



**Shire of Yilgarn**

**Council Policy  
Manual**

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## 1 Members of Council

### 1.1 Delegates Moving Motions

Section:	Members of Council
Date Adopted:	
Document Control:	Amended September 2023
Previous Policy Number:	Council Policy 1.2

That delegates representing Council at WALGA Conferences or meetings of which they are an endorsed Council delegate, shall vote and move motions as they see fit and as they believe reflect the views of Council.

This authority is granted subject to the delegates reporting back to Council the proceedings of the Conferences at the next Ordinary Meeting.

### 1.2 WALGA – Nominations to Boards & Committees

Section:	Members of Council
Date Adopted:	
Document Control:	
Previous Policy Number:	Council Policy 1.3

Where the Western Australian Local Government Association (WALGA) seeks nominations from Council for various Boards and Committees and the turnaround period for nominations does not coincide with Council meetings, Council supports the nomination of Council members or serving officers without such approval having to advance through the normal Council meeting process.

## 1.3 Use of Council's Common Seal

Section:	Members of Council
Date Adopted:	
Document Control:	Amended September 2023
Previous Policy Number:	Council Policy 1.4

### **OBJECTIVE:**

The policy sets out the wording to apply to the use of the Common Seal.

### **POLICY:**

The President and CEO have delegated authority to execute and affix the Common Seal to documents (Delegation LGA30)

### **PROCESS:**

1. For official documents which require the common seal of the Shire to be affixed, the seal shall be accompanied by the following wording:-

"The Common Seal of the Shire of Yilgarn was hereto affixed by authority of Council."

Shire President

Chief Executive Officer

(Noting that the Deputy Shire President and Executive Manager Corporate Services can proxy in the absence of the respective principal person)

2. For use on ceremonial occasions (i.e.: Certificates of Appreciation, etc.) or where there is no legal requirement to affix the seal to a document, the Shire President and Chief Executive Officer are authorised to decide how best to affix the seal and (if need be) sign the document on the Shire's behalf.

### 1.4 Elected Members Entitlements

Section:	Members of Council
Date Adopted:	
Document Control:	Amended September 2023
Previous Policy Number:	Council Policy 1.5

**INTRODUCTION:**

The Shire will provide equipment and other entitlements to elected members to assist them in the performance of their public office. In doing so, the Shire recognises that it may be unreasonable to expect absolute separation of their activities as an elected member from their private, business and public activities. However, any private or business use of equipment is to be incidental to its main purpose of assisting elected members in discharging their public duties.

**PURPOSE:**

To determine the scope and extent of expenses that may be claimed by, and equipment and facilities provided to Councillors so that these may be reasonable and appropriate within the provisions of the Local Government Act, 1995.

**ALLOWANCES:**

Councillors will be entitled to allowances commensurate with the provisions of the Local Government Act 1995 – Division 8.

The allowances will be set each year, via Council decision, and carried by Absolute Majority;

The allowances will be in compliance with the annual determination from the Salaries and Allowances Tribunal.

**REIMBURSEMENTS:**

Councillors will be entitled to reimbursements commensurate with the provisions of the Local Government Act 1995 – Division 8

The CEO is responsible for managing reimbursements.



## 1.5 Media Policy

Section:	Members of Council
Date Adopted:	
Document Control:	Amended Sept 2023
Previous Policy Number:	Council Policy 1.6

### **PURPOSE:**

To provide a framework for Councillors, staff, delegates and advisers to:

- Ensure all communication with the media is consistent, balanced, well- informed, timely, professional and appropriate.
- Clearly indicate Council's authorised spokespersons.
- Improve communication with customers and enhance Council's public image.
- Limit the possibility of miscommunication and to maximise the effectiveness of staff by ensuring comments to the media relating to Council are made only through authorised people.

### **INTRODUCTION:**

Council recognises that a well-run, competent, ethical and reputable organisation is the best way to promote a favourable image and that any public relations program is only as good as the organisation behind it.

Council will take advantage of interest from the media to further its reputation and inform the public about Council's activities. Council will also distribute information to the media to communicate information about Council's activities and decisions. In dealing with the media, Councillors and Council officers must be careful to communicate accurate information.

Council welcomes enquiries from the media. All media representatives are to be treated in the same manner as any other customer of Council. That is, Council will attend to media requests promptly and with courtesy, honesty and respect. Council believes that a good relationship based on trust, familiarity and confidence is important between Council and the media.

### **DEALING WITH MEDIA ENQUIRIES:**

The Shire President and Chief Executive Officer are Council's official spokespersons on all matters. The Chief Executive or Shire President may nominate other staff or Councillors to act as spokespeople for the Council in relation to particular issues.

Journalists may on occasions contact a senior officer or staff member directly. No staff member, other than those authorised above are to handle an enquiry from the media without prior approval from one of the above.

Information given to the media of a controversial, legal or ethical nature requires the approval of the Shire President and/or the Chief Executive Officer.

All staff are required to pass on important information to the Chief Executive Officer which could be used as the basis for a press release or internal communication. The Chief Executive Officer will decide if the information warrants a media release and/or photo or other treatment.

Information that Council officers wish to communicate to the media is to be sent to the Chief

Executive Officer for editing, photographic support and policy proofing before it is publicly issued.

### **SPEAKING TO THE MEDIA:**

Councillors and Council staff are encouraged to co-operate at all times with media outlets subject to the guidelines provided in this policy and to be proactive, as opposed to reactive, in their use of the media.

Every Councillor has a right to express a private opinion on any issue, whether or not that opinion reflects Council's official position but Councillors must carefully identify the role in which they speak.

All media enquiries to staff should be directed to the Chief Executive Officer.

Council staff must not speak to the media about matters related to Council unless authorised to do so by the Chief Executive Officer or Shire President.

Council employees and Councillors may not provide any comment or information to the media with the intention of contesting or undermining Council policy or casting Council, Councillors or Council staff in a negative light.

Council employees may speak to the media or write Letters to the Editor as private individuals with the following restrictions:

- They do not comment on Council business or policy;
- They are not identified as Council employees;
- Their comments are not perceived as representing official Council position or policy.

From time to time it may be necessary for a Letter to the Editor to be written as an official Council communication to inform the community about a particular matter. Such letters must be issued through the Shire President or Chief executive Officer.

When appropriate a Councillor or a member of Council staff should become the sole spokesperson on a specific issue, event or initiative within their operational portfolio to ensure consistency of message.

Councillors and Council staff should treat all media outlets equally and should avoid giving one outlet preferential treatment. Media releases should be distributed to all media outlets at the same time.

When a media organisation or representative requests information on a specific topic, the response must be provided exclusively to that organisation or representative. When there are requests from multiple organisations, the Chief Executive Officer will determine the method of response.

Councillors and Council staff should avoid providing information "off the record" during media interviews. It is best to assume that everything said to any media representative may appear in a news story.

Contractors or service providers employed by Council must refer all media enquiries relating to Council to the Chief Executive Officer.

All new employees are to be given Council's Media Policy as a part of the induction process.

### **INTERNET AND WEB PAGE COMMUNICATIONS:**

The internet is a powerful tool for communicating to a broad audience in number of electronic forms. Council has a web page which provides a modern face for the organisation and the role of the Chief Executive Officer is to ensure that the information is current and relevant.

The web page is both a business communication tool as well as a community information source and therefore the method and manner of communication should be appropriate to the audience and the context.

The web is used to provide public notices, Council minutes, job advertisements, services directory, tourism information and travel guides. Council may also make available pages for community events where the source of the information is not a Council minute or document.

The Chief Executive Officer must ensure that information on the web page is not likely to bring the Council, Councillors or the Officers into disrepute or lead to potential litigation.

### **SOCIAL MEDIA**

The Shire of Yilgarn has a number of social media accounts, including “Shire of Yilgarn”, “Southern Cross CRC” and “Visit Yilgarn”.

Social media can be a powerful tool in reaching the community with information related to Shire business.

However, social media can be a source of negativity, and as such, the use of social media is to be undertaken as follows:

- Only persons approved by the CEO are permitted to utilise the Shire’s social media accounts;
- Those permitted to access Shire of Yilgarn social media accounts are to ensure posts are related to Shire business and operations only (such as road closures, shire events, public notices approved by the CEO);
- Language is to be non-offensive and a-political;
- Posts are not to mention members of the public, unless approved by the mentioned person or CEO;
- Should offensive comments be placed by community members, the posts are to be removed and/or all comments removed and ability to comments removed from post;
- Under no circumstances should the Shire accounts respond to comments on Shire posts, unless approved by the CEO.

### **COMMUNITY NEWSLETTER:**

Council through the Community Resource Centre supports the production and sale of a community newsletter the purpose of which is to provide the community with a forum for communications and stories about local people and events.

Whilst Council, through management of the Community Resource Centre has indirect editorial control over the production of the newsletter it is important that the publication maintains a level of independence appropriate for a community newsletter.

The Community Resource Centre Coordinator is responsible for layout and content of the newsletter and must ensure that the information contained within the newsletter is not likely to bring the Council, Councillors or the Officers into disrepute or lead to potential litigation.

The newsletter should carry a disclaimer in the following terms:

*“Disclaimer: The Shire supports the production of this community newsletter the content of which will include articles or comments from advertisers and contributors. The Shire does not accept responsibility for the content or accuracy of any of the information supplied by advertisers or contributors.”*

### **EMERGENCY COMMUNICATION:**

Council recognises that ill-considered and uninformed comments can cause dire consequences and have legal implications in the event of an emergency, disaster, crisis or other sensitive issue.

In the event of an emergency in the Council area involving serious injury to and/or death of residents, the Shire President/Councillors or Council staff, or involving significant damage to Council assets or private property, or involving significant law enforcement activity on Council property, the following procedures will apply to all:

- The Chief Executive Officer and/or Shire President must be notified immediately of details of the incident.
- Details of the incident must not be discussed with any media representatives by any staff unless approved in advance by the Chief Executive Officer and/or Shire President.
- Requests by the media to film, photograph or interview Council staff or council assets involved in the emergency situation must be referred to the Chief Executive Officer and/or Shire President.

### **PRIVATE SOCIAL MEDIA OR ONLINE COMMUNICATIONS**

Shire Councillors and Staff are to ensure their use of private social media or online communications does not result in a negative image for the Shire of Yilgarn.

### 1.6 Related Parties Disclosures

Section:	Members of Council
Date Adopted:	
Document Control:	Amended Sept 2023
Previous Policy Number:	Council Policy 1.9

#### **INTRODUCTION:**

The Related Party Disclosure Policy aims to assist Council in complying with disclosure requirements concerning key management personnel, their close family members and entities controlled or jointly controlled by any of them stipulated under the *Australian Accounting Standard AASB 124 Related Party Disclosures*

#### **PURPOSE:**

The scope of AASB 124 *Related Party Disclosures* was extended in July 2015 to include application by not-for-profit entities, including local governments. The operative date for Local Government is 1 July 2016, with the first disclosures to be made in the Financial Statements for year ended 30 June 2017. This policy outlines required mechanisms to meet the disclosure requirements of AASB 124.

#### **BACKGROUND:**

The objective of the standard is to ensure that an entity's financial statements contain disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and transactions.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire must make an informed judgement as to who is considered to be a related party and what transactions need to be considered, when determining if disclosure is required.

The purpose of this procedure is to stipulate the information to be requested from related parties to enable an informed judgement to be made.

#### **IDENTIFICATION OF RELATED PARTIES:**

AASB 124 provides that the Shire will be required to disclose in its Annual Financial reports, related party relationships, transactions and outstanding balances. Related parties includes a person who has significant influence over the reporting entity, a member of 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 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
- Executive Manager Corporate Services
- Executive Manager Infrastructure
- 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 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 (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 these criteria:

- Paying rates.
- Fines.
- Use of Shire owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not).
- 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 Shire for licences, approvals or permits.
- Lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a Real Estate Agent).
- Lease agreements for commercial properties.
- Monetary and non-monetary transactions between the Shire and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Shire (trading arrangement).
- Sale or purchase of any property owned by the Shire, to a person or party identified above.
- Sale or purchase of any property owned by a person or party identified above, to the Shire.
- Loan Arrangements.
- Contracts and agreements for construction, consultancy or services.

Some of the transactions listed above, occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives. These transactions are those that an ordinary citizen would

undertake with council and are referred to as an Ordinary Citizen Transaction (OCT). Where the Shire can determine that an OCT was provided at arm's 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.

### **DISCLOSURE REQUIREMENTS:**

For the purposes of determining relevant transactions, elected Council members and key management personnel as identified above, will be required to complete a *Related Party Disclosures - Declaration* form.

#### 1. Ordinary Citizen Transactions (OCTs)

Management will put forward a draft resolution to Council annually, declaring that in its opinion, based on the facts and circumstances, the following OCT that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Council's financial statements make. As such no disclosure in the *Related Party Disclosures - Declaration* form will be required.

- Paying rates.
- Transactions relating to the registration and control of domesticated animals as defined in the Dog Act 1976 and Cat Act 2011.
- Transactions whereby a Fee or Charge is incurred and that are included as part of Councils endorsed Schedule of Fees and Charges.
- Fines.
- Use of Shire owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not).
- Attending council functions that are open to the public.

Where these services were not provided at arm's length and under the same terms and conditions applying to the general public, elected Council members and KMP will be required to make a declaration in the *Related Party Disclosures - Declaration* form about the nature of any discount or special terms received.

#### 2. All other transactions

For all other transactions identified as Related Party transactions above, elected Council members and KMP will be required to make a declaration in the *Related Party Disclosures - Declaration* form.

#### 3. Frequency of disclosures

- Elected Council members and KMP will be required to complete a *Related Party Disclosures - Declaration* form annually.
- 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.

#### 4. Confidentiality

All information contained in a disclosure return, will be treated in confidence. Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified. Notwithstanding,



management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality. Individuals may be specifically identified, if the disclosure requirements of AASB 124 so demands.

5. Materiality

Management will apply professional judgement to assess the materiality of transactions disclosed by related parties and their subsequent inclusion in the financial statements.

In assessing materiality, management will consider both the size and nature of the transaction, individually and collectively.



## 1.7 Council Forum / Briefing Session

Section:	Members of Council
Date Adopted:	
Document Control:	Amended September 2023
Previous Policy Number:	Council Policy 1.10

That a Council Forum/Briefing Session be held every month, except January, prior to the Ordinary Meeting of Council commencing at 4.00pm.

The following Forum Procedure Applies Forum Procedure

- Forum to be held each month prior to the Ordinary Meeting.
- Forums to be attended by Councillors, Chief Executive Officer and Executive Managers. Other Managers, Officer and Consultants may participate by invitation from the Chief Executive Officer in consultation with the Shire President.
- Forums shall include discussion on items included on the next Ordinary Council Meeting Agenda, issues that may result in Agenda items for future Ordinary Council Meetings concept items and questions/discussions on the Councillors Information Bulletin/Status Report.
- The CEO will ensure timely written notice and the Agenda for each forum is provided at all members.
- Forum papers should be distributed to members at least three days prior to the meeting.
- The President is to be the presiding member at all forums.
- Elected members, employees, consultants and other participants shall disclose their financial and conflicts of Interest in matters to be discussed.
- Interests are to be disclosed in accordance with the provisions of the Act as they apply to Ordinary Council Meetings. Persons disclosing an interest will not participate in that part of the Forum relating to their interest and leave the meeting room.
- There is to be no opportunity for a person with an interest to request that they continue in the forum.
- A record should be kept of all forums. As no decisions will be made, the record need only be a general record of items covered but should record disclosures of interest with appropriate departures/returns.

## 1.8 Induction for Councillors

Section:	Members of Council
Date Adopted:	
Document Control:	
Previous Policy Number:	Council Policy 1.11

### OBJECTIVES:

To set out guidelines for the induction of newly Elected Members of the Shire of Yilgarn.

### POLICY STATEMENT:

#### Introduction

It is essential to the effective operation of Council decision-making and Council business that Elected Members are provided with a clear understanding of their roles and responsibilities when first elected to Council. It is also important that they understand key processes and deliverables required by statute, especially as with each new Council there will be a requirement to review strategic direction and key long term planning documents.

It is also important that returning Members have their understanding refreshed and they are aware of any changes to statutory requirements, organisational direction and issues arising. It is equally important that new and returning Members are provided with the same information.

Key to this is the induction process which should be provided for each new Council and/or Councillors, elected or appointed to fill extraordinary vacancies when they arise.

### PRINCIPLES:

- (a) An accessible, informative induction program is essential to Councillors being able to understand their roles and being able to move quickly and easily into their governance responsibilities after being elected to Council.
- (b) Sitting Councillors will support newly elected Councillors by participating in the induction process.

### PROVISIONS:

- 1.1 The Chief Executive Officer (CEO) will prepare an induction program for Councillors which will commence immediately after and election and will be completed no later than 3 months after the election date.
- 1.2 The CEO will consult with the Shire President in the preparation of the program.

## 1.9 Continuing Professional Development of Council Members

Section:	Members of Council
Date Adopted:	
Document Control:	Amended September 2023
Previous Policy Number:	Council Policy 1.12

### 1 General Purpose and Principles

- A. The Shire of Yilgarn is committed to the ongoing professional development of its Councillors through the process of ongoing professional development, education and improvement, with a view to enhancing Council performance and effectiveness for the benefit of the Shire of Yilgarn and its constituents.
- B. The aspirations of this policy is to support Councillors to be equipped with the knowledge, skills and understanding they need to discharge their responsibilities effectively having regard to sound local authority governance standards and regulatory requirements.
- C. In particular this policy, and its adoption is intended to respond to requirements of s.5.128 of the Local Government Act 1995 as amended (“Act”).

### 2 Induction and Regulatory Prescribed Training

- A. The Shire of Yilgarn will implement induction procedures designed to allow new Council appointees to gain knowledge about the Shire of Yilgarn and the principles of Local Government so they may participate fully and actively in Council Meetings and decision making at the earliest opportunity following their appointment.
- B. Such induction procedures may relate to and assist Councillors to gain a better understanding of:
  - The Shire of Yilgarn’s financial, strategic, operational, and risk management position;
  - Their rights, duties and responsibilities as Councillors;
  - The role of Councils committees;
  - The Shire of Yilgarn’s culture and values;
  - Council and Committee meeting arrangements; and
  - Good practice protocols and constraints concerning interactions with other Councillors, the CEO, officers, staff, constituents and stakeholders.
- C. Without limiting the generality of 2(a) and (b) of this Policy, each Council member must also complete training in accordance with regulations prescribed under s.5.126 of the Act.
- D. In compliance with s.5.127 of the Act:
  - i. The Shire of Yilgarn must prepare a report for each financial year on the training completed by Council members in compliance with s.5.126 of the Act in the financial year; and
  - ii. The CEO must publish the report on the Shire of Yilgarn’s official website within 1 month after the end of the financial year to which the report relates.

### **3 Evaluation/Review**

The overall skills, knowledge and attributes of the Council as a whole (in the context of each member's Councillor responsibilities) should be periodically evaluated and reviewed to determine the curriculum, nature and form of ongoing professional development opportunities for Council members which are most likely to enhance Council performance and effectiveness and deliver value for money for the Shire of Yilgarn.

### **4 Professional Development**

- A. Councillors should commit to undertaking continuing professional development to update and enhance their knowledge, skills and understandings to assist them in more effectively discharging their responsibilities as Councillors for the benefit of the Shire of Yilgarn as a whole.
- B. The professional development to be undertaken by Councillors should be such that is most relevant to each Councillor individually have regard for their own existing level of knowledge, skills, experience, understanding and qualifications. However, due regard should be had by Councillors in the outcome of the periodic evaluation and review mentioned in paragraph 3 of this Policy, in deciding the professional development opportunities, which are most relevant to their needs, that they should undertake.
- C. The nature of the professional development to be undertaken might relate to the matters referred to in paragraph 2(b) of this Policy including key developments and issues impacting the Shire of Yilgarn, local governments generally and the environment within which the local government operates, as well as developments in the regulatory environment and in governance practices.
- D. The Shire of Yilgarn commits to developing a regime by which Shire of Yilgarn funded opportunities for the professional development of its Councillors can be identified and made available to its Councillors. The Shire of Yilgarn should provide reasonable allowance in its budget for this purpose.
- E. Nothing in paragraph (d) implies that Councillors should not undertake relevant professional training at their own expense, or by way of co- contribution with the Shire of Yilgarn, as appropriate.

### **5 Oversight Committee**

The Council may establish a Councillor Professional Development Committee with such terms of reference, member composition (which should include the President and at least 2 other Councillors) and procedures as may be determined by Council at the time of establishment, for the purposes of making recommendations to Council concerning:

- This Policy;
- Its review and amendments from time to time;
- The process and outcome of the evaluation and review mentioned in paragraph 3 of this Policy;
- Appropriate professional development, education and training opportunities for

consideration by Councillors;

- Professional development, education and training opportunities to be funded by and/or made available to Councillors by the Shire of Yilgarn;
- Reporting in the terms of this Policy.

### **6 Councillor Disclosure of Professional Development undertaken**

- A. The Shire of Yilgarn will keep a progressive record of all professional development, education and training undertaken by Councillors as may be reported to the CEO by Councillors.
- B. Councillors should promptly report in writing to the CEO any relevant professional development, education and training in terms of this Policy undertaken by them including:
  - The substance, nature and learning outcomes from the same;
  - When, or the period over which, the same was undertaken;
  - In the case of any such professional development, education and training not fully funded by the Shire of Yilgarn, a statement to that effect,

And should ensure that all such reports for professional development, education and training undertaken by a Councillor during the financial year are provided to the CEO by the end of the relevant financial year.

### **7 Reporting by the Shire of Yilgarn**

- A. In compliance with s.5.128 (4) the CEO must from time to time publish on the Shire of Yilgarn's official website the most recent version of this policy.
- B. Subject to prudential discretions vested in the Council on account of commercially or personally sensitive information, the Shire of Yilgarn should disclose on its website:
  - When an evaluation and review under paragraph 3 of this Policy was last undertaken;
  - A high-level description of the outcome of the most recent such evaluation and review;
  - The amount allowed in the Shire of Yilgarn's annual budget for the purpose of this Policy and the amount actual expended therefor in the relevant financial year to which the budget relates;
  - A summary of the regime developed by the Shire of Yilgarn in terms of paragraph 4(d) of this Policy;
  - A summary of the professional development, education and training undertaken by each Councillor as reported to the CEO in the terms of paragraph 6(b) section of this Policy;
  - The composition and terms of reference of any committee established under paragraph 5 of this Policy.

## **8 Policy Review/Amendment**

- A. This policy is to be reviewed and amended as per the requirements of the Local Government Act 1995 Section 5.128(5), being:
- After each ordinary election; and
  - At any other time.

## 1.10 Attendance at Events and Functions

Section:	Members of Council
Date Adopted:	
Document Control:	Amended Sept 2023
Previous Policy Number:	Council Policy 1.13

### 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 addresses attendance at any events, including concerts, 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 by Councillors and the Chief Executive Officer (CEO).

Nothing in this Policy shall be construed as diminishing the role of the CEO in approving attendance at activities or events by other employees that in the opinion of the CEO are appropriate, relevant and beneficial to the Shire of Yilgarn.

### **Definitions**

A **'gift'** is defined under section 5.57 Local Government Act (1995) (LGA) as a conferral of a financial benefit (including a disposition of property) made by one person in favour of another person unless adequate consideration in money or money's worth passes from the person whose favour the conferral is made to the person who makes the conferral. It includes any contributions to travel. A door prize or raffle prize received by chance is not considered a gift.

A **" ticket"** includes an admission ticket to an event, or an invitation to attend an event, or a complimentary registration to an event, that is offered by a third party.

**"Shire sponsored major event"** is an event that has received Major Events Grant Funding in accordance with the Shire's Community, Economic, Environmental and Events Funding Policy.

### **1. Provision of tickets to events**

- 1.1. A ticket to an event must be provided to the CEO or Councillor in their capacity as the CEO or Councillor.
- 1.2. Any ticket provided to the CEO or Councillor to attend an event in their personal capacity is not captured by this Policy.
- 1.3. To assist in determining if the ticket is received in the capacity as the CEO or Councillor, the following question can be asked:
  - Would the ticket to the event have been given to me if I was not the CEO or a Councillor? If the answer is no, then the ticket was received in your capacity as the CEO or a Councillor.

### 2. Attendance at pre-approved events

2.1. Council approves attendance by the CEO and Councillors at the following events (preapproved events):

- a) Shire organised events.
- b) Events that are a free event to members of the public.
- c) Shire sponsored major events. \*
- d) Events where the CEO or Councillor is a representative on an external committee or organisation and the CEO or Councillor is in attendance for the purposes of fulfilling their role on the external committee or organisation.
- e) Where the ticket to an event is from a specified entity under r 20B LG (Admin) Regulations 1996, which includes:

- Western Australian Local Government Association (WALGA);
- Australian Local Government Association (ALGA);
- Local Government Professional Australia WA (LG Pro);
- Department of a Public Service;
- Commonwealth, State or Territory government department;
- Local government or regional local government.

\* Only includes attendance at the launch/opening event, or where there is no launch/opening event, an alternative scheduled event in the program.

2.1.1 Tickets offered to attend Shire sponsored major events will be allocated on a priority basis to the Shire President and CEO. If the Shire President cannot attend, then the Deputy President may attend in his or her place. If further tickets are available, they will then be allocated to Councillors, via method of drawing names out of a hat.

2.2. Council approves attendance by the Shire President and the CEO at the following events (pre-approved events):

- a) events held by local community or sporting groups
- b) events held by not for profit organisations
- c) events run by schools and universities within the Shire
- d) local community cultural events / festivals / art exhibitions
- e) events held by industry associations relevant to the local area
- f) Shire funded events (excluding Shire sponsored major events)
- g) Events organised by the embassy or consulate of another nation

If the Shire President cannot attend, then the Deputy President may attend, or any Councillor delegated by the Shire President to attend in his or her place.



- 2.3. Council approves attendance by the Shire President at events (pre-approved events) where the Shire President is performing any of the following functions:
- a) presenting at the event
  - b) participating as a member in a panel
  - c) opening or launching an event or facility
  - d) presenting or accepting awards or prizes to others on behalf of the Shire
  - e) or any other civic or ceremonial duty on behalf of the Shire

If the Shire President is unable to attend, then the Deputy President may attend, or any Councillor delegated by the Shire President to attend in his or her place.

- 2.4. Council approves attendance by the CEO at events (pre-approved events) where the CEO is performing any of the following functions:
- a) presenting at an event
  - b) participating as a member in a panel
  - c) accepting an award on behalf of the Shire

- 2.5. In relation to attendance at a pre-approved event in accordance with parts 2.1 – 2.4 above, the following applies in respect to payment of tickets:
- a) Where the ticket is offered free of charge, and tickets are also offered to members of the public free of charge, the ticket may be accepted, (ticket is not considered a gift).
  - b) Where the ticket is offered free of charge, but a member of the public is required to pay, the ticket is a gift. The ticket may be accepted (see part 5 in relation to any gift disclosures required).
  - c) Where the ticket is offered, and a benefit will be received, such as dinner and beverages, but there is no purchase price for the ticket. The ticket may be accepted (see part 5 in relation to any gift disclosures required).
  - d) Where the Shire President or the CEO performs a function at the event, providing adequate consideration, or partial consideration for the ticket, the ticket may be accepted, (see part 5 in relation to any gift disclosures required where there was partial consideration for the ticket).
  - e) Where the ticket is offered at a discounted rate, the ticket may be paid for by the Shire administration if adequate funding is available in the budget (see part 5 in relation to any gift disclosures required for the discount received).
  - f) Where the ticket requires payment: the ticket may be paid for by Shire administration, if adequate funding is available and with prior approval of the CEO; or
  - g) Councillor may pay for the ticket and request a reimbursement of the expense in accordance with the Councillor Entitlements Policy, if adequate funding is available and with prior approval of the CEO.

- 2.6. In relation to attendance at pre-approved events in accordance with parts 2.1-2.4 above,

the following applies in respect to payment of expenses associated with attendance:

- a) The Shire may pay reasonable expenses associated with attendance by the CEO or Councillor, such as travel and accommodation expenses, within the expenditure limitations prescribed in the current Determination of the Salaries and Allowances Tribunal on Local Government Chief Executive Officers and Elected Members under the Salaries and Allowances Act 1975: section 7B ('Determination'), if adequate funds are available in the allocated budget. Accommodation expenses will only be paid for events outside of the Shire.
  - b) The Councillor may seek reimbursement of reasonable expenses associated with attendance, (such as travel and accommodation expenses), in accordance with the Councillor Entitlements Policy and Determination, if adequate funding is available in the budget. Accommodation expenses will only be reimbursed for events outside of the Shire.
- 2.7. If the CEO or Councillor is invited to attend an event that is not a pre-approved event under part 2.1-2.4 above, or are not authorised to attend the event under part 2.1-2.4 above, then:
- a) the CEO or Councillor can request approval to attend the event in accordance with part 3 below; or
  - b) pay for the ticket to attend the event at own expense.

### **3. Attendance at events requiring approval**

- 3.1. Attendance by a Councillor or the CEO at an event which is not a pre-approved event under parts 2.1-2.4 above, must be determined by Council in the case of a Councillor's attendance, or the Shire President in the case of the CEO's attendance at the event.
- 3.2. Key factors for consideration include:
- a) Who is providing the ticket to the event.
  - b) The location of the event in relation to the Shire.
  - c) The role of the Councillor or CEO when attending the event (participant, observer, presenter) and the value of their contribution.
  - d) The benefit to the community in the Councillor or CEO attending the event.
  - e) The benefit to the organisation in the Councillor or CEO attending event.
  - f) Alignment to the Shire's strategic objectives.
  - g) Whether the event is funded by the Shire.
  - h) The number of invitations / tickets received.
  - i) The cost to attend the event (if any) and any other expenses such as travel and accommodation.
  - j) Whether there is a personal benefit to the CEO or Councillor in attending the event, for example if food and alcohol included, or if the benefit is primarily for entertainment.

- k) The likely community perception of the CEO or Councillor attending the event.
  - l) Whether the ticket can be paid for to avoid the acceptance of a gift and risk of influenced (or perception of influenced) decision-making.
- 3.3. Approval is required in respect of:
- a) Attendance at the event by a Councillor or the CEO.
  - b) Whether the ticket is accepted as a gift, or is paid for by the Shire.
  - c) Whether the Shire pays or contributes to associated expenses such as travel or accommodation.

#### 4. Partners

Partners of Councillors and CEO are permitted to attend events in support of their partner, with the additional value and /or cost of attendance to be taken into consideration of the Councillor or CEO's attendance of events, in compliance with this policy.

#### 5. Disclosure requirements relating to tickets accepted as gifts

- 5.1. Where, in accordance with part 2 and 3 of this Policy, the CEO or Councillor has accepted:
- a) a ticket free of charge where members of the public are required to pay;
  - b) a ticket where a benefit is received, such as dinner and beverages, but there is no purchase price for the ticket;
  - c) a ticket at a discounted rate; or
  - d) a ticket where they have provided partial consideration in money's worth through the performance of a function at the event;
- and the value of the benefit received is over \$300 (or is one of a series of gifts received by the same donor in a 12 month period over the value of \$300), the CEO or Councillor is required to make a gift disclosure under the gift provisions s5.87A and 5.87B. The disclosure will be published on the gift register on the Shire's website (s5.89A LGA).
- 5.2. In accordance with part 4.1(b) above, where a Councillor or the CEO has accepted a ticket for their partner to attend an event where a benefit is received, such as dinner and beverages, but there is no purchase price for the ticket and the ticket for the partner cannot be purchased by the CEO or Councillor, then if the total value of the benefit received by the CEO/Councillor and partner is over \$300 (or is one of a series of gifts received by the same donor in a 12 month period over the value of \$300), the CEO/Councillor is required to make a gift disclosure under the gift provisions s5.87A and 5.87B. The disclosure will be published on the gift register on the Shire's website (s5.89A LGA).
- 5.3. The gift disclosure by a Councillor must be made to the CEO (or Shire President in the case of the CEO disclosing the gift) within 10 days of the Councillor or CEO receiving the ticket, and is to include, under s5.87C LGA:
- a) a description of the gift;
  - b) the name and address of the person who gave the gift;

- c) the date on which the gift was received;
  - d) the estimated value of the gift at the time it was made; and
  - e) the nature of the relationship between the person who made the gift and the person who received it.
- 5.4. A ticket is excluded from the conflict of interest provisions if attendance to the event has been approved in accordance with this Policy (s5.62(1B) LGA). The Councillor or CEO is not required to complete a disclosure of interest if the donor has a matter before Council.

## 1.11 Risk Management Policy

Section:	Members of Council
Date Adopted:	
Document Control:	
Previous Policy Number:	Council Policy 1.14

### POLICY OBJECTIVES

The objective of this Policy is to state the Shire of Yilgarn's ('Shire's') intention to identify potential risks before they occur so that impacts can be minimised or opportunities realised; ensuring that the Shire achieves its Strategic and Corporate objectives efficiently, effectively and within good corporate governance principles.

### POLICY STATEMENT

It is the Shire's Policy to achieve best practice (aligned with AS/NZS ISO 31000:2018 Risk management – Guidelines), in the management of all risks that may affect the Shire meeting its objectives.

Risk management functions will be resourced appropriately to match the size and scale of the Shire's operations, and will form part of the Strategic, Operational, and Project responsibilities and be incorporated within the Shire's Integrated Planning Framework.

This policy applies to Council Members, Executive Management and all employees and contractors involved in any Shire operations.

### POLICY STATEMENT

The following points provide detail on the objective specifics:

1. Optimises the achievement of the Shire's values, strategies, goals and objectives.
2. Aligns with and assists the implementation of Shire Policies.
3. Provides transparent and formal oversight of the risk and control environment enabling effective decision-making.
4. Reflects risk versus return considerations within the Shire's risk appetite.
5. Embeds appropriate and effective controls to mitigate risk.
6. Achieves effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
7. Enhances organisational resilience.
8. Identifies and provides for the continuity of critical operations.

### KEY POLICY DEFINITIONS

**Risk:** Effect of uncertainty on objectives.

Note 1: An effect is a deviation from the expected – positive or negative.

Note 2: Objectives can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product or process).

**Risk Management:** Coordinated activities to direct and control an organisation with regard to risk.

**Risk Management Process:** Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

### **ROLES & RESPONSIBILITIES**

The CEO is responsible for the:

- Implementation of this Policy.
- Measurement and reporting on the performance of risk management.
- Review and improvement of this Policy and the Shire's Risk Management Framework at least triennially, or in response to a material event or change in circumstances.

The Shire's Risk Management Framework outlines in detail all roles and responsibilities under CEO delegation associated with managing risks within the Shire.

### **RISK ASSESSMENT AND ACCEPTANCE CRITERIA**

The Shire has quantified its broad risk appetite through the Shire's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Framework and as a component of this policy.

All organisational risks are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision-making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisation's appetite and are to be noted within the individual risk assessment.

### **MONITOR & REVIEW**

The Shire will implement and integrate a monitor and review process to report on the achievement of the risk management objectives, the management of individual risks and the ongoing identification of issues and trends.

This Policy will be kept under review by the Shire's Management Team. It will be formally reviewed triennially.

## RISK ASSESSMENT AND ACCEPTANCE CRITERIA

Shire of Yilgarn Measures of Consequence									
Rating (Level)	Health / People	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment	Project TIME	Project COST
<b>Insignificant (1)</b>	Near miss. Minor first aid injuries	Less than \$25,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential damage.	Contained, reversible impact managed by on site response	Exceeds deadline by 10% of project timeline	Exceeds project budget by 10%
<b>Minor (2)</b>	Medical type injuries	\$25,001 - \$250,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response	Exceeds deadline by 15% of project timeline	Exceeds project budget by 15%
<b>Moderate (3)</b>	Lost time injury <30 days	\$250,001 - \$750,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies	Exceeds deadline by 20% of project timeline	Exceeds project budget by 20%
<b>Major (4)</b>	Lost time injury >30 days	\$750, 000 - \$1Mil	Prolonged interruption of services –	Non-compliance results in	Substantiated, public embarrassment,	Significant damage requiring	Uncontained, reversible impact	Exceeds deadline by 25% of	Exceeds project budget

**Shire of Yilgarn Measures of Consequence**

<b>Rating (Level)</b>	<b>Health / People</b>	<b>Financial Impact</b>	<b>Service Interruption</b>	<b>Compliance</b>	<b>Reputational</b>	<b>Property</b>	<b>Environment</b>	<b>Project TIME</b>	<b>Project COST</b>
			additional resources; performance affected < 1 month	termination of services or imposed penalties	high impact, high news profile, third party actions	internal & external resources to rectify	managed by a coordinated response from external agencies	project timeline	by 25%
<b>Catastrophic (5)</b>	Fatality, permanent disability	More than \$1Mil	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact	Exceeds deadline by 30% of project timeline	Exceeds project budget by 30%



<b>Measures of Likelihood</b>			
<b>Level</b>	<b>Rating</b>	<b>Description</b>	<b>Frequency</b>
<b>5</b>	<b>Almost Certain</b>	The event is expected to occur in most circumstances (>90% chance)	More than once per year
<b>4</b>	<b>Likely</b>	The event will probably occur in most circumstances(>50% chance)	At least once per year
<b>3</b>	<b>Possible</b>	The event should occur at some time(20% chance)	At least once in 3 years
<b>2</b>	<b>Unlikely</b>	The event could occur at some time(<10% chance)	At least once in 10 years
<b>1</b>	<b>Rare</b>	The event may only occur in exceptional circumstances(<5% chance)	Less than once in 15 years

<b>Risk Matrix</b>						
<b>Consequence Likelihood</b>		<b>Insignificant</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Catastrophic</b>
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Almost Certain</b>	<b>5</b>	<b>Moderate (5)</b>	<b>High (10)</b>	<b>High (15)</b>	<b>Extreme (20)</b>	<b>Extreme (25)</b>
<b>Likely</b>	<b>4</b>	<b>Low (4)</b>	<b>Moderate (8)</b>	<b>High (12)</b>	<b>High (16)</b>	<b>Extreme (20)</b>
<b>Possible</b>	<b>3</b>	<b>Low (3)</b>	<b>Moderate (6)</b>	<b>Moderate (9)</b>	<b>High (12)</b>	<b>High (15)</b>
<b>Unlikely</b>	<b>2</b>	<b>Low (2)</b>	<b>Low (4)</b>	<b>Moderate (6)</b>	<b>Moderate (8)</b>	<b>High (10)</b>
<b>Rare</b>	<b>1</b>	<b>Low (1)</b>	<b>Low (2)</b>	<b>Low (3)</b>	<b>Low (4)</b>	<b>Moderate (5)</b>

Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
<b>LOW</b>	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Supervisor / Team Leader
<b>MODERATE</b>	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Service Manager
<b>HIGH</b>	Urgent Attention Required	Risk acceptable with effective controls, managed by senior management / executive and subject to monthly monitoring	Executive Leadership Team
<b>EXTREME</b>	Unacceptable	Risk only acceptable with effective controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO & Council

Existing Control Ratings		
Rating	Foreseeable	Description
<b>Effective</b>	There is <u>little</u> scope for improvement.	Processes (Controls) operating as intended and aligned to Policies / Procedures. Subject to ongoing monitoring. Reviewed and tested regularly.
<b>Adequate</b>	There is <u>some</u> scope for improvement.	Processes (Controls) generally operating as intended, however inadequacies exist. Limited monitoring. Reviewed and tested, but not regularly.
<b>Inadequate</b>	There is a <u>need</u> for improvement or action.	Processes (Controls) not operating as intended. Processes (Controls) do not exist, or are not being complied with. Have not been reviewed or tested for some time.

## 1.12 Conducting Electronic Meetings and Attendance by Electronic Means

Section:	Members of Council
Date Adopted:	19 September 2024
Document Control:	
Previous Policy Number:	

### Policy Objective

To establish the Local Government's decision making framework enabling electronic attendance at in-person meetings and for the conduct of meetings by electronic means.

This policy is to be read in conjunction with the Local Government Act 1995 ('the Act') and Regulations 14C, 14CA, 14D and 14E of the Local Government (Administration) Regulations 1996.

### Definitions

- Electronic Means refers to the approved electronic requirements to access an in-person meeting or attend an electronic meeting, encompassing hardware and software requirements to enable instantaneous communication [Admin.r.14CA(3)]. The electronic means must be determined before the suitability of a location and equipment can be assessed as part of a request to attend electronically to an in-person meeting or to an electronic meeting.
- Members refers to a council member and any other person appointed as a member of a committee under Section 5.10 of the Act.

### Policy Statement

#### 1. Electronic Attendance at an In-Person Meeting [Administration Regulations 14C and 14CA]

- (1) For efficiency and the avoidance of unnecessary inconvenience, Members are to submit requests for electronic attendance at the earliest opportunity, but in any case, requests must be received so that there is sufficient time for the request to be considered and the necessary technology and meeting protocols to be implemented.
- (2) A request for electronic attendance at an in-person meeting:
  - a. Is to be provided to the Mayor/President;
  - b. Where the Mayor/President is unavailable to approve a request, the request is to be considered by Council (the request is to be moved, seconded and approved);
  - c. Where the Mayor/President rejects a request, the requester may ask Council to re-consider the request; and
  - d. The Mayor/President may refer their own request to the Deputy Mayor/President, [acting under Section 5.34 of the Act]; or alternatively, may refer the request to Council for decision.

Note: for committees, a request for electronic attendance to an in-person committee meeting can only be approved by the Mayor/President or Council (not the relevant committee). Similarly, a request for a committee to be held as an electronic meeting (outside of a declared emergency)

must first be approved by Council.

- (3) Where a request meets the following criteria, approval will not be unreasonably withheld:
  - a. The electronic means of instantaneous communication, and the location and equipment from which the Member seeks to attend the meeting, are determined as suitable for the Member to effectively engage in deliberations and communications throughout the meeting [Admin.r.14C(5)];
  - b. The Member has made a declaration prior to the meeting, or that part of the meeting, that will be closed, that confidentially can be maintained. In the absence of such a declaration, the Member is prohibited from participation in the meeting, or that part of the meeting, that is closed [Admin.r.14CA(5)]; and
  - c. The approval does not exceed prescribed limitations for the number of meetings attended by that Member by electronic means [Admin.r.14C(3) and r.14C(4)].
- (4) Records of requests and decisions about requests must be retained:
  - a. Where the Mayor/President makes the decision, the record is retained as a Local Government record (e.g. email communication) in accordance with the Local Government's Record Keeping Plan and protocols established by the CEO; and
  - b. Where Council makes the decision, the decision must be recorded in the minutes [Admin.r.11(d)].
- (5) The CEO shall ensure that necessary administrative and technological support is readily available to facilitate attendance by electronic means at any meeting, on the basis that approvals may be given at any reasonable time prior to commencement of the meeting by the Mayor/President or during the meeting itself by Council for a Council meeting.

## **2. Conducting a Meeting by Electronic Means [Administration Regulation 14D and 14E]**

- (1) Ordinary meetings will primarily be held as in-person meetings.
- (2) Where a declared public health or state of emergency, or associated directions, are in effect that prevent an in-person meeting being held, the Mayor/President or the Council can approve a meeting to be held by electronic means:
  - Meetings held by electronic means in these circumstances are not subject to, or included in, the prescribed limitation on the number of meetings held by electronic means [Admin.r.14D(2)(a)(b)].
- (3) Where it is otherwise considered expedient or necessary (and there is no declared emergency), the Council may resolve to authorise the meeting to be held by electronic means [Admin.r.14D(2)(c)], subject to:
  - a. The prescribed limitation is not exceeded on the number of electronic meetings allowed [Admin.r.14D(2A)];
  - b. The CEO has been consulted, before the electronic means by which the meeting is to be held is determined by the Mayor/President or Council resolution [Admin.r.14D(3)(4)];
  - c. The decision has given due regard to whether the location from which each Member seeks to attend the meeting and the equipment each Member intends to use, are suitable to ensure each Member is able to effectively engage in deliberations and communications throughout the meeting; and
  - d. Each Member has made a declaration prior to the meeting, or that part of the meeting, that is closed, that confidentially can be maintained [Admin.r.14D(6)]. In the absence of

such a declaration, a Member is prohibited from participation in the meeting, or that part of the meeting, that is closed.

- (4) Where a meeting is authorised to be held as an electronic meeting, the CEO must ensure details are:
- published on the Local Government's Official webpage [Admin.r.12];
  - provided in the Notice of Meeting/Agenda; and
  - broadly promoted to ensure community awareness, such as through social media, newsletters, on noticeboards, etc.

Note: In the case of a Band 1 or 2 council or committee, where the meeting must be 'open to members of the public', then the council or committee must 'publicly broadcast the meeting on a website or the meeting or a broadcast of the meeting is otherwise accessible to the public' [Admin.r.14E(3A)(b)].

### 3. Participating in Meetings by Electronic Means

- (1) Presiding at Meeting – Where the Mayor/President is approved to attend an in-person meeting by electronic means, the Mayor/President may choose to defer to the Deputy Mayor/President [acting under Section 5.34 of the Act] for the purpose of presiding at the meeting.
- (2) Conduct – Members are to be familiar with their Meeting Procedure/Standing Orders and Code of Conduct requirements, in particular, protecting confidential information and appropriate communication practices, when participating in a meeting by electronic means.
- (3) Meeting Procedures – Where provisions of a Meeting Procedures/Standing Orders are not applicable to an electronic meeting environment, the Presiding Member may need to consider modification or suspension of the inconsistent subject provisions.
- (4) External Parties Participating in Closed Meetings – Where external parties are invited to participate in a closed part of an electronic meeting (such as auditor attending an Audit Committee electronic meeting), before being approved to attend by a resolution of the meeting, they are to first confirm they have met the electronic means, location and equipment suitability requirements of this policy, including maintaining confidentiality.

### 4. Electronic Means – Regulation 14CA and 14D

The following protocols are necessary to enable an authorisation for attendance by, or holding a meeting by, electronic means, which may include:

- (1) **Location** – Members must confirm that the location from which they attend is safe, quiet, private, devoid of distractions, and where a meeting is closed to the public, a place where confidentiality can be maintained. Location requirements must be satisfied before authorisation is given to a Member to attend any meeting by electronic means;

Members must ensure they are in a quiet space whereby background noise will not interfere with the undertaking of the meeting.

- (2) **Equipment** – Members seeking to attend a meeting via electronic means must ensure their equipment has the required software, hardware and connectivity requirements for attendance at the meeting prior to the meeting commencing.

Members must have video, microphone and audio capabilities, and unless instructed otherwise by the Presiding Member, must keep all features on for the duration of the meeting.

- (3) **External Parties Participating in Closed Meetings** – Approval for an external party to attend by electronic means a closed part of a meeting will be subject to the same policy provisions relevant to: approved electronic means, location and confidentiality. For clarity, these provisions do not apply to participation in public question time.

## 2 Bushfire

### 2.1 Bush Fire Advisory Committee Policy

Section:	Bushfire
Date Adopted:	
Document Control:	
Previous Policy Number:	Bushfire Policy 2.4

#### **OBJECTIVE:**

To set guidelines for the operation of the Shire of Yilgarn Bush Fire Advisory Committee.

#### **OPERATIONAL GUIDELINES**

##### **Name**

Shire of Yilgarn Bush Fire Advisory Committee.

##### **Governing Legislation**

The committee is established under Section 67 of the Bush Fires Act 1954.

##### **Membership**

Membership consist of:

##### *VOTING MEMBERS:*

Chief Bush Fire Control Officer;  
Deputy Chief Bush Fire Control Officer (x2); Fire Control Officers; and Councillor Representatives.

If dual positions, only one vote per individual.

##### *NON-VOTING MEMBERS:*

General Brigade Members;  
Shire Administration attendees; and DFES District Officer.

##### **Vision**

To ensure the Shire of Yilgarn is a safe community by managing the fire risks within the district.

##### **Terms of Reference**

- Continue to review current fire-fighting practices to improve operational effectiveness.
- Ensure that all fire-fighting appliances are in a state of operational readiness.
- Improve communication and co-ordination in fire-fighting activities.
- Promote fire safety to the community through public education and involvement.
- Continue to review and upgrade plans and other key documents

- Continue to improve the command and control of incidents.
- Continue to support and encourage volunteer participation.
- Continue to work in partnership with other organisations.
- Support and promote the safety and health of volunteers.
- Develop and implement training structures, systems and procedures in conjunction with DFES to support the community.
- Provide support and guidance to Bush Fire Brigades in the Shire of Yilgarn.

### **Meetings**

#### *ANNUAL GENERAL MEETING*

The Annual general Meeting is to be held in April.

Elections for nomination to Council of Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officers and Fire Control Officer are to be held at the AGM.

Note: The chairperson shall be the CBFCO

#### *COMMITTEE MEETINGS*

The committee shall meet as often as its chairperson and/or the Council decides, but no less than two times per year, once in September and once in April.

#### *QUORUM*

There must be a minimum of three (3) voting committee members in attendance to reach a quorum where a vote is required.

#### *VOTING*

Shall be in accordance with the Local Government Act, Section 5.21 with all voting members of the Committee entitled and required to vote (subject to interest provisions of the LGA).

#### *MINUTES*

Shall be in accordance with the Local Government Act, Section 5.22.

#### *MEETINGS*

Meetings shall be generally open to the public.

#### *MEMBERS INTEREST TO BE DISCLOSED*

Members of the Committee are bound by the provisions of the Local Government Act, Section 5.65 with respect to disclosure of financial, impartiality or proximity interests.

#### *SECRETARIAT*

A Shire Staff Officer appointed by the CEO will fulfil the role of non-voting secretary who will also



be responsible for preparation and distribution of agendas and minutes.

### *CHAIRPERSON*

The Chairperson and Deputy Chairperson are to be the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer.

### *MEETING ATTENDANCE FEES*

Nil

### *DELEGATED AUTHORITY*

Nil

### 3 Finance

#### 3.1 Surplus Funds Investment

Section:	Finance
Date Adopted:	
Document Control:	
Previous Policy Number:	Finance Policy 3.2

**POLICY:**

In accordance with the Local Government Act s6.14 (2) the Chief Executive Officer and/or Executive Manager Corporate Services is authorised to invest surplus Council funds to the best advantage of Council, within a recognised Financial Institution, provided that local banking institutions are also given the opportunity to negotiate with a view to achieving the best possible interest rates.

Council will invest in only authorised institutions in accordance with FM Reg 19 (1) (2)

Council recognises the following Financial Institutions as being authorised for the investment of Council's Funds:

- Westpac Banking Corporation
- ANZ Banking Corporation
- Commonwealth Bank
- National Australia Bank
- Bankwest
- Bendigo Bank

When investing money Council may not do any of the following —

- (a) Deposit with an institution except an authorised institution;
- (b) Deposit for a fixed term of more than 3 years;
- (c) Invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
- (d) Invest in bonds with a term to maturity of more than 3 years;
- (e) Invest in a foreign currency.

**PROCESS:**

A monthly statement be presented to Council giving details of all current investments showing;

- |                        |                           |
|------------------------|---------------------------|
| a) place of investment | c) interest rate          |
| b) term of investment  | d) name of funds invested |

## 3.2 Resourcing Employee Entitlements

Section:	Finance
Date Adopted:	
Document Control:	
Previous Policy Number:	Finance Policy 3.3

Council maintains a Long Service Leave Reserve to provide a mechanism to fully cash-back employee entitlements at the 30<sup>th</sup> June each year.

The value of this Reserve must mirror the value of:

- Current Long Service Leave recognised at year end, anticipated to be taken by the employee during the next reporting period, and;
- Non-Current Long Service Leave

Council acknowledges that funds will be withdrawn from time to time as employees utilise their Long Service entitlements identified within annual budgets. In the event that additional funds are required to meet obligations beyond the budgeted allocation, approval from Council will be sought to fund the shortfall from the Reserve Fund.

### 3.3 Reserve Portfolio Rationale

Section:	Finance
Date Adopted:	
Document Control:	
Previous Policy Number:	Finance Policy 3.4

Council maintains several Reserves for a myriad of purposes. This policy serves to explain the rationale behind Reserve purposes, and the basis of their existence. Essentially, Reserves are categorised by at least one of the following categories:

- **Growth**  
*A Growth Reserve has been set aside for a specific circumstance or event, which has or is reaching it's floor level, continuing to grow primarily as a result of interest re- investment.*
- **Special Purpose**  
*A Special Purpose Reserve is created via the Community Strategic Plan and Corporate Business Plan, where a project or facility requires financial resources to be accumulated over an appropriate period of time. This type of Reserve endeavours to fully cash-back a project prior to it commencing.*
- **Transactional**  
*A Transactional Reserve is developed to act as a financial conduit for a specific operation of Council. A Transactional Reserve can either operate as a 'Income Only' Reserve, whereby income from a facility is exclusively transferred to the Reserve or it can be 'Fully Operational', where the income is transferred to the Reserve and Expenditure obligations (both operating and non-operating) are sourced from this Reserve.*
- **Unforeseen Circumstance Levels**  
*Some Reserves will maintain a floor level which is earmarked to provide Council with flexibility to meet unforeseen obligations within its operations.*

### 3.4 Purchasing and Tendering

Section:	Finance
Date Adopted:	
Document Control:	Amended September 2023
Previous Policy Number:	Finance Policy 3.5

#### 1. PURCHASING

The Shire of Yilgarn (the “**Shire**”) is committed to delivering the objectives, principles and practices outlined in this Policy, when purchasing goods, services or works to achieve the Shire strategic and operational objectives.

This policy complies with the Local Government (Functions and General) Regulations 1996 (The Regulations).

##### 1.1 OBJECTIVES

The Shire’s purchasing activities will achieve:

- The attainment of best value for money;
- Sustainable benefits, such as environmental, social and local economic factors are considered in the overall value for money assessment;
- Consistent, efficient and accountable processes and decision-making;
- Fair and equitable competitive processes that engage potential suppliers impartially, honestly and consistently;
- Probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest;
- Compliance with the Local Government Act 1995, Local Government (Functions and General) Regulations 1996, as well as any relevant legislation, Codes of Practice, Standards and the Shire’s Policies and procedures;
- Risks identified and managed within the Shire’s Risk Management framework;
- Records created and maintained to evidence purchasing activities in accordance with the State Records Act and the Shire’s Record Keeping Plan;
- Confidentiality protocols that protect commercial-in-confidence information and only release information where appropriately approved.

##### 1.2 ETHICS & INTEGRITY

The Shire’s Code of Conduct applies when undertaking purchasing activities and decision making. Elected Members and employees must observe the highest standards of ethics and integrity and act in an honest and professional manner at all times.

##### 1.3 VALUE FOR MONEY

Value for money is achieved through the critical assessment of price, risk, timeliness, environmental, social, economic and qualitative factors to determine the most advantageous supply outcome that contributes to the Shire achieving its strategic and operational objectives.

The Shire will apply value for money principles when assessing purchasing decisions and

acknowledges that the lowest price may not always be the most advantage.

### 1.3.1 Assessing Value for Money

Assessment of value for money will consider:

- All relevant Total Costs of Ownership (TCO) and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, training, maintenance and disposal;
- The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality. This includes but is not limited to an assessment of compliances, tenderers resources available, capacity and capability, value-adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications etc.
- Financial viability and capacity to supply without the risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- A strong element of competition by obtaining a sufficient number of competitive quotations wherever practicable and consistent with this Policy;
- The safety requirements and standards associated with both the product design and the specification offered by suppliers and the evaluation of risk arising from the supply, operation and maintenance;
- The environmental, economic and social benefits arising from the goods, services or works required, including consideration of these benefits in regard to the supplier's operations, in accordance with this Policy and any other relevant Shire Policy; and
- Providing opportunities for businesses within the Shire's boundaries to quote wherever possible.

## 1.4 PURCHASING THRESHOLDS AND PRACTICES

The Shire must comply with all requirements, including purchasing thresholds and processes, as prescribed within the Regulations, this Policy and associated purchasing procedures in effect at the Shire.

### 1.4.1 Policy Purchasing Value Definition

Purchasing value for a specified category of goods, services or works is to be determined upon the following considerations:

- Exclusive of Goods and Services Tax (GST); and
- Where a contract is in place, the actual or expected value of expenditure over the full contract period, including all options to extend specific to a particular category of goods, services or works. OR
- Where there is no existing contract arrangement, the Purchasing Value will be the estimated total expenditure for a category of goods, services or works over a minimum three-year period. This period may be extended to a maximum of 5 years only where the supply category has a high risk of change i.e. to technology, specification, availability or the Shire's requirements (Regulation 12).

The calculated estimated Purchasing Value will be used to determine the applicable

threshold and purchasing practice to be undertaken.

### 1.4.2. Purchasing from Existing Contracts

The Shire will ensure that any goods, services or works required that are within the scope of an existing contract will be purchased under that contract.

### 1.4.3. Table of Purchasing Thresholds and Practices

This table prescribes Purchasing Value Thresholds and the applicable purchasing practices which apply to the Shire's purchasing activities:

Purchase Value Threshold (exc GST)	Purchasing Practice Required
Up to \$10, 000 (exc GST)	Direct purchase, evidence of pricing to be recorded as an attachment to the Purchase Order
From \$10, 001 up to \$50, 000 (exc GST)	<p>Seek at least one (1) written quotation from a suitable supplier.</p> <p>Where the Shire has an established Panel of Pre-Qualified Suppliers relevant to the required purchasing category, seek quotations in accordance with the contract requirements.</p> <p>If no Panel of Pre-Qualified Suppliers exists for the required purchasing category, then a quote must be sought from either:</p> <ul style="list-style-type: none"> <li>• a supplier included in the relevant WALGA Preferred Supplier Arrangement; or</li> <li>• other suppliers that are accessible under another tender exempt arrangement; or</li> <li>• the open market.</li> </ul>

Purchase Value Threshold (exc GST)	Purchasing Practice Required
	<p>The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> <li>• a brief outline of the specific requirements for the goods, services or works required; and</li> <li>• value for money criteria, not necessarily the lowest price.</li> </ul> <p>The procurement decision is to be represented using the Brief Evaluation Report Template.</p>
<p>From \$50,001 up to \$100,000 (exc GST)</p>	<p>Seek at least two (2) written quotations, if practical, from suitable suppliers.</p> <p>Where the Shire has an established Panel of Pre-Qualified Suppliers relevant to the required purchasing category, seek quotations in accordance with the contract requirements.</p> <p>If no Panel of Pre-Qualified Suppliers exists for the required purchasing category, then a quote must be sought from either:</p> <ul style="list-style-type: none"> <li>• a supplier included in the relevant WALGA Preferred Supplier Arrangement; or</li> <li>• other suppliers that are accessible under another tender exempt arrangement; or</li> <li>• the open market.</li> </ul> <p>If quotes are not being sought from a WALGA Preferred Supplier Arrangement, at least one (1) quotation is to be sought, where a suitable supplier is available, from:</p> <ul style="list-style-type: none"> <li>• a WA Disability Enterprise; and / or</li> <li>• an Aboriginal Owned Business; and / or</li> <li>• a Local Supplier.</li> </ul> <p>The purchasing decision is to be based upon assessment of the suppliers response to:</p> <ul style="list-style-type: none"> <li>• a brief outline of the specified requirement for the goods; services or works required; and</li> <li>• value for money criteria, not necessarily the lowest price. The procurement decision is to be represented using the Brief Evaluation Report Template.</li> </ul>



Purchase Value Threshold (exc GST)	Purchasing Practice Required
<p>From \$100,001 up to \$249,999 (exc GST)</p>	<p>Seek at least three (3) written quotations from suppliers by invitation under a formal Request for Quotation.</p> <p>Where the Shire has an established Panel of Pre-Qualified Suppliers relevant to the required purchasing category, seek quotations in accordance with the contract requirements.</p> <p>If no Panel of Pre-Qualified Suppliers exists for the required purchasing category, then a quote must be sought from either:</p> <ul style="list-style-type: none"> <li>• a supplier included in the relevant WALGA Preferred Supplier Arrangement; or</li> <li>• other suppliers that are accessible under another tender exempt arrangement; or</li> <li>• the open market.</li> </ul> <p>If quotes are not being sought from a WALGA Preferred Supplier Arrangement, at least one (1) quotation of the three (3) quotations is to be sought, where a suitable supplier is available, from either:</p> <ul style="list-style-type: none"> <li>• a WA Disability Enterprise; and / or</li> <li>• an Aboriginal Owned Business; and / or</li> <li>• a Local Supplier.</li> </ul> <p>The purchasing decision is to be based upon assessment of the suppliers response to:</p> <ul style="list-style-type: none"> <li>• a detailed written specification for the goods, services or works required and</li> <li>• pre-determined evaluation criteria that assesses all best and sustainable value considerations.</li> </ul> <p>The procurement decision is to be represented using the Evaluation Report template.</p>
<p>Over \$250,000 (exc GST)</p>	<p>Where the Shire has an established Panel of Pre-Qualified Suppliers relevant to the required purchasing category, seek quotations in accordance with the contract requirements.</p> <p>If no Panel of Pre-Qualified Suppliers exists for the required purchasing category, then either:</p> <ul style="list-style-type: none"> <li>• Seek at least three (3) written quotations from a supplier included in the relevant WALGA Preferred Supplier Arrangement and / or another tender exempt arrangement; OR</li> </ul>

Purchase Value Threshold (exc GST)	Purchasing Practice Required
	<ul style="list-style-type: none"> <li>• Conduct a Public Request for Tender process in accordance with the Local Government Act 1995 and relevant Shire Policy requirements.</li> </ul> <p>The purchasing decision is to be based upon the suppliers response to:</p> <ul style="list-style-type: none"> <li>• a specification of the goods, services or works (for a tender exempt process including the WALGA Preferred Supplier Arrangement); or a detailed specification for the open tender process; and</li> <li>• pre-determined evaluation criteria that assesses all best and sustainable value considerations.</li> </ul> <p>The procurement decision is to be represented using the Evaluation Report template.</p>
Emergency Purchases ( <i>Within Budget</i> )	Must be approved by the President or by the Chief Executive Officer under delegation and reported to the next available Council Meeting.
Emergency Purchases ( <i>Not Included in Budget</i> )	<p>Only applicable where, authorised in advance by the President in accordance with s.6.8 of the <i>Local Government Act 1995</i> and reported to the next available Council Meeting.</p> <p>Where the Shire has an established Panel of Pre-Qualified Suppliers relevant to the required purchasing category, the emergency supply must be obtained from the Panel suppliers.</p> <p>If however, no member of the Panel of Pre-qualified Suppliers or a suitable supplier from WALGA Preferred Supplier Arrangement is available, then the supply may be obtained from any supplier capable of providing the emergency purchasing requirement, and to the extent that it is reasonable in context of the emergency requirements, with due consideration of best and sustainable consideration.</p>

### 1.4.4 Exemptions

An exemption from the requirement to publicly invite tenders may apply when the purchase is:

- obtained from a pre-qualified supplier under the WALGA Preferred Supplier Arrangement or other suppliers that are accessible under another tender exempt arrangement.
- from a pre-qualified supplier under a Panel established by the Shire;
- from a Regional Local Government or another Local Government;
- acquired from a person/organisation registered on the WA Aboriginal Business Directory, as published by the Small Business Development Corporation, where the consideration under contract is worth \$250,000 or less (exc GST) and represents value for money;
- acquired from an Australian Disability Enterprise and represents value for money;
- the purchase is authorised under auction by Council under delegated authority;
- within 6 months of no tender being accepted;
- where the contract is for petrol, oil, or other liquid or gas used for internal combustion engines; or
- the purchase is covered by any of the other exclusions under Regulation 11 of the Regulations.

### 1.4.5 Inviting Tenders Under the Tender Threshold

The Shire may determine to invite Public Tenders, despite the estimated Purchase Value being less than the \$250,000 threshold.

This decision will be made after considering:

- Whether the purchasing requirement can be met through the WALGA Preferred Supplier Program or any other tender exemption arrangement; and
- Any value for money benefits, timeliness, risks; and
- Compliance requirements.

A decision to invite Tenders, though not required to do so, may occur where an assessment has been undertaken and it is considered that there is benefit from conducting a publicly accountable and more rigorous process. In such cases, the Shire's tendering procedures must be followed in full.

### 1.4.6 Other Procurement Processes

#### 1.4.6.1 Expressions of Interest

Expressions of Interest (EOI) are typically considered in situations where the project is of a significant value, or contains significant complexity of project delivery that may solicit responses from a considerable range of industry providers.

In these cases, the Shire may consider conducting an EOI process, preliminary to any

Request for Tender process, where the purchasing requirement is:

- Unable to be sufficiently scoped or specified;
- Open to multiple options for how the purchasing requirement may be obtained, specified, created or delivered;
- Subject to a creative element; or
- To establish a procurement methodology that allows for an assessment of a significant number of tenderers leading to a shortlisting process based on non-price assessment.

All EOI processes are conducted as a public process and similar rules to a Request for Tender apply. However, the EOI should not seek price information from respondents, seeking qualitative and other non-price information only. All EOI processes should be subsequently followed by a Request for Tender through an invited process of those shortlisted under the EOI.

#### *1.4.6.2 Request for Proposal*

As an alternative to a Request for Tender, the Shire may consider conducting a Request for Proposal where the requirements are less known, or less prescriptive and detailed. In this situation, the Request For Proposal would still be conducted under the same rules as for a Request For Tender but would seek responses from the market that are outcomes based or that outline solutions to meet the requirements of the Shire.

#### **1.4.7 Emergency Purchases**

An emergency purchase is defined as an unanticipated purchase which is required in response to an emergency situation as provided for in the Act and including natural disasters such as fire and flood. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken.

Time constraints are not a justification for an emergency purchase. Every effort must be made to anticipate purchases in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

#### **1.4.8 Sole Source of Supply**

A sole source of supply arrangement may only be approved by the CEO where the:

- Purchasing value is estimated to be over \$10,000; and
- purchasing requirement has been documented in a detailed specification; and
- specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement; and
- market testing process and outcomes of supplier assessments have been documented, inclusive of a rationale for why the supply is determined as unique and cannot be sourced through more than one supplier and the risks and control environment for the arrangement.

A sole source of supply arrangement will only be approved for a period not exceeding three (3) years. For any continuing purchasing requirement, the approval must be re-assessed before expiry to evidence that a Sole Source of Supply still genuinely exists.

### **1.4.9 Anti-Avoidance**

The Shire will not conduct multiple purchasing activities with the intent (inadvertent or otherwise) of "splitting" the purchase value or the contract value, avoiding a particular purchasing threshold or the need to call a Public Tender. This includes the creation of two or more contracts or creating multiple purchase order transactions of a similar nature.

Utilising rolling contract extensions at the end of a contract term without properly testing the market or using a Tender exempt arrangement, will not be adopted as this would place this Local Government in breach of the Regulations (Regulation 12).

The Shire administration will conduct regular periodic analysis of purchasing activities within supply categories and aggregating expenditure values in order to identify purchasing activities which can be more appropriately undertaken within the Purchasing Threshold practices detailed in clause 1.4.3 above.

### **1.5 Variations**

A variation to goods and services sought via tender, may occur only in the following circumstances:

- If, after the invitation of tenders and a successful tenderer has been chosen, but before a contract has been executed, a minor variation may be undertaken without again inviting tenders. A "minor variation" is defined as a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply
- If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract.
- If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the variation is a renewal or extension of the term of the contract.

Variations for contracts not awarded for by tender, are to be undertaken in compliance with the Local Government Act and relevant subsidiary legislation, taking into account total contract value increases in relation to purchasing and tendering thresholds of this policy.

## **2. SUSTAINABLE PROCUREMENT**

### 2.1 LOCAL ECONOMIC BENEFIT

The Shire encourages the development of competitive local businesses within its boundary first, and second within its broader region. As much as practicable, the Shire will:

- where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- ensure that procurement plans address local business capability and local content;
- explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid; and
- provide adequate and consistent information to local suppliers.

To this extent, a qualitative weighting will be included in the evaluation criteria for quotes and Tenders where suppliers are located within the boundaries of the Shire, or substantially demonstrate a benefit or contribution to the local economy. This criteria will relate to local economic benefits that result from Tender processes.

### 2.2 PURCHASING FROM DISABILITY ENTERPRISES

An Australian Disability Enterprise may be contracted directly without the need to comply with the Threshold and Purchasing Practices requirements of this Policy, where a value for money assessment demonstrates benefits for the Shire's achievement of its strategic and operational objectives.

A qualitative weighting will be used in the evaluation of quotes and Tenders to provide advantages to Australian Disability Enterprises, in instances where not directly contracted.

### 2.3 PURCHASING FROM ABORIGINAL BUSINESSES

A business registered in the current Aboriginal Business Directory WA (produced by the Small Business Development Corporation) may be contracted directly without the need to comply with the Threshold and Purchasing Practices requirements of this Policy, only where:

- the contract value is or is worth \$250,000 or less, and
- a best and sustainable value assessment demonstrates benefits for the Shire's achievement of its strategic and operational objectives.

A qualitative weighting will be used in the evaluation of quotes and tenders to provide advantages to businesses registered in the current Aboriginal Business Directory WA,

in instances where not directly contracted.

### **2.4 PURCHASING FROM ENVIRONMENTALLY SUSTAINABLE BUSINESSES**

The Shire will support the purchasing of recycled and environmentally sustainable products whenever a value for money assessment demonstrates benefits for the Shire's achievement of its strategic and operational objectives.

A qualitative weighting will be used in the evaluation of quotes and tenders to provide advantages to suppliers which:

- demonstrate policies and practices that have been implemented by the business as part of its operations;
- generate less waste material by reviewing how supplies, materials and equipment are manufactured, purchased, packaged, delivered, used, and disposed; and
- encourage waste prevention, recycling, market development and use of recycled/recyclable materials.

## **3. PANELS OF PRE-QUALIFIED SUPPLIERS**

### **3.1 OBJECTIVES**

The Shire will consider creating a Panel of Pre-qualified Suppliers ("Panel") when a range of similar goods and services are required to be purchased on a continuing and regular basis.

Part of the consideration of establishing a panel includes:

- there are numerous potential suppliers in the local and regional procurement related market sector(s) that satisfy the test of 'value for money';
- the purchasing activity under the intended Panel is assessed as being of a low to medium risk;
- the Panel will streamline and will improve procurement processes; and
- the Shire has the capability to establish a Panel, and manage the risks and achieve the benefits expected of the proposed Panel through a Contract Management Plan.

### **3.2 ESTABLISHING AND MANAGING A PANEL**

If the Shire decides that a Panel is to be created, it will establish the panel in accordance with the Regulations.

Panels will be established for one supply requirement, or a number of similar supply requirements under defined categories. This will be undertaken through an invitation procurement process advertised via a state-wide notice.

Panels may be established for a maximum of three (3) years. The length of time of a Local Panel is decided with the approval of the CEO.

Evaluation criteria will be determined and communicated in the application process by



which applications will be assessed and accepted.

In each invitation to apply to become a pre-qualified supplier, the Shire will state the expected number of suppliers it intends to put on the panel.

If a Panel member leaves the Panel, the Shire will consider replacing that organisation with the next ranked supplier that meets/exceeds the requirements in the value for money assessment – subject to that supplier agreeing. The Shire will disclose this approach in the detailed information when establishing the Panel.

A Panel contract arrangement needs to be managed to ensure that the performance of the Panel Contract and the Panel members under the contract are monitored and managed. This will ensure that risks are managed and expected benefits are achieved. A Contract Management Plan should be established that outlines the requirements for the Panel Contract and how it will be managed.

### **3.3 DISTRIBUTING WORK AMONGST PANEL MEMBERS**

To satisfy Regulation 24AD(5) of the Regulations, when establishing a Panel of pre-qualified suppliers, the detailed information associated with each invitation to apply to join the Panel will prescribe one of the following as to whether the Shire intends to:

- obtain quotations from each pre-qualified supplier on the Panel with respect to all discreet purchases; or
- purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or
- develop a ranking system for selection to the Panel, with work awarded in accordance with the Regulations.

In considering the distribution of work among Panel members, the detailed information will also prescribe whether:

- each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; or
- work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under Regulation 24AD(5)(f) when establishing the Panel. The Shire will invite the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked Panel member is to be made and so forth until a Panel member accepts a Contract. Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, the Shire may then invite suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated in section 1.4.3 of this Policy. When a ranking system is established, the



Panel will not operate for a period exceeding 12 months.

In every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond 12 months, which includes options to extend the contract.

### **3.4 PURCHASING FROM THE PANEL**

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

Each quotation process, including the invitation to quote, communications with Panel members, quotations received, evaluation of quotes and notification of award communications can be made through eQuotes (or other nominated electronic quotation facility).

Each quotation process, including the invitation to quote, communications with Panel members, quotations received, evaluation of quotes and notification of award communications must all be captured on the Shire's electronic records system. A separate file is to be maintained for each quotation process made under each Panel that captures all communications between the Shire and Panel members.

## **4. PURCHASING POLICY NON-COMPLIANCE**

Purchasing Activities are subject to financial and performance audits, which review compliance with legislative requirements and also compliance with the Shire's policies and procedures.

A failure to comply with the requirements of this policy will be subject to investigation, with findings to be considered in context of the responsible person's training, experience, seniority and reasonable expectations for performance of their role.

Where a breach is substantiated it may be treated as:

- an opportunity for additional training to be provided;
- a disciplinary matter, which may or may not be subject to reporting requirements under the Public Sector Management Act 1994;
- misconduct in accordance with the Corruption, Crime and Misconduct Act 2003.

## **5. RECORD KEEPING**

All purchasing activity, communications and transactions must be evidenced and retained as local government records in accordance with the State Records Act 2000 and the Shire of Yilgarn's Record Keeping Plan. This includes those with organisations involved in a tender or quotation process, including suppliers.

### 3.5 Regional Price Preference

Section:	Finance
Date Adopted:	
Document Control:	
Previous Policy Number:	Finance Policy 3.5(A)

#### OBJECTIVES

- To support local and regional businesses as much as possible
- To achieve value for money when purchasing goods and services

#### POLICY

The following price preference will be applied to regional tenders and is the percentage by which the regional price bid will be reduced for purpose of assessing the tender.

**Goods and Services** - up to a maximum price reduction of \$50,000 unless a lesser amount is stipulated in the tender document.

##### Stipulated Area

- 10% to all suppliers located within the Shire of Yilgarn
- 5% to all suppliers located within the Wheatbelt region
- 2.5% to all suppliers located within the Goldfield region

**Construction (building) Services** - up to a maximum price reduction of \$ 50,000 unless a lesser amount is stipulated in the tender document.

##### Stipulated Area

- 10% to all suppliers located within the Shire of Yilgarn
- 5% to all suppliers located within the Wheatbelt region
- 2.5% to all suppliers located within the Goldfields region

**Goods and services, including Construction ( Building ) Services tendered for the first time where Council previously supplies the Good or Services** - Up to a maximum price reduction of \$50,000 unless a lesser amount is stipulated in the tender document.

##### Stipulated Area

- 10% to all suppliers located within the Shire of Yilgarn
- 5% to all suppliers located within the Wheatbelt region
- 2.5% to all suppliers located within the Goldfields region

Regional Price Preference will only be given to suppliers located within the stipulated areas for more than 6 months prior to the advertising date of the tender.

**Located within the area stipulated** -is defined as having a supplier having a physical presence in the way of a shop, depot, outlet, headquarters or other premises where the goods and services specifically being provided are supplied from. This does not exclude suppliers whose registered business is located outside the stipulated area but undertake the business from premises within the stipulated area.

Only those goods and services identified in the tender, as being from a source located within the stipulated area will have the price preference applied when assessing the tender.

It should be noted that price is only one factor that council considers when evaluating a tender. Council does not have to accept the lowest tender based on price.

### 3.6 Recovery of Fines and Costs from Sundry Debtors

Section:	Finance
Date Adopted:	
Document Control:	
Previous Policy Number:	Finance Policy 3.7

Where fines and costs have been awarded by the Courts, or via Council's designated Recovery Agents from time to time, Solicitors shall continue to act on behalf of Council until satisfaction has been obtained.

All costs associated with the debt recovery effort shall be a charge against the defaulting debtor account.

Recovery Actions include:

- Referral of Fines to the Fines Enforcement Registry if unpaid after the due date,
- Summons for any account with an outstanding balance greater than \$200.00,
- In the event that a Summons remains unsatisfied, a Judgement Summons or Warrant of Execution will be applied to the Debtor,
- In the event that legal action is exhausted, with the debtor being unable to satisfy the Warrant of Execution (i.e. the Bailiff cannot seize goods to dispose of, to meet the value of the debt), then the account will be referred back to Council for consideration.

### 3.7 Use of Council Transaction Card

Section:	Finance
Date Adopted:	
Document Control:	Amended September 2023
Previous Policy Number:	Finance Policy 3.8

#### PURPOSE:

To provide the Chief Executive Officer with a framework of principles to guide the use and management of Transaction Card facilities and which:

- Ensures efficient and effective procurement and payment operations.
- Minimises the risk of misuse, fraudulent or corrupt use.
- Defines allowable and prohibited uses.
- Defines management and oversight obligations.
- Defines Cardholder duty of care and responsible use obligations.

#### SCOPE

This policy provides an in-principle framework to guide the Chief Executive Officer when fulfilling their statutory duties for establishing and implementing appropriate systems and procedures for incurring expenditure and making payments specific to Transaction Cards.

#### DEFINITIONS

**“Cardholder”** means an employee who has been authorised by the CEO to incur expenditure by means of a Transaction Card.

**“Transaction Card”** means a card facility (which may include; credit, store, parking, cab-charge and fuel cards) approved for use in lieu of cash transactions, to incur expenditure for goods and services for the purposes of the Shire of Yilgarn business activities only in accordance with relevant Shire of Yilgarn Policies.

#### POLICY STATEMENT

#### MANAGEMENT OVERSIGHT AND REPORTING

##### Legislation

- 1 Section 6.5(a) of the *Local Government Act 1995* prescribes the Chief Executive Officer’s (CEO) duty to ensure that proper accounts and records of the transactions and affairs of the Local Government are kept in accordance with regulations.

2. The *Local Government (Financial Management) Regulations 1996* prescribe:
  - Regulation 5, the Chief Executive Officer's duties to ensure efficient systems and procedures are established for the proper authorisation of incurring of liabilities and the making of payments.
  - Regulation 11(1)(a) and (2) of the requires Local Government to develop procedures that ensure effective security for the authorisation and payment of accounts and for the authorised use of payment methods, including credit cards.

### **Determining When Transaction Card Facilities are Appropriate**

1. Transaction Card facilities may be implemented and maintained where the card facility provides benefit to the Shire of Yilgarn operations by ensuring:
  - Goods and services can be obtained in a timely and efficient manner to meet the business needs of the Shire of Yilgarn;
  - Financial management and accounting standards are met; and
  - Purchasing and payment functions are secure, efficient and effective.
2. Transaction Card facility providers will only be acceptable where, in the opinion of the CEO, they:
  - Provide appropriate and sufficient statement, administration and acquittal controls that enable the Shire of Yilgarn to sufficiently administer the facility; and
  - Provide the Shire of Yilgarn with protection and indemnification from fraudulent unauthorised transactions.

### **Management Oversight**

The Chief Executive Officer shall determine and implement systems and procedures adequate to ensure:

- Assessment and selection of Transaction Card facilities suitable to the efficient and effective operations of the Shire of Yilgarn;
- Authorisation and appointment of suitably eligible Cardholders;
- Cardholder duties and responsibilities are documented and Cardholders provided with training; and
- Monitoring and auditing of Transactional Card activities is planned and reported.

### **Reporting**

The CEO will ensure that acquitted transaction statements for each Transaction Card facility are provided to Council as part of the monthly financial reporting regime.

### **Misuse, Misconduct and Fraudulent Use**

Any alleged misuse of Transaction Cards will be investigated, and may be subject to

disciplinary procedures. Where there is reasonable suspicion of misconduct or fraudulent activity arising from Transaction Card facilities the matter will be reported to the appropriate regulatory agency, subject to the requirements of the *Public Sector Management Act 1994* and the *Corruption, Crime and Misconduct Act 2003*.

### **PRINCIPLES FOR TRANSACTION CARD USAGE**

#### **Allowable Transactions**

1. Transaction Card facilities may only be used where:
  - The expenditure is directly arising from a Shire of Yilgarn operational business activity for which there is an Annual Budget provision;
  - The expenditure is in accordance with legislation, the Shire of Yilgarn Procurement of Goods and Services Policy, Code of Conduct and any conditions or limitations applicable to the individual Cardholder.
  - The procurement of the required goods or services is impractical or inefficient if undertaken via a purchase order or is not able to be obtained other than by a Transaction Card;
  - Supplier surcharges (fees) on transactions are minimised and only allowable where the alternative method of obtaining the supply (i.e. by purchase order) is more onerous, not cost effective or there is no alternative mode of supply.
  - Hospitality expenditure may only occur when it is in accordance with any Shire of Yilgarn Policy or is undertaken with the express written permission of the CEO.
  - Official travel, accommodation and related expenses may only occur in accordance with Shire of Yilgarn policies and procedures;
  - Accounts payable payments are made under the direction of the Manager Finance;
  - A sufficient record of each transaction is obtained and retained in the local government record.
  
2. Allowable transaction modes include:
  - In-person and over the counter retail purchases;
  - Telephone or facsimile purchasing;
  - Mail order purchasing and subscriptions;
  - Internet purchasing.

#### **Prohibited Transactions**

1. The Shire of Yilgarn prohibits the use of Transaction Card facilities for:
  - Cash advances;
  - Incurring expenses which are personal or private (i.e. any expenditure which is not an approved Local Government activity);
  - Making deposits onto the Card, whether to offset misuse or otherwise;
  - Incurring Capital expenditure;
  - Incurring expenditure for goods or services which are subject to a current supplier

contract;

- Incurring expenses which are not in accordance with legislation, the Shire of Yilgarn Procurement of Goods and Services Policy, the Annual Budget and/or the conditions or limitations relevant to the individual Cardholder;
- Splitting expenditure to avoid compliance with the Procurement of Goods and Services Policy or to negate limits or conditions applicable to the Cardholder; and
- Incurring expenses for the primary purpose of obtaining personal advantage through the transaction (i.e. membership or loyalty rewards).

2. For clarity, Elected Members are prohibited from using Shire of Yilgarn Transaction Cards as the *Local Government Act 1995* does not provide authority for an Elected Member to incur liabilities on behalf of the Local Government. The Act limits Local Governments to only paying Elected Member allowances and reimbursing Elected Member expenses.

### **Cardholder duty of care and responsible use obligations**

1. A Cardholder is required to:
  - Keep the Transaction Card and access information in a safe manner; protected from improper use or loss.
  - Only use the Transaction Card for allowable purposes and not for prohibited purposes.
  - Obtain, create and retain Local Government records that evidence transactions.
  - Acquit the reconciliation of Transaction Card usage in the required format and within required timeframes. The onus is on the cardholder to provide sufficient detail for each transaction to avoid any potential perception that a transaction may be of a personal nature.
  - Return the Transaction Card to the Shire of Yilgarn before termination of employment, inclusive of reconciliation records.
  - Reimburse the Shire of Yilgarn the full value of any unauthorised, prohibited or insufficiently reconciled expenditure.
2. Benefits obtained through use of a Transaction Card (i.e. membership or loyalty rewards) are the property of the Shire of Jerramungup and may only be used for Shire of Jerramungup business purposes. Such benefits must be relinquished by the Cardholder to the Shire of Jerramungup. Under no circumstances may such benefits be retained as a personal benefit.

### **Transaction evidence**

1. A sufficient transaction record must include the following minimum information:
  - Invoice and/or receipt that includes; the date, company name, address, ABN, amount and any GST amount included;
  - Where an invoice and/or receipt cannot be obtained, the Cardholder must provide a Statutory Declaration, in accordance with the *Oaths, Affidavits and*



*Statutory Declarations Act 2005*, detailing the nature of the expense and sufficient information to satisfy the requirements of subclause (a) above.

2. Where a Transaction Card is used to incur an expense for hospitality, the transaction record must include for the purposes of Fringe Benefits Tax calculations and probity:
  - the number of persons entertained;
  - the names of any employees in that number; and
  - the purpose of providing the entertainment or hospitality.

### **PROCEDURE FOR AUTHORISATION OF CREDIT CARD PURCHASES:**

The holder of a Council credit card shall reconcile the charges raised to the tax invoices held, provide a brief explanation as to the nature of the charges incurred and the appropriate cost allocation for such charge and then sign a statement to confirm that the charges raised were for business purposes. The completed and reconciled statement and tax invoices are to be returned to the Finance Officer within five working days.

The Finance Officer shall submit the completed and reconciled statements to the Executive Manager Corporate Services for review.

The Executive Manager Corporate Services is to submit the reviewed statements to the CEO for review and authorisation.

Credit Card transactions are to be itemised in the Monthly Account for Payments, and tabled with Council for endorsement at each Ordinary Council meeting.

### **FORM FOR ACCEPTANCE OF TRANSACTION CARD CONDITIONS OF USE**

I declare that I have read and have accepted the Council policy and procedures concerning the use of the following Council issued transaction card/s.

Council Credit Card

Council Fuel Card

Transaction Card Holders Name: .....

Transaction Card Holders Signature: .....

Date .....

### 3.8 Rates and Charges Recovery Policy (Including Financial Hardship Provisions)

Section:	Finance
Date Adopted:	
Document Control:	Amended September 2023
Previous Policy Number:	Finance Policy 3.9

#### OBJECTIVE:

The purpose of this policy is to outline the Shire of Yilgarn's process for efficient collection of outstanding rates and service charges.

#### 1. Rates

Rates and Charges should be levied before **the end of** August in each year and are payable either in full within 35 days or by **two or** four equal instalments on the due dates as determined by Council in accordance with the regulation.

Any instalment not paid by the due date falls into arrears and is subject to interest charges. Council can take recovery action against all ratepayers with overdue rates and charges.

There will be no general distinction made for pensioners or any class of ratepayer, with each case being individually dealt with according to the circumstances. Council is aware that at different times ratepayers may experience genuine hardship in meeting rate payments and upon application suitable arrangements for the payment of rates will be considered.

#### PROCEDURE:

- All owners are issued with a Rates and Charges Notice under section 6.41 of the Local Government Act 1995 and where required with a Rate Instalment Notice section 6.45.
- Where rates remain outstanding 14 days after the due date shown on the Rate Notice, and the ratepayer has NOT elected to pay by the 2 or 4-Instalment option, a Final Notice shall be issued requesting full payment within 7 days.
- Rates remaining unpaid after the expiry date shown on the Final Notice will be examined for the purpose of issuing a Notice of Intention to Summons.
- Where payment still remains outstanding despite the issue of a Notice of Summons, and the ratepayer has not entered into a payment arrangement a claim will be issued for recovery.
- Where a claim has been issued and remains unsatisfied, action will be taken to pursue that Claim by whatever means, through Council's solicitors or collection agency as the case may be, to secure payment of the debt.
- Following the issue of a Claim and addition of legal costs, a reasonable offer to discharge a rate account will not be refused.
- Where the owner is resident at the property in a domestic situation, that instalment arrangement will be calculated so that the minimum repaid over a full year will equal 150% of annual levies.
- Where the owner is non-resident or a company (i.e. the property is an investment) the maximum period over which repayment will be permitted will be three months.

- Legal proceeding will continue until payment of rates imposed is secured. This includes the issue of a Property Seizure and Sale Order against goods AND land if necessary.
- If a Property Seizure and Sale Order against land is proposed to collect outstanding rates due on a property where the owner resides, approval of Council shall be obtained before the PSSO is lodged.
- PSSO's against land will be used to collect outstanding amounts in respect to investment properties without a requirement that these be referred to Council.
- In cases where the owner of a leased or rented property on which rates are outstanding cannot be located, or refuses to settle rates owed, notice will be served on the lessee under the provisions of section 6.60 of the Local Government Act 1995, requiring the lessee to pay to Council the rent due under the lease/tenancy agreement as it becomes due, until the amount in arrears has been fully paid.

At all stages in this process from the issue of the Final Notice the opportunity to make a satisfactory payment arrangement with Council is offered prior to the commencement of legal action.

### 2. Sundry Debts (other than Rates and Service Charges)

This policy applies to all invoices raised in respect of non-rate and service charges debtors.

It is acknowledged that the terms of payment for each invoice may vary depending on the goods or service acquired. If the invoice is not paid by the due date, the following process will commence:

- **Final/Reminder Notice** – to be issued to the debtor alerting them to their unpaid invoice. Payment is expected within fourteen (14) days of the issue date of this Reminder Notice.
- **Review debt** - if invoice remains unpaid, a review of the circumstances will be discussed with the relevant department to ensure that the next actions are appropriate, giving due consideration to all issues which have led to the debt being overdue and unpaid.
- **Final discretionary collection action** - a friendly reminder by way of a phone call or email will be the last effort requesting immediate payment before proceeding with further legal action. If invoice remains unpaid after last effort, the case is forwarded to the Shire's debt collection agency.
- **Notice of Intention to Summons - issued** - a Demand Letter will be sent to the debtor advising that if payment is not made within fourteen (14) days of the date of the notice, then further action may be taken to recover the debt, which could involve legal action. The debtor will be advised that any additional fees incurred in recovering the debt will be passed on to the debtor.
- **Other action which may be taken**
  - The following list of actions may also be initiated against defaulting sundry debtors, who do not respond to normal requests for payment:
    - a) Commencement of Court proceedings to recover the outstanding monies;
    - b) Rescinding any seasonal hall/reserve booking licence;
    - c) Refusing further hire of facilities;
    - d) Request "up-front" bonds for future dealings with the Shire, which may be used to offset against the outstanding debt;
    - e) Offset of any City contributions owing to the personal entity against, any

- outstanding debt;
- f) Report to the Council to consider cancellation of a Lease Agreement.

### 3. Debt – Fines, Prosecutions and Infringements

Should a debtor fail to pay within the initial 28 day period, the following debt collection process will commence;

- **Reminder Notice** - the debtor's information is collected through the Department of Transport and a reminder notice is issued allowing a further 28 days to pay.
- **Demand letter** - a final demand is issued along with an additional late fee. The Shire will allow a further 28 days to pay.
- **Other action which may be taken** - failure to pay results in the infringement being forwarded to the Fines Enforcement Registry (FER) for collection along with an additional collection fee. There are serious consequences for not paying fines and infringements in WA, including driver's licence suspension, vehicle immobilisation, vehicle licence cancellation and seizure and sale of your property.

### 4. Application for Special Payment Arrangement

Persons experiencing difficulties in paying their debts, excluding rate debts (see Section 1), by the specified date, can apply to the Shire to enter into a Negotiated Special Payment Arrangement.

Applicants are required to provide sufficient documentation regarding their financial position to support their application.

Where a debtor defaults on their arrangement, legal action will commence to collect the outstanding debt.

### 5. Interest on Overdue Monies

Interest may be calculated on the total outstanding debt once it has exceeded the due date.

The rate of interest imposed is that as determined by the Council as prescribed in the Annual Budget and in accordance with Section 6.13 of the Local Government Act 1995.

### 6. Financial Hardship Provisions

The Shire provides guidance and support to ratepayers experiencing financial hardship. An applicant will be considered to be in financial hardship if paying rates and service charges will affect their ability to meet basic living needs.

The Shire may:

- a. Identify ratepayers in financial hardship.
- b. Establish a payment plan if the ratepayer needs flexibility with paying rates or debts.
- c. Waive interest and additional charges.
- d. Suspend debt recovery while assessing the financial hardship application and if the ratepayer complies with the payment plan agreed with the Shire
- e. Always maintain confidential communication.
- f. Assist the ratepayer to connect with financial support services provided by Federal and

State Government agencies.

The Shire's financial hardship provisions are reviewed annually.

### **8. Complaints Process**

In the event of an Applicant being dissatisfied with the Shire's decision, they may request a review by the Chief Executive Officer

If the complaint is in relation to charges associated with the provision of sewer and water, the complainant may contact the Energy and Water Ombudsman.

### 3.9 Use of Shire Facilities by Service Providers

Section:	Finance
Date Adopted:	
Document Control:	
Previous Policy Number:	Finance Policy 3.10

To encourage service providers such as Chiropractors, Podiatrists, Physiotherapists and Veterinarians to provide a service in the Shire of Yilgarn, Shire buildings required for the delivery of such services will be made available free of charge.

### 3.10 Timely Payment of Suppliers

Section:	Finance
Date Adopted:	
Document Control:	
Previous Policy Number:	Finance Policy 3.11

#### OBJECTIVES

The primary objective is to ensure the timely payment of suppliers to assist with the continued viability of businesses in Western Australia and to help small businesses in particular to manage cash flow and administrative costs.

#### DEFINITIONS

The following are definitions that may be used as part of this policy:

“**Local Supplier**” means a supplier located within the Shire of Yilgarn.

“**Shire**” means the Shire of Yilgarn.

#### POLICY

The Shire will ensure that all duly authorised supplier invoices will be paid on the following basis:

1. Supplier payments will be made on a fortnightly basis primarily on the Friday of the week prior to the Shire’s Payroll payments.
2. All duly authorised and processed supplier invoices will be paid in the next supplier payment run, irrespective of the terms of trade of the supplier.
3. Special and/or ad-hoc supplier payment run’s may be carried out to ensure the payment of supplier invoices within supplier terms of trade.
4. In the event of periods of restricted cash flows or low availability of cash, the payment of local suppliers will take precedent over suppliers not based within the Shire, however all efforts are to be made to pay all suppliers within their individual terms of trade.
5. Supplier invoice authorising procedures are to inform this policy.

### 3.11 Discretionary Capital Expenditure – Business Case

Section:	Finance
Date Adopted:	
Document Control:	
Previous Policy Number:	Finance Policy 3.13

That any Discretionary Capital Expenditure items exceeding \$100,000 listed in annual Budgets (excluding road construction and maintenance expenditure) must be accompanied by an adequate Business Case to assist Council in determining the relevance of the expenditure.

The requirement of a documented Business Case will ensure that Councillors are making sound judgements on expenditure in excess of the \$100K amount.



### 3.12 Supplier Onboarding

Section:	Finance
Date Adopted:	
Document Control:	
Previous Policy Number:	Finance Policy 3.14

#### OBJECTIVES

The primary objective of this policy is to ensure that new suppliers are properly vetted prior to any purchase orders being issued in order to effectively safeguard Council against the risk of fraudulent transactions.

#### STATEMENT

This supplier onboarding policy has been designed to work with Council's current software's capabilities, whilst giving staff with purchasing authority sufficient flexibility to operate as normal without being constrained by onerous compliance requirements.

#### POLICY

The Shire will action requests for new suppliers before entering the supplier to the Shire's accounting software and generating any purchase orders, as follows:

1. Acquire a quote for the work required in accordance with *Council's Policy no 3.5, Purchasing and Tendering*
2. Upon acceptance of the quote, obtain a signed 'new supplier' form from the proposed supplier, which at a minimum must contain:
  - a. the entities' legal name
  - b. the entities' basic contact information
  - c. the name and number of a specific contact person
  - d. the entities' banking details
3. Have administration staff independently verify the details provided on the new supplier form
4. The completed new supplier form and all documentation in relation to the sought quote is to be reviewed and signed off for authenticity by:

Staff member initiating new supplier onboarding	Requisite authorization
Any staff not designated as senior employees**	A senior employee or the CEO
Senior employees	CEO
CEO	The relevant senior employee, based on the nature of the purchase

Following a new supplier being vetted, and a purchase order being issued, the Shire will not make any EFT payment to a new supplier until:

1. The supplier confirms their bank information, as noted on the new supplier form, with the Shire's third- party payee verification software provider
2. All documentation, and all relevant details that have been input into the Shire's accounting system in order to process the proposed payment, have been reviewed and signed off on by a manager unassociated with the purchase.

If a supplier is unable or unwilling to verify their banking details with the Shire's third-party verification software provider, they may be paid only by cheque.

\*\*the Shire's senior employees are defined in *Council's Operational Policy and Procedures Manual* as being:

- **Executive Manager Corporate Services**
- **Executive Manager Infrastructure**

## 4 Engineering

### 4.1 Crossovers

Section:	Engineering
Date Adopted:	
Document Control:	
Previous Policy Number:	Engineering Policy 5.1

Council will subsidise one standard crossover per lot to the landowner who applies in writing and will pay the subsidy as listed or 50% of the cost of the standard crossover, whichever is the lower. This subsidy shall be applied only if the crossover is constructed in accordance with these specifications and is based on being 50% of the cost of a crossover to the minimum dimensions. Additional work (width, length, material) shall be at the sole expense of the landowner.

Payment of the subsidy shall be as per the following table and be reviewed annually.

<b><u>Crossover type</u></b>	<b><u>Subsidy</u></b> <i>(GST exc)</i>
Urban Residential - sealed surface to sealed road – no culvert	\$900
Urban Residential - sealed surface to sealed road – culvert	\$1,400
Urban Commercial/Industrial –no culvert	\$1,000
Urban Commercial/Industrial – culvert	\$2,000
Rural - Gravel surface to gravel road – noculvert 50 % of actual cost, estimated by the Executive Manager Infrastructure	
Rural - Gravel surface to gravel road – culvert 50 % of actual cost, estimated by the Executive Manager Infrastructure	

*Note: A sealed surface may consist of sprayed bitumen, asphalt, concrete or brick paving.*

#### **Payments**

Payments shall be made after completion of all works and inspection by a Council officer, confirming compliance with Council's requirements.

#### **MAJOR UPGRADES:**

When major footpath upgrades are carried out, one standard crossover of that same material shall be installed at no cost to the residential landowner.

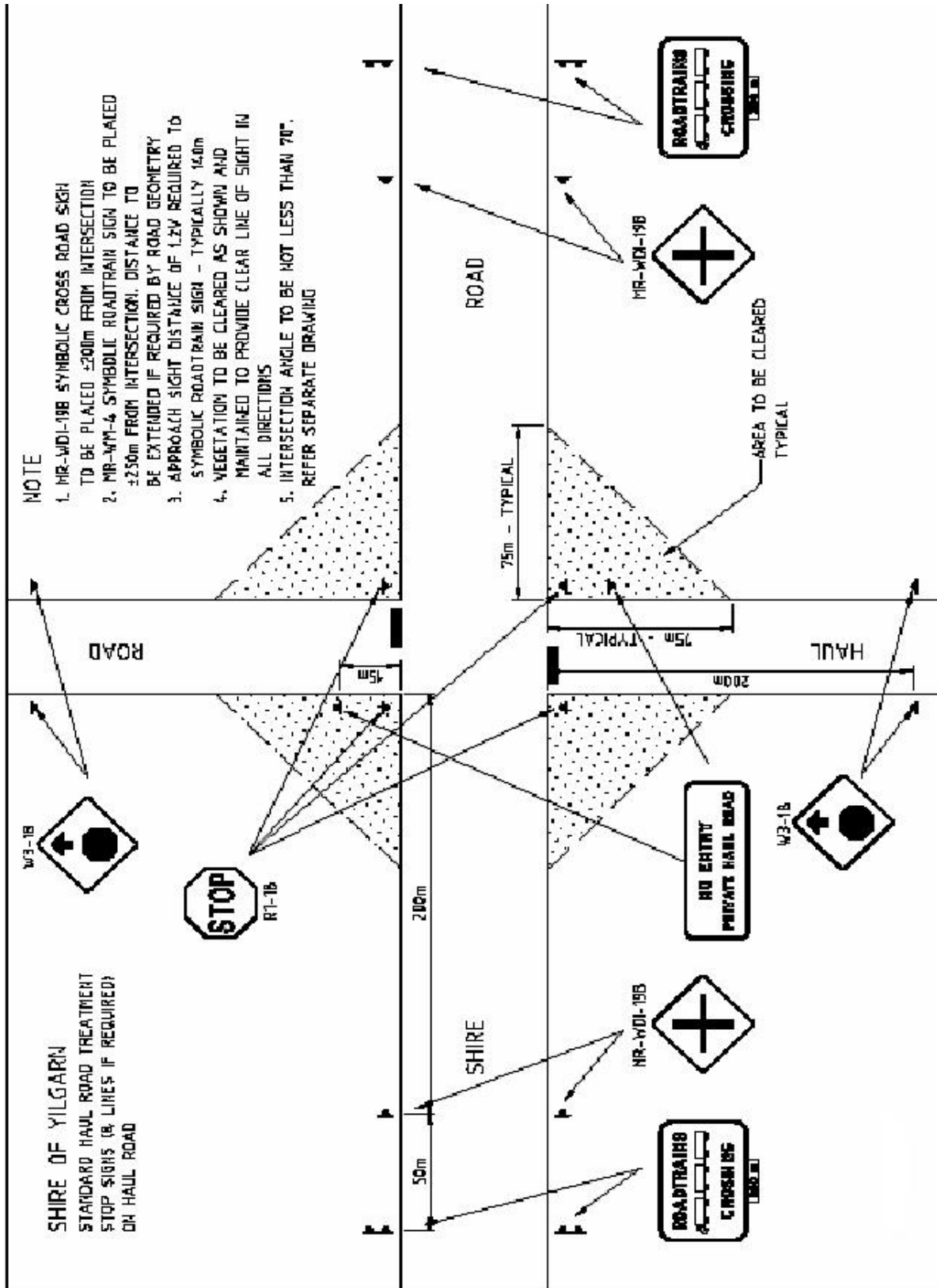
## 4.2 Traffic Intersection Management Plan (Private Haul Roads Intersecting with Roads Under Council Control)

Section:	Engineering
Date Adopted:	
Document Control:	
Previous Policy Number:	Engineering Policy 5.5

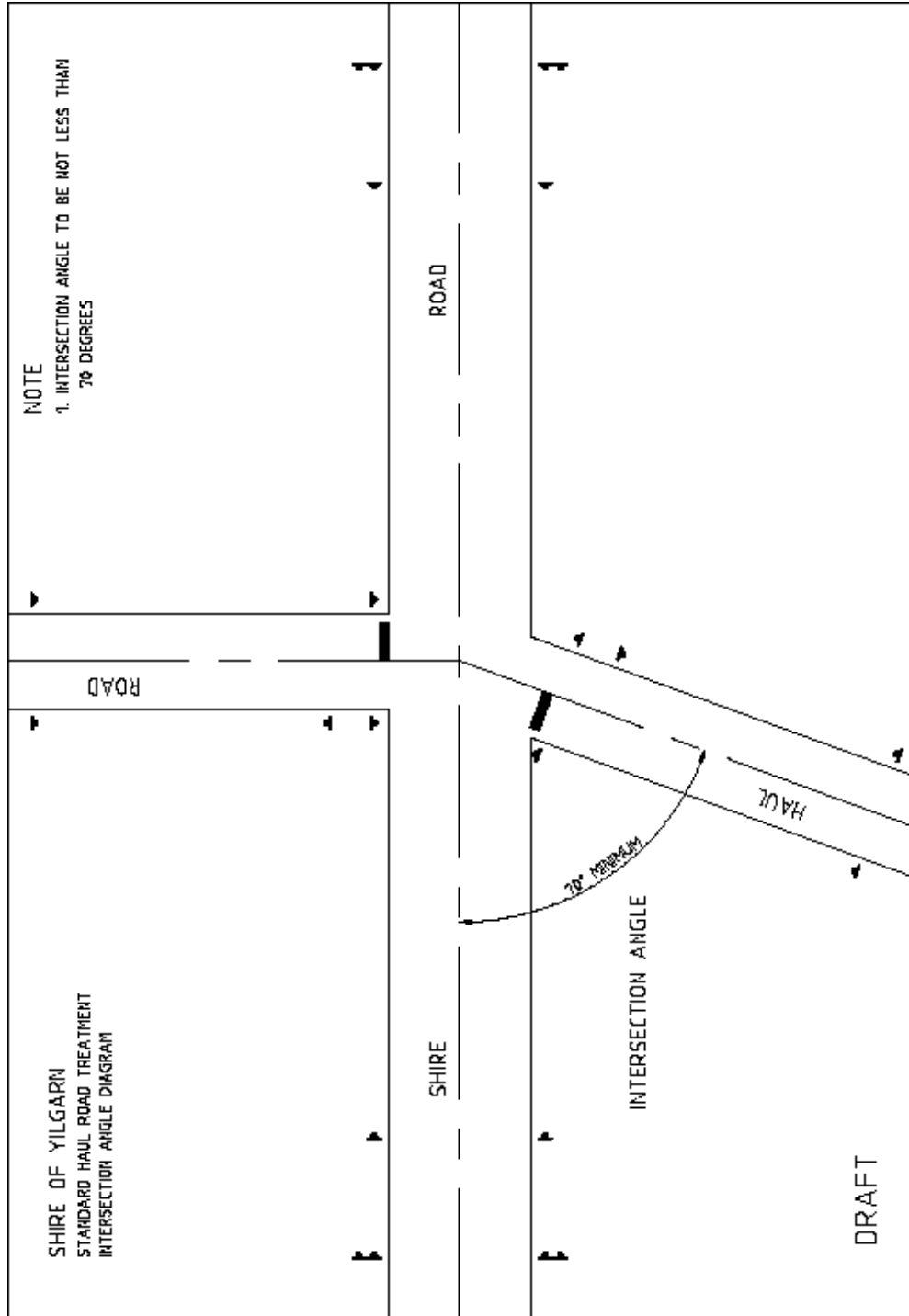
The following provisions may apply in respect to applications, however all applications are to be treated on their merits –

1. The applicant will require that all vehicles and operators of such vehicles routinely using the haul-road will be licensed in accordance with Department for Transport requirements. The applicant may infrequently seek to pass unlicensed vehicles across the intersection, but will only do so after obtaining any necessary permits, and will comply with all conditions imposed.
2. The intersection signage, geometry, and sight distance criteria will be maintained continuously.
3. The intersection will be inspected daily by the applicant and/or approved contractor personnel. The inspection will be documented and records of the inspection maintained. The inspection will identify any non-conformances against the criteria outlined in (2) above. Records will be forwarded to the Shire on a monthly basis.
4. The applicant, through its haulage contractors, will maintain to a high standard the intersection road surfaces and associated drains and signage at its cost. The standard maintained will allow safe passage of traffic which complies with signage on both affected roads. The applicant will liaise with Shire staff in relation to maintenance of all Council controlled roads approaching haul road intersections, and will, subject to on-going approval of the Shire, maintain the approaches for 250 metres from the commencement of the signage either side of the haul road.
5. The applicant will liaise regularly with the Shire to discuss and resolve any issues arising from the use of the roads.
6. The applicant will monitor dust generation 250 metres each side of the haul road and undertake watering if required. Saline water is prohibited on Council controlled roads.
7. The applicant, generally through its haulage contractor, will ensure that all haul road users are properly inducted, and receive specific instruction in relation to the haul road intersections.
8. Council in consultation with the applicant has the right to withdraw approval of haul roads crossing public roads under Council control if the above conditions are not adhered to.
9. Where appropriate, on haul roads crossing a Council road reserve, the provision of adequate lighting towers for night time operation be placed as an additional condition upon the applicant.

Attachment 1 – Sign description and layout



**Attachment 2 – Intersection Angles**



### 4.3 Roadside Memorials

Section:	Engineering
Date Adopted:	
Document Control:	
Previous Policy Number:	Engineering Policy 5.6

That Council adopts Main Roads Western Australia’s “Roadside Memorials Policy and Guidelines” as its Policy when receiving applications for the erection of memorials on Council controlled roads, subject to –

- Removal of any obligation on Council to provide or subsidise the materials, plants etc., used in any memorial; and
- The removal of the memorial after a period of 5 years.

## 5 General Administration

### 5.1 Council Operated Standpipes / Mt Hampton Dam and Dulyalbin Tank Facilities

Section:	General Administration
Date Adopted:	
Document Control:	
Previous Policy Number:	General Administration Policy 6.2

#### **COUNCIL OPERATED STANDPIPES:**

1. That Council abides by Water Corporation By-laws on water usage from standpipes being for the purposes of Drought Relief, Fire Fighting purposes and Remote Farms Water Supplies (domestic and stock).
2. In relation to use of water from standpipes for commercial usage, e.g. Spraying purposes, drilling companies, etc, Council continues to charge users at the appropriate rate. However, Council also encourages this practice to discontinue as Water Corporation water rates eventually will determine this usage.
3. That Council encourages all users of standpipes to provide their own water supplies where possible and that Council continually monitors the water usage from standpipes.
4. That Council maintains a card access controller or handwritten record book for the honest recording of water usage and purpose by landholders at each standpipe. Users are to be charged in accordance with the fees and charges set by Council and this policy.

#### **STANDPIPE CONTROLLERS**

1. Standpipes with card access controllers, are only accessible by individuals and companies who have been pre-approved and issued with one or more access cards;
2. Standpipe controllers are installed at the following standpipes: Beaton Rd, Garrett Rd, Koolyanobbing Rd, Bullfinch, Perilya, Moorine Rock, Noongar, Bodallin, Gatherer and Marvel Loch;
3. There are two types of standpipes available to the public in the Shire, being Low-Flow with a 25mm meter or less, or High-Flow, with a 40mm meter or higher. The rate per Kilolitre of water is dependent on the type of standpipe the water is taken from, with Low-Flow charged at a subsidised rate, and the High-Flow charged at a commercial rate, in line with the charge per Kilolitre applied by Watercorp. The rate per Kilolitre is set by the annual fees and charges;
4. Cards can either be pre-paid or post-paid. Post-paid accounts must have a direct debit set up with the Shire;
5. In the event a swipe card controller is not in operation at a standpipe, the honour book



system will be utilised, with the amount deducted manually from the domestic users pre-paid card, or added to the relevant post-paid charges, as appropriate;

6. New or replacement cards will be at the cost of the user, unless stipulated otherwise by this policy. The fee is set by the fees and charges;
7. Application forms are available from the Shire administration office; and
8. In the event of bushfire or other emergency the standpipe controller will be switched to manual, either in person or remotely, to avoid delays in obtaining water for fire fighting or other relevant emergency.

### **DOMESTIC WATER ACCESS CARDS**

Individuals or organisations residing on rural farming properties are eligible to apply for a domestic water access card for use on access controlled standpipes.

The following conditions apply:

1. One domestic card issued, upon application, per inhabited dwelling located on a rural farming lot;
2. No fee will be charged for applications for domestic use cards, however replacement cards will be charged as per the current fees and charges;
3. Domestic users are encouraged to utilise the Low-Flow standpipes for their domestic water, however, should they access water via a High-Flow standpipe with a domestic card, the water will be charged at the High-Flow rate;
4. Upon 1st July each year, each domestic card will be credited with the funds required to withdraw \$1,200 of water; and
5. Funds remaining on the card at 30th June will not be rolled over into the next financial year.

### **MT HAMPTON DAM AND DULYALBIN TANK FACILITIES:**

The primary use of water from the Mt Hampton Dam and Dulyalbin Tank is for the purposes of Drought Relief, Fire Fighting and Remote Farm Water Supplies (domestic and stock use), other purposes are to be authorised by the CEO. It is acknowledged that water is extracted from these water supplies for spraying purposes.

Users will be required to record such usage in the record books provided at the facilities.

Appropriate signage will be installed at both facilities informing users of their obligations.

### 5.2 Complaints Handling

Section:	General Administration
Date Adopted:	
Document Control:	Amended September 2023
Previous Policy Number:	General Administration Policy 6.3

#### Objectives

The objectives of this policy are:

- To develop a structured systematic approach to dealing with complaints received by the Shire of Yilgarn from external persons.
- To assure the community that complaints may be made without fear of recrimination and that all complaints will be promptly dealt with and a (written if required) response will be given setting out the answer to the complaint providing reasons, where appropriate.
- To have complaints dealt with efficiently by an appropriate Officer with minimal referral.

#### Policy

- The Shire of Yilgarn recognises the right of its customers to make complaints about services or service delivery, and will make it a priority to address those complaints and rectify unsatisfactory consequences.
- The Council and its staff will be open and honest in its dealings with customers, and will explain in “plain English” why, for legislative/legal reasons, cost constraints or some other matter beyond its control, it is unable to act in accordance with a complainant’s request.
- The Council recognises that good complaints handling is an integral part of customer service and provides an effective way of reviewing performance and monitoring standards.

#### Guidelines

- Any person or their representative can lodge a complaint.
- Complaints will be accepted in writing, in person, by email or by telephone. If a verbally received complaint relates to a third party or alleges a criminal offence, corruption or other serious matter, the receiving officer is to advise the complainant that the matter must be submitted in writing.
- Complainants are to be advised that anonymous complaints may not be processed as it is possible that they may be mischievous or vexatious. The receiving officer is to provide all relevant detail obtained from anonymous complainant, and provide to CEO or Executive manager for consideration.
- Complaints that are to be dealt with under this policy include, but are not necessarily limited to, expressions of dissatisfaction regarding;
  - a) decisions made by Council or staff;
  - b) inappropriate behaviour of staff or members such as rudeness, discrimination or harassment;
  - c) the standard of works or services provided by Shire.
  - d) the standard or condition of a facility provided by Shire.
  - e) failure of Council to comply with the Local Government Act, Council policies, Council’s local laws and other laws administered by Council.

- The following issues shall not be regarded as complaints and shall not be dealt with under this policy:
  - a) requests for services;
  - b) requests for information or explanations of policies and/or procedures;
  - c) the lodging of a formal objection or appeal in accordance with the Local Government Act and other Acts or in accordance with Council policies or standard procedures;
  - d) the lodging of a submission in response to an invitation for comment.
- Complaints regarding elected members are to be directed to the CEO and Shire President. The CEO is responsible for the initial investigation and administrative responses. Matters that may require disciplinary action are to be referred to the Shire President and dealt with under the Council's Code of Conduct.
- Complaints from Councillors, the Ombudsman, the Local Government Department or from Members of Parliament shall be referred to, and dealt with by, the CEO unless the complaint relates to the CEO whereupon the complaint will be dealt with by the Shire President.
- When any complaint is made it shall be forwarded to the CEO, who may delegate the matter to an appropriate Officer.
- Where a complaint cannot be dealt with in a timely manner the complainant is to be advised of the reasons why and advised of the expected time frame.
- All complaints will be responded to by the CEO or relevant officer.
- Where a complaint has been investigated and found to be justified, the CEO or relevant officer who dealt with the complaint will ensure that the remedy is carried out, will advise the complainant that the Shire does acknowledge substance in the complaint and the specific action that will be taken by the Shire to respond to the circumstances of the complaint.
- The CEO shall establish and maintain an appropriate central record of all complaints.



## Service Complaint

(Issues with ShireService)

This form can be used for an expression of dissatisfaction with the Council's policies, procedures, fees & charges, employees, its contractors or agents or the quality of the services and/or works it provides.

It is important to note that a complaint is not the same as a request for service, a request for information, an inquiry seeking clarification of an issue or seeking a review of a Council or Council Officer's decision or conditions relating to a decision.

Name of Complainant/s: \_\_\_\_\_

Address in Full: \_\_\_\_\_

Phone \_\_\_\_\_

Email: Complaint: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Preferred Solution: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Complainants' Signature: \_\_\_\_\_

### 5.3 Assistance to State Representatives

Section:	General Administration
Date Adopted:	
Document Control:	
Previous Policy Number:	General Administration Policy 6.4

Residents of the Shire who are selected to represent the Shire or the State in national competition are eligible for a council contribution towards expenses of up to \$500.

The resident is required to put forward a written request for the financial assistance to Council attaching verification of being selected as a state representative.

## 5.4 Community Engagement Policy

Section:	General Administration
Date Adopted:	
Document Control:	
Previous Policy Number:	General Administration Policy 6.7

### DEFINITIONS

Community – those who live, work or recreate in the Shire of Yilgarn.

Community engagement – is any process “that involves the public in problem solving or decision-making and uses public input to make decisions”. (IAP2)

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

- Information sharing processes, to keep the community informed and promotes understanding.
- Consultation processes, to obtain feedback.
- Involving community members consistently throughout the process to ensure community concerns and aspirations are understood and considered.
- Collaborating with community members in each aspect of the decision making process.
- Empowering the community.

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

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

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

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

<b>Focus and commitment</b>	1	The purpose of each community engagement will be clearly scoped to determine how the engagement will add value to the Shire's decision-making process.
	2	Each community engagement will be planned to clarify the level of influence the participants will have over the decision they are being invited to comment on or participate in. The person or body who is responsible for the final decision will be notified.
	3	The Shire is genuinely open to engaging with the community and committed to using a range of appropriate engagement methods.
<b>Transparency and openness</b>	4	All community engagement processes will be open and transparent.
	5	Comment will be documented and analysed.
	6	The Shire will seek to understand the concerns and interests of all stakeholders and provide opportunities for participants to appreciate each other's perspectives.
<b>Responsiveness and feedback</b>	7	The Shire will advise participants of progress on issues of concern and provide feedback in a timely manner on the decision made and the rationale for the decision will be communicated where necessary.
	8	The best interest of the community will prevail over the individual or vested interests.
<b>Inclusiveness, accessibility and diversity</b>	9	Persons or organisations affected by or who have an interest in a decision will have an opportunity to participate in the community engagement process.
	10	Community engagement process will be open to all those who wish to participate.
<b>Accountability</b>	11	The Shire will seek community engagement to enhance its decision-making, however, where the Shire is responsible and accountable for a given matter, it will accept its responsibility to make the final decision and provide leadership.
<b>Information</b>	12	Appropriate, accessible information will be available to ensure participants are sufficiently well informed and supported to participate in the process.
<b>Timing</b>	13	Community engagement will be undertaken early enough in the process to ensure that participants have enough time to consider the matter at hand and provide meaningful feedback.
	14	All engagement processes will have timeframes that will be made clear to participants and adhered to by the Shire.
<b>Resources</b>	15	The Shire will allocate sufficient financial, human and technical resources to support community engagement.
<b>Evaluation</b>	16	The Shire will monitor and evaluate processes to ensure the engagement being undertaken is meeting planned outcomes.

### 5.5 Community Funding Program

Section:	General Administration
Date Adopted:	
Document Control:	Amended September 2024
Previous Policy Number:	General Administration Policy 6.9

#### Objectives

- To provide a source of funding for non-profit community organisations operating within the district.
- To assist community organisations in maximising their future development.
- To provide an impartial means by which community organisation can access Council funds.

#### Eligibility

- Funding is available for activities which will provide benefits directly/in-directly to the people of the Shire of Yilgarn.
- Only non-profit community organisations operating within the Shire of Yilgarn are eligible to apply.
- Organisations who have failed to acquit funds in the previous financial year will not be eligible for the future rounds of the funding program until the acquittal is received.

#### Categories

- Essential equipment/capital items (up to \$2,000) Types of equipment:
  - Ground maintenance equipment
  - Sporting equipment
  - Office equipment
  - Minor plant equipment
  - Minor building works
- Community / Sporting Event related Expenses (up to \$2,000)

Funding is available for event related expenses to help cover for, but not limited to, guest speakers, facilitators and other event hire costs. Written quotes must be provided at the time of application.

- Training & Travel Assistance for local officials/office bearers (up to \$500)

Funding is available to officials and/or office bearers of community organisations who are required to attend regional / state association organised seminars / courses/ meetings as part of their duties. Knowledge gained at these activities must then be used to assist the local community organisation in its continued development.

#### General Conditions

- Any improvements or additions made to Council assets require the written approval of the Shire
- Applications must be lodged and approved by the Shire of Yilgarn before the intended project begins



- Funds must be claimed by 30 June in the financial year in which they are assigned
- Any variation to the project cost after approval / commencement of the project will be solely at the community organisation's cost.
- Applicant organisations must provide their ABN in order to receive the complete amount funding (The Shire is required to withhold tax of 48.5% of the funding amount if an ABN is not provided).
- On project completion, applicant organisations must complete a grant acquittal form and present original receipts &/or invoices as proof of purchase.
- The project must not duplicate an existing service / facility / project.
- Funds must not be used for wages and salaries or general administration costs.
- A minimum of two quotes will be required if capital items are being purchased/hired.
- Applicants must provide a current financial statement of the organisation.
- Any unexpended funds are to be paid back to the Shire of Yilgarn by 30 June of the funding year.
  - Acquittals will still be required to provide proof of expenditure (copy of invoice or itemised receipt) and repayment if necessary for any unexpended funds.
  - In the event of the organisation/group failing to acquit after 2 years of grant approval, the organisation/group will be required to repay the granted funds in full (as per amount granted on the successful community funding program letter) to the Shire of Yilgarn.

### **Timeframes**

The Community Funding Program will be advertised on the Shire of Yilgarn's website, twice in the Crosswords (once in September and once in October) and information will be emailed to office bearers of eligible community groups and clubs once in September.

Applications open on the first Monday in October and close on the last Friday at 12.00pm in October each year.

Compliant applications to be presented to the Ordinary Council Meeting in November and all groups will be informed of the outcome within a week after the Council meeting.

Funding to be paid to successful recipients in December.

All funding must be acquitted by 30 June of the financial year.

### **Responsibility**

The Community Resource Centre Coordinator is responsible for the timely implementation of the Community Funding Program.

### **Selection process**

The CEO will assess all applications with the executive management team and make recommendations to council with the successful applications being endorsed by Council at its November ordinary meeting.

### 5.6 Rural Landfills

Section:	General Administration
Date Adopted:	
Document Control:	
Previous Policy Number:	General Administration Policy 6.10

The Shire operates a number of rural landfill sites, designed to accept small quantities of putrescible waste (Class II) from local residents only.

To restrict non-local persons and commercial entities from utilising these sites, the following appointments are made:

Site	Appointment
Bodallin Rural Landfill Site	Appointed for the depositing of putrescible waste (Class II) by residents of Bodallin townsite and surrounding Bodallin rural locations only, unless otherwise approved by the Shire of Yilgarn
Bullfinch Rural Landfill Site	Appointed for the depositing of putrescible waste (Class II) by residents of Bullfinch townsite and surrounding Bullfinch rural locations only, unless otherwise approved by the Shire of Yilgarn
Marvel Loch Rural Landfill Site	Appointed for the depositing of putrescible waste (Class II) by residents of Marvel Loch townsite and surrounding Marvel Loch rural locations only, unless otherwise approved by the Shire of Yilgarn
Moorine Rock Rural Landfill Site	Appointed for the depositing of putrescible waste (Class II) by residents of Moorine Rock townsite and surrounding Moorine Rock rural locations only, unless otherwise approved by the Shire of Yilgarn

Under the Litter Act 1979 Clause 23(b), a person who deposits waste on land that is not appointed commits an offence. Persons who deposit waste in breach of the above appointments are deemed to have breached the Litter Act 1979, and as such, are liable to applicable penalties under said Act.

### 5.7 Records Management

Section:	General Administration
Date Adopted:	
Document Control:	
Previous Policy Number:	General Administration Policy 6.11

#### Policy Objective

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

This policy and related recordkeeping guidelines are the framework for ensuring records are created and retained appropriately to meet accountability requirements, legislative compliance and adherence to best practice standards.

#### Policy statement

Records are recognised as an important information resource within the Shire of Yilgarn, and it is accepted that sound records management practices will contribute to the overall efficiency and effectiveness of the organisation.

The effective management of records will also:

- Protect the interests of the Shire of Yilgarn and the rights of its employees, customers and stakeholders
- Support informed decision making
- Provide evidence of achievements
- Increase efficiency in administration and service delivery across the organisation

#### 1 Ownership

All records created or received during the course of business belong to the Shire of Yilgarn not to the individuals who created them.

All contractual arrangements will ensure the Shire's ownership of records.

#### 2 Creation of Records

All employees, contractors and elected members will ensure that full and accurate records are created to provide evidence of business transactions and decisions and that these records will be registered in the Shire of Yilgarn's recordkeeping system.

#### 3 Capture and Control of Records

All records created and received in the course of Shire business will be captured at the point of creation (wherever possible), regardless of format, with required metadata into the recordkeeping system or appropriate business system.

Records created when using social media applications will also be captured in the Shire of Yilgarn's recordkeeping system.

Records will not be maintained in email folders, shared drives, personal drives, external storage media or personal cloud services (such as Dropbox, OneDrive, Box, Google Drive), as these lack the necessary functionality to protect business information and records over time.

#### **4 Security and Protection of Records**

Records will be maintained in a safe and secure environment ensuring their usability, reliability, authenticity and preservation for as long as they are needed.

Records will not be removed from the Shire's sites unless in accordance with the approved retention and disposal schedule, they are being transferred to the Shire's archive storage, or they are in the custody of an officer performing official business. It is preferred that wherever possible only copies of records are removed by those officers performing official business.

#### **5 Access to Records**

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

Access to the Shire's records by the general public will be in accordance with the *Local Government Act 1995* and the *Freedom of Information Act 1992*.

Access to the Shire's records by Elected Members will be via the Chief Executive Officer in accordance with the *Local Government Act 1995*.

#### **6 Appraisal, Retention and Disposal of Records**

All records kept by the Shire of Yilgarn will be disposed of in accordance with the General Disposal Authority for Local Government Records, published by the State Records Commission of Western Australia.

Staff and Elected Members must not personally undertake destruction of any records.

Records identified for destruction will be subject to review and approval by the Chief Executive Officer and Executive Manager Corporate Services.

Copies/duplicates may be disposed of after use by staff and Elected Members ensuring any such records that contain personally identifiable information or

information that is not publicly available are returned to the Chief Executive Officer or Executive Manager Corporate Services for secure disposal.

### 7 Roles and Responsibilities

#### 7.1 Elected Members

Elected Members will create and keep records of communications or transactions which convey information relating to the Shire's business or functions. These records will be forwarded to the Administrative Services Officer for capture into the Shire's recordkeeping system.

#### 7.2 Chief Executive Officer

The Chief Executive Officer will ensure there is a system for the capture and management of records that is compliant with the *State Records Act 2000* and best practice standards.

#### 7.3 Executive and Managers

Executive and managers will ensure that all staff (and contractors) under their supervision comply with this policy, associated records management procedures/guidelines and the Shire of Yilgarn's Recordkeeping Plan.

#### 7.4 All Staff

All staff (including contractors) will create and receive records relating to the business activities they perform and are required to:

- 7.4.1 Make records to document and support business activities.
- 7.4.2 Ensure that records are captured and registered into the recordkeeping system or appropriate business system
- 7.4.3 Ensure that records are secure at all times.

### 8 Legislation and Standards

Legislation and standards applicable to recordkeeping in Western Australian Local Government organisations include:

- 8.1 State Records Act 2000
- 8.2 Corruption and Crime Commission Act 2003
- 8.3 Criminal Code Act Compilation Act 1913
- 8.4 Electronic Transactions Act 2011
- 8.5 Evidence Act 1906
- 8.6 Freedom of Information Act 1992
- 8.7 Interpretation Act 1984
- 8.8 Local Government Act 1995
- 8.9 State Records Commission: Principles and Standards
- 8.10 Australian Standard on Records Management: AS ISO 15489

#### Definitions

- 9.1 Record

A record is information recorded in any form that is created, received and maintained by an organisation in the course of conducting its business activities and kept as evidence of such activity.

A record may have any or all of the following attributes:

- 9.1.1 Information which is of evidentiary or historical value and is not recorded elsewhere;
- 9.1.2 Formal communications and/or transactions between officers or between an officer and another party; or
- 9.1.3 It may document the rationale behind organisational policy, decisions or directives.

### 9.2 Ephemeral Records

Ephemeral records are duplicated records and/or those that have only short-term value to the Shire of Yilgarn, with little or no ongoing administrative, legal, fiscal, evidential or historical value. They may include insignificant drafts and rough notes, or records of routine enquiries.

### 9.3 Recordkeeping Plan

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

### 9.4 General Disposal Authority (GDA)

The General Disposal Authority for Local Government records (the schedule) is designed to provide consistency throughout Local Government in disposal activities and decisions. It is a continuing authority for the disposal and archival of records which document a Local Government's operations.

### 9.5 Personally Identifiable Information (PII)

PII refers to information, or an opinion, that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual, whether the information or opinion is true or not; and whether the information or opinion is recorded in a material form or not.

### RECORDS MANAGEMENT

#### Guidelines for Elected Members

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##### Introduction

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 policy regarding the records of local government elected members requires the creation and retention of records of the:

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

This policy applies regardless of a record’s format or where it was received.

Under the *Local Government Act 1995*, the CEO of a local government is responsible for ensuring that all records of that local government are kept in accordance with relevant legislation. Accurately created and managed records provide reliable, legally verifiable evidence of decisions and actions.

Records created or received by elected members that relate to local government business must be captured as part of the local government’s corporate memory in accordance with the local government’s Recordkeeping Plan.

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##### What is a record?

A **record** can be defined as any record of information, in any medium, including letters, files, emails, word processed documents, databases, photographs, text messages, and social media posts relevant to the business of the organization. **Government records** are those records created or received by a government organization, or by an employee or contractor in the course of their work for that organization.

##### Why do I need to keep records?

Records provide evidence of what an organization has done, and why. Keeping records of business activity enables an organization to account for its actions, meet legislative requirements, and make informed and consistent decisions.

Government records include:

- Correspondence and communications
- File notes made after verbal communications, meetings, phone calls etc.
- Video and audio recordings
- Photographs
- Email

- Social Media posts (e.g. Facebook, Twitter)
- Databases
- Websites
- Messages from Apps (e.g. WhatsApp, Messenger)
- TXT messages

When to create and capture a record:

- Information is related to council business
- An action is required
- A decision or commitment is made
- Business need: for future reference by yourself or others
- Historical: identifies Council activity over time.

### Which records should be captured?

YES – forward to your local government administration
<p><b>Communications</b>, such as:</p> <ul style="list-style-type: none"> <li>• complaints and compliments</li> <li>• correspondence concerning corporate matters</li> <li>• submissions, petitions and lobbying</li> <li>• information for Council's interest relating to local government business activity and functions</li> </ul>
<p><b>Lobbying</b> – correspondence or petitions, relating to lobbying matters</p>
<p><b>Telephone, meetings and other verbal conversations</b> – regarding local government projects or business activities</p>
<p><b>Social Media</b> – where the posts:</p> <ul style="list-style-type: none"> <li>• create interest from the public or media</li> <li>• communicate decisions or commit the local government to an action</li> <li>• seek feedback</li> <li>• address issues of safety, and/or</li> <li>• relate to sensitive or contentious issues</li> </ul>
<p><b>Work diaries / Appointment books</b> – containing information that may be significant to the conduct of the elected member on behalf of the local government</p>
<p><b>Allowances, benefits and gifts records</b></p>
<p><b>Addresses / Speeches / Presentations</b> – delivered as part of an elected member's official duties</p>



<b>NO</b> – do not need to be forwarded to your local government
<b>Duplicate copies</b> – of Council meeting agenda, minutes and papers
<b>Draft documents or working papers</b> – which are already captured at the local government
<b>Publications</b> – such as newsletters, circulars and journals
<b>Invitations</b> – to community events where an elected member is <i>not</i> representing Council or the local government
<b>Telephone, meetings and other verbal conversations</b> which: <ul style="list-style-type: none"> <li>• convey routine information only; <b>or</b></li> <li>• do not relate to local government business or functions</li> </ul>
<b>Electioneering</b> – or party-political information
<b>Personal records</b> – not related to an elected member’s official duties

### Confidential Documents / Records

Records held within an information management system (IMS) or on hard copy files can be restricted so that only the appropriate officers can access them. If the elected member believes that some of the documentation required for capture into the IMS is of a highly sensitive or confidential nature, the Elected Member should advise the CEO to treat the information as confidential and restrict access to those records.

### What do I do with records once they are created?

Records of business activity should be entered into Councils official recordkeeping system by forwarding them to Councils Administrative Services Officer (ASO) for processing, confidential records should be forwarded to the CEO.

By doing this, records relating to particular work matters are kept together and are available for all relevant staff to refer to.

### RECORDS MANAGEMENT

#### Guidelines for Staff

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#### Introduction

The *State Records Act 2000* (the Act) governs recordkeeping within State and local government organizations in Western Australia. Under the Act, every employee of a government organization (including temporary staff and contractors) will have some responsibility for creating and keeping records relating to their work.

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#### What is a record?

A **record** can be defined as any record of information, in any medium, including letters, files, emails, word processed documents, databases, photographs, text messages, and social media posts relevant to the business of the organization. **Government records** are those records created or received by a government organization, or by an employee or contractor in the course of their work for that organization.

#### Why do I need to keep records?

Records provide evidence of what an organization has done, and why. Keeping records of business activity enables an organization to account for its actions, meet legislative requirements, and make informed and consistent decisions.

#### What are my responsibilities as a government employee?

**Every employee** of a government organization (including temporary staff, contractors and consultants) has a responsibility to create records of their work for the government organization. While specific responsibilities will differ depending on the work role, employees should ensure that records of their activities, transactions and decisions are captured onto the official record.

#### When should I create a record?

A record should be created when an activity or transaction takes place, or a decision is made, which relates to the organization's business activity. If you are not sure whether to create a record, **ask yourself:**

- Does the matter relate to my work?
- Did I write, receive or send this in the course of my work?
- Is action required?
- Is this something I have used to do my work or to reach a decision?
- Will I need this information again?
- Will someone else need this information at some stage?

If the answer is **“yes”** to any one of these questions, a record should be created. Examples of records might include:

- Meeting agenda and minutes
- A file note of a meeting to discuss a specific issue
- A memo on a rate assessment noting a phone conversation
- An email from a manager, authorising purchase of an item
- A letter sent to a client in response to a query
- An email raising a workplace safety issue
- A social media post about changes to the organisation's services

### **What do I do with records once they are created?**

Records of business activity should be entered into Councils official recordkeeping system by the employee generating the record or forwarded to Councils Administrative Services Officer (ASO) for processing.

By doing this, records relating to particular work matters are kept together and are available for all relevant staff to refer to.

### **How long do I need to keep records?**

Records can only be disposed of in accordance with a disposal authority that has been approved by the State Records Commission. It is illegal to dispose of records unless authorized to do so.

### 5.8 Work Health and Safety

Section:	General Administration
Date Adopted:	
Document Control:	Amended September 2023
Previous Policy Number:	Council Staff Policy 1.1

#### INTRODUCTION:

The Shire of Yilgarn provides roads, recreational facilities, funding for medical services, parks and gardens, street lighting, and waste collection amongst other community services and infrastructure. Our local government provides vital economic, social and environmental support for communities.

The Shire of Yilgarn recognises the importance of providing all employees, visitors and contractors with a safe and healthy work environment and is committed to the continuous improvement of occupational safety and health in the workplace.

#### OBJECTIVES:

This Work Health and Safety Policy aims to establish and maintain, so far as practicable, the highest standard of occupational safety and health for all employees.

Our aim is to prevent all occupational injuries and illness and our Shire acknowledges a duty to achieve the objectives by:

- Providing and maintaining, so far as is practicable, workplaces, plant and systems of work so that employees, contractors and visitors are not exposed to hazards.
- Providing adequate training, instruction and supervision to enable employees to perform their work safely and effectively.
- Investigating all actual and potentially injurious occurrences in order to identify and control the cause to reduce the level of risk in the workplace.
- Ensuring that management keeps work health and safety representatives, supervisors and staff up to date with information about any changes to the workplace which may affect safety and health.
- Consulting and cooperating with safety and health representatives and other employees regarding work health and safety at the workplace.
- Assisting the work health and safety Committee with the facilitation and communication between management and employees on safety and health matters.

The Shire of Yilgarn will implement and maintain an ongoing work health and safety program, including conducting regular inspections of the workplace, aimed at preventing accidents and incidents.

All Supervisory personnel are responsible and accountable for the safety of employees, contractors and company property under their control, as well as ensuring all applicable legislation, standards, procedures and safe work practices are followed at all times.

All employees and contractors are expected to:

- Follow all organisational safety requirements and relevant legislation and supporting documentation.
- Maintain a clean and orderly work area.
- Report all hazards, injuries and safety incidents.
- Actively participate in safety improvement activities.

This policy will be reviewed annually in consultation with the OSH committee and in accordance with the Shire of Yilgarn's commitment to continuous improvement in safety management.

A safe and efficient place of work is our goal, and we must all be committed to reach this outcome.

## 5.9 Gratuity Payments to Council Employees/ Recognition of Long and Outstanding Service

Section:	General Administration
Date Adopted:	
Document Control:	Amended September 2023
Previous Policy Number:	Council Staff Policy 1.3

### OBJECTIVES:

This policy is designed to provide guidelines for gratuity payments to employees whose employment with the Shire of Yilgarn is finishing.

### POLICY STATEMENT:

#### Gratuity Payments

Council does not favour gratuity payments on termination of employment but reserves the right in cases of exceptional service to make a gratuity payment through the normal budget process in accordance with Section 5.50(1) & (2) of the Local Government Act 1995.

#### Recognition of Long and Outstanding Services

When Long or Outstanding Service has been reached by an employee, the Chief Executive Officer informs Council, in order that the Long or Outstanding service may be recognised appropriately.

## 5.10 Acting Chief Executive Officer Appointment and Senior Employees

Section:	General Administration
Date Adopted:	
Document Control:	Amended September 2023
Previous Policy Number:	Council Staff Policy 1.4

Senior Employees and Acting Chief Executive Officer Appointments pursuant to Section 5.37 of the Local Government Act 1995, the following employees are designated as senior employees:

- Executive Manager Corporate Services
- Executive Manager Infrastructure

For the purposes of Section 5.36(2) and 5.39C of the Act, Council has determined that the employees that are appointed in one of the above positions are suitably qualified to be appointed as Acting CEO by the CEO, from time to time, when the CEO is on periods of leave, subject to the following conditions:-

- The CEO is not an interim CEO or Acting in the position;
- The term of appointment is no longer than 25 working days consecutive; and
- That the employee's employment conditions are not varied other than the employee is entitled at the CEO's discretion, no greater than the salary equivalent to that of the CEO during the Acting period.

In the case of the unavailability of the CEO due to an emergency to appoint an Acting CEO, the Executive Manager Corporate Services is automatically appointed as Acting CEO, on that Officer's salary, for up to 10 working days from commencement, and continuation is then subject to determination by the Council.

All other interim, Acting or CEO appointments to be referred to Council for consideration.

### 5.11 Council Christmas Function

Section:	General Administration
Date Adopted:	
Document Control:	Amended September 2023
Previous Policy Number:	Council Staff Policy 1.12

The Chief Executive Officer is authorised to approve Christmas functions for indoor and outdoor staff within the budget provision.



### 5.12 Employee Training and Development

Section:	General Administration
Date Adopted:	
Document Control:	Amended September 2023
Previous Policy Number:	Council Staff Policy 1.16

Council supports the CEO in providing training and development opportunities for all staff members, in line with their role within the organization, possible progressions opportunities and within budget provisions.

### 5.13 Child Safe Awareness

Section:	General Administration
Date Adopted:	19 September 2024
Document Control:	
Previous Policy Number:	Council Staff Policy 1.16

#### Policy Statement

The Shire of Yilgarn supports and values all children and young people. The Shire of Yilgarn makes a commitment to support the safety and wellbeing of all children and young people, including protection from abuse. This Child Safe Awareness policy is one of the ways the Shire of Yilgarn demonstrates its commitment to being child safe and a zero-tolerance approach to child abuse.

This policy aims to reduce the risk of harm and child sexual abuse in our communities by encouraging child safe environments to be created and maintained. The Shire of Yilgarn is committed to encouraging local organisations to be child safe and ensure children are safe and empowered.

This Child Safe Awareness policy has been developed in response to recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse and recognises that the Shire of Yilgarn is uniquely placed within the local community to demonstrate leadership by supporting organisations to be child safe and to protect children and young people from harm and/or abuse. The Shire of Yilgarn will promote the safety and wellbeing of children across the community.

Consistent with the National Principles for Child Safe Organisations and Commonwealth Child Safe Framework, this policy provides a framework that outlines the role of the Shire of Yilgarn in supporting local organisations to be child safe through access to resources, awareness raising and sharing relevant information.

#### Scope

This Child Safe Awareness policy applies to all, employees, volunteers, trainees, work experience students, interns, and anyone else who undertakes work on behalf of the Shire of Yilgarn, regardless of whether their work related to children or young people. It applies to occupants of the Shire of Yilgarn facilities and venues, including visitors, contractors and suppliers.

#### Responsibilities

The Shire of Yilgarn has a leadership role in our community to support relevant organisations to be child safe and promote child safe practices.

Although the Shire of Yilgarn is not legally responsible for providing oversight of compliance with child safe practices, it will take any reasonable steps to engage with persons who utilise Shire facilities, to operate in alignment with the Child Safe Awareness policy.

### Definitions

**Abuse:** abuse is an act, or a failure to act, towards or on behalf of a child that may result in harm. It can occur on one occasion or multiple occasions. Sometimes the impact of multiple events leads to harm that becomes cumulative in nature. Types of abuse include physical, emotional, and sexual abuse, and neglect.

**Child/Children:** means a person under 18 years of age, and in the absence of positive evidence as to age, means a person who appears to be under 18 years of age.

**Child Safe Organisation:** means an organisation that:

- creates an environment where children's safety and wellbeing are at the centre of thought, values, and actions.
- places emphasis on genuine engagement with and valuing of children and young people.
- creates conditions that reduce the likelihood of harm to children and young people.
- creates conditions that increase the likelihood of identifying any harm, and
- responds to any concerns, disclosures, allegations, or suspicions of harm\*  
\*in the context of the Shire, this would involve referring concerns to the Department of Communities or WA Police to respond as appropriate.

**Child safe:** child safe means protecting the rights of children and young people to be safe by taking actions that can help prevent harm and abuse.

**Harm:** Harm, in relation to a child, means any detrimental effect of a significant nature on the child's wellbeing, whether caused by a single act, omission or circumstance; or a series or combination of acts, omissions or circumstances.

**Wellbeing:** Wellbeing of children and young people includes the care, development, education, health and safety of children and young people.

### Policy Principles

The Shire of Yilgarn supports;

- The rights of children and young people being upheld.
- Children and young people being respected, listened to, and informed about their rights.
- Children and young people having the fundamental right to be safe and cared for
- Children and young people having the right to speak up, be heard and taken seriously without the threat of negative consequences.
- The safety and best interests of children and young people being a primary consideration when making decisions that concern them.
- Access to trusted and reliable information, including the National Principles for Child Safe Organisations, to help support organisations to understand what they must do to help reduce the risk of harm and abuse.
- Communities being informed and involved in promoting the safety and wellbeing of children and young people including protection from harm.
- Collaboration with the community and our partners to promote the safety, participation and empowerment of all children and young people.

### **Related Legislation**

- Corruption, Crime and Misconduct Act 2003
- Freedom of Information Act 1997
- National Principles for Child Safety Organisations
- Public Interest Disclosure Act 2003
- Work Health and Safety Act 2020
- Working with Children (Criminal Record Checking) Act 2004

### **Other Related Policies**

- Code of conduct Employees
- Councillor Code of Conduct

The Document Owner shall ensure that this policy is reviewed at least annually.

### 6. DOCUMENT REVISION HISTORY:

Revision Events			
Rev.	Author	Changes	Date
01	SB	Initial version	24.02.11
02	JS	Revised	25.07.11
03	JS	Revised	20.07.12
04	VP	Revised	19.07.13
05	VP	Revised	18.07.14
06	EP	Revised	18.06.15
07	BJ	Revised	15.09.16
08	BJ	Revised	21.09.17
09	PC	Revised	20.09.18
10	PC	Revised	19.09.19
11	PC	Amended	20.02.20
12	PC	Amended	16.04.20
13	PC	Revised	17.09.20
14	PC	Revised	17.12.20
15	PC	Amended	15.04.21
16	NW	Revised	16.09.21
17	NW	Amended	16.12.21
18	NW	Revised	15.09.22
19	NW	Amended	21.09.23
20	NW	Annual Review - Amended	19.09-24

# Councillor & Employee Declaration

I have read Council Policy Manual, and declare that I will observe and abide by the terms and condition outlined in this Policy.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

Name (please print in blockletters): \_\_\_\_\_

Witnessed: \_\_\_\_\_

Dated: \_\_\_\_\_