c. Regularly update the asset tracking database to maintain accuracy.

9. Documentation and Compliance

Periodically review and update the security policy to align with emerging threats and industry standards.

10. Review and Revision

This policy will undergo an annual review and be updated as necessary to address evolving security requirements, technological advancements, and organisational changes within The Shire of Kent.

Document Control

Policy Number	3.2.5
Policy Version	1
Creation Date	21 February 2024
Last Review Date	N/A
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Local Government Act 1995*
Related Documents:	N/A

3.2.6 ANNUAL CLOSURE DURING CHRISTMAS PERIOD

1. Purpose

The purpose of this policy is designate the closure of the Shire of Kent operations during the Christmas and New Year period each year.

2. Scope

All Shire of Kent employees.

3. Policy statement

The Shire of Kent Administration Office, Nyabing Works Depot, and Pingrup Works Depot will close annually between Christmas Day and New Year's Day.

All operations will cease at 12 noon on the last working day before Christmas, and re-open for normal business hours on the first working day following New Year's Day.

The Chief Executive Officer will ensure that an emergency contact list is maintained for senior officers and key personnel and the closures being widely advertised prior.

4. Advertising the closure

To ensure the community are aware of the closure, a minimum of three weeks prior to commencement of the closure period, the CEO or their delegate will notify all Shire employees of the closure dates for that year and advertise the dates of the closure period on the Shire's:

- website,
- social media page (Facebook), and
- public noticeboards.

These advertisements are to include details of the emergency contact number(s) for customers to access essential operations during the closure period.

5. Maintaining essential services

The CEO may determine some services to be essential during the closure period and authorise employees to work during the closure or be on call, in accordance with the relevant employee conditions/industry award

6. Leave arrangements for employees

To cover any ordinary working days during the closure period that are not a public holiday, employees are to apply for their required amount of leave utilising any accrued RDOs first and then any accrued Annual Leave. Employees with insufficient paid leave will be expected to take time off without pay.

7. Definitions

Working days means Monday through to Friday.

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	3.2.6
Policy Version	1
Creation Date	20 November 2024
Last Review Date	N/A
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Local Government Act 1995*
Related Documents:	Shire of Kent Community Strategic Plan Shire of Kent Employee Code of Conduct 2021

3.2.7 COMMUNITY GRANTS

Policy Objective
The Community Grants Policy aims to formalise support arrangements with the community by enabling a grant program that is flexible and agile to ensure maximum community benefit. The Community Grants Policy is also designed the replace the budget submission process that the Shire of Kent has run in the past as part of the annual budget process with a more formalised program.

Policy Scope
This Policy applies to Shire of Kent staff responsible for administering the Community Grants program.

Community Grant Funding
Council will, as part of its annual budget deliberations, set aside funds for the provision of Community Grants.

Selection Criteria for Grants
Each grant will be assessed against the following selection criteria. This is to ensure fairness between applicants and that the grant is meeting the objective of this policy.

1. Demonstrated community need for the project / application.
2. Broad and diverse target group for the project / application.
3. Capacity within the group to successfully undertake the project / requirements in the application.
4. Does the project / application represent value for money?

Ineligible items / projects
Unless otherwise decided by Council, the following will not be considered for funding as part of this Policy.

1. Projects / applications that have already commenced (funding cannot be retrospective).
2. Projects / applications that are not based within the Shire of Kent.
3. Projects / applications that duplicate an existing or similar project / service within the community.
4. Projects / applications that benefits an individual.
5. Alcohol.
6. Interstate or overseas travel.
7. Rates, rent or other costs directly associated with tenancy of a building (requests of this nature should be considered separately to this Policy).

Ineligible applicants
Unless otherwise decided by Council, applications from the following list will not be considered for funding as part of this Policy.

1. A body or group that is not based in the Shire of Kent.
2. An individual or group not affiliated with a community group (unless the funding is for a person representing Western Australia or Australia in any competition).
3. A commercial, for profit organisation.
4. A body that has not provided their acquittal from any previous grant issued under this Policy at the time of application.
5. A body or group that has received funding through this Policy during the financial year the application is received for.

Small Grants (less than $2,000 ex GST)
Small grants are designed to be flexible and respond to applications quickly. Council authorises the Chief Executive Officer (or acting) to approve small grants on Council's behalf.

Small grants are open all year and applications can be made at any time.

The Chief Executive Officer can only approve grants up to a certain value as budgeted by Council during annual budget deliberations.

Community Grants ($2,000 ex GST or more)
Community grants are designed to ensure maximum impact to the community, however with a larger value, meaning there is slightly more scrutiny and expectation placed on these compared to small grants.

Community Grants will be open for consideration in the following year's annual budget. Applications will open the first week of April each year and close the final week of May each year. Council will then deliberate on which projects to fund through workshops, with a final decision to be made by Council when adopting the annual budget.

Administration of the Community Grants Policy

1. Where a grant approved under this Policy is dependent upon funding from an outside source (e.g. CSRFF, Lotterywest etc.), and that funding application is unsuccessful, the grant is deemed to not be successful.

2. Where external funding as provided for in point 1 above is successful, the grant approved under this Policy shall be paid to the applicant on receipt of, and up the value of, paid invoices, statements or receipts.

3. Where external funding as provided for in point 2 is successful, however to a lower amount than requested, the applicant must demonstrate its ability to meet the funding shortfall to the party that approved it (Chief Executive Officer in the case of a small grant and Council in the case of a Community Grant). In such circumstances, the party that approved the grant will reassess the viability of the project / application and may, if viability is not substantiated, revoke approval of the grant.

4. Where a grant approved under this Policy is not claimed by the next 31 May, and the applicant has failed to provide an explanation and failed to request for those funds to

be carried forward, approval of the grant is deemed to be revoked. Applicants subject to this section will not be eligible to reapply for the same grant.

5. Where applications are made outside of the deadline of receipt of applications, they will be declined and applicants will be advised accordingly.

Acquittal of Grants
Recipients will be required to acquit funding received from the Shire of Kent. This is to ensure that funds are being spent in the way that they are intended.

Acquittal documents should be completed and submitted within 90 days of project completion.

Failure of a grant recipient to submit an acquittal, or spending grant money outside of its intended purpose, may make that recipient ineligible to receive future funding.

Document Control

Policy Number	3.2.7
Policy Version	1
Creation Date	17/09/2025
Last Review Date	N/A
Next Review Due	2028
Legislation:	*Local Government Act 1995*
Related Documents:	Nil

3.2.8 PRIVACY POLICY

Policy Objective
This policy explains how the Shire of Kent manages personal information. It sets out clear rules to make sure data is handled legally, ethically and respectfully. It follows privacy laws and supports good public service while protecting people's privacy.

Policy Scope
This Policy applies to everyone who works with or for the Shire of Kent, including elected members, employees, contractors and service providers, volunteers and external partners. It covers anyone who handles personal information on behalf of the Shire of Kent.

Implementation
The following outlines how the Shire of Kent puts its privacy commitment into practice. These statements reflect the Shire's approach to managing personal information responsibly, in line with legal obligations and community expectations.

Roles and Responsibilities

All Employees, Contractors, Volunteers and Elected Members

- Must understand the Shire's privacy and confidentiality rules and how they apply to their work.
- Must report any data breaches or privacy risks as soon as they are identified.

Data Breach Response Team

- Activated according to the Shire of Kent's Data Breach Response Policy.
- Responsible for containing the breach, fixing the issue and restoring services.

Information Collection
The Shire of Kent collects personal information from staff, residents, customers and other stakeholders to deliver services and carry out its functions.

Types of information collected can include:

- Name
- Address
- Date of birth
- Phone number
- Email address
- Next of kin
- Gender
- Signature
- Drivers licence
- Bank account details
- Health information

- Police clearance
- Tax file number
- Vehicle registrations

This information can be collected through:

- Paper forms
- Online forms
- Recorded meetings
- Email
- CCTV
- Phone calls

This information is only used for the reason it is collected for. If another agency is involved, such as the State Government, you will be informed.

Automatically Collected Information
When you interact with the Shire of Kent through social media or through the Shire's various WhatsApp groups, website forms or Microsoft Forms forms, your information may also be used to help improve communication. These platforms have their own privacy policies.

The Shire of Kent's website may use cookies and collect anonymous data such as browser type, IP addresses and pages visited. This helps us to understand website traffic and improve services. Clickstream data (your path through the website) may also be recorded for statistical purposes. No attempt is made to identify users unless the data is required for investigation or security purposes.

Cookies used by the Shire of Kent's website are session-based and deleted when you close your browser. You can block cookies in your browser settings.

Links to external websites are provided for convenience. The Shire is not responsible for the privacy policies of these third parties.

Use and Disclosure of Personal Information
The Shire of Kent only uses personal information for the purpose it is collected for or for related purposes you would reasonably expect. This includes:

- Managing rates and local government records
- Providing information about Shire services
- Delivering appropriate services and facilities
- Managing permits, billing, animal ownership, building and development applications.

Unique identifies created by the Shire of Kent are only used within internal systems and are not shared externally. Information is stored securely in accordance with the *State Records Act 2000*.

Sharing
The Shire does not share personal information outside Australia unless required by law. Information may be shared if:

- Required under the *Freedom of Information Act 1992*
- Required under the *Local Government Act 1995*
- Ordered by a court or required or authorised by a written law
- Needed to complete the purpose for which it was collected
- Needed to recover money owed to the Shire of Kent
- You have given consent

Public Registers
The Shire of Kent only shares information from public registers for purposes related to the register.

Anonymity
You can remain anonymous when dealing with the Shire of Kent unless the law requires your identity. Remaining anonymous in dealing with the Shire of Kent however may mean the Shire cannot proceed or deal with the matter if personal information is requested.

Access and Complaints
You can ask to update or access your personal information. In most cases, this can be handled informally. If needed, you can make a formal request under the *Freedom of Information Act 1992*.

To request access or updates, please contact the Shire of Kent at admin@kent.wa.gov.au.

You will need to provide a form of identification to prove your identity.

To make a complaint, you can contact the Shire of Kent at admin@kent.wa.gov.au.

State Government Frameworks

Privacy and Responsible Information Sharing (PRIS)
The PRIS framework includes 11 Information Privacy Principles that guide how organisations in Western Australia must handle personal information. A summary of the 11 IPPs are:

- Collection of personal information – must be lawful, fair and necessary for the organisation's work.
- Source of personal information – should be collected directly from the person unless it is not practical.
- Use and disclosure – information must only be used or shared for the reason it was collected, unless an exception applies.
- Data quality – reasonable steps must be taken to keep information accurate, complete and current.

- Data security – information must be protected from misuse, loss and unauthorised access.
- Access to personal information – people have the right to see their personal information, with some exceptions.
- Correction of Personal Information – people can ask for correction to make sure their personal information is accurate
- Identifiers – limits apply to using government-issued identifiers (like Medicare numbers)
- Anonymity and pseudonymity – people should be able to stay anonymous or use a pseudonym where possible and legal.
- Cross-border disclosure – information must not be sent outside WA unless proper protections are in place.

Definitions

Personal Information means any detail or opinion, true or not, written down or not, that relates to a person who can be identified, either directly or indirectly. This includes both living and deceased individuals. Examples of personal information include:

- A person's name, date of birth or address.
- A unique identifier, online username or pseudonym.
- Contact details like phone number or email.
- Location data showing where someone is or has been.
- Technical or behavioural data bout someone's activities, preferences or identity.
- Inferred information, such as predictions about someone's behaviour or preferences, or profiles created from combined data.
- Details about a person's physical, mental, genetic, economic, cultural or social identity.

Health and biological data includes the following:

- Health information
- Genetic or genomic data (not related to health)
- Biometric data (like fingerprints or facial recognition)

Inferred sensitive information means any other information that could reasonably reveal one of the above categories.

Cookies means files stored on a user's device to help websites remember the user's visits and activity.

Unique identifiers means numbers or codes used to identify and track people or things, such as

- Tax file numbers, driver's licence number, passport number
- IP address or MAC address

- Employee ID or customer ID
- Barcodes, QR codes, vehicle identification numbers.
- Medicare number, health record number.

Automated decision-making means when systems make decisions using data and rules without human input, often used to improve services.
De-identification / obfuscation means removing or replacing personal details with codes so data can be used without revealing identifies.

Document Control

Policy Number	3.2.8
Policy Version	1
Creation Date	17/06/2026
Last Review Date	N/A
Next Review Due	2029
Legislation:	*Local Government Act 1995* *Privacy and Responsible Sharing Act 2025*
Related Documents:	Nil

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 SUBSIDY AT COUNCIL OWNED HOUSES

Purpose
The purpose of this policy is to provide clear guidelines on water consumption and cost for Council owned housing.

Scope
All Council owned properties and their tenants.

Objective
To ensure fair and responsible water usage while supporting the maintenance of properties and aligning with the Council's environmental priorities.

Policy Statement
This subsidy is only available to employee and non-employee tenants who maintain their gardens and lawn at a satisfactory level.

Tenants are expected to use water responsibly and adhere to any water restrictions imposed by the Council or relevant authorities.

The expenses of water rates and water consumption charges at shire owned residences are set out as follows:

Employee Housing Tenants
For employees residing at Council owned properties, all water rates and water consumption charges will be included in employment agreements, up to a reasonable level of use.

Non-Employee Housing Tenants
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.

Document Control

Policy Number	4.1.2
Policy Version	2
Creation Date	25 October 2017
Last Review Date	19 June 2024
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Local Government Act 1995*
Related Documents:	N/A

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.

4.1.4 CAMPING OTHER THAN AT A CARAVAN PARK OR CAMPING GROUND

1. Purpose

To provide a clear, fair and consistent framework for the assessment and approval of applications for camping or temporary accommodation on land other than a caravan park or camping ground, in accordance with section 11 of the Caravan Parks and Camping Grounds Regulations 1997.

2. Policy Objectives

This policy aims to:

- ensure compliance with legislative requirements;
- protect public health, safety and amenity;
- manage impacts on neighbouring properties and the environment;
- provide flexibility where appropriate, particularly in regional and remote contexts; and
- support short-term or temporary accommodation needs without creating de facto permanent dwellings.

3. Scope of Policy

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

This policy applies to:

- camping or accommodation in caravans, campervans, motorhomes, tents, buses, or similar structures;
- on private land or local government-managed land;
- outside of a licensed caravan park or camping ground.

This policy does not apply to:

- caravan parks or camping grounds;
- reserves not managed by the Shire of Kent;
- emergency or disaster relief accommodation authorised separately by Council or State agencies.

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

4. Definitions

Camping means the occupation of land by a person using a caravan, campervan, motorhome, tent or similar structure for accommodation purposes.

Temporary Accommodation means accommodation that is short-term in nature and does not constitute permanent residential use.

Applicant means the landowner or a person authorised in writing by the landowner.

Habitable State means in a good state of repair with no major maintenance concerns that would render it unsafe to reside within

5. Policy Statement

Camping other than at a caravan park or camping ground for more than five (5) nights requires written approval of the local government or the Minister.

Council may permit camping other than at a caravan park or camping ground only where written approval has been granted under Regulation 11 of the *Caravan Parks and Camping Grounds Regulations 1997* and where the proposal satisfies the assessment criteria outlined in this Policy.

Approval is discretionary, time-limited, site-specific, and may be issued subject to conditions.

Approval does not confer planning or building approval for permanent residential use.

6. Application Requirement

Any person wishing to camp or reside temporarily on land other than a caravan park or camping ground must submit an Application for Approval to Camp to the Shire prior to occupation.

Each application will be assessed on its individual merits.

A non-refundable fee of $200 per application will apply, to be paid by the applicant to the Shire of Kent at the time of submission.

7. Assessment Criteria

Applications will be assessed having regard to, but not limited to, the following:

- Location and Zoning;
- Duration of Stay;
- Health and Safety;
- Environmental and Amenity Impacts;
- Bushfire Considerations.

8. Conditions of Approval

8a Amenity

Any external fixtures, utilities and facilities such as aerials, satellite dishes, clothes lines or other external fixates are to be situated so they are not visually obtrusive and where possible located out of view from the primary street or any public area.

Temporary accommodation is to be maintained, as not to cause a nuisance or become injurious or dangerous to the health of the occupants and the neighbouring properties.

8b Number of People and Camps

The permit to camp is issued to the individual/s wishing to reside in a temporary accommodation camp therefore any additional camps aren't permitted under the permit.

The number of people to be considered will be based on the availability and number of amenities to support the camp.

8c Condition

The temporary accommodation will need to be maintained in a habitable state with access to approved water, wastewater disposal and rubbish disposal at all times.

The mobility of the temporary accommodation is to be maintained to ensure it can be moved under its own power or be towed within 24 hours of any services being disconnected.

8d Toilets and Showers

All temporary accommodation arrangements are to have access to an adequate number of toilets and showers for the number of people proposed to reside.

If the proposal is for temporary accommodation on a lot with an inhabited dwelling, consideration needs to be given to the number of bedrooms and ablutions within the dwelling, and the additional loading placed on them if the temporary accommodation intends to utilise them.

8e Waste Management

All rubbish and recycling are to be managed as to not create a nuisance, odorous or become a breeding area or attractant to vermin.

No wastewater from temporary accommodation shall be discharged onto the ground surface.

Council may impose other conditions including, but not limited to:

- maximum duration of stay;
- restrictions on structures, clearing, or earthworks;
- fire management measures;
- prohibition on permanent connections to services.

Failure to comply with conditions may result in cancellation of approval.

9. Duration of Approval

Approvals will be granted for a specified period only and do not imply ongoing or future approval.

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

Under the *Caravan Parks and Camping Grounds Regulations 1997*, only one temporary accommodation will be approved per lot, if you are intending to have friends or family stay in another caravan, you will need to seek approval from the Shire for up to 3 months and from the Minister for greater than 3 months.

11. Compliance and Enforcement

Temporary Accommodation is governed by the Caravan Parks and *Camping Grounds Regulations 1997*. Penalties for failure to comply are set within the legislation and will be enforced by authorised officers.

If you cease to use the permit, the local government must be notified in writing by the permit holder.

As per the *Caravan Parks and Camping Grounds Regulations 1997*, r11A (5) the local government can revoke a permit if a condition of the approval has been breached.

Written notice will be given to the permit holder notifying the intention of the Shire to revoke the approval within 35 days after the notice is given unless the holder shows cause as to why the approval should not be revoked.

The Shire will consider any written response as to why the permit should not be cancelled during this time period. A response and final decision will be provided in writing.

12. 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	4.1.4
Policy Version	1
Creation Date	18 March 2026
Last Review Date	N/A
Next Review Due	This policy will be reviewed annually or more often where circumstances require.
Legislation:	*Caravan Parks and Camping Grounds Regulations 1997* (Regulation 11); *Health (Miscellaneous Provisions)* Act 1911; *Planning and Development Act 2005*; the *Building Act 2011* and *Building Regulations 2012*;
Related Documents:	Shire of Kent Town Planning Scheme No 3; any applicable Bushfire Planning, Environmental Health, or Local Laws.

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

5.1.1 Road Construction and Maintenance rescinded 20 August 2025.

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

5.1.3 School Bus Routes rescinded 20 August 2025.

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 droving 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 droving 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

<u>Precautions for Taking Stock onto a Local Road</u>

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.

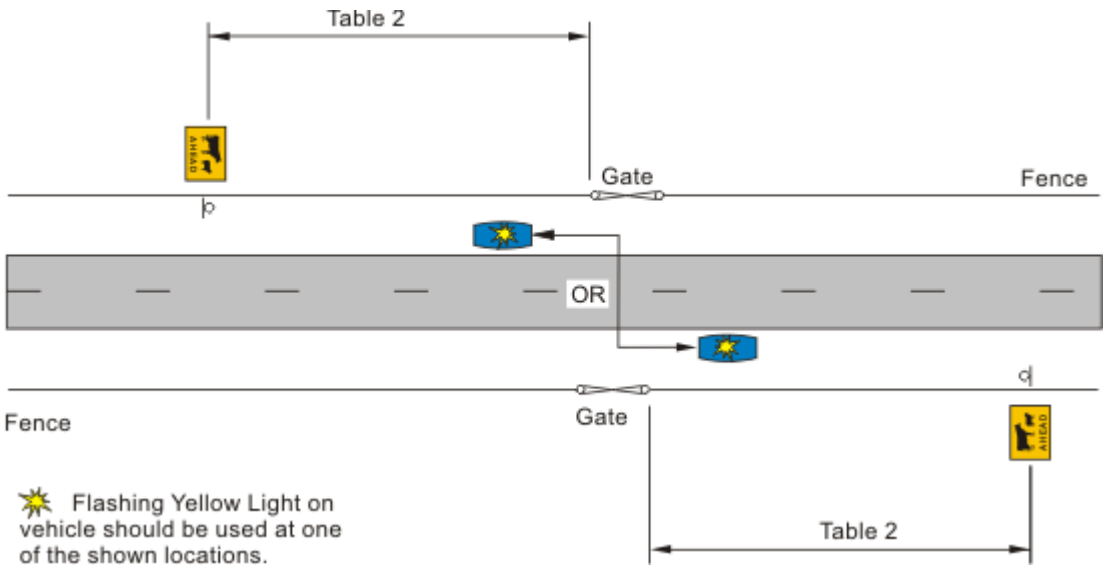


FIGURE 1 - Typical Stock Crossing Site – for bitumen roads.
NOTE: Gravel roads – there is no requirement for orange flashing lights

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

<u>Stock Crossings with Sight Distance Less Than 300 Metres</u>
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.

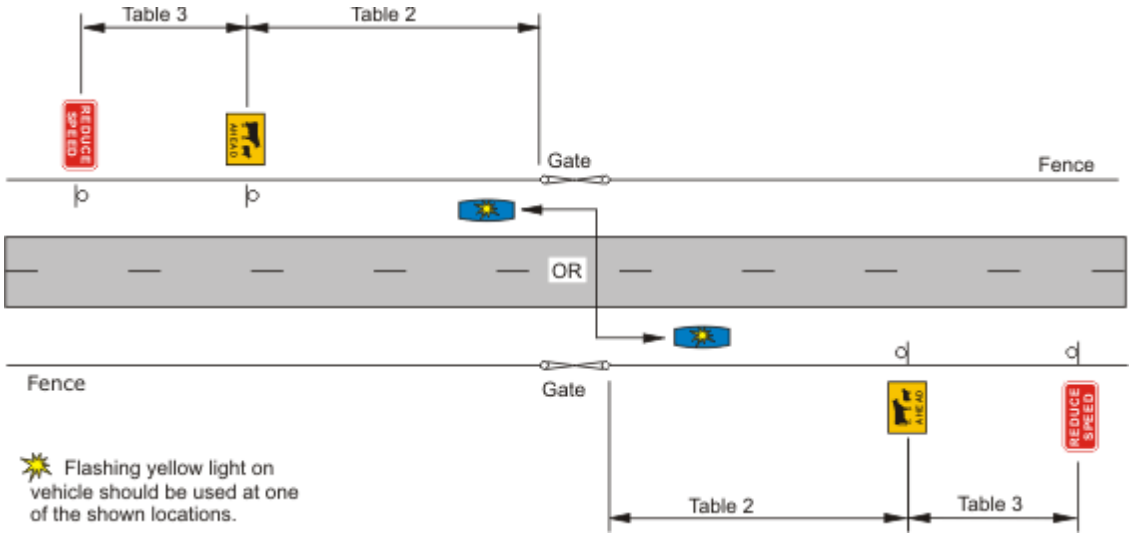


FIGURE 2 - Signing at stock crossings with sight distance less than 300m

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

<u>Use of Stock Crossings during Night-Time, Periods of Poor Visibility or Hazardous Locations</u>

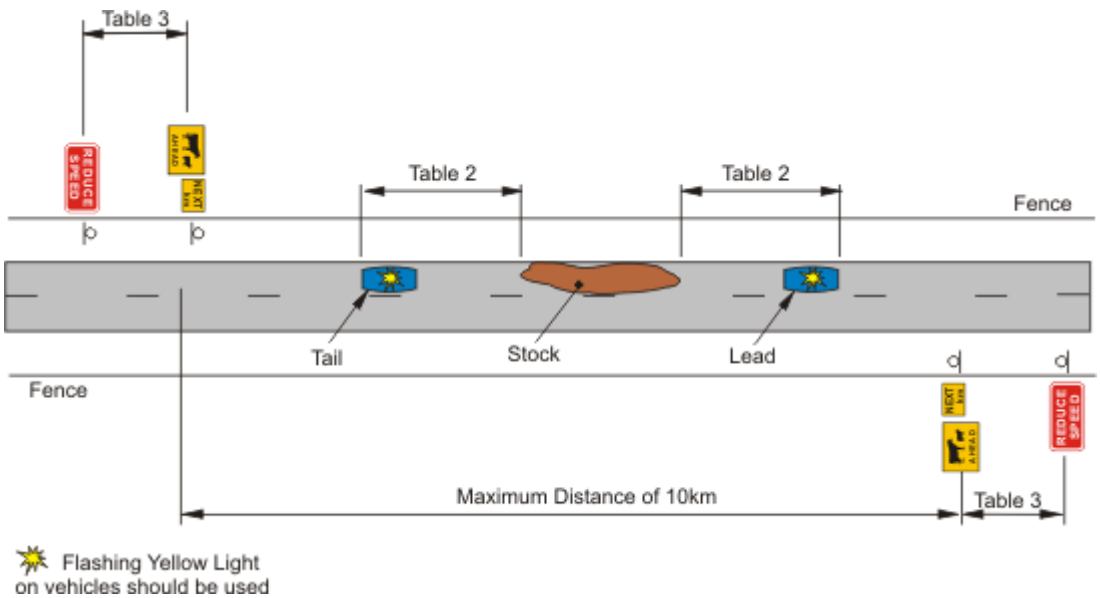
Daylight use of stock crossings is preferred. Where the stock crossing is proposed to be used during nighttime, periods of poor visibility or in a hazardous location, the following actions should be taken:

- 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.**

"STOCK AHEAD" AS 1742.2 Designation T1-19B Sign Size: 1200 x 900mm (sealed roads) OR 900 x 600mm (unsealed roads)	
"REDUCE SPEED" AS 1742.2 Designation G9-9A Sign Size: 1500 x 750mm	
"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:	*Local Government Act 1995*
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: *Council will pay the landowner on receipt of tax invoice. Please forward tax invoice with banking details to admin@kent.wa.gov.au*	**Agreed gravel compensation rate is:** **$.....per bank cubic metre (GST exclusive)**
IS REHABILITIATION REQUIRED: *If YES please note any additional rehabilitation conditions agreed, other than those listed in Council's Policy)*	**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 Position 6.1 – OSH Policy (OSH6)

6.1.1 WORK HEALTH AND SAFETY POLICY

Policy Objective
The purpose of this policy is to recognise the Shire of Kent's (the Shire) commitment to providing a safe and healthy workplace for all workers and visitors to the Shire. It details the roles and responsibilities according to the *Work, Health and Safety Act 2020 (WA) and the Work, Health and Safety (General) Regulations 2022.*

Scope
This policy applies to all employees', contractors and volunteers.

Policy Statement
The Shire of Kent is committed, as far as reasonably practicable, to providing and maintaining a safe working environment. To eliminate, as far as reasonably practicable, the hazards associated with work health and safety Council will;

1. Provide and maintain a healthy and safe work environment through the proactive identification of work related hazards and elimination of these where possible, or reduction of associated risk level through the application of the hierarchy of risk controls where hazards cannot be completely eliminated;
2. Strive to achieve high standards and continuous improvement in work health and safety performance by utilising best practice procedures and taking into account current levels of technical knowledge and development;
3. Comply with all applicable legislation and requirements;
4. Establish, implement and maintain an Work Health and Safety Management System; including measurable objectives and targets aimed at elimination of work related injury and illness;
5. Ensure that all workers and other persons within the workplace are fully informed of potential hazards and associated risk control measures, including through a process of training, instruction, information sharing and supervision as applicable;
6. Effectively communicate and consult with all WHS duty holders, including workers and their representatives, so as to ensure that everyone within the workplace is offered the opportunity to participate in the ongoing development of a healthy and safe workplace; and
7. Ensure that all workers, are fully aware of their responsibility to take reasonable care to safeguard their own health and safety at work and to avoid adversely affecting the health or safety of others through any act or omission at work and report hazards, accidents, incidents and near misses to their supervisor.

Responsibilities
All individuals at the Shire of Kent have a role in workplace health and safety.
The Chief Executive Officer (CEO) is responsible for the implementation and monitoring of this policy.

Senior Management
Senior management including the Chief Executive Officer are considered 'Persons Conducting Business or Undertaking (PCBU)' under the *Work, Health and Safety Act 2020 (WA).*

1. Responsible for compliance monitoring of this policy and;
2. Creating and sustaining a workplace without risks to health and safety; and
3. Providing, maintaining and monitoring safe plant and structures for the purpose of preventing illness or injury of workers arising from the conduct of business or undertaking; and
4. Providing, maintaining and monitoring safe systems of work for the purpose of preventing illness or injury of workers arising from the conduct of business or undertaking; and
5. The safe use, handling and storage of plant, structures and substances; and
6. Providing amenities that support the well-being of workers, including guaranteeing accessibility to such facilities; and
7. Providing information, training, direction or supervision that is required to safeguard all individuals from the risks arising from work performed.

Workers

1. Responsible and accountable for the work health and safety of themselves and others in the workplace; and
2. Report hazards, incidents, injuries and near misses to their supervisor and/or safety and health representative; and
3. Participate in work health and safety consultation, initiatives and training; and
4. Must not misuse items or facilities provided in the interests of work health and safety; and
5. Must cooperate in the use of strategies introduced in the interest of work health and safety;

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 individuals in realising their work health and safety objectives and in creating a safe work environment. All individuals will be advised, in writing, of agreed changes and arrangements for their implementation.

Document Control

Policy Number	6.1.1
Policy Version	1
Creation Date	25 October 2017
Last Review Date	20 December 2023
Next Review Due	December 2025
Legislation:	*Local Government Act 1995* *Work, Health and Safety Act 2020 (WA)* *Work Health and Safety (General) Regulations 2022*
Related Documents:	Nil

6.1.2 WORKPLACE VISITOR POLICY

Policy Objective
The purpose of this policy is to recognise the Shire of Kent's (the Shire) commitment to providing visitors a safe and healthy workplace when visiting the Shire.

Policy Scope
The policy applies to all visitors to the Shire of Kent Administration Office and Shire Depots.

Policy Statement
The Shire of Kent is committed, as far as reasonably practicable, to ensure visitors to workplaces are not exposed to hazards. Severe penalties apply under the *Work Health and Safety Act 2020 (WA),* if visitors to workplaces are injured through not being appropriately cared for.
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 move around Shire workplaces unaccompanied, with the exception of authorised contractors/subcontractors.
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.
High visibility work wear, PPE (for purpose) and appropriate footwear, is mandatory for depot yards and worksites.
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.

Document Control

Policy Number	6.1.2
Policy Version	1
Creation Date	25 October 2017
Last Review Date	20 December 2023
Next Review Due	December 2025
Legislation:	*Local Government Act 1995* *Work, Health and Safety Act 2020 (WA)* *Work Health and Safety (General) Regulations 2022*
Related Documents:	Nil

6.1.3 WORK HEALTH AND SAFETY COMMITTEE

Policy Objective
This policy outlines the roles and responsibilities of Council's Work Health and Safety (WHS) Committee.

Policy Scope
The policy applies to all employees of the Shire of Kent.

Policy Statement
The Shire of Kent is committed to promoting and improving the relationship with workers on health and safety matters.

The Work Health and Safety Committee (WHS) provides a forum for Person/s Conducting Business or Undertaking (PCBU), and workers to discuss and develop ways to improve on health and safety management.

Membership
The membership of the committee will be agreed between a Person Conducting Business or Undertaking (PCBU) and Workers and is subject to the following;

- Workers NOT nominated by a PCBU must make up at least half of the committee; and
- PCBU member representatives should be individuals who are senior enough to make decisions about safety; and
- If a Health and Safety Representative (HSR) is present in the workplace, they will automatically become a member of the committee (unless they choose not to be).

Functions
The committee must meet at least once every 3 months. Additional meetings shall be convened at the discretion of the presiding person. The committee is intended to perform the following functions:

- To facilitate cooperation between the Shire of Kent and its workers in instigating, developing and carrying out measures designed to ensure the safety and health of workers whilst at work;
- To assist in developing standards, rules and procedures relating to health and safety that are to be followed or complied with at the workplace;
- To determine the audit tool that will be utilised to assess the Shire of Kent's Work Health Safety Management System (WHSMS) performance and allow for continual improvement;
- Any other functions prescribed by the Regulations or agreed between the Shire of Kent and the WHS Committee.

Document Control

Policy Number	6.1.3
Policy Version	1
Creation Date	25 October 2017
Last Review Date	20 December 2023
Next Review Due	December 2025
Legislation:	*Local Government Act 1995* *Work, Health and Safety Act 2020 (WA)* *Work Health and Safety (General) Regulations 2022*
Related Documents:	Workplace Health & Safety Committee Terms of Reference

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.