



Register of Policies

Reviewed 21 June 2023

DOCUMENT CONTROL

DOCUMENT DISTRIBUTION LIST

Copy No	Distributed to	Position/Title	Date
1	All Staff and Councillors		May 2012
2	All Staff and Councillors		May 2013
3	All Staff and Councillors		June 2014
4	All Staff and Councillors		June 2015
5	All Staff and Councillors		August 2019

DOCUMENT CONTROL

Version	Approved by		Date
	Name	Title/Resolution	
1	Ordinary Council	Register of Policies Review Council resolution 100512	16 May 2012
2	Ordinary Council	Register of Policies Review Council resolution 140513	15 May 2013
3	Ordinary Council	Register of Policies Review Council resolution 170614 (N141466)	25 June 2014
4	Ordinary Council	Register of Policies Review Council resolution 120615	17 June 2015
5	Ordinary Council	Register of Policies Council resolution 100819	21 August 2019

AMENDMENTS

Document Version	Date of Amendment	Amendment details
1	15 August 2012	2.8 Requests for Assistance and/or Donations updated as per Council resolution 200812 (Ref N121020)
1	15 August 2012	2.2 Investment of Funds updated as per Council resolution 220812 (Ref N121022)
1	21 November 2012	6.3 Use of Chattering Community Bus updated as per Council resolution 081112 (Ref N121079)
1	21 November 2012	10.7 Multiple Dog updated as per Council resolution 131112 (Ref N121084)
1	19 December 2012	3.19 Social Media inserted as per Council resolution 171212 (Ref N131106)
1	20 February 2013	10.7 Multiple Dog Policy – insert table as per Council Resolution 150213 (ref N131131)
2	19 June 2013	10.8 Smoke-Free Outdoor Areas inserted as per Council resolution 030613 (ref N131227)
2	18 September 2013	4.3 Elected Members' Fees, Allowances, Reimbursements and Benefits as per Council resolution 130913 (ref N131297)
2	20 November 2013	2.13 Rating Policy relating to change in predominant use of rural land as per Council resolution 071113 (N131321)
3	20 August 2014	2.14 Regional Price Preference Policy as per Council resolution 090814 (ref N1452223)
3	15 October 2014	2.15 Improvements to Council Properties by External Groups as per Council resolution 111014 (ref N141505)
4	16 September 2015	6.2 Education Scholarship Award as per Council resolution 080915 (ref N1564116)
4	28 October 2015	2.12 Purchasing updated as per Council resolution 131015 (ref N151691)
4	20 July 2016	2.7 Significant Accounting Policies as per Council resolution 160716 (ref N161850)
4	20 July 2016	6.2 Education Scholarship Award as per Council resolution 180716 (ref N161852)
4	21 September 2016	6.6 Community Bus Transport Service (ref N161887)
4	26 October 2016	Memo – Amendments to Register of Policies (ref N1677356)
4	15 March 2017	1.2 Use of Civic Centre – Council Chambers (ref N171976)
4	15 March 2017	6.1 Australia Day Awards (ref N171975)
4	19 April 2017	1.14 Smoking, Other Drugs and Alcohol (ref N171993)
4	17 May 2017	4.6 Agenda Forums (ref N172003)
4	17 May 2017	1.19 OSH Fleet Safety and Motor Vehicle Guidelines (ref N172004)
4	19 July 2017	4.3 Elected Members' Fees, Allowances, Reimbursement and Benefits (ref N172038)
4	18 October 2017	4.7 Mobile Computing Devices and Electronic Agendas (ref N172061)
4	18 October 2017	3.18 Use of Council Vehicles (ref N172062)
4	7 February 2018	Memo – Amendment to Policy 6.4 Financial Assistance Grant Scheme (ref N1892558)
4	15 February 2018	Memo – Amendment to Policy 2.8 Requests for Assistance and/or Donations (ref N1892837)
4	7 August 2018	2.12 Purchasing (ref N1897968)
4	7 August 2018	1.12 Security Cameras and CCTV (ref N1898313)
4	17 October 2018	3.18 Use of Council Vehicles (ref N182194)
4	12 December 2018	10.9 Trading in Thoroughfares and Public Places (ref N182227)
4	20 March 2019	1.6 Political Electioneering Posters (ref N192271)
4	19 June 2019	6.4 Financial Assistance Grant Scheme (ref N192322)
5	19 August 2019	6.6 Chattering Community Bus Transport Service (ref N192365)
5	16 October 2019	1.20 Reimbursement of Volunteers for Damaged Personal Equipment (ref N192396)
5	20 November 2019	1.21 Recording and Access to Recordings of Council Meetings (ref N192417)
5	20 November 2019	2.16 Related Party Disclosures (ref N192418)
5	20 November 2019	3.18 Use of Council Vehicles (ref N192422)
5	20 November 2019	10.10 Temporary Accommodation During Construction of a Dwelling (ref N192407)
5	15 April 2020	2.17 Financial Hardship (ref N202501)
5	17 June 2020	1.4 – Complaints Handling (ref N202544)
5	17 June 2020	1.8 – Record Keeping (ref N202544)
5	17 June 2020	1.12 – Security Cameras and CCTV (ref N202544)
5	17 June 2020	1.5 – Execution of Documents – Deleted (ref N202544)
5	17 June 2020	1.10 – Recycled Purchasing – Deleted (ref N202544)
5	17 June 2020	1.17 – Community Engagement – Deleted (ref N202544)
5	17 June 2020	2.11 – Credit Cards (ref N202550)
5	15 July 2020	2.1 - Budget Preparation (ref N202559)
5	15 July 2020	3.1 – Code of Conduct – Employees, Volunteers and Contractors (ref N202559)

AMENDMENTS

Document Version	Date of Amendment	Amendment details
5	15 July 2020	3.7 – Staff Housing (ref N202559)
5	15 July 2020	3.18 – Use of Council Vehicles (ref N202559)
5	15 July 2020	3.19 – Social Media (ref N202559)
5	15 July 2020	2.7 – Significant Accounting Policies - Deleted (ref N202559)
5	15 July 2020	2.10 – Cheque Signatory/ EFT Requirements - Deleted (ref N202559)
5	15 July 2020	4.8 – Gifts, Benefits, Hospitality and Attendance at Events (ref N202560)
5	15 July 2020	3.18 – Use of Council Vehicles (ref N202570 & N202571)
5	15 August 2020	7.4 – Roadside Burning (ref N202580)
5	15 August 2020	4.9 – Notices of Motion (ref N202587)
5	16 September 2020	4.1 – Code of Conduct (ref N202604)
5	16 September 2020	4.2 – Informal Petitions to Council (ref N202604)
5	16 September 2020	4.3 – Elected Members – Entitlements and Training (ref N202604)
5	16 September 2020	4.6 – Agenda Forums (ref N202604)
5	16 September 2020	4.7 – Elected Members – Mobile Computing Devices and Electronic Agendas – Deleted (ref N202604)
5	21 October 2020	3.14 - Appointment of an Acting Chief Executive Officer (ref N202627)
5	12 November 2020	6.1 – Australia Day Awards (ref N202659)
5	12 November 2020	7.5 – Road Maintenance (ref N202659)
5	12 November 2020	9.5 – Road Names (ref N202659)
5	12 November 2020	7.6 – Heavy vehicle Access – Deleted - (ref N202659)
5	17 March 2021	3.26 – Public Service Holidays In Lieu (ref N212720)
5	17 March 2021	10.2 – Bushfire Control (ref N212722)
5	17 March 2021	10.7 – Multiple Dogs (ref N212722)
5	17 March 2021	10.4 – Clearing of Land – Deleted (ref N212722)
5	17 March 2021	10.8 – Smoke-Free Outdoor Areas (ref N212722)
5	21 April 2021	4.1 - Code of Conduct - Elected Members, Committee Members and Candidates (ref N212734)
5	21 April 2021	3.27 - Standards for Recruitment of CEO's (ref N212737)
5	21 April 2021	3.28 - Standards for Review of Performance of CEO's (ref N212737)
5	21 April 2021	3.29 - Standards for Termination of the Employment of CEOs (ref N212737)
5	21 April 2021	5.3 – Container Deposit Scheme – Community Groups Donation Points (ref N212729)
5	19 May 2021	3.1 – Code of Conduct – Staff, Volunteers and Contractors – Deleted (ref N212722)
5	19 May 2021	10.9 - Nutrient Removal Effluent Disposal Systems (ref N212746)
5	19 May 2021	6.3 - Use of Chittering Community Bus (ref N212750)
5	19 May 2021	6.4 - Community Assistance Grant Scheme (ref N212750)
5	16 June 2021	2.11 - Purchasing Policy (ref N212767)
5	16 June 2021	4.9 - Code of Conduct Behaviour Complaints Management Policy (ref N212768)
5	18 August 2021	4.1 - Code of Conduct - Elected Members, Committee Members and Candidates (ref N212790)
5	18 August 2021	1.19 - General Compliance and Enforcement (ref N212792)
5	17 November 2021	4.10 – Transparency and Accountability (ref N212831)
5	16 February 2022	1.18 Recording and Access to Recording of Council Meetings (ref N222866)
5	16 February 2022	4.6 - Agenda Forums (ref N222866)
5	20 April 2022	10.6 - Trading in Thoroughfare and Public Places (ref N222890)
5	20 April 2022	6.7 - Community Assisted Transport Service Policy (CATS) (ref N222892)
5	18 May 2022	1.18 - Recording and Access to Recordings of Council Meetings (ref N222900)
5	20 July 2022	7.4 – Roadside Burning – Deleted (ref N222935)
5	20 July 2022	8.2 – Road Verge Development Criteria – Deleted (ref N222935)
5	20 July 2022	8.3 – Street Tree Removal – Deleted (ref N222935)
5	20 July 2022	8.3 – Verge Maintenance (ref N222935)
5	20 July 2022	1.1 – Policy Register (ref N222936)
5	20 July 2022	1.2 - Use of Civic Centre - Council Chambers (ref N222936)
5	20 July 2022	1.3 - Australian Citizenship Ceremonies (ref N222936)
5	20 July 2022	1.4 - Complaints Reporting (ref N222936)
5	20 July 2022	1.6 - Travel and Accommodation – Delete (ref N222936)
5	20 July 2022	1.13 - Honorary Freeman of the Shire of Chittering (ref N222936)
5	20 July 2022	1.14 – Risk Management Policy (ref N222936)
5	20 July 2022	1.15 - Integrated Workforce Planning and Management Policy (ref N222936)
5	20 July 2022	1.18 - Recording and Access to Recordings of Council Meetings (ref N222936)
5	20 July 2022	2.1 – Budget Preparation (ref N222936)
5	20 July 2022	2.10 - Credit Cards (ref N222936)
5	20 July 2022	2.11 – Purchasing (ref N222936)
5	20 July 2022	2.14 - Improvements to Council Properties by External Groups - Delete (ref N222936)
5	20 July 2022	2.15 - Related Party Disclosures (ref N222936)
5	20 July 2022	3.1 - Bereavement Recognition (ref N222936)

AMENDMENTS

Document Version	Date of Amendment	Amendment details
5	20 July 2022	3.3 - Council Contribution to Staff Functions (ref N222936)
5	20 July 2022	3.21 – Staff Superannuation (ref N222936)
5	20 July 2022	3.22 – Attraction and Retention (ref N222936)
5	20 July 2022	6.7 - Community Assisted Transport Service Policy (CATS) (ref N222936)
5	20 July 2022	4.11 - Council Positions (ref N222936)
5	20 July 2022	1.18 - Execution of Documents and Use of the Common Seal (ref N222936)
5	17 August 2022	4.10 – Transparency and Accountability (ref N222956)
5	19 October 2022	1.3 – Service level Complaints Handling (ref N222988)
5	19 October 2022	2.11 – Purchasing & Procurement (ref N222988)
5	19 October 2022	3.8 – Work Health & Safety (ref N222988)
5	19 October 2022	3.17 – Use of Council Vehicles (ref N222988)
5	19 October 2022	1.12 – Smoking Drugs & Alcohol – Deleted (ref N222988)
5	19 October 2022	1.16 OSH Fleet Safety and Motor Vehicle Guidelines – Deleted (ref N222988)
5	19 October 2022	2.13 – Regional Price Preference - Deleted (ref N222988)
5	19 October 2022	3.4 – Staff Uniforms - Deleted (ref N222988)
5	19 October 2022	3.9 – Protection from the Outdoor Sun - Deleted (ref N222988)
5	19 October 2022	3.10 – Contractors - Deleted (ref N222988)
5	19 October 2022	3.16- Staff Disciplinary - Deleted (ref N222988)
5	19 October 2022	3.18 – Social Media - Deleted (ref N222988)
5	19 October 2022	3.19 – Training and Development - Deleted (ref N222988)
5	19 October 2022	3.20 – Study Assistance - Deleted (ref N222988)
5	19 October 2022	9.6 - Storm Water Management (ref N222978)
5	15 March 2023	4.6 – Councillor Information Sessions (ref N233052)
5	15 March 2023	7.3 – Naming of Shire Facilities (ref N233053)
5	19 April 2023	4.12 - Donations, Contributions and Sponsorship (ref N233076)
5	21 June 2023	1.5 - Record Keeping (ref N233107)
5	21 June 2023	1.6 - Prosecutions by Council against Offenders – Deleted (ref N233107)
5	21 June 2023	1.8 - Security Cameras & CCTV - Deleted (ref N233107)
5	21 June 2023	1.9 - Asset Management - Infrastructure Assets (ref N233107)
5	21 June 2023	1.11 - Risk Management (ref N233107)
5	21 June 2023	1.12 - Integrated Workforce Planning and Management Policy - Deleted (ref N233107)
5	21 June 2023	1.16 - Execution of Documents and Use of the Common Seal (ref N233107)
5	21 June 2023	2.1 - Budget Preparation - Deleted (ref N233107)
5	21 June 2023	2.2 - Investment of Funds (ref N233107)
5	21 June 2023	2.3 – Capitalisation – Deleted (ref N233107)
5	21 June 2023	2.4 - Rating of Council Property – Deleted (ref N233107)
5	21 June 2023	2.5 - Charitable Organisations – Deleted (ref N233107)
5	21 June 2023	2.6 – Rating (ref N233107)
5	21 June 2023	2.7 - Requests for Assistance and or Donation (ref N233107)
5	21 June 2023	2.8 - Funding Submissions – Deleted (ref N233107)
5	21 June 2023	2.9 - Cheque Signatory EFT Requirements – Deleted (ref N233107)
5	21 June 2023	2.10 - Credit Cards – Deleted (ref N233107)
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5	21 June 2023	2.13 - Related Party Disclosures (ref N233107)
5	21 June 2023	2.14 - Financial Hardship – Collection of Rates and Service Charges Policy (ref N233107)
5	21 June 2023	3.2 - Defence Forces Active Reservists – Deleted (ref N233107)
5	21 June 2023	3.3 - Council Contribution to Staff Functions – Deleted (ref N233107)
5	21 June 2023	3.4 - Senior Employees – Deleted (ref N233107)
5	21 June 2023	3.5 - Staff Housing – Deleted (ref N233107)
5	21 June 2023	3.8 - Voluntary Service – Deleted (ref N233107)
5	21 June 2023	3.9 - Gratuities and Redundancy Payments – Deleted (ref N233107)
5	21 June 2023	3.10 - Appointment of an Acting Chief Executive Officer (ref N233107)
5	21 June 2023	3.12 - Retirement-Resignation of Employees – Council gift & function – Deleted (ref N233107)
5	21 June 2023	3.13 - Use of Council Vehicles – Deleted (ref N233107)
5	21 June 2023	3.15 - Attraction and Retention – Deleted (ref N233107)
5	21 June 2023	3.16 - Loss of Driver’s Licence – Deleted (ref N233107)
5	21 June 2023	3.17 - Secondary Employment – Deleted (ref N233107)
5	21 June 2023	5.1 - Advertising on Public Open Space – Deleted (ref N233107)
5	21 June 2023	6.3 - Use of Chittering Community Bus (ref N233107)
5	21 June 2023	6.4 - Community Assistance Grant Scheme (ref N233107)

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Administration Policies

1.1 Policy Register

Policy Owner:	Governance
Person Responsible:	Executive Assistant
Date of Approval:	15 April 2009
Amended:	20 July 2022

Objective

The purpose of policy documents is to enable the effective and efficient management of Council resources and to assist staff and Council achieve an equitable decision making process.

Written policies also enable the community to be aware of the reasoning behind administrative and Council decisions, and to be familiar with the philosophy behind individual decisions.

Policy

The Chief Executive Officer shall maintain a register of all policy decisions of Council in a register which will be available on the Shire website, for public inspection. Changes to Council Policy shall only occur through a notice of motion by an Elected Member or by a specific agenda item setting out details of the amendment.

1.2 Australian Citizenship Ceremonies

Policy Owner:	Governance
Person Responsible:	Executive Assistant
Date of Approval:	18 May 2011
Amended:	20 July 2022

Objective

On behalf of the Department of Immigration and Citizenship the Shire of Chittering undertakes Australian Citizenship ceremonies for local residents / ratepayers who have received their notification from the Department of Immigration and Citizenship.

Policy

As part of the welcome package to new Australian Citizens within the Shire of Chittering the following is to be given as a gift:

Native Plant
Commemorative \$1 Coin

The native plant is obtained from a local nursery supplier and the Commemorative \$1 Coin is obtained from the Perth Mint.

Where possible citizenship ceremonies may be coordinated with Australia Day (26 January) and Citizenship Day (17 September).

1.3 Service Level Complaints Handling

Policy Owner:	Governance
Person Responsible:	Chief Executive Officer
Date of Approval:	15 April 2009
Amended:	17 June 2020; 17 July 2022; 19 October 2022
Integrated Framework Reference:	Strategic Community Plan
Strategic Framework Reference:	Corporate Business Plan
Applies to:	All Staff and Council

Objective

- (a) To develop a structured and systematic approach to dealing with complaints received by the Shire of Chittering from external persons.
- (b) 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.

Policy

1. The Shire of Chittering is committed to operating in a transparent manner and responding to dissatisfaction from customers relating to the services provided, customer service received and general operation of the Shire.
2. In the event that a complaint or report of dissatisfaction is received the Shire of Chittering will endeavour to provide a response within a reasonable timeframe.
3. If a complaint is received - and it will potentially be brought to the attention of council, by an outside party - officers will endeavour to make Councillors aware of the issue as soon as practicable.
4. 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

1. A complaint, by definition, is an 'expression of dissatisfaction made to or about an organization, related to its services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required'.
2. Every attempt should be made to immediately resolve complaints presented at the counter or by telephone by the attending officer or referred to the appropriate officer.

3. Council staff will advise the customer of their rights and obligations and the correct method for their type of complaint.
4. If a formal complaint is lodged, the shire will determine complaints as quickly as possible and will keep the complainant (and if applicable, the person who is the subject of the complaint) advised of the progress, details of the resolution and reasons.
5. At a minimum, the following information is to be supplied – preferably on the appropriate form - in order to effectively process the complaint:
 - Name and address.
 - Contact details.
 - Complaint details.
 - Date/s of occurrence of complaint.
6. The relevant officers will investigate and may determine to take the following courses of action:-
 - Take no further action and give the complainant reason/s;
 - Resolve the complaint by use of other appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation;
 - Discontinue the assessment in circumstances where it becomes evident that the matter would be referred to another body or person and advise the complainant accordingly.
7. Should the complainant not be satisfied with the result, written application to Council is required within 30 days.
8. External review options are available, the CEO will advise Complainants of the available options.
9. Customer correspondence, telephone conversations or interviews which proceed in an inflammatory manner will not be acted on. Where this occurs, the shire has the right to terminate conversations or interviews after warning the customer of that intention.
10. The written complaint is to be recorded in the Shire’s Electronic Record System (eg Synergy).
11. The written complaint is also to be registered in the Complaint Register.
12. **ANONYMOUS COMPLAINTS**

An anonymous customer complaint will only be investigated where reasonable and sufficient information is provided and which, in the opinion of a shire employee, constitutes:

 - (a) A breach of statutory provisions;
 - (b) A breach of an approval, licence or permit;

- (c) A matter for which the shire is obligated to act, prescribed in the Local Government Act 1995, Corruption Crime & Misconduct Act 2003 or under any other written law (i.e. the Public Interest Disclosure (PID) legislation);
 - (d) A matter which if not attended to could reasonably constitute a risk to the public health and safety of persons, animals or the environment; and
 - (e) A matter which is deemed to be capable of investigation and resolution without assistance from the complainant.
13. The following will not be registered as complaints due to the fact that each of the below is covered under a separate process or policy:
- a. A request for council services;
 - b. A request for documents, information or explanation of policies or procedures;
 - c. A request for the council to exercise a regulatory function;
 - d. The lodging of an appeal or objection in accordance with a statutory process, standard procedure or policy;
 - e. A submission relating to the exercise of a regulatory function; and
 - f. A petition.
14. This policy does not apply to Elected Members and/or staff in regards to minor and/or serious breaches. Complaints regarding Elected Members are covered by “Code of Conduct – Council Members” Policy.

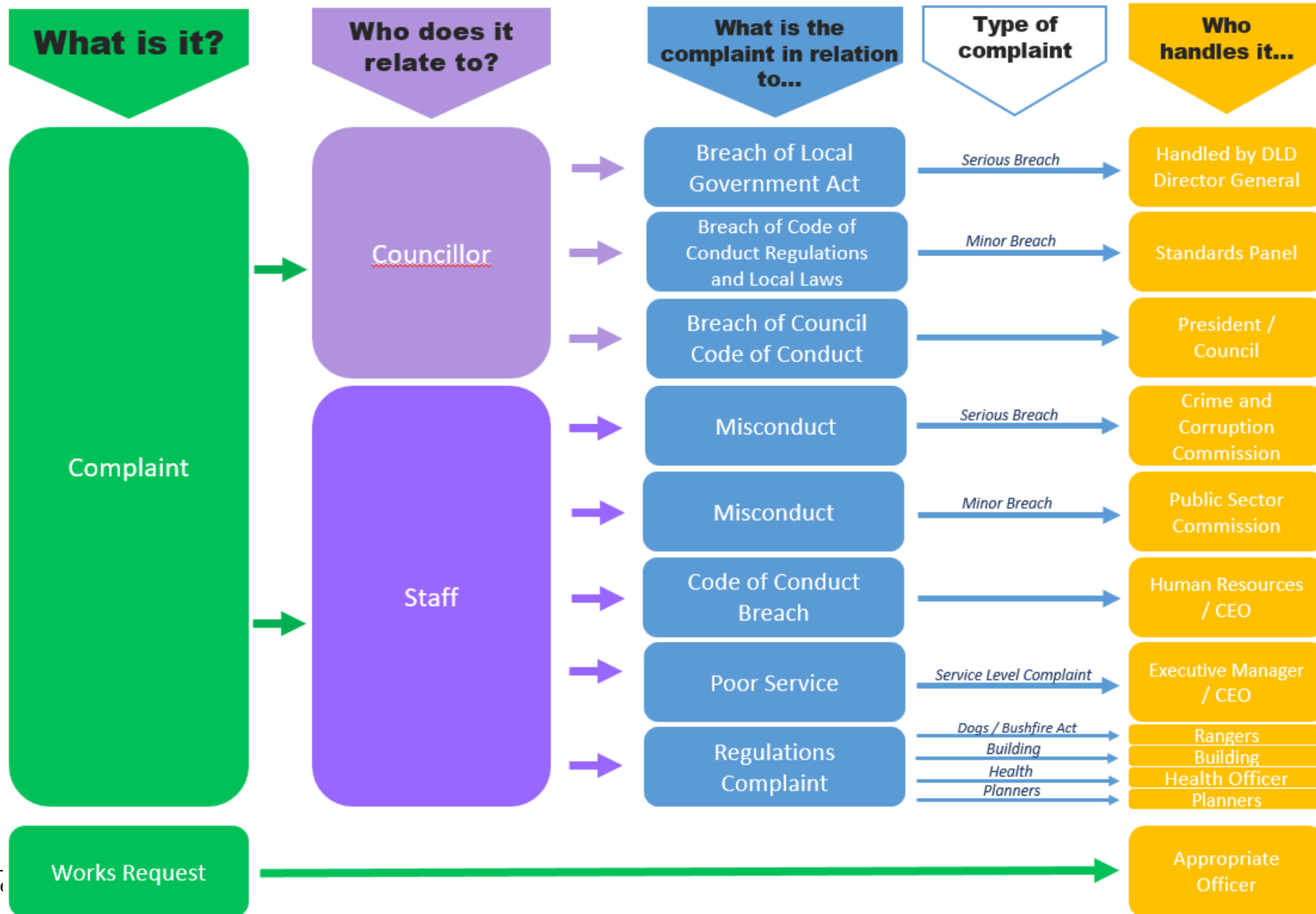
References:

<https://www.ombudsman.wa.gov.au/Publications/Documents/guidelines/Binder-Complaint-Handling.pdf>

<https://www.ombudsman.wa.gov.au/Publications/Documents/guidelines/Investigation-of-Complaints.pdf>

[External Complaint Form](#)

Code of Conduct – Council Members Policy



1.4 Political Electioneering Posters

Policy Owner:	Development Services
Person Responsible:	Executive Manager Development Services
Date of Approval:	15 April 2009
Amended:	20 March 2019; 19 July 2023

Objective

To control political advertising within the Shire and ensure that public safety is not compromised.

Policy

During an election period of any government level the Shire will allow Electioneering signage in the public realm providing a permit is obtained by the Shire as detailed in the Shires local law ***Local Government Property and Public Places Local Law 2023***.

The permits are to be issued per political candidate at no cost and must comply with the following conditions to ensure public safety at all times.

- (a) Being erected at least 30m from any intersection;
- (b) Being free standing and not being affixed to any existing sign, post, power or light pole, or similar structure;
- (c) Being placed so as not to obstruct or impede the reasonable use of a public place; such as a thoroughfare, footpath, or public park; or other access to a place by any person;
- (d) Being placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
- (e) Being maintained in good condition;
- (f) Not being erected until 6 weeks prior to the election to which it relates has been officially announced;
- (g) Being removed with 72 hours of the close of polls on voting day;
- (h) Not being placed within 100m of any works on the thoroughfare;
- (i) Being securely installed;
- (j) Not being an illuminated sign;
- (k) Not incorporating reflective or fluorescent materials; and
- (l) Not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message.

Any breach of Council's conditions will result in the enforcement of the Shire's Local law ***Local Government Property and Public Places Local Law 2023*** and the offending sign will be removed. All signs must be removed within 72 hours after the election has been conducted

1.5 Record Keeping

Policy Owner:	Corporate Services
Distribution:	All Directorates and Elected Members
Person Responsible:	Records Officer
Date of Approval:	18 May 2011
Amended:	19 July 2023

Objective

To provide guidance to Councillors, and employees, in regard to their record keeping responsibilities in line with current legislative requirements.

To ensure:-

- that all required correspondence, inward, outward and internal is captured and recorded in accordance with but not limited to the State Records Act 2000, the Local Government Act 1995, the Freedom of Information Act 1992 and the Shire of Chittering requirements.
- accurate and efficient recording and archiving of all relevant documents associated with Shire of Chittering business and to allow for efficient access and retrieval of relevant details associated with Shire of Chittering business.

To train and support all required personnel, including staff, contractors and elected members to create full and accurate records or supply the correspondence to the appropriate officer(s) in the records department or their own departmental administration staff to record in the required manner.

Policy

Inward, outward and internal correspondence will be retained in the required format as per the Shire of Chittering Recordkeeping Plan and under the procedures created for Recordkeeping in the Shire of Chittering and under but not limited to the Local Government Act 1995, the Freedom of information Act 1992, The State Records Act 2000, the Protection of Information (Entry Registration Information Relating to Covid-19 & Other Infectious Diseases) Act 2021 and relevant General Disposal Authorities.

1. Correspondence received

The Shire of Chittering will respond to emails with an Acknowledgment of Receipt return email if deemed appropriate and respond in full to all correspondence within legislative time requirements or within 7 days for non-legislative items.

2. Elected Member correspondence – incoming

- 1) All correspondence received by the Shire of Chittering is deemed as Shire of Chittering correspondence, unless:
 - a) it is addressed to an Elected Member's name; and
 - b) it is marked "Private and Confidential"; and
 - c) it has no reference to the Shire of Chittering as part of the address or addressee.
- 2) In all cases where correspondence is described in Item 1 complies with 1(a), (b) and (c), above, it will be left unopened in an Elected Member's correspondence box.
- 3) On all occasions where correspondence bearing an Elected Member's name is received and does not comply with Item 1(a), (b) and (c), it will be opened by administration.
- 4) The above items are conditional upon total compliance with all Telecommunications and Australian Postal Regulations and Laws.
- 5) In cases, when the contents make reference to matters that are deemed as requiring attention by administration, a reference note will be added to the correspondence by an appropriate administration officer, marked for the Elected Member's attention, and the note will detail the action to be taken by the appropriate department, with particular reference to Item 3 above only.

3. Presidential correspondence

Presidential correspondence will be issued on Shire of Chittering letterhead in whatever format is suitable and will be captured in the appropriate format as per the current Shire of Chittering Recordkeeping Plan along with the originating correspondence. In instances where the President is providing technical information to correspondents, the appropriate officer will draft the correspondence or that section of correspondence.

4. Meetings / Appointments / Diaries

Booking for meetings (in Outlook) with other staff, and or community members, include a brief description of the "purpose" of the meeting; attendees, what is to be discussed, the decision(s) that may need to be made; within the meeting invite. At the conclusion of the meeting a short synopsis of outcomes should be added.

1.6 Contribution to the cost of dividing fences

Policy Owner: Development Services
Person Responsible: Executive Manager Development Services
Date of Approval: 20 May 2009
Amended:

Objective

To provide a basis for Council contribution towards the cost of dividing fences.

Policy

Council will contribute 50% to the cost of a sufficient dividing fence where the fence adjoins land held in freehold title by the Shire.

Council will not contribute where a fence adjoins Crown Land (exempt under *Dividing Fences Act 1961*).

1.7 Asset Management – Infrastructure Assets

Policy Owner: Governance
Person Responsible: Deputy Chief Executive Officer
Date of Approval: 18 May 2011
Amended:

Objective

The objective of this policy is to ensure that the Shire of Chittering has systems and processes in place to maximise its ability to continue to deliver services on a sustainable basis. Services delivered by the Shire depend on Infrastructure Assets provided to a level of service (LOS) determined by the Council that is affordable to the community and sustainable in the long term.

Policy

The Shire of Chittering considers that management of its Infrastructure Assets is a major corporate function that requires an organisation wide approach. To achieve this, the Shire of Chittering will:

- Incorporate Asset Management into the Shire’s Corporate Plan, Strategic Plan and Annual Budget
- Develop Asset Management plans for the following classes of Infrastructure Assets:
 - Roads
 - Drainage
 - Buildings
 - Parks and Reserves
- Define and document (within Asset Management plans) the functional and operational levels of service for each infrastructure asset class, underpinned by a long-term (ten year) financial plan based upon Risk Management Principles
- Involve and consult with the community and key stakeholders when determining levels of service for Infrastructure Assets
- Develop an Asset Management Improvement Strategy that allocates resources to ensure sustainable continuous improvement in relation to Asset Management practices within the resource constraints of the organisation.

- Prior to consideration of any major works/renewal or improvement to or creation of an asset, undertake a critical review of the need for the asset including capital, maintenance, operating, renewal, refurbishment, and upgrade costs based on the following key principles:
 - Consider the “whole of life” cost of the assets from the creation to divestment of the asset
 - Consider options to renew assets before creating new assets
 - Ensure that the assets forms part of an overall financial strategy
 - Consider the origin and sustainability of funding sources
- Continually seek opportunities for the multiple use of assets
- Ensure that the roles and responsibilities of all asset users and asset managers are well defined and understood
- Guide the development of Asset Management via an organisation wide, multi-discipline Asset Management Working Group that reports to the Executive Management Team
- This policy is to be reviewed annually by the Asset Management Working Group.

Definitions

“Asset”

Means a physical item that is owned or controlled by the Shire of Chittering, and provides or contributes to the provision of service to the community (in this context excluding financial, intellectual and non-tangible assets)

“Asset Management”

Means the processes applied to assets from their planning, acquisition, operation, maintenance, replacement and disposal, to ensure that the assets meet Council’s priorities for service delivery.

“Asset Management Plan”

Means a plan developed for the management of infrastructure asset or asset category that combines multi-disciplinary management techniques (including technical and financial) over the lifecycle of the asset.

“Council”

Means the elected Council (comprising Councillors) of the Shire of Chittering.

“Infrastructure Assets”

Are fixed assets that support the delivery of services to the community. These include the broad assets of roads, drainage, buildings, parks and reserves.

“Level of Service”

Means the combination of function, design and presentation of an asset. The higher the Level of Service, the greater the cost. The aim of asset management is to match the asset and level of service to the community expectation, need and level of affordability.

“Life Cycle”

Means the cycle of activities that an asset goes through while it retains an identity as a particular asset.

“Maintenance”

Means regular ongoing day-to-day work necessary to keep the asset operating and to achieve its optimum life expectancy.

“New”

Means creation of a new asset to meet additional service level requirements.

“Operations”

Means the regular activities to provide public health, safety and amenities and to enable the assets to function, e.g. road sweeping, grass mowing, cleaning, street lighting and graffiti removal.

“Renewal”

Means the restoration, rehabilitation or replacement of an existing asset to its original capacity. This may include the fixture of new components necessary to meet new legislative requirements in order that the asset may achieve compliance and remain in use.

“Resources”

Means the combination of plant, labour and materials, whether they be external (contractors/consultants) or internal (staff/day labour).

“Risk”

Means the probability and consequence of an event that could impact on the Council’s ability to meet its corporate objectives.

“Shire”

Means the collective Shire of Chittering organisation. The Chief Executive Officer of the Shire of Chittering is responsible for ensuring the Shire’s obligations and commitments are met.

“Stakeholders”

Are those people/sectors of the community that have an interest or reliance upon an asset and who may be affected by changes in the level of service of an asset.

“Upgrade”

Means the enhancement of an existing asset to provide a higher level of service.

“Whole of the life cost(s)”

Means the total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance and rehabilitation and disposal costs.

1.8 Honorary Freeman of the Shire of Chittering

Policy Owner:	Governance
Person Responsible:	Executive Assistant
Date of Approval:	25 June 2014
Amended:	20 July 2022

Objective

This policy guides the nomination, selection and awarding of the prestigious ceremonial title to a person designated as “Honorary Freeman of the Shire of Chittering”.

Policy

Council may, subject to eligibility and selection criteria of this policy being met by an absolute majority decide to confer the title of “Honorary Freeman of the Shire of Chittering” on any person who has rendered exceptional service to the Shire of Chittering community. This prestigious honour will not be awarded regularly, but only on rare and exceptional occasions.

The award is in title only – no financial benefit is attached to the award. Recipients are however invited to significant events that are sponsored by the Shire of Chittering.

The process for nominating and selecting a person and awarding the title is as follows:

Eligibility

1. All members of the Shire of Chittering public including past elected members and staff can be nominated;
2. A current elected member or employee cannot be nominated for the award;
3. In recognition of the standing of this award a maximum of five living persons only may hold the title of “Honorary Freeman of the Shire of Chittering” at any one time; and
4. The honour shall not be awarded posthumously.

Selection Criteria

Nominees will be judged on their record of service to the community on the basis of the following criteria:

- a) Nominees must have lived in, worked or served the Shire of Chittering for a significant number of years (20 years or more);
- b) Level of commitment to their field(s) of activity;
- c) Outstanding personal leadership qualities and personal integrity;
- d) Benefits to the community of the Shire of Chittering, to the State of Western Australia or to the nation resulting from the nominee’s work; and

- e) Special achievements of the nominee.

Nomination Process

To preserve the integrity and importance of bestowing the honour of “Honorary Freeman of the Shire of Chittering” upon any individual, the following procedure shall be adopted:

1. Nomination for an “Honorary Freeman of the Shire” clearly outlining in chronological order the history of community service and achievements of the nominated person, must be made in writing to the Chief Executive Officer in the strictest confidence, without the nominee’s knowledge.
2. On receipt of the nomination the Chief Executive Officer will circulate a copy of the nomination and any supporting information to all elected members for initial consideration.
3. Elected members shall have reasonable time, being no less than two weeks, to consider the proposal.
4. If an elected member expresses an objection to the nomination, they must give their reasons for the objection in writing to the Chief Executive Officer within the prescribed time frame.
5. A nomination must be supported in writing by at least one third of the elected members of Council.
6. Elected members who do not formally respond in writing will be presumed not to object to the proposal.
7. If the nomination is sufficiently supported, the Chief Executive Officer will subject a confidential report to Council.
8. The nominee’s name and identifying information will be maintained as “confidential” in all meeting papers.
9. The recommendation to Council will include a clause requiring confidentiality of the report be maintained until the title is conferred upon the nominee at a formal Council function.
10. The decision of Council to adopt the Chief Executive Officer’s recommendation requires an absolute majority.

It is imperative that confidentiality is maintained throughout the nomination process. The standing of the Shire and the individual concerned should not be brought into disrepute or embarrassment in any way.

Awarding the title

Once Council has accepted the nomination, the nominee shall be contacted by the Chief Executive Officer on a confidential basis to determine whether the award will be accepted. Should a nominee decline to accept the award, all elected members will be informed and the matter will lapse.

Conferral of the title shall be carried out at a formal Council function. The Chief Executive Officer, in consultation with the Shire President, will decide the occasion and format of the conferral ceremony. The Governor of Western Australia, the Premier and the Opposition Leader shall be included on the list of distinguished invited guests.

A certificate of “Honorary Freeman of the Shire of Chittering”, signed by the Shire President and Chief Executive Officer, will be presented to the recipient.

A suitable media statement shall be prepared for release on behalf of the Shire President.

Entitlements

The Honorary Freeman and their partner shall be invited to all formal civic functions conducted by the Shire.

Personal Conduct

An “Honorary Freeman of the Shire of Chittering” shall display high standards of personal conduct and behaviour at all times and shall not bring the Shire into disrepute.

Council reserves the right to cancel the honour in the event that the holder is convicted of a serious criminal offence or brings the Shire into disrepute. This decision shall be made by **absolute majority**.

1.9 Risk Management Policy

Policy Owner:	Governance
Person Responsible:	Deputy Chief Executive Officer
Date of Approval:	25 June 2014
Amended:	20 July 2022; 21 June 2023

Objective

- To document the commitment and objective regarding managing uncertainty that may impact the Shire's strategies, goals or objectives;
- Optimise the achievement of our vision, mission, strategies, goals and objectives;
- Provide transparent and formal oversight of the risk and control environment to enable effective decision making;
- Embed appropriate and effective controls to mitigate risk;
- Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations;
- Enhance organisational resilience; and
- Identify and provide for the continuity of critical operations.

Policy

It is the Shire's policy to achieve best practice (aligned with **AS/NZS ISO 31000:2009 Risk Management**), in the management of all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.

Risk Management will form part of the Strategic, Operations, Project and Line Management responsibilities and where possible, be incorporated within the Shire's Integrated Planning Framework.

The Shire's Management team will determine and communicate the Risk Management Policy, Objectives and Procedures, as well as, direct and monitor implementation, practice and performance.

Every employee within the Shire is recognised as having a role in risk management from the identification of risks to implementing risk treatments and shall be invited and encouraged to participate in the process.

Consultants may be retained at times to advise and assist in the risk management process, or management of specific risks or categories of risk.

Definitions

“Risk”

Effect of uncertainty on objective.

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

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

“Risk Management”

Coordinated activities to direct and control an organisation with regard to risk.

“Risk Management Process”

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

Risk Appetite

The Shire quantified its risk appetite through the development and endorsement of the Shire’s Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Procedures and are subject to ongoing review in conjunction with this policy.

All organisational risks to be reported at a corporate level are then 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.

Roles, Responsibilities and Accountabilities

The Chief Executive Officer is responsible for the allocation of roles, responsibilities and accountabilities. These are documented in the Risk Management Procedures (Operation Document).

Measures of Consequence									
RATING	PEOPLE	INTERRUPTION TO SERVICE	REPUTATION	COMPLIANCE	PROPERTY	NATURAL ENVIRONMENT	FINANCIAL IMPACT	PROJECT	
			(Social / Community)		(Plant, Equip, Buildings)			Time	Budget
Insignificant (1)	Near-Miss	No material service interruption Less than 1 hour	Unsubstantiated, localised low impact on community trust, low profile or no media item.	No noticeable regulatory or statutory impact	Inconsequential damage.	Contained, reversible impact managed by on site response	Less than \$10,000	Exceeds deadline by 10% of project timeline	Exceeds project budget by 10%
Minor (2)	First Aid Treatment	Short term temporary interruption – backlog cleared < 1 day	Substantiated, localised impact on community trust or low media item	Some temporary non compliances	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response	\$10,000 - \$50,000	Exceeds deadline by 15% of project timeline	Exceeds project budget by 15%
Moderate (3)	Medical treatment / Lost time injury <30 Days	Medium term temporary interruption – backlog cleared by additional resources < 1 Week	Substantiated, public embarrassment, moderate impact on community trust or moderate media profile	Short term non- compliance but with significant regulatory requirements imposed	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies	\$50,001 to \$200,000	Exceeds deadline by 20% of project timeline	Exceeds project budget by 20%
Major (4)	Lost time injury >30 Days / temporary disability	Prolonged interruption of services – additional resources; performance affected <1 Month	Substantiated, public embarrassment, widespread high impact on community trust, high media profile, third party actions	Non-compliance results in termination of services or imposed penalties to Shire / Officers	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies	\$200,001 to \$500,000	Exceeds deadline by 25% of project timeline	Exceeds project budget by 25%
Extreme (5)	Fatality, permanent disability	Indeterminate prolonged interruption of services non- performance > 1 month	Substantiated, public embarrassment, widespread loss of community trust, high widespread multiple media profile, third party actions	Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire / Officers	Extensive damage requiring prolonged period of restitution. Complete loss of plant, equipment & building	Uncontained, irreversible impact	>\$500,000	Exceeds deadline by 30% of project timeline	Exceeds project budget by 30%

Measures of Likelihood

Rating		
Almost Certain (5)	The event is expected to occur in most circumstances	More than once per year
Likely (4)	The event will probably occur in most circumstances	At least once per year
Possible (3)	The event should occur at some time	At least once in 3 years
Unlikely (2)	The event could occur at some time	At least once in 10 years
Rare (1)	The event may only occur in exceptional circumstances	Less than once in 15 years

Risk Matrix

					Catastrophic (5)
	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
		Moderate (8)	High (12)	High (16)	Extreme (20)
		Moderate (6)	Moderate (9)	High (12)	High (15)
			Moderate (6)	Moderate (8)	High (10)
					Moderate (5)

Risk Acceptance Criteria

Risk Rank	Description	Criteria	Responsibility
LOW	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
MODERATE	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
HIGH	Urgent Attention Required	Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	DCEO / CEO
EXTREME	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

1.10 Reimbursement of Volunteers for Damaged Personal Equipment

Policy Owner: Chief Executive Officer
Person Responsible: Executive Assistant
Date of Approval: 16 October 2019 Resolution 231019
Amended:

Objectives

The policy aims to provide clarity and consistency when dealing with claims from volunteers for damage to their equipment whilst volunteering at a Shire of Chittering endorsed activity.

Policy

- a) The Shire may provide financial assistance to volunteers undertaking Shire endorsed activities where their equipment has been endorsed to be used at that volunteer activity, and that equipment has been damaged.
- b) In the first instance, the Shire will facilitate the volunteer who has suffered equipment damage, to make an insurance claim on one of the Shire's existing insurance policies (if applicable).
- c) The Shire's insurance policy is considered to provide an adequate and fair compensation for the damage / loss of volunteer equipment.
- d) The Shire may [upon application by the volunteer outlining their claim] provide a contribution towards the cost of renting replacement damaged equipment, whilst an insurance claim is being processed and replacement equipment is being secured by the volunteer. The hire period should be short-term but only occur with the approval of the Shire.
- e) The equipment must have first been inspected and approved that it is fit-for-purpose and serviceable for the task that it is intended.

Definitions

"Equipment" – includes a motor vehicles, stationery engines, power tools, etc. critical to being able to undertake the volunteer activity and approved to be used at the Shire endorsed volunteer activity. Claims will not be accepted for damage that occurs in transit to/from the volunteer activity.

The Shire will not provide any assistance for **"non-equipment"** articles, like clothing and footwear, spectacles, mobile phones, etc unless they were critical to being able to undertake the volunteer activity and had prior approval to be used at a Shire endorsed volunteer activity.

"Fit for purpose" – equipment is well maintained and well suited for its designated role or purpose.

“Serviceable” – capable of or ready to be used and to perform its function.

“Short term” – period not in excess of three calendar months.

1.11 Recording and Access to Recordings of Council Meetings

Policy Owner:	Governance
Person Responsible:	Executive Assistant
Date of Approval:	20 November 2019
Amended:	18 May 2022; 20 July 2022

OBJECTIVE

- To ensure that there is a process in place to outline access to the recorded proceedings of Council including Elected Member voting on Council Resolutions.
- To emphasise that the reason for the recording of Council Meetings and Elected Member voting is to ensure the accuracy of Council Minutes and transparency on how elected members are voting to represent the community's interest and that any reproduction is for the sole purpose of Council business.

POLICY

Recording of Proceedings

1. Proceedings for meetings of the Council, Electors, and Public Question Time during Council meetings shall be recorded by the Shire on sound recording equipment, except in the case of meetings of the Council where the Council closes the meeting to the public.
2. Notwithstanding clause 1, proceedings of a meeting of the Council which is closed to the public shall be recorded where the Council resolves to do so.
3. No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without approval as per Local Government (Council Meetings) Local Law 2014, c6.15.
4. A table of Elected Member Voting to be published following every Ordinary or Special Council Meeting in the Northern Valley News and on the Shire website and Facebook page.

Access to Recordings

5. The record of proceedings from the Agenda Forum is to be circulated to Council before the issuance of the Ordinary Council Meeting Agenda to the public.
6. The record of proceedings of Council and Electors meetings is to be loaded on to the Shire's website once the minutes have been made available.

Retention of Recordings

7. Recordings pertaining to the proceedings of Council Meetings shall be retained in accordance with the State Records Act 2000.

Disclosure of Policy

8. An excerpt of this Policy shall be printed within the agenda of all Council, Special Council, Electors and Special Electors meetings to advise the public that the proceedings of the meeting are recorded.
9. Signage and a verbal notice via the Presiding Member shall be provided to ensure that attendees to Council meetings are aware of the recording practice of Council.

Responsibility of Implementation

Office of the Chief Executive Officer

References:	<ul style="list-style-type: none">• Local Government (Council Meetings) Local Law 2014
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1.12 General Compliance and Enforcement

Policy Owner:	Governance
Person Responsible:	Executive Manager Development Services; Executive Manager Technical Services
Date of Approval:	18 August 2021
Amended:	19 July 2023

Objective

- Ensure a consistent approach in enforcement and compliance related matters;
- Provide transparency, apply procedural fairness and natural justice for all enforcement and compliance related matters;
- Provide an educational, cooperative and collaborative process towards compliance and enforcement, aimed at encouraging compliance; and
- To guide decision making and actions by the Shire in the consistent use of enforcement options commensurate with the risk.

Scope

To assist the Shire in utilising compliance and enforcement strategies as a method to achieve legislated objectives and encourage compliance by implementing a cooperative and collaborative approach to enforcement action.

1. POLICY

1.1 INTRODUCTION

The scope of this policy is to set out the Shire's approach to compliance and enforcement related matters. The policy provides a range of prescribed compliance and enforcement options for dealing with compliance matters. The policy also aims to ensure consistency in how the Shire makes decisions on enforcement action.

2. LEGISLATION ENFORCED BY SHIRE

This Policy applies to all compliance and enforcement actions where the Shire has a regulatory responsibility under State and Local Laws.

Departments within the Shire which may enforce legislation:

Building Services	<i>Building Act 2011 and Building Regulations 2012 Local Government Act 1995</i>
Planning Services	<i>Local Government Act 1995 and Regulations Planning and Development Act 2005 and Regulations Local Planning Scheme No. 6 Extractive Industries Local Law 2014</i>
Environmental Health Services	<i>Caravan Parks and Camping Grounds Act 1995 and Regulations Environmental Protection Act 1986 (Public Health component only) Environmental Protection (Noise) Regulations 1997 Environmental Protection (Unauthorised Discharge) Regulations 2004 Food Act 2008 and Regulations Health (Miscellaneous Provisions) Act 1911 Local Government Act 1995 and Regulations Public Health Act 2016 and Regulations Health Local Law 2017 Waste Local Law 2018 Shire of Chittering Local Government Property and Public Places Local Law 2023</i>
Ranger Services	<i>Bushfires Act 1954 and Regulations Cat Act 2011 and Regulations Shire of Chittering Keeping and Control of Cats Local Law 2023 Dog Act 1976 and Regulations Shire of Chittering Dogs Local Law 2023 Litter Act 1979 and Regulations Caravan Parks and Camping Grounds Act 1995 and Regulations Local Government Act 1995 and Regulations Local Government (Miscellaneous Provisions) Act 1960 Shire of Chittering Cemeteries Local Law 2023 Shire of Chittering Local Government Property and Public Places Local Law 2023</i>
Emergency Services	<i>Emergency Management Act 2005 and Regulations Local Government Act 1995 and Regulations Bush Fire Brigades Local Law 2012</i>
Technical Services	<i>Local Government Act 1995 and Regulations Local Government (Miscellaneous Provisions) Act 1960 Shire of Chittering Local Laws (as amended) Shire of Chittering Cemeteries Local Law 2023 Shire of Chittering Local Government Property and Public Places Local Law 2023</i>

3. **LOGGING A COMPLAINT**

Where a complaint relates to a breach in legislation for which the Shire is responsible for administering, the complaint shall be made in writing and include:

- (a) name and address, telephone number, and email address of the complainant;
- (b) address of the offending property; and
- (c) details of the alleged offence.

The Shire may consider verbal complaints received on a case by case basis and in accordance with the Compliance and Enforcement Matrix (Appendix 1).

The Shire will endeavour to keep complaints confidential, however the Shire notes that Freedom of Information applications may be made in accordance with the *Freedom of Information Act 1992* and will be assessed based on their individual merits.

4. **PRINCIPLES OF COMPLIANCE AND ENFORCEMENT ACTION**

The Shire is required to administer its statutory responsibilities under the applicable legislation in a transparent and fair manner in the interest of public health, safety, and amenity. Each compliance investigation undertaken by the Shire will be assessed on a case-by-case basis, and actioned according to the Compliance and Enforcement Matrix (included as an appendix) for each business unit area.

The Compliance and Enforcement Matrix is used as a guide only and an offence category can be reviewed during the investigation process.

5. **COMMUNITY ENGAGEMENT**

- Compliance matters will generally not be publically communicated.
- Where applicable, the Shire will work with residents, ratepayers, stakeholders and businesses to encourage compliance with relevant laws, regulations and policies.

6. **PROCESS OF INVESTIGATION**

- Review internal and external databases for any historical information pertaining to the complaint;
- Conduct site visits to ascertain if and what issues may be occurring;
- If a compliance matter exists, Shire staff will contact the accused to request information on matter, and provide time frames to achieve compliance; and either
- Provide extensions to time frames to achieve compliance where reasonably required; and
- Request applications for, and Notice of Determination approval and refusal audits for planning applications received; or
- Seek legal advice on pursuing the matter through formal warnings regarding prosecution; and if not resolved
- Issue prosecution notice (through legal solicitation).

7. ENFORCEMENT OPTIONS

- (a) No enforcement action taken;
- (b) Referral to an external agency or relevant authority;
- (c) Requests for retrospective development approvals (if applicable) or removal of unauthorised developments in accordance with relevant legislation and Local Planning Scheme No.6;
- (d) Infringement notices issued under relevant legislation;
- (e) Direction notices;
- (f) Orders and notices issued under relevant legislation; or
- (g) Prosecution action; or
- (h) A combination of the above.

8. OFFENCE CATEGORIES / DEFINITIONS

Where an investigation is undertaken and it is considered that there is sufficient evidence, the Shire will take the appropriate enforcement action based on the specific circumstances of each individual case, as defined within the following offence categories:

Minor: A minor offence is a breach of legislation, which has a minimal impact on the community, a person or the environment. The breach may be able to be resolved in a relatively short timeframe without any further impact on the community or the environment once compliance has been reached.

Moderate: A moderate offence is a breach of legislation that may initially have minimal impact on the community, life, critical infrastructure, property, or the environment but if allowed to continue the impact may have a major or more significant impact on the community. The breach may initially be able to be resolved with an infringement, directions notice or order under relevant legislation.

Major: A major offence is a breach of legislation that significantly affects or risks the health and safety of the community, life, critical infrastructure, property, or the environment. It may also be

a case whether the issue cannot be resolved in a relatively short timeframe or where the alleged offender is not willing to cooperate or negotiate in order to achieve compliance and which may lead to a prosecution action.

The offence category is subject to review during the investigation process.

The Shire further notes that the enforcement actions contained in the above definitions are not exhaustive to each particular definition.

9. COMPLIANCE INVESTIGATIONS

9.1 INVESTIGATION OF COMPLAINTS (REACTIVE COMPLIANCE)

Complaints will be prioritised for investigation based upon the offence category set out in clause 8 of this policy.

Decisions on enforcement action may have regard to any or all of the following considerations:

- (a) whether there has been a failure to comply with any request, direction or notice given by the Shire;
- (b) recommendations made at the Development Assessment Unit;
- (c) whether the breach or offence was committed wilfully or unknowingly;
- (d) any mitigating or aggravating circumstances (including vexatious complainants);
- (e) any demonstrated history of non-compliance;
- (f) the length of time since the incident (including statutory time frames);
- (g) the potential short and long-term consequences of non-compliance; and
- (h) legal precedents.

The Shire may take no enforcement action after an investigation where:

- (a) having considered the nature of the non-compliance, an educative approach to preventing the matter from continuing or reoccurring is considered most appropriate;
- (b) there is insufficient evidence to prove non-compliance after reasonable attempts have been made by the Shire to investigate the matter;
- (c) the individual or entity has discontinued or removed the unauthorised development or has obtained the relevant approval(s);
- (d) having regard for the capacity of the owner or occupier of the land, it is determined that an alternative approach to achieving compliance is more appropriate; and
- (e) the matter is considered trivial in nature, or would be an unreasonable use of the Shire's resources.

The Shire understands that some complaints received in relation to compliance issues may be the result of neighbourhood disputes. The Shire may discontinue an investigation of a complaint where it can be reasonably ascertained that the complaint is unsubstantiated or pertains to a civil matter. The Shire will not provide advice in relation to civil matters.

9.2 AUDITS, PATROLS, AND CHECKS (PROACTIVE COMPLIANCE)

The Shire may carry out proactive compliance in the following manner:

- (a) carry out audits upon development approvals and refusals;
- (b) carry out yearly audits of extractive industry licencing and conditions;

- (c) investigate compliance issues observed by Shire officers during the course of daily work related activities; and
- (d) conduct proactive compliance through an annual work program.

9.3 CONCLUSION OF AN INVESTIGATION

At the conclusion of an investigation, Shire officers shall use the most appropriate action based on this policy in conjunction with the Compliance and Enforcement Matrix.

Complainants will be advised in writing of the outcome of the investigation (subject to confidentiality requirements) and the compliance matter closed.

10. ACTING ON DEFAULT OF NOTICES OR ORDERS

The Shire may undertake works as specified in the notice or order to restore the land as nearly as practicable to its condition immediately before the development started or execute that work as it directed that person. The Shire may be entitled to recover its expenses in a court of competent jurisdiction.

11. PROSECUTION ACTIONS

11.1 INITIATION OF PROCEEDINGS

The Shire may determine to instigate prosecution proceedings under an Act, Regulation or Local Law where the Shire considers that the offence warrants such action.

The Shire may consider the following when determining whether to initiate prosecution proceedings:

- (a) the seriousness and nature of the offence;
- (b) legal advice received by the Shire;
- (c) any evidence of contempt or disregard for the law;
- (d) any public health or safety impacts resulting from the offence; and
- (e) whether the prosecution is in the public interest.

11.2 WITHDRAWAL OF PROSECUTION PROCEEDINGS

The Shire may consider the following when determining whether to withdraw from prosecution proceedings:

- (a) legal advice received by the Shire; or
- (b) in the opinion of the Chief Executive Officer, an appropriate level of compliance has been achieved; or
- (c) an error of law or fact; or

- (d) the owner or occupier of the land is deceased or cannot be located.

11.3 APPEAL OF INFRINGEMENTS, NOTICES OR ORDERS

In the event that an infringement, notice or order is appealed in accordance with the relevant legislation, the Shire may be required to substantiate its actions to a court or tribunal. This may result in the infringement, notice or order being overturned, amended or subject to mediation.

12. DELEGATIONS

Refer to Register of Delegations and Sub-delegations (as amended).

Appendix 1

Environmental Health Services

The aim of the Environmental Health Services directorate is to continually improve the health, safety, welfare and quality of life of people who live in, work in or visit the Shire of Chittering. To achieve this, the Shire uses a variety of statutory powers and duties, which are enforced in an equitable, practical and consistent manner. Care is taken to help businesses and others meet their legal obligations without unnecessary expense, whilst taking firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly. The list of general compliance actions within the directorate is extensive and offences are often categorised as major, however will vary at the Officers' discretion.

The Environmental Health Department contributes to the protection of public health and safety and provides a wide range of services aimed at safeguarding the environment and improving health, safety and well-being of our community. The main areas of work covered by this enforcement policy are:

- (a) Food Safety: inspection of food businesses, investigation of complaints about food and food premises, food sampling, advice and training.
- (b) Public Health: investigating food poisoning outbreaks and control of communicable disease, promoting public health initiatives, dealing with squalor and hoarder premises, private water supplies sampling.
- (c) Pollution Control: investigating complaints of statutory nuisance, dealing with contaminated land, tackling poor air quality, investigating complaints of wastewater systems.
- (d) Private Sector Housing: tackling unsatisfactory housing conditions in private rented accommodation, inspection and licensing of houses in multiple occupation, licensing of caravan parks, housing assistance towards repair and adapting homes; investigating complaints about inhabitable dwellings.
- (e) Licensing: determining and regulating various licensing and registration functions such as public buildings, alcohol, entertainment, gambling, skin penetration and hair dressers, scrap metal, roadside trading, charitable collections, lotteries, and pest control advice and treatment.

Compliance Matrix – Building Services

Offence Description	Statutory Authority	Offence Category		
		Minor	Moderate	Major
Building Compliance				
Unauthorised swimming pool or spa	Building Act s9			X
Authorised swimming pool or spa – no security barrier	Building Regs r50			X
Non-compliant pool barrier – hinges, windows	Building Regs r50	X		
Non-compliant pool barrier – non-compliant barrier (height, gates swinging in wrong direction, openings too large)	Building Regs r50			X
Unauthorised building work	Building Act s9,		X	
Unauthorised Demolition	Building Act s10			X
No Notice of Completion	Building Act s33	X		
Non-compliance applicable Building Standards – After completion	Building Act s37		X	
Non-compliance applicable Building Standards – Demolition	Building Act s38		X	
Occupying a building without Occupancy Permit	Building Act s41		X	
Non-Display or non-notification of Occupancy Permit	Building Act s42	X		
Occupation use to comply with Occupancy permit	Building Act s43		X	
Occupancy permit – General Compliance	Building Act s44		X	
Encroachments outside of works land	Building Act s76			X
Adverse impact to other land without consent	Building Act s77			X
No protection Structure on or over land without consent	Building Act s78		X	
Work not to affect party wall without consent	Building Act s79		X	

Compliance Matrix – Technical Services

Offence Description	Statutory Authority	Offence Category		
		Minor	Moderate	Major
Local Government Act 1995				
Unauthorised works within road reserve/POS	Schedule 9.1 (8)		X	
Damage public Infrastructure	Schedule 9.1 (8)		X	
Discharge stormwater into public land/Road	Schedule 9.1 (10)		X	
Wind erosion or sand drift	Schedule 9.1 (12)		X	
Cemeteries Local Law 2005				
Excessive Speed	Clause 5.4		X	
Unauthorised use – driving of vehicles	Clause 5.4	X		
Placing of rubbish and surplus materials	Clause 7.3	X		
Leaving uncompleted works in an untidy or unsafe condition	Clause 7.7	X		
Animal at large	Clause 8.1		X	
Dumping of rubbish	Clause 8.5	X		
Unauthorised advertising and or trading	Clause 8.6	X		
Disobeying sign or lawful direction	Clause 8.7	X		

Compliance Matrix – Planning Services

Offence Description	Statutory Authority	Offence Category		
		Mino	Moderate	Major
Development Compliance				
Unauthorised Land Use	LPS6		X	
Unauthorised Development – Structures	LPS6		X	
Unauthorised Development – Sea Containers	LPS6		X	
Unauthorised Commercial Vehicles	LPS6	X		
Unauthorised Fill/Excavation	LPS6		X	
Unauthorised Home Business / Occupation	LPS6	X		
Breach Development Approval Conditions			X	
Unauthorised Signage		X		
Extractive Industries:				
<ul style="list-style-type: none"> No Approval 	Extractive Industries Local Law			X
<ul style="list-style-type: none"> Breach of conditions minor 	Extractive Industries Local Law		X	
<ul style="list-style-type: none"> Breach of conditions major 	Extractive Industries Local Law			X
Unauthorised land use – stocking rates	LPS6	X		

Compliance Matrix – Ranger Services

Offence Description	Statutory Authority	Offence Category		
		Minor	Moderate	Major
Ranger Services				
Unregistered Dog	Dog Act S7(1)	X		
Unregistered Cat	Cat Act S5(1)	X		
Wandering Dogs – Private Property (Dog in a place without Consent)	Dog Act S33A(3)		X	
Wandering Dogs – Public (Dog not held or tethered in public place)	Dog Act S31(3)		X	
Dog Attack - Causing Physical Injury	Dog Act S33D(1)			X
Dog Attack - Causing No Physical Injury	Dog Act S33D(2A)		X	
Restricted Breed or Declared Dangerous Dog Offences	Dog Act S33E			X
Dog Causing a Nuisance by Barking	Dog Act S38(5)		X	
Collection of Stray Dogs - Community	Dog Act S29	X		
Collection of Stray Cats - Community	Cat Act S27	X		
Livestock – Wandering at Large	LG Miscellaneous Provisions Act & Local Law			X
Livestock - Trespassing	LG Miscellaneous Provisions Act		X	
Abandoned Vehicles - General	Local Government Act	X		
Abandoned Vehicles - Obstructing	Local Government Act		X	
Litter – Building Development Sites	Litter Act		X	
Litter – Illegal Dumping	Litter Act		X	
Litter – Household Rubbish	Litter Act	X		
Signage – Nuisance signs	Litter Act	X		
Unightly Properties	Local Law	X		
Illegal Camping	Local Government Act	X		
Registration Enquiries	Dog & Cat Acts	X		
Pound Transfer	Local Government Act, Dog Act, Cat Act	X		
Breach of fire safety	Bush Fire Act 1954		X	

1.13 Recording and Access to Recordings of Council Meetings

Policy Owner:	Governance
Person Responsible:	Executive Assistant
Date of Approval:	20 November 2019
Amended:	18 May 2022; 20 July 2022; 19 July 2023

OBJECTIVE

- To ensure that there is a process in place to outline access to the recorded proceedings of Council including Elected Member voting on Council Resolutions.
- To emphasise that the reason for the recording of Council Meetings and Elected Member voting is to ensure the accuracy of Council Minutes and transparency on how elected members are voting to represent the community's interest and that any reproduction is for the sole purpose of Council business.

POLICY

Recording of Proceedings

10. Proceedings for meetings of the Council, Electors, and Public Question Time during Council meetings shall be recorded by the Shire on sound recording equipment, except in the case of meetings of the Council where the Council closes the meeting to the public.
11. Notwithstanding clause 1, proceedings of a meeting of the Council which is closed to the public shall be recorded where the Council resolves to do so.
12. No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without approval as per Shire of Chittering Standing Orders Local Law 2023.
13. A table of Elected Member Voting to be published following every Ordinary or Special Council Meeting in the Northern Valley News and on the Shire website and Facebook page.

Access to Recordings

14. The record of proceedings from the Agenda Forum is to be circulated to Council before the issuance of the Ordinary Council Meeting Agenda to the public.
15. The record of proceedings of Council and Electors meetings is to be loaded on to the Shire's website once the minutes have been made available.

Retention of Recordings

16. Recordings pertaining to the proceedings of Council Meetings shall be retained in accordance with the *State Records Act 2000*.

Disclosure of Policy

17. An excerpt of this Policy shall be printed within the agenda of all Council, Special Council, Electors and Special Electors meetings to advise the public that the proceedings of the meeting are recorded.
18. Signage and a verbal notice via the Presiding Member shall be provided to ensure that attendees to Council meetings are aware of the recording practice of Council.

Responsibility of Implementation

Office of the Chief Executive Officer

References:

- Shire of Chittering Standing Orders Local Law 2023

1.14 Execution of Documents and Use of the Common Seal

Policy Owner:	Governance
Person Responsible:	All Executive Managers
Date of Approval:	20 July 2022
Amended:	21 June 2023

POLICY OBJECTIVE

The objective of this Policy is to establish, in accordance with the requirements of Part 9, Division 3 of the *Local Government Act 1995* (the Act), protocols and procedures for the execution of documents and the affixing and administration of the Shire of Chittering's Common Seal.

SCOPE

This Policy applies to all officers preparing documents for execution and/or who have been authorised to execute documents on behalf of the Shire.

Documents and correspondence which relate to day to day routine communications or transactions (Category 3 documents) do not require specific authorisation through Council, as they are the subject of Section 5.41(d) of the Act, which provides that it is the CEO's duty to manage the day to day operations of the Shire. Such duties are undertaken by officers "acting through" another person, in accordance with section 5.45 of the Act.

POLICY

This Policy covers four categories of documents as outlined below. The Shire of Chittering authorises the Shire President and the Chief Executive Officer to sign and affix the Common Seal to documents using the execution clauses as exemplified under "Category 1(A) Documents" of this policy.

Category 1(A) Documents

Category 1(A) documents **require a specific resolution of Council** to enter into an agreement as well as an authority to affix the seal. In accordance with s9.49A(2), these documents will be executed by having the common seal affixed under the specific authorisation of Council in the presence of, and attested by, the Shire President and CEO. Pursuant to s9.49A(3)(b) of the Act, the Shire President and a senior employee (if authorised by the CEO) can also affix and attest the common seal.

The following is a list of Category 1(A) documents:

- Deeds of Agreement and Release in respect to sale or purchase relating to Shire land including equitable interests;

- Town Planning Schemes and Scheme Amendments;
- Local Laws;
- Documents of a ceremonial nature;
- Land transactions, including but not limited to sale, assignments, consent to mortgage, surrenders, transfers and memorials as resolved by Council (this does not include Category 2 land transactions i.e. disposal via leasing or licencing of land or properties and execution of Landgate documents);
- Licensing contracts where the Shire is the Licensor; and
- Documents specified by resolution of Council to be executed by the Common Seal.

Category 1(B) Documents

Category 1(B) documents are those of a general form or category and which may be subject to time constraints for execution. These documents are to be sealed as part of a “class of documents” authorised by Council to be executed under the common seal without a specific Council resolution to affix the seal.

Please note that the document may not require a Council resolution (being a Category 1(B) document) however, the decision to undertake a particular course of action may still require Council approval.

The following list of documents are Category 1(B) documents:

- Agreements relating to grant funding, when the funder requires that the agreement be signed under seal;
- Debenture documents for loans which Council has resolved to raise;
- General Legal and Service Agreements not already listed in this policy; and
- Any document stating that the Common Seal of the Shire of Chittering is to be affixed provided it is not a Category 1(A) document.

In accordance with s9.49A(2), the attachment of the Common Seal requires attesting by both the Shire President (or in their absence the Deputy Shire President) and the Chief Executive Officer (or the person acting in that position). Section 9.49A(3)(b) of the Act, provides that the Shire President and a senior employee (if authorised by the CEO) can also affix and attest the common seal.

Category 2 Documents

Category 2 documents do not require the Common Seal to be affixed.

Under section 9.49A(4), Council authorises the Officers listed in the relevant Authorisation, found in the Shire’s Authorisations Register, to sign documents and/or deeds on behalf of the Shire of Chittering. Executive Managers only have authority where the documents are related to their area of responsibility.

The positions of Executive Manager Development Services; Executive Manager Technical Services; and Deputy Chief Executive Officer are restricted to executing documents that are to a value of \$150,000 or less.

The execution of a document must not be inconsistent with a Council Policy or resolution.

Documents may only be executed where the funds are available and allocated for the proposed purpose in the approved budget.

The following are examples of Category 2 documents:

- Documents and/or deeds required in the management of land as a landowner or where land is a Reserve vested to the Shire of Chittering;
- Documents required to enact a decision of Council or the Development Assessment Panel (e.g. contractual documents resulting from a tender process or a memoranda of understanding);
- Documents required to enact a decision made under delegated authority or as a condition or approval given under delegated authority;
- Legally binding contracts (other than tenders) that are required to engage services or purchase products when these documents are not inconsistent with the Shire's purchasing and procurement terms and conditions;
- Contracts for incoming grant funding
- Other legally binding contracts outside of the normal course of business (e.g. confidentiality, indemnity, licensing, novation and sponsorship agreements); and
- Documents and/or deeds related to leases and licences of Shire land and properties. This category includes any arrangements relating to the disposal of property via a lease or licence (but not sale), and includes but is not limited to:
 - agreement to lease or licence;
 - variation of lease or licence;
 - assignment of lease or licence;
 - subleases; and
 - surrender of lease or licence.
- The following Landgate documents and/or deeds including lodgement, removal, withdrawal, surrender/cancel or modification:
 - Notifications in accordance with Section 70A of the *Transfer of Land Act 1893*; Covenants, easements and caveats under the *Transfer of Land Act 1893*
 - Reciprocal easements and/or parking agreements
 - Rights of carriageway agreements
 - Amalgamations
 - Easements or deeds of easement under the *Land Administration Act 1997* and/or *Strata Titles Act 1985*.

Category 3 Documents

Category 3 documents are documents that are created in the normal course of business to discharge the duties of an Officer's position in a manner consistent with Shire policies and

procedures. Category 3 documents are to be executed by the CEO, a Director or Manager, or a Shire officer, where the authority and accountability has been extended through an authorisation, policy, procedure, or a position description. It is therefore important to have a good knowledge of the documents that relate to the team that is responsible for the document.

These documents include but are not limited to the following:

- Agreements in the normal course of business for the purchase of goods or services identified within the business unit's budget (other than for tenders) and conforming to the requirements of the Shire's Purchasing Policy and other relevant policies (e.g. Contracts for outgoing grant funding);
- General correspondence required to discharge the duties of your position;
- Grant applications;
- Documents to authorise funding allocations for community groups; and
- Regular hire arrangements.

Common Seal Register

1. The Chief Executive Officer shall maintain a register of all documents executed with the Common Seal;
2. The register is to record each Common Seal transaction and include an identification number, date, the nature of the document and the parties to the document being executed; and

Execution Clauses

The correct execution clauses for Shire of Chittering documents are below. Officers must ensure the document being executed contains the correct execution clause.

Category 1(A) documents:

THE COMMON SEAL of)
SHIRE OF CHITTERING)
(ABN 48 445 751 800))
was hereunto affixed by a)
resolution of Council and in accordance with the)
provisions)
of the *Local Government Act 1995* (WA))
in the presence of)

Date

by:

Signature of President

Print name of President

Signature of Chief Executive Officer

Print name of Chief Executive Officer

Category 1(B) documents:

THE COMMON SEAL of)
SHIRE OF CHITTERING)
(ABN 48 445 751 800))
was hereunto affixed in accordance with the provisions)
of the *Local Government Act 1995* (WA))
in the presence of)

Date

by:

Signature of President

Print name of President

Signature of Chief Executive Officer

Print name of Chief Executive Officer

Category 2 documents - Deeds:

EXECUTED as a DEED by the)
SHIRE OF CHITTERING)
(ABN 48 445 751 800))
In accordance with s9.49A of the)
Local Government Act 1995 (WA))
by its authorised officers:-)

Date

by:

Signature of Chief Executive Officer
Deputy Chief Executive Officer
Executive Manager Development Services
Executive Manager Technical Services

Print name of Chief Executive Officer
Deputy Chief Executive Officer
Executive Manager Development Services
Executive Manager Technical Services

Signature of Witness

Print name of Witness

Category 2 documents – Other Documents:

EXECUTED by the)
 SHIRE OF CHITTERING)
(ABN 48 445 751 800))
 In accordance with s9.49A of the)
Local Government Act 1995 (WA))
 by its authorised officers:-)

Date
 by:

 Signature of Chief Executive Officer
 Deputy Chief Executive Officer
 Executive Manager Development Services
 Executive Manager Technical Services

 Print name of Chief Executive Officer
 Deputy Chief Executive Officer
 Executive Manager Development Services
 Executive Manager Technical Services

 Signature of Witness

 Print name of Witness

References:	<ul style="list-style-type: none"> • Delegations Register • Authorisations Register • Common Seal Register
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1.15 Social Media

Policy Owner:	Corporate Services
Person Responsible:	Deputy Chief Executive Officer
Date of Approval:	21 June 2023
Amended:	

Statement

The Shire of Chittering:-

- is committed to engaging with its community and staff in relevant and meaningful ways, and is cognisant of the ever increasing and important role of online social media for communication, engagement and interaction.
- uses Social Media for information sharing and to provide responsive feedback to our community.
- may also post and contribute to Social Media hosted by others, so as to ensure that the Shire's strategic objectives are appropriately represented and promoted.

Policy

The Shire of Chittering encourages open discussion on its social media pages. To ensure everyone has an opportunity to engage with the Shire.

If you like or follow us on social media, you can expect to see the latest news, updates, event announcements and information about our latest projects and initiatives. We also regularly advertise opportunities for you to get involved and have your say on projects, plans and strategies that interest you.

The Shire actively seeks ideas, questions and feedback from our community however, we expect participants to behave in a respectful manner. The Shire of Chittering will moderate its Social Media accounts to address and where necessary delete content deemed to be:

- violent, obscene, profane, hateful, derogatory, racist or sexist language links or images;
- offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;
- threatening, harassing or bullying;
- information that may compromise individual or community safety or security;
- any discussion or promotion of behaviour that is unlawful;
- infringes copyright, intellectual and privacy laws;
- comments that threaten or defame any person or organisation;
- solicitations, advertisements, endorsements or spam;
- encouragement or glamorisation of the use of alcohol, tobacco, or illegal drugs;
- multiple successive off-topic posts by a single user;

- repetitive posts copied and pasted or duplicated by single or multiple users;
- content that promotes or opposes any person campaigning for election to the Council, appointment to official office, or any ballot
- any other inappropriate content or comments as determined by the Shire of Chittering.

The Shire of Chittering reserves the right to turn off comments if we do not have the resources to monitor the page.

When interacting with this page, we ask that you:

- exercise courtesy;
- do not post your personal address or phone number;
- acknowledge that the Shire cannot check the accuracy of every post and does not take any responsibility for reliance on posts on this page; and
- adhere to Facebook Guidelines.

By “liking” or “following” any of the Shire of Chittering pages you acknowledge the terms outlined in this policy. Users who do not comply with these Guidelines will be blocked from the page at the discretion of the Shire of Chittering.

The Shire of Chittering reserve the right to remove content that violates these guidelines, at the Shire’s absolute discretion.

The Shire of Chittering does not accept responsibility for external comments on their page/s. They are not representative of the opinions or views of the Shire, nor does the Shire make any warranty to their accuracy.

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

The Shire of Chittering may also post and contribute to Social Media hosted by others, so as to ensure that the Shire’s strategic objectives are appropriately represented and promoted.

Enquiries via Social Media

Due to the volume and number of different types of requests we receive, these cannot be answered or resolved via social media.

Social Media will not be used by the shire to communicate or respond to matters that are complex or relate to a person’s or entities private affairs.

Should you contact us at chatter@chittering.wa.gov.au if you:-

- have a general question or enquiry
- need to request a service or report an issue
- would like to give us official feedback
- wish to make a complaint

Finance Policies

2.1 Investment of Funds

Policy Owner:	Corporate Services
Person Responsible:	Deputy Chief Executive Officer
Date of Approval:	19 August 2009
Amended:	21 June 2023

Objective

To invest the Shire of Chittering's surplus funds, with consideration of risk and the most favourable rate of interest available to it at the time, for that investment type, while ensuring that its liquidity requirements are being met.

Policy

Legislative Requirements

All investments are to comply with the following:

- Local Government Act 1995 – Section 6.14;
- The Trustees Act 1962 – Part III Investments;
- Local Government (Financial Management) Regulations 1996 – Regulation 19, Regulation 28 and Regulation 49
- Australian Accounting Standards

Delegation of Authority

Authority of the implementation of the Investment of Funds Policy is delegated by Council to the Chief Executive Officer in accordance with the **Local Government Act 1995**. The Chief Executive Officer may in turn delegate the day-to-day management of Council's Investments to the Deputy Chief Executive Officer.

Prudent Person Standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. Officers are to manage the investment portfolios to safeguard the portfolios in accordance with the spirit of this Investment of Funds Policy, and not for speculative purposes.

Approved Investments

Investments may only be made with authorised institutions.

Definition of an “**authorised institution**” is as follows:

An authorised deposit-taking institution as defined in the **Banking Act 1959** (Commonwealth) section 5; or the Western Australian Treasury Corporation established by the **Western Australian Treasury Corporation Act 1986**.

Prohibited Investments

Investments which are not allowed are as follows:

- Deposits with an institution except an authorised institution;
- Deposits for a fixed term of more than 12 months;
- Bonds that are not guaranteed by the Commonwealth Government, or a State or Territory Government;
- Bonds with a term to maturity of more than 3 years;
- Foreign currency.

Risk Management Guidelines

Investments are restricted to bank investments only. The term of the investment will be based on forward cash flow requirements to ensure investment return on available surplus funds.

Reporting and Review

A report on the investments will be included on the monthly Bank Reconciliation presented to Council, detailing which institution the investment is lodged with, the interest rate and the date of maturity.

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on Council's behalf as at 30 June each year and reconciled to the Investment Register.

2.2 Rating

Policy Owner:	Corporate Services
Person Responsible:	Executive Manager Corporate Services Rates Officer
Date of Approval:	19 August 2009
Amended:	

Objective

To provide guidelines for the collection of rates and to authorise the Chief Executive Officer to apply alternative instalment options, to appoint debt collection agencies and to comply with all other requirements of the **Local Government Act 1995**.

Policy

1. Rates Collection

A copy of the rate assessment marked "Final Notice" shall be issued approximately forty days after issue of the original assessment, allowing fourteen days for payment of the account.

If payment is not received after this time, the debt may be forwarded to the debt collection agency and a letter advising of impending legal action for recovery of outstanding rates and service charges shall be issued fifty nine (59) days after issue of the original assessment, allowing five (5) business days for payment.

Outstanding rate accounts for which satisfactory arrangements to pay have not been made within sixty days after issue of the original assessment, the debt collection agency appointed by the Chief Executive Officer will be advised to proceed with legal action.

Legal action to recover overdue rates is also subject to the Magistrates Court of WA legislation and procedures.

2. Alternative payment arrangements

The Shire of Chittering encourages ratepayers to contact the Rates Department if they are not able to pay their rates in full, or in instalments as set out on their original rate notice, in order to negotiate an acceptable payment arrangement.

Ratepayers can apply to the Shire for a payment arrangement. An **application form** is to be completed. The outstanding balance can be paid by making regular payments weekly, fortnight or monthly.

In order for the Shire to accept this arrangement, the regular payments must cover the amount of the rates and service charges levied for the year, including rates arrears by 31 May of the rating year. Other conditions may apply

Payment arrangements are subject to a “special arrangement fee”, plus late payment interest, as set by Council in its Annual Financial Budget; which will accrue over the arrangement period until paid in full.

Missed or late payments will result in this payment arrangement being cancelled, and further debt recovery action may be taken.

3. Where rates or service charges remain unpaid

Where rates remain outstanding, a caveat may be lodged to preclude dealings in respect of the land to protect Council’s interests.

Where previous actions to collect outstanding rates and service charges have not been successful and the rates and/or service charges remain unpaid for at least three years, Council in accordance with S6.64 of the Local Government Act 1995 may take possession of the land and hold the land as against a person having an estate or interest in the land and:

- a) from time to time lease the land; or
- b) sell the land; or
- c) cause the land to be transferred to the Crown; or
- d) cause the land to be transferred to the Shire of Chittering.

4. Pensioners and Seniors

Persons registered to receive a pensioner or senior rebate under the *Rate sand Charges (Rebates and Deferrals) Act 1992* have until 30 June of the current financial and rating year to make payment.

Pensioners who hold only a partial ownership of their property or who hold only the WA Seniors card are not eligible to defer their rates and ESL.

Debt collection may commence where there is another ratepayer on the account who is not an eligible Pensioner or Senior and the account remains unpaid after the end of the financial year.

Debt collection may commence against eligible Pensioners and Seniors if the rubbish and any other fees and charges remain unpaid for a period of two (2) years or more.

5. Rates Incentive Scheme – Terms & Conditions

- 5.1. Payment in full to be made by mail or electronic format (date of receipt at the Council Office is the date of payment), or in person at the Shire Offices, 6177 Great Northern Highway, Bindoon.
- 5.2. Payment in full is to be receipted at Council’s office on the due date stated on the front of the original rate notice.

- 5.3. No responsibility will be accepted for late service of any rate notice.
- 5.4. Only one entry per rate notice.
- 5.5. The winner will be determined by random selection.
- 5.6. The winner will be notified and published in the Northern Valleys News, Chatter, eChatter, Shire of Chittering Website and Facebook.
- 5.7. Decision of the Council is final and no correspondence will be entered into.
- 5.8. Once the prize has been collected by the winner, the Shire of Chittering accepts no responsibility for any costs or associated administration with the prize, including warranty.
- 5.9. All other costs and expenses and expenses associated with the prize, beyond the specified prize, will be the responsibility of the winner. The winner is not entitled to any compensation if they are unable to use all or any part of the prize for whatever reason.
- 5.10. If the prize, or any part of the prize, becomes available due to circumstances beyond the Shire of Chittering's control, then the Shire of Chittering may – at its absolute discretion – substitute a different prize in place of any prize as they see fit.

2.3 Requests for Assistance and/or Donation

Policy Owner:	Corporate Services
Person Responsible:	Deputy Chief Executive Officer Community Development Officer
Date of Approval:	19 August 2009
Amended:	15 February 2018; 21 June 2023

Objective

To provide guidelines for assistance and/or donations to the community.

Policy

In recognition of the pivotal role that community groups and organisations play in developing vibrant and diverse communities, Council is committed to the provision of support and assistance in the Shire of Chittering's Annual Budget.

No verbal requests will be accepted.

Grants, Events, Printing, Works, Community Bus, Community Assistance Grants and Sponsorship

The Community Funding Advisory Group will make recommendations and the Community Development Officer will prepare the necessary report to Council for final decision.

General

Requests for donations \$500 and less may be authorised for payment by the Shire President.

Requests for donations over \$500 will be presented to Council in the form of a Council Agenda Report for determination.

2.4 Credit Cards

Policy Owner:	Corporate Services
Person Responsible:	Deputy Chief Executive Officer
Date of Approval:	19 August 2009
Amended:	17 June 2020; 20 July 2022

The Shire has entered into an agreement with the Bendigo Bank for the supply of a Corporate Business Card which will operate on the Bendigo Bank Master Card.

The objectives for introducing the Corporate Card are:

- to allow the Shire's suppliers to receive speedier payments;
- to reduce paperwork for both the Shire and its suppliers;
- to reduce the number of enquiries concerning unpaid accounts;
- to facilitate productivity gains to the various departments of Council;
- to reduce requirements to obtain petty-cash and to reduce the possibility of cash theft;
- to take advantage of discounts being offered for early payment; and
- to make use of internet based purchases.
- to be able to make purchases in an economy increasingly designed for instant purchasing
- to be able to make purchases in an economy increasingly designed for instant purchasing

It is not intended that cards be used to bypass the current system of ordering goods and services by requisition through a purchase order.

Corporate Services will be responsible for all aspects relating to the Corporate Business Card including, but not limited to the:-

- acquisition;
- closure of accounts;
- destruction of; and
- maintenance of an up-to-date register of all cardholders, card numbers and card expiry dates.

Before the Authorised Officer receives the Corporate Business Card each is required to acknowledge in writing (Authorised Officer Agreement) that they will comply with stipulations of this policy, by completing the "[Issue of Credit Cards and Fuel Cards](#)" form.

The Authorised Officer is to have regard to the **Local Government Act 1995** and Council's adopted policies.

AUTHORISED OFFICERS

Authorised Officers for the purpose of this policy shall be the Chief Executive Officer, Deputy Chief Executive Officer, Executive Manager Development Services, Executive Manager Technical Services and Community Emergency Services Manager.

The credit limit for the Bendigo Bank Corporate Credit Card account is \$25,000 and this comprises of Corporate Credit Cards for the following officers:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Executive Manager Development Services
- Executive Manager Technical Services
- Community Emergency Services Manager

A \$5,000 purchase limit applies to all credit card holders; except the Chief Executive Officer.

RESPONSIBILITIES OF AUTHORISED OFFICERS

The following are the responsibilities of Authorised Officers issued with Corporate Business Cards:

- (i) Forward all dockets and invoices to Corporate Services as soon as practicably possible.
- (ii) Monitor adherence to the policies and procedures in relation to the card and ensure financial limits are adhered to.
- (iii) The Corporate Business Card is issued to the Authorised officer - who remains accountable for all transactions conducted with their card. Handing the card to an employee for an “authorised purchase” will automatically confirm – using the concept of “Acting Through” - that the use of the card for that purchase is authorised by the card holder
- (iv) Ensure that the merchant records a full and proper description of the goods purchased on the sales docket (i.e. description likes “goods” are not acceptable).
- (v) Ensure that for transactions on their card every sales docket or receipt, is signed off prior to reconciliation.
- (vi) If the Authorised Officer disagrees with or disputes any transaction on the billing statement the Authorised Officer must inform Corporate Services.
- (vii) If the Authorised Officer loses a sales docket a [“Lost/No Receipt” declaration form](#) should be completed in full and submitted to the Deputy Chief Executive Officer.
- (vii) Before proceeding on any extended leave, Authorised Officers must ensure all sales dockets are forwarded to Accounting Services for processing.
- (viii) The cardholder is to submit all sales dockets relating to purchases on their card to Accounting services on the last day of each calendar month for reconciliation. Any

discrepancies or unauthorised expenses will be dealt with in accordance with this policy and could lead to money being recovered from the authorised user's salary.

- (ix) The Authorised Officer must **immediately** report loss or theft of the Corporate Business Card to the Bendigo Bank and the Deputy Chief Executive Officer.
- (x) Authorised Officers must return the Corporate Business Card to the Deputy Chief Executive Officer immediately, if the officer:
 - a) resigns; or
 - b) is instructed to relinquish the card.

GOODS AND SERVICES FOR WHICH THE CREDIT CARD CAN BE USED

The Corporate Business Card can be used to procure goods and services up to the value of financial limits (see above) approved by the Chief Executive Officer, and to which expenditure is authorised and provided for in the Council's budget.

The following exception applies:

The card **cannot be used** to draw cash

2.5 Purchasing & Procurement

Policy Owner:	Corporate Services
Distribution:	All Employees
Person Responsible:	Deputy Chief Executive Officer
Date of Approval:	19 August 2009
Amended:	28 October 2015; 26 October 2016; 7 August 2018; 16 June 2021; 20 July 2022; 19 October 2022

OBJECTIVES

- Comply with the ***Local Government Act 1995, Local Government (Functions and General) Regulations 1996, State Records Act 2000***
- Provide consistency and uniformity in the purchase of goods and services within the Shire of Chittering.
- Enable the Shire to obtain the best value for money considering any environmental, local and social economic factors.
- Ensure regular “testing of the market” to gather “value for money” evidence.

1. ETHICS & INTEGRITY

- 1.1** All officers and employees of the Shire shall observe the highest standards of ethics and integrity in undertaking all purchasing activities and act in an honest and professional manner that supports the standing of the Shire.
- 1.2** The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties;
 - Full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
 - All purchasing practices shall comply with relevant legislation, regulations and requirements and be consistent with the Shire’s policies and Code of Conduct;
 - Purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
 - All processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
 - Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed;

- Any information provided to the Shire by a supplier shall be treated as commercial in confidence and shall not be released unless authorised by the supplier or relevant legislation.

2. VALUE FOR MONEY

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

2.2 An assessment of the best value for money outcome for any purchasing shall consider;

- All relevant whole-of-life costs 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
- Financial viability and capacity to supply without the risk of default, including the competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history
- A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

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

3. SUSTAINABLE PROCUREMENT

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

3.2 The Shire is committed to implementing sustainable procurement by providing a preference to suppliers that demonstrate sustainable business practices that minimise environmental and negative social impacts, balanced against value for money outcomes.

3.3 The Shire shall at all times endeavour to identify and procure products and services that demonstrate environmental best practice in energy and water efficiency and/or consumption which can be demonstrated through suitable rating systems and eco-labelling.

4. SUPPORTING LOCAL INDUSTRY – REGIONAL PRICE PREFERENCE

- 4.1 The Shire encourages, promotes and supports economic development for local suppliers permanently based throughout our district, by way of ensuring that it's buying practices and procedures consider the involvement of local businesses and residents.
- 4.2 The Shire of Chittering recognises that it has a role in the economic development of the local community and in assisting local industry in accessing opportunities to conduct business with the Shire.
In supporting or encouraging local industry, matters relating to:
 - Value for money;
 - Environmental performance;
 - National Competition Policy; and
 - Transparency of decision-making must be addressed.
- 4.3 The **Local Government (Functions and General) Regulations 1996** provide opportunity for local government to establish Regional Price Preference.
- 4.4 Regional Preference can include any area, but must include the entire district of the local government and cannot include a part of the Metropolitan Area
- 4.5 The region this policy relates to is the entire Shire of Chittering area.
- 4.6 The following levels of preference will be applied under this policy:
 - a) 10% - where the contract is for goods or services, up to a maximum price reduction of \$50,000;
 - b) 5% - where the contract is for construction (building) services, up to a maximum price reduction of \$50,000; or
 - c) 10% - where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$500,000, if the local government is seeking tenders for the provision of those goods and services for the first time, due to those goods or services having been, until then, undertaken by the local government.
- 4.7 Only those goods and services identified in the contract/tender as being supplied locally will be included in the discounted calculation that forms a part of the assessments of a contract/tender.
- 4.8 A regional price preference applies whenever contracts/tenders are called unless the local government resolves otherwise in reference to a particular contract/tender.
- 4.9 It should be noted that price is only one factor or criteria when considering tenders. Value for money principals will be used to achieve the best possible outcome for the contract/tender.

5. PURCHASING THRESHOLDS

Purchase Amount (Ex GST)	Supply Requirement
Up to \$10,000	Direct purchase from suppliers

\$10,001 to \$30,000	Obtain at least two verbal or written quotations
\$30,001 to \$50,000	Obtain at least two written quotations
\$50,001 to \$249,999	Obtain at least three written quotations containing price and specification of goods and services
\$250,000 and above	Conduct a public tender process

- 5.1** The Shire will periodically review recent past purchasing activity across its operations to identify categories of supply for which the Shire will have continuing need and which can be aggregated into single contract arrangements in order to achieve best value for money and efficiency in future purchasing activity.
- 5.2** The assessment of aggregated expenditure for the same category of supply capable of being supplied by a single supplier will determine the Purchasing Value threshold applicable to future purchasing activity.
- 5.3** The responsible officer is expected to provide a sufficient amount of information relating to the specification of goods and services, demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.
- 5.4** Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$250,000 threshold (excluding GST). If a decision is made to seek public tenders for contracts of less than \$250,000, a “Request for Tender” process that entails all the procedures for tendering outlined in this policy must be followed in full.
- 5.5** The general principles for verbal and written quotations shall be followed as noted below.
- 5.6** General principles for obtaining verbal quotations
- Ensure that the requirement / specification is clearly understood by the Shire employee seeking the verbal quotations.
 - Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
 - Confirm the details with the Supplier contact person to confirm their accuracy.
 - The responsible officer shall demonstrate due diligence when seeking quotes and shall comply with the Shire's record keeping policies and audit requirements.
 - Written notes detailing each verbal quotation must be recorded.
 - Record keeping requirements must be maintained in accordance with record keeping policies
- 5.7** All documents relating to the quotation process must be saved in the Shire's relevant Electronic Management System.
- 5.8** General principles relating to written quotations

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

6. ORDERING & PAYMENT THRESHOLDS

The CEO is authorised to sign purchase orders and approve payments on behalf of Council in line with the Local Government (Functions and General) Regulations 1996. The CEO may authorise additional officers to approve purchase orders and payments to facilitate administrative efficiency and ensure segregation of duties.

7. REGULATORY COMPLIANCE

In the following instances purchase orders or public tenders are not required (regardless of the value of expenditure);

- An emergency situation as defined by the **Local Government Act 1995**.
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government.
- The purchase is under auction which has been authorised by Council.
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines.
- Any of the other exclusions under Regulation 11 of the **Local Government (Functions and General) Regulations 1996** apply.

8. CONTRACTORS

8.1 Under the **Work Health and Safety Act 2020**, “Contractors” form part of the definition of/as a “worker”. Consequently the PCBU (The Shire of Chittering) has a primary duty of care to ensure the health and safety of their workers while they are at work.

8.2 Contractor Engagement Procedures

- 8.2.1 Before engaging the services of Contractors (ie “workers”) the Shire must ensure that they have completed all of the necessary “Worker – Work Health and Safety System Process” – which includes providing all current and necessary insurances, licences, qualifications, task risk assessments and inductions; which will enable them to perform their work safely and effectively.
- 8.2.2 The tender or contractual documentation should contain appropriate indemnity insurance clauses.
- 8.2.3 Contractors must provide current Certificates of Currency for Public Liability, Professional Indemnity, Motor Vehicle and Workers Compensation and copies of other relevant licence(s) and must ensure that subcontractors also supply Certificate of Currency as required and where applicable.
- 8.2.4 All documentation and insurances specified above (in point 8.2.3) are to be kept current for the duration of the contract.
- 8.2.5 Contractors shall observe and comply with all relevant legislation, including the ***Workers Compensation and Injury Management 1981, Work Health and Safety Act 2020, Occupational Safety and Health Regulations 1996*** and the ***State Records Act 2000***. Contractors must also comply with improvement and prohibition notices, Codes of Practice, Guidance Notices, Australian Standards and Council requirements and policy.

8.3 Contractor Termination

Tender and contractual documentation is to contain the clauses that are set out below:

- i) The Shire may terminate its agreement with the contractor immediately upon written notice to the contractor if the contractor fails to work with due diligence or expedition or make default in the performance of or observance of any covenant, condition or stipulation contained in these guidelines and the agreement made with the contractor or refuses or neglects to carry out any instruction which the Shire is empowered to give or make under these guidelines.
- ii) The Shire may terminate its agreement with the contractor immediately upon written notice to the contractor if the contractor enters bankruptcy or enters into liquidation, a deed of assignment, deed or arrangement or similar style proves with creditors or commences to carry on business under a receiver for the benefit of its creditors or any other party.

9. SOLE SOURCE (MONOPOLY) SUPPLIERS

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

Note:

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

10. ANTI-AVOIDANCE

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

11. VARIATIONS TO PURCHASE ORDERS

11.1 Where a purchase order has been issued for the procurement of goods or services and it is identified that a variation to the original quoted price is required, the original purchase order plus the value of the variation, cumulatively needs to be appropriately authorised.

For example, a purchase order has been issued for \$40,000 for agreed works. The purchase order has been authorised by the Coordinator/Manager (in accordance with their authorisation limit), a variation of \$11,000 is required. The project now totals \$51,000 and therefore the original Coordinator/Manager (in accordance with their authorisation limit), no longer has the capacity to authorise the amendment. As the amendment has made the total costing of the works increase to an amount above the original authorising officers' approval, the amendment must now be approved by a relevant officer in accordance with their authorisation limit. The total of cost of works including any amendments must be appropriately authorised.

11.2 Where a purchase order has been issued for the procurement of goods or services and it is identified that a correction to the original general ledger or job code is required, prior to the processing of the supplier invoice, the Procurement Officer has authorisation to make the necessary coding corrections. Any corrections are to be noted in the purchase order for audit purposes.

12. TENDER CRITERIA

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

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

For requests with a total estimated (excluding GST) price of;

- Between \$40,000 and \$249,999, the panel must contain a minimum of two employees.
- \$250,000 and above, the panel must contain a minimum of three employees.

13. ADVERTISING TENDERS

- 13.1** Tenders are to be advertised in a state-wide publication, e.g. *The West Australian* under the “Local Government Tenders” section, with preference on a Wednesday or Saturday.
- 13.2** The advertisement shall be placed on the public notice boards located at the Shire of Chittering Administration and Library building.
- 13.3** Tenders are also to be advertised on the Shire’s website or social media administered by the Shire.
- 13.4** The tender must remain open for a minimum of fourteen (14) working days after the date the tender is advertised. Care must be taken to ensure that fourteen full working days are provided as a minimum.
- 13.5** The notice must include;
- a brief description of the goods or services required
 - information as to where and how tenders may be submitted
 - the date and time after which tenders cannot be submitted (tender deadline or close date)
 - particulars identifying a person from who more detailed information as to tendering may be obtained
 - detailed information shall include;
 - such information that the Shire decides shall be disclosed to those interested in submitting a tender
 - detailed specifications of the goods or services required
 - the criteria for deciding which tender should be accepted
 - how tenders can be submitted. E.g. Electronically, in person etc.
 - whether or not the Shire has decided to submit a tender

Part 4, Division 2 of the Local Government (Function and General) Regulations 1996 applies.

14. ISSUING TENDER DOCUMENTATION

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

15. TENDER DEADLINE

Tenders must be received in full, in the required format, by the advertised tender deadline (close date), any tenders not meeting this criteria shall be rejected. Refer Regulation 18 of the Local Government (Functions and General) Regulations 1996.

All tenders shall be closed at the nominated date and time as stipulated in the tender documents.

16. OPENING OF TENDERS

16.1 No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the tender deadline or close date.

16.2 Tenders are to be opened in the presence of the panel. The details of all tenders received and opened shall be recorded in the 'Tenders Register'.

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

16.4 The tenderer's offer form, price schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two members of the evaluation panel, present at the opening of tenders.

17. NO TENDERS RECEIVED

In accordance with Section 11.2(c) of the *Local Government (Functions and General) Regulations 1996*, where the Shire has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following;

- a sufficient number of quotations are obtained
- the process follows the guidelines for seeking quotations between \$40,000 and \$249,999 (listed above)
- the specification for goods and/or services remains unchanged
- purchasing is arranged within 6 months of the closing date of the lapsed tender.

18. TENDER EVALUATION

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

19. TENDER ACCEPTANCE

That the Chief Executive Officer be authorised to accept tenders/purchases up to \$99,999.99; and that all tenders/purchases above \$100,000 are to be referred to Council (including all WALGA preferred suppliers).

20. ADDENDUM TO TENDER

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

21. MINOR VARIATION

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

21.2 A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender, or be less than 10% of the original contract price.

22. VARIATION AFTER CONTRACT COMMENCEMENT

If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless:

- the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
- the variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j) of the **Local Government (Functions and General) Regulations 1996**.

Regulation 21A of the Local Government (Functions and General) Regulations 1996 applies.

23. NOTIFICATION OF OUTCOME

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

- The name of the successful tenderer
- The total value of consideration of the winning offer

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

24. RECORDS MANAGEMENT

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

- Tender documentation
- Internal documentation
- Evaluation documentation
- Enquiry and response documentation
- Notification and award documentation.

For a direct purchasing process this includes;

- Quotation documentation
- Internal documentation
- Order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the *State Records Act 2000*, and the Shire's internal Record Keeping policy.

25. PURCHASING FROM WA DISABILITY ENTERPRISES

25.1 Pursuant to State Government policy, Local Governments are encouraged to consider the option of purchasing goods and services from registered WA Disability Enterprises. This is contingent on the provision of fair value and quality.

25.2 Local Governments are encouraged to invite relevant WA Disability Enterprises to respond to a Request for Quotation or Tender for goods or services. Determining the purchasing process to be followed is based on the actual or expected value of each purchase by the Local Government as outlined above in Section 5 (Purchasing Thresholds and Processes) of this Policy. There are seven Disability Enterprises registered in Western Australia.

A complete list of approved organisations is available from the following website:
www.wade.org.au.

2.6 Rating Policy Relating to Change in Predominant Use of Rural Land

Policy Owner:	Corporate Services
Person Responsible:	Deputy Chief Executive Officer
Date of Approval:	20 November 2013
Amended:	21 June 2023

Objective

To provide guidelines for the process to be followed where there is a change in the predominant use of rural land or a change in use resulting from the subdivision of rural land

Policy

Where there is anecdotal evidence that there has been a change in the predominant use of land, the Shire shall observe the following:

1. The Shire shall ensure that any rural (UV) property is assessed to determine whether the use of the property is 'predominantly rural'.
2. Subject to (1) above, the Shire is to utilise the spot valuation method where there is a number of individual lots within a valuation area that are used for purposes that are not consistent with the predominant use of land within that valuation area.
3. Properties that are considered to be predominantly used for non-rural purposes be referred to the Minister for Local Government with sufficient information to allow a determination to be made on the method of valuation to be applied.
4. Where rural land is subdivided into small lifestyle lots, the Shire is to apply to the Minister for Local Government immediately upon receipt of the WAPC approved subdivision plan for the affected land, for a change in valuation methodology from UV to GRV.
5. Subject to Ministerial approval in (3) and (4) above, the Shire is to apply the GRV methodology to rural land used predominantly for non-rural purposes.
6. Each affected landowner shall be advised of their appeal rights.

2.7 Related Party Disclosures

Policy Owner:	Corporate
Person Responsible:	Deputy Chief Executive Officer
Date of Approval:	20 November 2019
Amended:	20 July 2022; 21 June 2023
Integrated Framework Reference:	Strategic Community Plan
Strategic Framework Reference:	Corporate Business Plan
Applies to:	All Staff and Council

Objective

The purpose of this policy is to define the parameters for Related Party Transactions and the level of disclosure and reporting required for the Shire of Chittering (the Shire) to achieve compliance with the ***Australian Accounting Standard AASB 124 – Related Party Disclosures***.

Definitions

“Close members of the family of a person” are those family members who may be expected to influence, or be influenced by, that person in their dealings with the Council and include:

- (a) That person’s children and spouse or domestic partner;
- (b) Children of that person’s spouse or domestic partner; and
- (c) Dependents of that person or that person’s spouse or domestic partner.

“Key Management Personnel” as defined under *“Identification of Key Management Personnel (KMP)”*. AASB 124 defines KMP’s as *“those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly”*.

KMP’s for the Council are considered to include:

- Councillors / Elected Members;
- Chief Executive Officers;
- Executive Managers.

“Related Party” defined under Identification of Related Parties.

“Related Party Transaction” is a transfer of resources, services or obligations between Council and a related party, regardless of whether a price is charged.

Introduction

All councils in Western Australia must produce annual financial statements that comply with Australian Accounting Standards. From 1 July 2016, the Australian Accounting Standards Board

determined that **AASB 124 – Related Party Disclosures** will apply to government entities, including local governments. The objective of the accounting standard is to ensure that annual financial statements contain disclosures necessary for stakeholders to draw attention to the possibility that the financial position and financial performance may have been affected by transactions and outstanding balances with related parties.

Council recognises that Related Party transactions can present potential or actual conflicts of interest, and may raise questions about whether they are in the best interests of the organisation.

It is therefore important that Key Management Personnel act honestly and with reasonable care and diligence whilst avoiding improper use of their position and information. It is equally important that Key Management Personnel of the Council are subject to a high level of accountability, including appropriate disclosure of their transactions with the Council in the annual financial statements.

It is importance to note that AASB 124 is not designed to detect and report fraud or misconduct. It is more so to enhance transparency and accountability of Council transactions.

Policy

The objective of the standard is to ensure that the Shire’s financial statements contain disclosures necessary to draw attention to the possibility that its financial position may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties in line with the requirements of AASB124 – Related Parties.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire of Chittering 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 policy is to stipulate the information to be requested from related parties to enable an informed judgement to be made.

1. Identification of Related Parties

AASB 124 provides that the Shire of Chittering will be required to disclose in its Annual Financial reports; related party relationships, transactions and outstanding balances.

Related parties include person(s) who have 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.

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

For the purposes of this Policy, related parties of Council are:

1. Entities related to Council;
2. Key Management Personnel (KMP) of Council;
3. Close family members of KMP;
4. Possible close family members of KMP’s; and

5. Entities or persons that are controlled or jointly controlled by KMP, or their close family members, or their possible close family members.

Also, a person or entity is a related party of Council if any of the following apply:

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

2. **Identification of Related Party Transactions**

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

All transactions between Council and related parties, whether monetary or not, are required to be identified. Such transactions may include:

- Purchase or sale of goods;
- Purchase or sale of property and other assets;
- Rendering or receiving services;
- Leases;
- Transfers of research and development;
- Transfers under licence agreements;
- Transfers under finance arrangements (including loans and equity contributions in cash or in-kind);
- Provision of guarantees or collateral;
- Commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised);
- Quotations and/or tenders;
- Commitments; and
- Settlements of liabilities on behalf of Council or by Council on behalf of the related party.

3. Ordinary Citizen Transactions

Ordinary Citizen Transactions are transactions 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. Related Party Transactions excluded from disclosure requirements on the basis of Ordinary Citizen Transactions are:

- Any valid transaction, rates payment, fine, use of facility, attendance of function, service, benefit, discounts and fee waivers that are available to the party as an ordinary citizen and is available to any ordinary citizen in the same circumstances; and
- Any service or benefit occurring within normal employee, customer or supplier relationships and at arm's length; and
- Are not material or significant.

4. Frequency of disclosures

The Related Party Disclosures – Declaration form must be completed by Elected Members and key management personnel prior to termination of office or termination of employment.

Council must disclose all material and significant Related Party Transactions in its annual financial statements and include the following detail:

The nature of the related party relationship; and

Relevant information about the transactions including:

- a. The amount of the transaction;
- b. The amount of outstanding balances, including commitments;
- c. Provision for doubtful debts related to the amount of outstanding balances; and
- d. The expense recognised during the period in respect of bad or doubtful debts due from related parties.

Materiality thresholds are reviewed annually as part of the audit process and reported related party disclosures will be in compliance with the framework of the Australian Accounting Standard AASB124 and other relevant standards, as required.

5. Procedures

The method of identifying the close family members and associated entities of KMP will be by KMP self-assessment. KMP have an ongoing responsibility to advise Council immediately of any Related Party Transactions.

The preferred method of reporting is for KMP to provide details of Related Parties and Related Party Transactions as soon as is they become aware of a potentially conflicting relationship.

For Elected Members this is to be done by completing "Written Declaration of Interest in matter before Council" form.

Information provided will be reviewed in accordance with the Council's operational requirements and held on a centralised register – Financial Interest Register.

Should a KMP have any uncertainty as to whether a transaction may constitute a related party transaction, they should contact the Officer in charge of Governance or Chief Executive Officer for clarification.

6. Privacy

Information provided by KMP and other related parties shall be held for the purpose of compliance with Council's legal obligation, and shall be disclosed where required for compliance and legal reasons only.

7. Review of Related Party Transactions

A review of KMP's and their related parties will be completed on adoption of this Policy and then at intervals not exceeding 12 months.

This Policy will also be reviewed when any of the following occur:

- A change of Councillors, Chief Executive Officer or other KMP;
- Corporate restructure;
- The related legislation/documents are amended or replaced;
- Other circumstances as determined from time to time by a resolution of Council; and
- As a result of changes to the OLG Local Government Code of Accounting Practice and Financial Reporting.

8. Training and Communication

This Policy will be provided to the KMP in the initial awareness raising and data collection and as part of Councillor Inductions.

9. Disclosure Requirements

For the purposes of determining relevant transactions in point 2 above, Elected Members and key management personnel as identified above, will be required to complete Primary Returns, Annual Returns and Declaration of Interest Forms for submission to the Shire as appropriate.

10. Confidentiality

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.

2.8 Financial Hardship – Collection of Rates and Service Charges Policy

Policy Owner:	Corporate Services
Person Responsible:	Chief Executive Officer
Date of Approval:	15 April 2020
Amended:	21 June 2023

The Financial Hardship – Collection of Rates and Services Charges Policy outlines how the Shire will assist ratepayers experiencing financial hardship.

This purpose of this policy is to allow flexibility for payment of overdue rates and charges to find an appropriate payment solution that is effective and sustainable. This policy ensures all ratepayers are treated with respect, dignity, fairness, equity and confidentiality.

Financial Hardship Criteria

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

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

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

Payment Arrangements

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

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

Debt recovery

We will suspend our debt recovery processes once a suitable payment arrangement has been approved with a debtor. Where a debtor is unable to make payments in accordance with the agreed

payment plan and the debtor advises us and makes an alternative plan before defaulting on the third due payment, then we will continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any Rates and Service Charge debts that remain outstanding, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt.

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

Financial Counselling

Financial counselling is a free service that assists people in financial difficulty. It helps people work through any problems they may be having with money – this may include managing a household budget and/or negotiating outstanding bills.

Financial counsellors provide information, support and advocacy and offer sound advice and support to anyone struggling to make ends meet. They have extensive knowledge of law and policy, including consumer credit law, debt enforcement practices, the bankruptcy regime, industry hardship policies and government concession frameworks.

Anyone can contact the Financial Counselling Helpline, 1800 007 007. This is a free confidential service for all Western Australians with financial issues. It provides information, strategies and guidance to assist those experiencing financial difficulties.

More information can be found on the [Financial Counsellors website](#).

The [Moneysmart website](#) also offers helpful advice, tools and information to assist in making sensible financial decisions.

Financial Counselling Contact Numbers

- Financial Counselling Australia - 1800 007 007
- The Spiers Centre - 9405 9507
- Anglicare Joondalup Financial Counselling – 1300 11 44 46

Implications (Strategic, Financial, Human Resources)

Consideration is to be given to the following for all requests:-

- Financial Implications to be considered with each case.
- Local Government (Financial Management) Regulations 1996
- Section 6.51 of the Local Government Act 1995 (the Act)
- Section 6.12 of the Act
- Delegated Authority Register

Dispute Resolution

All disputes in regard to this policy will be referred to the Deputy Chief Executive Officer in the first instance. In the event that an agreement cannot be reached, the matter will be submitted to the Chief Executive Officer for a ruling.

Staff Policies

3.1 Bereavement Recognition

Policy Owner:	Governance
Person Responsible:	Executive Assistant
Date of Approval:	18 May 2011
Amended:	26 October 2016; 20 July 2022

Objective

The purpose of this policy is to ensure proper and appropriate recognition of deceased persons closely associated with the Shire of Chittering and/or its history.

Policy

The Shire of Chittering is proud of its history and by recognising individual deceased persons who have been closely associated with the Shire and/or its history, Council can acknowledge the contribution made to the district by those persons and their immediate families, as a mark of respect on behalf of its community.

This policy applies to all Shire of Chittering residents and ratepayers as well as Shire of Chittering staff.

The policy is to ensure persons who have been closely associated with the Shire and/or its history are acknowledged and recognised for their contribution to the district with a death notice in The West Australian newspaper and a bouquet of flowers for the deceased person's family (or a donation to a charity if requested by the family).

This bereavement policy will recognise (but is not limited to) the following groups of people:

- Freemen
- Politicians
- Elected Members (both past and present)
- Shire of Chittering staff (present)

Entitlement to recognition

Those to be recognised on their passing include but are not limited to:

- Current and former Elected Members of the Shire of Chittering
- Immediate family members of current Elected Members of the Shire of Chittering
- Former members of the Chittering Road Board and Shire of Chittering
- Former Commissioners and Town Clerks of the Chittering Road Board and Shire of Chittering
- Freemen of the Shire of Chittering
- Immediate family members of Freemen of the Shire of Chittering
- Persons honoured as a Pioneer of the Chittering district
- Chief Executive Officers appointed by the Shire of Chittering since its establishment.

- Staff employed by the Shire of Chittering since its establishment and "in service" at the date of their passing
- Identities of the Shire of Chittering as agreed by the Shire President and Chief Executive Officer

Form of recognition

The Shire recognises the death of a person closely associated with the district by following established funeral etiquette, respecting the wishes of the immediate family (if known), and being sensitive to the deceased's cultural or religious beliefs (if known). Generally, this recognition will take the form of:

- 1) When considered appropriate, A public expression of sympathy on behalf of the district, by placing a notice in the Death Notices of The West Australian newspaper
- 2) Sending a sympathy (condolence) card or a personal note to the immediate family (if known) on behalf of Council and staff
- 3) A floral tribute where this form of sympathy is considered acceptable by the family
- 4) When considered appropriate by the Shire President and the Chief Executive Officer, inviting Elected Members or senior staff to represent the Shire at the funeral service, dependent upon the type of service being sought.
- 5) Flying the flag at half mast for a suitable period of time.

Note:

Where Elected Members or senior staff member has a personal connection to the deceased, it is the individual's prerogative to attend the funeral on their own behalf.

In recognising an immediate family member of a person closely associated with the Shire and its history will be:

- 1) A sympathy card or personal note of condolence on behalf of the district
- 2) Inviting an Elected Member or senior staff representative(s) to attend the funeral on behalf of the Shire, where the Shire President or Chief Executive Officer considers it appropriate.

Timing of recognition

Funeral etiquette dictates that formal recognition occurs at the time of the death or at the funeral service.

The funeral service provides for the proper remembrance of the person who has died. Where Council is notified of a death after a funeral service has taken place, it is still appropriate to send a sympathy card or a personal note of condolence.

3.2 Equal Employment Opportunity

Policy Owner: Governance
Person Responsible: All Executive Managers
Date of Approval: 18 November 2009
Amended:

Objective

To ensure that the Shire conducts the recruitment of staff in accordance with legislation, and in conjunction with sound management practices.

Policy

- (a) The Shire will recognise its legal obligations under the *Equal Opportunities Act 1984* and shall actively promote Equal Employment Opportunity based solely on merit to ensure that discrimination does not occur on the grounds of gender, age, marital status, pregnancy, race, disability, religious or political convictions.
- (b) All employment training with the Shire shall be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements for such training.
- (c) All promotional policies and opportunities with the Shire shall be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements for such promotion.
- (d) All offers of employment within the Shire shall be directed towards providing equal opportunity to prospective employees provided their relevant experience, skills and ability meet the minimum requirements for engagement.
- (e) The Shire shall not tolerate harassment within its work place. Harassment is defined as any unwelcome, offensive action or remark concerning a person's race, colour, language, ethnicity, age, political or religious convictions, gender, marital status or disability.
- (f) The equal employment opportunity goals of the Shire shall be designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability.
- (g) This policy applies to full time, part time, permanent, temporary and casual employees of the Shire of Chittering.

Grievance

The Shire undertakes to treat any grievance under this policy fairly, quickly and in confidence. It will treat each case on its merits having regard to the relevant legislation and the Shire's Code of Conduct. Determinations in relation to any grievance will be the responsibility of the relevant Manager(s). Employees have the right to appeal any such determination to the Chief Executive Officer.

The above process is not intended to impede or prevent any action the employee may wish to take through an appropriate external tribunal.

3.3 Work Health and Safety (WHS)

Policy Owner:	Governance
Person Responsible:	All Executive Managers
Date of Approval:	18 November 2009
Amended:	19 October 2022

Objective

The Shire of Chittering is committed to providing a safe and healthy workplace for all workers and visitors. This means that we aim to avoid or eliminate the causes, which lead to:

- Accidents, injury, incidents or illness.
- Damage and downtime of plant, equipment or infrastructure.
- Unsafe or poor quality products and environmental damage.

Definitions

Under the Work Health and Safety Act 2020, work relationships are defined as:

“PCBU” Person Conducting a Business or Undertaking (*For the purpose of this document [Local Government] is the PCBU*)

“Worker” A person who carries out work in any capacity for a PCBU (E.g., An Employee, Contractor, Work Experience person or Volunteer).

“WHS” Acronym for Work Health and Safety

Policy

The Shire of Chittering will endeavour to both maintain and improve workplace health and safety with the philosophy that all injuries and accidents are preventable and that a safe and healthy working environment is conducive to job satisfaction.

Safety and Health Objectives

Commitment, co-operation and effective team work is fundamental to achieving the objectives.

The key safety and health objectives are:

- Lead by example.
- Providing a safe and healthy working environment for all our workers and visitors.
- Implementation of safe systems of work and maintenance of plant and equipment to a safe standard where associated hazards are identified, assessed and controlled.
- Taking action to eliminate, control or reduce to an acceptable level, hazards to which workers and visitors may be exposed.

- Consulting and/or involving workers and other parties to improve decision making on WHS and environmental matters.
- Developing, implementing and review of written safe work procedures.
- The distribution and communication of safety information and safe work procedures.
- Providing information, appropriate instruction and/or training on matters relating to safety including a worker's responsibilities, together with a high standard of supervision.
- Implement ongoing processes to prevent accidents, including performing work place inspections and hazard/near miss reporting.
- Fostering cooperation, consultation and involvement of workers, their representatives (where applicable) through daily prestart safety committee meetings, toolbox meetings and management safety committee meetings.
- Providing or ensuring provision of appropriate personal protective equipment (PPE) to protect all workers and visitors.
- Protecting members of the public, customers and the environment from potential adverse effects that may be associated with our activities or the use of our products.
- Supporting and assisting workers in effective injury management and rehabilitation through the Injury Management System.
- Conforming to the requirements of Legislation and Statutory authorities.
- Conducting regular audits of our WHS Management System and implement agreed outcomes to continually improve current systems of work.

Responsibilities

Work Health and Safety is both an individual and a collective responsibility of all employees.

In particular:

- *Chief Executive Officer*
The Chief Executive Officer is the responsible officer for Work Health and Safety
- *Executive Managers, Managers and Supervisors*
Executive Managers, Managers and Supervisors are responsible for implementing the Work Health and Safety Policy and also planning, developing, implementing and monitoring of Work Health and Safety Procedures.
- *All workers are expected to:*
 - Take reasonable care for the health and safety of themselves and others at work.
 - Report all hazards, incidents, injuries, near misses to their supervisor/manager.
 - Undertake relevant prestart inspections of machinery and equipment and report all faults immediately.
 - Cooperate with management in the event of an incident investigation and to enable compliance with WHS legal obligations.
 - Participate in consultative arrangements including toolbox, prestart meetings and any site specific requirements.
 - Assist management to meet WHS targets/key performance indicators (where applicable).

- Participate in return to work programs.
- Comply with all reasonable instructions from supervisors/management in relation to work health and safety issues.
- Comply with workplace specific drug and alcohol requirements, including testing.

3.4 Appointment of an Acting Chief Executive Officer

Policy Owner:	Governance
Person Responsible:	All Executive Managers
Date of Approval:	18 November 2009
Amended:	October 2020; 21 June 2023

Objective

To prescribe the processes for the appointment of an Acting Chief Executive Officer in expected and unexpected circumstances.

Policy

CEO Leave Entitlements

1. The Chief Executive Officer (CEO) is contractually entitled to certain leave conditions as outlined in their employment contract and the relevant industrial relations legislation.
2. A “CEO Application for Leave Form” is to be completed for all instances of leave.
3. When the CEO is on leave, an Acting Chief Executive Officer (Acting CEO) is to take up their duties in accordance with this Policy.

Appointment of an Acting Chief Executive Officer – Expected leave periods four (4) weeks

4. Acting arrangement for the position of CEO for leave periods equal to or less than 4 weeks is at the discretion of the CEO in accordance with Delegation 1.1.26.
5. The following Council conditions on this delegation apply:
 - a. The Shire employee appointed to act must be a senior employee holding the title of Executive Manager.
 - b. The Executive Manager appointed to act as Chief Executive Officer at the discretion of the Chief Executive Officer, is subject to performance and dependent on availability and operational requirements.
 - c. Appointments to the role of Acting Chief Executive Officer under this delegation may not be for a period longer than four (4) weeks without the approval of Council.
 - d. The Chief Executive Officer is to advise the Council when an Executive Manager is to be appointed as Acting Chief Executive Officer.
6. Appointment to the role of Acting CEO shall be made in writing, for a defined period, that does not exceed four (4) weeks.

Appointment of an Acting Chief Executive Officer – Leave periods in excess of 4 weeks but no more than 12 months

7. Acting arrangements in excess of one (1) month must be selected on the basis of merit and equity; with specific regard to sub-section 5.36(3) and Section 5.40 of the Local Government Act 1995.
8. The CEO will then make a recommendation to Council on the preferred officer.
9. Acting arrangements for periods in excess of four (4) weeks must be approved by a resolution of Council.

Appointment of an Acting Chief Executive Officer – Unexpected leave or vacancy

10. In the event that the CEO:
 - a. takes unexpected leave
 - b. is incapacitated
 - c. is unable to perform their duties as a result of a disaster or crisis event
 - d. the position falls unexpectedly vacant;) or
 - e. is suspended or terminated;

the following shall occur:

- a. if Council has already appointed an Acting CEO, that person shall act as CEO.
 - b. If the Council has not appointed an Acting CEO, the following line of succession shall apply until Council appoints an Acting CEO:
 - i. the Deputy Chief Executive Officer will become the Acting CEO;
 - ii. if the Deputy Chief Executive Officer is unable or unwilling, the Executive Manager Development Services will be the Acting CEO;
 - iii. if the Executive Manager Development Services is unable or unwilling, the Executive Manager Technical Services will be appointed to act in the position;
 - iv. if no Executive Manager is able or willing to act as Acting CEO, then an employee deemed suitably qualified and experienced, and who is able and willing to act as CEO, will become the Acting CEO.
11. Where it is likely that a person will act as CEO under clause 10 for a period of more than five (5) working days, a Special Council Meeting shall be convened, upon request of the President, so that an ongoing acting appointment can be made.

Salary and conditions of Acting CEO

12. Unless Council otherwise resolves and the Acting CEO agrees, a person acting as CEO shall be remunerated pro rata at the following rates:
 - a. 80% of the substantive CEO's salary component if acting for less than 5 weeks; or
 - b. 90% of the substantive CEO's salary component if acting for more than 5 week

3.5 Christmas / New Year Closure of Council Facilities

Policy Owner: Governance
Person Responsible: All Executive Managers
Date of Approval: 18 November 2009
Amended:

Objective

This policy is for the authorisation for the Council facilities, i.e. administration, engineering, library and depot site, to close over the Christmas and New Year period.

Policy

The Administration centre will be closed for business from 3.00pm on the last working day before Christmas and re-open on the first working day following New Year's Day.

Shire staff will take leave entitlements during this closure period for those days that are not designated public holidays.

The Bindoon and Muchea landfill sites close on Christmas Day only. All other normal operating times apply over the Christmas / New Year period.

3.6 Staff Superannuation

Policy Owner:	Corporate Services
Person Responsible:	Payroll Officer
Date of Approval:	15 May 2013
Amended:	26 October 2016

Objective

This policy sets out the criteria for the payment of additional superannuation to staff. It provides guidance for officers involved in the recruitment and retention of staff.

The Shire of Chittering is obliged to pay superannuation into a complying fund on behalf of all staff under the provisions of Federal legislation, and this component is known as Superannuation Guarantee Levy (SGL). The percentage payment may be adjusted by legislation from time to time.

The Shire of Chittering and its employees may also make additional voluntary contributions to a complying fund.

Policy

Superannuation Capping

The Shire of Chittering's employer contribution to staff superannuation shall be paid into the complying fund on behalf of employees. This contribution is inclusive of the Superannuation Guarantee Levy and matching employee contributions.

Matching Council Contributions

The Shire of Chittering will match voluntary employee contributions \$ for up to a maximum co-contribution of 6%.

Employment Contracts

From the date of this policy's formal adoption, all new Employment contracts and Offers of Employment shall not contain any provisions which exceed or contravene this policy.

Salary Sacrifice and Additional Contributions

All employees shall have the option to salary sacrifice a nominated percentage of their salary or make additional contributions to superannuation, but there is no obligation on the Shire of Chittering to match employee contributions other than in accordance with this policy.

Variation to Policy

Council may vary this policy from time to time with respect to legislative changes and any other mitigating circumstances.

This policy will apply to staff employed by the Shire, effective from 1 July 2022, to coincide with statutory timeframes.

3.7 Public Service Holidays In-Lieu

Policy Owner:	Corporate Service
Person Responsible:	Payroll
Date of Approval:	December 2020
Amended:	17 March 2021

Objective

The purpose of this policy is to facilitate the provision under superseded Awards whereby employees received two (2) Public Service Holidays In-Lieu, in addition to State and National Public Holidays.

Background

Local Governments previously operated under two State Government Awards, Local Government Officers (WA) Interim Award 2011 and Municipal Employees (WA) Interim Award 2011. The Local Government Industry Award 2010 (LGIA) is a national modern award that was drafted by the Australian Industrial Relations Commission and registered with Fair Work Australia as part of the award modernisation process.

From 1st July 2012, the Shire commenced operating under the Local Government Industry Award 2010 and all new employees received two additional days of annual leave to compensate for the removal of the two additional public holidays.

Scope

This policy applies to all full and part time employees on the Local Government Industry Award 2010.

Policy

As the previous awards allowed for two extra public holidays (which Council used between the Christmas & New Year period) we should also include two extra annual leave days into our new policy so no employee is negatively impacted with the change.

The first “public service holiday” accrues at Easter and the second at Christmas time – but Council has elected for staff to utilise these days between the Christmas & New Year period when the office is closed. Accordingly, staff that are employed after April each year are only entitled to one (1) “public service holiday” for that year. Those employed prior to Easter are entitled to both days.

3.8 Standards for Recruitment of CEO's

Policy Owner:	Governance
Distribution:	All Elected Members and Staff
Person Responsible:	All Executive Managers
Date of Approval:	21 April 2021
Amended:	

Division 1 — Preliminary provisions

1. **Citation**

These are the Shire of Chittering's *Standards for CEO Recruitment, Performance and Termination*.

2. **Terms used**

(1) In these standards —

Act means the *Local Government Act 1995*;

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

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

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

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

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

local government means the [*insert name of local government*];

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

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

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

Division 2 — Standards for recruitment of CEOs

3. Overview of Division

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

4. Application of Division

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.
- (2) This Division does not apply —
 - (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
 - (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

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

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
 - (a) the duties and responsibilities of the position; and
 - (b) the selection criteria for the position determined in accordance with subclause (1).

6. Advertising requirements

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

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

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

- (a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —

- (i) email a copy of the job description form to an email address provided by the person; or
- (ii) mail a copy of the job description form to a postal address provided by the person.

8. Establishment of selection panel for employment of CEO

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

9. Recommendation by selection panel

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
 - (a) a summary of the selection panel's assessment of each applicant; and
 - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
 - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
 - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
 - (a) in an impartial and transparent manner; and
 - (b) in accordance with the principles set out in section 5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —

- (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
 - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
 - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

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

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

11. Offer of employment in position of CEO

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

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

12. Variations to proposed terms of contract of employment

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

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

- (1) In this clause —
commencement day means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.

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

14. Confidentiality of information

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

Section 18FB requires:-

18FB. Certification of compliance with adopted standards for CEO recruitment (Act s. 5.39B(7))

- (1) In this regulation —

adopted standards means —

 - (a) the standards adopted by a local government under section 5.39B; or
 - (b) if the local government has not adopted standards under that section, the standards taken under section 5.39B(5) to be the local government's adopted standards.
- (2) This regulation applies if —
 - (a) a local government employs a person in the position of CEO of the local government; and
 - (b) the local government's adopted standards in relation to the recruitment of CEOs apply to the employment.

- (3) As soon as practicable after the person is employed in the position of CEO, the local government must, by resolution*, certify that the person was employed in accordance with the local government's adopted standards in relation to the recruitment of CEOs.

* Absolute majority required.

- (4) The local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government.

3.9 Standards for Review of Performance of CEO's

Policy Owner:	Governance
Distribution:	All Elected Members and Staff
Person Responsible:	All Executive Managers
Date of Approval:	21 April 2021
Amended:	

Division 1 — Preliminary provisions

1. Citation

These are the Shire of Chittering's *Standards for CEO Recruitment, Performance and Termination*.

2. Terms used

(1) In these standards —

Act means the *Local Government Act 1995*;

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

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

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

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

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

local government means the *[insert name of local government]*;

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

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

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

Division 3 — Standards for review of performance of CEOs

3. Overview of Division

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

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

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

5. Carrying out a performance review

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

6. Endorsement of performance review by local government

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

7. CEO to be notified of results of performance review

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

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

3.10 Standards for Termination of the Employment of CEOs

Policy Owner:	Governance
Distribution:	All Elected Members and Staff
Person Responsible:	All Executive Managers
Date of Approval:	21 April 2021
Amended:	

Division 1 — Preliminary provisions

1. Citation

These are the Shire of Chittering's *Standards for CEO Recruitment, Performance and Termination*.

2. Terms used

(1) In these standards —

Act means the *Local Government Act 1995*;

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

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

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

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

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

local government means the *[insert name of local government]*;

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

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

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

Division 4 — Standards for termination of employment of CEOs

3. Overview of Division

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

4. General principles applying to any termination

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

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

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

6. Decision to terminate

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

7. Notice of termination of employment

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

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

Error! Use the Home tab to apply Name of Act/Reg to the text that you want to appear here.
Section 18FC requires:-

**18FC. Certification of compliance with adopted standards for CEO termination
(Act s. 5.39B(7))**

- (1) In this regulation —
adopted standards has the meaning given in regulation 18FB(1).
- (2) This regulation applies if a local government terminates the employment of the CEO of the local government.
- (3) As soon as practicable after the CEO's employment is terminated, the local government must, by resolution*, certify that the CEO's employment was terminated in accordance with the local government's adopted standards in relation to the termination of the employment of CEOs.

* Absolute majority required.
- (4) The local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government.

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Elected Members Policies

4.1 Code of Conduct - Elected Members, Committee Members and Candidates

Policy Owner:	Governance
Distribution:	All Elected Members and Staff
Person Responsible:	All Executive Managers
Date of Approval:	16 December 2009
Amended:	16 September 2020; 21 April 2021

INTRODUCTION

This Code of Conduct provides Elected Members, Committee Members and Candidates at the Shire of Chittering with legislative guidelines for an acceptable standard of professional conduct. The Code addresses the broader issue of ethical responsibility and encourages greater transparency and accountability in the affairs of Council.

The Code is complimentary to the principles adopted in the **Local Government Act 1995** and **Local Government (Model Code of Conduct) Regulations 2021** which incorporates four fundamental aims to result in:

- a) Better decision making
- b) Greater community input in the affairs of the Council
- c) Greater accountability of the Council to its community
- d) More efficient and effective local government.

The Code outlines / stipulates the expectations of Elected Members, Committee Members and Candidates. It delineates commitment to ethical and professional behaviour and outlines principles in which individual and collective local government responsibilities may be based.

ROLES & OBJECTIVES

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

An Elected Member is part of the team in which the community has placed its trust to make decisions on its behalf; and the community is therefore entitled to expect high standards of conduct from its elected representatives.

A primary role of the Elected Members when acting as Council is to make decisions in the best interest of the community.

A primary role of all Elected Members shall be the achievement of the Council objectives contained in the Strategic Plan.

The focus of Elected Members when acting as Council shall be the effective translation of the community's needs and aspirations into an agreed direction and future for the Shire.

In fulfilling the various roles, Elected Members' activities will focus on:

- Achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- Achieving sound financial management and accountability in relation to the Shire's finances;
- Ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- Working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- Having an awareness of the statutory obligations imposed on Elected Members and on the Shire of Chittering.

Division 1 — Preliminary provisions

1. Citation

This is the *[insert name of local government] Code of Conduct for Council Members, Committee Members and Candidates*.

2. Terms used

(1) In this code —

Act means the *Local Government Act 1995*;

candidate means a candidate for election as a council member;

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

publish includes to publish on a social media platform.

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

Division 2 — General principles

3. Overview of Division

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

4. Personal integrity

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

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

(c) act lawfully; and

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

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

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

5. Relationship with others

- (1) A council member, committee member or candidate should —
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. Accountability

A council member or committee member should —

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

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

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

8. Personal integrity

- (1) A council member, committee member or candidate —
 - (a) must ensure that their use of social media and other forms of communication complies with this code; and
 - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
 - (a) must not be impaired by alcohol or drugs in the performance of their official duties; and

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

9. Relationship with others

A council member, committee member or candidate —

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

10. Council or committee meetings

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

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

11. Administrative Compliance

- (a) Elected Members shall ensure compliance with proper and reasonable administrative practices and conduct and professional and responsible management practices.
- (b) Elected Members are often asked to represent the Council on external organisations. Such positions should only be accepted within time and other constraints which do not adversely reflect on Council's commitment to that organisation and in doing so, Elected Members should fairly represent the Council's position to the best of their abilities, as it is understood by them at that time.
- (c) All aspects of communication by Elected Members (verbal or written) involving Council activities, should reflect the status and objectives of Council and should be accurate, polite and professional.

- (d) Elected Members shall only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, processes or business of the Council in accordance with Council's policies.
- (e) Elected Members are expected to comply with neat and responsible dress standards at all times in their representation of Council.
- (f) When Elected Members are approached by members of the public to address an issue of individual concern on their behalf, the Elected Members:-
 - Should ascertain if they have spoken to the relevant staff member and, if not, encourage the person(s) to do so, in the first instance;
 - Should, prior to meeting with the person(s) or prior to discussing the matter in further detail, obtain comment and any related information from the relevant staff member; and
 - Should provide a brief file note of the meeting (who with, time, date, topic and outcome only) for Council's records, if considered appropriate by the Elected Member.

12. Media & External Communication

- (a) Unless acting in an authorised capacity as a Council spokesperson pursuant to the local Government Act, 1995:
 - i) Councillors shall not speak, attempt to speak or give the perception of speaking on behalf of the local government;
 - ii) Councillors should ensure that statements made to the media are identified as their opinions only and do not necessarily represent the position of Council; and

Subject to Clauses (i) and (ii) above, an Elected Member may choose to make a personal statement publicly on a matter related to Council business. Elected Members approached by the media for a personal statement may request the assistance of the Chief Executive Officer, or authorised delegate, in preparing a response.

- (b) i) Elected Members are responsible for the content they publish in a personal capacity on any form of social media platform and in this regard must understand their legal obligations.
 - The speed and reach of publishing online means content is available immediately to a wide audience. Anything posted can be difficult to delete and may be replicated, misconstrued and seen by people the author never intended or expected would see it.
 - Elected Members must recognize the potential damage that may be caused to the Shire through inappropriate use of social media. Accordingly, Elected Members should comply with this guideline to ensure that the risk of such damage is minimised, including potential action against an Elected Member under the Local Government (Model Code of Conduct) Regulations 2021.
 - Apart from the Shire President, imply that they are authorised to speak as a representative of the Shire or the Council, or give the impression that the views expressed are those of the Shire or the Council;
 - make prior public statements expressing their opinion on matters before Council that would indicate a predetermined decision;

- post material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, or otherwise unlawful;
- use Shire logos;
- use a false identity;
- use or disclose any confidential information obtained in their capacity as an Elected Member of the Shire, or release information to the public before it has been dealt with by Council or approved for release by the Shire;
- mention or disclose staff members names or positions publicly or through private means (direct message) via social media

ii) Posting on the Shire’s social media pages specifically

- Elected Members may like, comment or share existing content but may not post new content to the Shire’s pages.
- Elected Members must not answer questions posed to the Shire on social media as this is a function of the Administration.

iii) Posting on other social media pages

- Where requests for service or official feedback have been posted on other social media sites, Elected Members may direct these to chatter@chittering.wa.gov.au or (08) 9576 4600.
- Where misinformation or factually incorrect information is posted, Elected Members may refer the original poster to the Shire for clarification i.e. contact the Shire’s Customer Service (as above).

13. Complaint about alleged breach

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

14. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.

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

15. Dismissal of complaint

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

16. Withdrawal of complaint

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

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

17. Other provisions about complaints

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

Division 4 — Rules of conduct

Notes for this Division:

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

18. Overview of Division

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

19. Misuse of local government resources

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

20. Securing personal advantage or disadvantaging others

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

21. Prohibition against involvement in administration

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

22. Relationship with local government employees

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

23. Disclosure of information

- (1) In this clause —
closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;
document includes a part of a document;

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

- (2) A council member must not disclose information that the council member —
 - (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
 - (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

24. Disclosure of interests

- (1) In this clause —

interest —

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

-
- (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
 - (6) Subclause (7) applies in relation to an interest if —
 - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
 - (7) The nature of the interest must be recorded in the minutes of the meeting.

25. Compliance with plan requirement

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

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4.2 Informal Petitions to Council

Policy Owner:	Chief Executive Officer
Distributed to:	All Elected Members
Person Responsible:	All Executive Managers
Date of Approval:	17 February 2010
Amended:	16 September 2020; 19 July 2023

Where a petition does not conform to the Shire of Chittering's **Standing Orders Local Law 2023** it may be treated as an "informal" petition, and the Chief Executive Officer may at his/her discretion forward the petition to a committee or to Council accompanied by an officer report.

Once received, a petition will be presented to the next Ordinary Council Meeting for acceptance and then forwarded to Administration for investigation and action.

A follow up report will be presented to an Ordinary Council Meeting as soon as is practical on a recommended course of action.

The submitter (the person who lodges the petition and to whom correspondence in respect of the petition may be served) will be advised of Council's resolution.

A petition will not be accepted if it is defamatory or any action it proposes is unlawful.

References:	<i>Local Government Act 1995</i> <i>Local Government (Constitution) Regulations 1996</i> <i>Shire of Chittering's Standing Orders Local Law 2023</i>
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4.3 Elected Members' – Entitlements and Training

Policy Owner:	Governance
Distribution:	All Elected Members and Staff
Person Responsible:	All Executive Managers
Date of Approval:	16 December 2009
Amended:	16 September 2020

Objective

The objective of this policy is to provide a clear:-

- outline of entitlements available to Council Members under the **Local Government Act 1995** (LG Act) and **Local Government (Administration) Regulations 1996** (LG Regulations) and within the prescribed ranges set by the Salaries and Allowances Tribunal through a determination published in the Government Gazette from time to time.
- guidelines to council members with regard to:
 - Completion of training in accordance with the *Local Government Act 1995 Section 5.126(1)* and regulations.
 - Access to training and development programs that may enhance and improve the skills necessary to perform their role and function as a council member.
 - Travel and accommodation arrangements when required to travel on Shire business.

Policy Statement

In addition to those entitlements available to Council Members (Member/s) under legislation, the policy outlines "approved expenses" the Shire will reimburse to Members if incurred in their capacity as a Council Member.

This policy provides a framework to all council members on training, professional development and travel related to Shire Representation, for the benefit of the council and the community.

The Council also recognises that Members have a responsibility to undertake development opportunities necessary to enable them to fulfil their duties of public office. To this end the policy provides for allowances to facilitate attendance at conferences and training opportunities.

Scope

1. Allowances

Elected Member meeting attendance fees and the Shire president's local government allowance are to be paid on a quarterly basis, in arrears.

1.1 Shire President Allowance

The annual local government allowance for the Shire President is set by Council in accordance with the appropriate SAT bands (Table 7) for 'Annual allowance for Mayor or President of a Local Government'.

1.2 Deputy Shire President Allowance

An annual local government allowance is to be paid to the Deputy Shire President is set in accordance with section 5.98(A) (1) of the Local Government Act 1995, which is up to 25% of the annual local government allowance payable to the Shire President within prescribed legislation.

1.3 Elected Member Meeting Attendance fee

The annual local government attendance fee for Elected Members is set by Council in accordance with the appropriate Salaries & Allowances Tribunal (SAT) bands and is referenced in "Table 5" titled "Council meeting fees per meeting – regional local governments".

1.4 Shire President Attendance fee

The annual local government attendance fee for the Shire President is set by Council in accordance with the appropriate Salaries & Allowances Tribunal (SAT) bands and is referenced in "Table 5" titled "Council meeting fees per meeting – regional local governments".

1.5 Annual allowance in lieu of reimbursement of expenses

In accordance with section 5.99A of the Act, Council provides an annual allowance to Elected Members in lieu of reimbursement of particular types of expenses, including information and communication technology (ICT).

1.6 Information, Communication and Technology (ICT) Expenses Allowance

In terms of ICT Expenses, the annual allowance is referenced above in point "1.5". It is designed to meet all telecommunications costs including telephone, mobile phone, mobile device (iPad), home computer and internet charges.

This allowance is paid in the form of the provided computing equipment (in the form tablet/iPad) whichever is adopted by Council from time to time with appropriate software as needed.

Council supplied equipment is only to be used in relation to Council business. The onus rests with each Council Member.

2. Expenses to be Reimbursed

2.1 The kinds of expenses that are to be reimbursed under the LG Act and LG Regulations are:-

- a) travel costs; incurred because of the Member's attendance at a Council Meeting or a meeting of a Committee of which he or she is also a member;
- b) *child care costs; and
- c) parking.

2.2 Expenses approved for reimbursement

LG Regulations 32(1)(a) prescribes expenses that may be approved by a Local Government for reimbursement.

The express authority of the Council is given to Council Members to perform the following functions to which an expense incurred can be reimbursed:

- a) attendance by an Elected Member at any working group meeting, ordinary or special briefing session and Council forum, notice of which has been given by the Chief Executive Officer;
- b) attendance by an Elected Member at any meeting of anybody to which the Elected Member has been appointed by the Council or to a secondary body as approved by the Chief Executive Officer;
- c) attendance by an Elected Member at any annual or special electors' meeting;
- d) attendance by an Elected Member at a Shire of Chittering civic function to which all Council members are invited;
- e) attendance by an Elected Member at a citizenship ceremony conduct by the Shire;
- f) attendance by an Elected Member at any ceremony for the presentation by the Shire of awards to school students by any member responsible for presentation of the awards;
- g) attendance by an Elected Member at any meeting of a ratepayer/residents association dealing with the interests of an area represented by that Elected Member;
- h) attendance by an Elected Member at any site where:
 - i) the site is the subject of an item of business on an agenda for a Council briefing session or a Council meeting; and
 - ii) the attendance occurs between the issue of the agenda and the Council briefing session or the Council meeting.
- i) attendance by an Elected Member at a meeting with the Chief Executive Officer or a Manager of the Shire at the request of the Chief Executive Officer or a Manager;

- j) attendance by an Elected Member at a meeting with a ratepayer/resident or a local body or group to discuss any local government matter; and
- k) attendance by an Elected Member at a funeral for those deceased persons recognised under the Shire of Chittering's Bereavement Recognition Policy.
- l) attendance by the Shire President at a meeting or function of anybody including any State Government body, in his or her capacity as the Shire President, including attendance by the Deputy Shire President or an Elected Member in place of the Shire President;
- m) any other function, meeting or event in their role as an Elected Member that is supported by a written invitation.

2.3 Child Care Expenses

2.3.1 The extent to which a Council Member is to be reimbursed for child care costs incurred under 2.1 (where they are a parent or primary carer) whilst performing a function in his or her capacity as a Council Member or a function under the express authority of the Council is to be the maximum allowance provided for under the legislation, or the actual cost per hour whichever is the lower amount.

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

2.3.2 Claims must be made on the claim form provided and be accompanied by a receipt or invoice detailing the date, number of hours, rate and function attended and the details of the service provider.

2.4 Travel and Parking

Pursuant to section 5.98(2)(a) and Regulations 31(1)(b), an Elected Member who incurs travel and parking expenses whilst performing a function in his or her capacity as an Elected Member or under the express authority of the council is entitled to be reimbursed.

2.4.1 If the person lives or works in the local government district or an adjoining local government district, the actual cost for the person to travel from the person's place of residence or work to the meeting and back;

2.4.2 If the person does not live or work in the local government district or an adjoining local government district, the actual cost, in relation to a journey from the person's place of residence or work and back –

- a) for the person to travel from the person's place of residence or work to the meeting and back; or

- b) if the distance travelled referred to in sub-paragraph (a) is more than 100km for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to the boundary.

2.4.3 If the person does not live or work in the local government district or an adjoining local government district, the actual cost, in relation to a journey from the person's place of residence or work and back –

- a) for the person to travel from the person's place of residence or work to the meeting and back; or
- b) if the distance travelled referred to in sub-paragraph (a) is more than 100km for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to the boundary.

2.4.4 Elected Members shall endeavour, where practical, to make arrangements to utilise a Council vehicle to attend appropriate meetings.

2.5 Procedures for Reimbursement

2.5.1 All claims for reimbursement must be lodged on the appropriate claim form; and are to be entered onto the Shire's spreadsheet (Appendix 1) and emailed to the Chief Executive Officer at the end of each quarter (as listed below).

2.5.2 The rate per kilometre shall reflect actual cost and will be as specified in the *Public Service Award 1992* issued by the Western Australian Industrial Relations Commission.

2.5.3 In submitting claims for reimbursement the Council Member shall detail the date of the claim, particulars of travel and nature of business, distance travelled, vehicle displacement and the total travelled in kilometres and certify the accuracy of such information.

2.5.4 This should be accompanied by supporting documentation where applicable (i.e. relevant invitation to support attendance at a function.)

2.5.5 Dates of payments for reimbursement are:

- a) 30 September
- b) 31 December
- c) 31 March
- d) 7 July

2.5.6 All claims for the current financial year must be submitted for processing by 1 July and paid by 7 July (in the next financial year).

2.5.7 Under no circumstances is any reimbursement to be made in connection with costs incurred for re-election to the office of Council Member.

2.5.8 Parking Fees: Parking fees incurred as a result of performing a function as a Council Member or under the express authority of the Council shall be reimbursed upon lodgement of receipts accompanied by the associated travel claim form.

2.5.9 With reference to Section 2.2 (b), in instances where Council Members are appointed to a committee or body for which nominations have been sought by an organisation other than Council, then that appointment is to be endorsed by Council in order for the Member to claim reimbursement of costs associated with attending meetings.

3. Items to be provided by the Shire to Council Members

- 3.1** The CEO will make available to Elected Members, for use during their term in office:
- a) a mobile computing device (iPad or similar tablet device).
 - b) Name Badges as required.
 - c) Access to a meeting room within the Shire's administration offices for meetings with ratepayers and others having business with the Shire.
- 3.2** Equipment and consumables are only to be used in performing the function of Council Member and are not to be used in any way associated with campaigning for election as a Council Member.
- 3.3** As a general rule, mobile devices (such as iPad's) will be provided and maintained by the Shire. However, in certain circumstances, and with the approval of the Chief Executive Officer, Elected Members may provide their own compatible mobile device.
- 3.4** Council will budget separately for the purchase of mobile computing devices (tablets) and for the cost of the Broadband service.
- 3.5** The devices (tablets) will remain as an asset of the Shire and one provided to the Councillors for the business of Council.
- 3.6** Broadband data usage shall be set at a level to allow Councillors to properly perform their roles.
- 3.7 Management of Elected Members Tablets**
Provision of a mobile computing device (tablet) is subject to the following:-
- 3.7.1** Council shall make provision for the ongoing maintenance of equipment referred to above with all maintenance costs being met by the Shire.
- 3.7.2** In the event of a malfunction of the equipment the Council Member is to contact, during business hours, the Executive Assistant to the CEO who will coordinate the request for maintenance.
- 3.7.3** Under no circumstances should a Council Member undertake repairs or maintenance to Council equipment without the authority of the Chief Executive Officer.
- 3.7.4** Provision of Information, Communication and Technology (ICT) equipment will be subject to the Shire's standard replacement program which will be (4) four years from date of purchase.

- 3.7.5** To avoid doubt, the items provided above are to be returned by the member to the Shire within 14 days of ceasing to be an elected member or whenever requested to do so by the CEO
- 3.7.6** Mobile devices (including iPads) which are used for the business of Council will, from time to time, contain confidential information relating to the business of the Shire. As such, they must be appropriately secured /password protected and remain in the possession of the Elected Member.
- 3.7.7** Elected Members must acknowledge that all information, and associated documents, contained, at any time, on the tablet/s remain the property of the Shire of Chittering; and that at any time may be the subject of a Freedom of Information (FOI), Police, Crime and Corruption Commission or other competent authority inquiry and as such may be made available to any of these investigating bodies. In addition all documents, images, sound recordings and emails are subject to the State Records Act 2000 and as such form part of the official record of the Shire of Chittering and therefore must be maintained in accordance with the Act.
- 3.7.8** If an iPad device is lost or misplaced, this must be reported to the Shire staff at the earliest opportunity. Users must be aware that the device can be remotely locked and the contents deleted if necessary. It is the users' responsibility to take additional precautions such as backing up contacts, photos and email.
- 3.7.9** From time to time, Elected Members may be required to bring in their Shire supplied devices so that the Shire staff can check settings and automatic update functions.
- 3.7.10** Shire supplied Mobile Computing Devices will be pre-loaded with relevant work related software and applications. The installed software and applications are required to remain on the device in usable condition and be readily accessible at all times.
- 3.7.11** All software and applications installed on the Tablets, are to be approved – prior to installation – by the Council's IT support provider.
- 3.7.12** While it is expected that Elected Members may use the Tablets to conduct research, communicate with people, conduct general Council business and store relevant documentation and photographs; Elected members are not permitted to use their Council issued tablet to send or knowingly download any explicit, discriminatory or pornographic content, access the dark-web, download or store pirated material or store other images that may reflect badly on the Shire and the devices are not to be used for operating a business or for any illegal activity.
- 3.7.13** Mobile devices (such as iPads) will not be made available for purchase by Elected Members while they remain in office. The existing device must either

remain in service or if the device requires updating for age/technology reasons, the old device must be returned and a new one will be purchased.

3.7.14 When an Elected Member ceases to be an Elected Member, the iPad /tablet may be offered to the individual for purchase at the written down value. In such cases, the device is required to be presented to Council staff so that the sim card can be removed and the device reset to its factory settings. The individual will be required to ensure that they back-up their contacts, photos and any other personal information they wish to retain as all data on the device will be erased.

3.8 Electronic Agendas

3.8.1 The preferred technology for disseminating and managing Council Agenda Papers, Agenda Forums and Information Sessions is via an online format utilising an approved Mobile Computing Device.

3.8.2 To minimise printing costs, paper based agendas will not be distributed unless specifically requested. If a particular Elected Member requests paper based agendas on a permanent basis, then such arrangements will require the approval of Council.

3.9 Email Usage for Shire Business

For the purposes of activity related to Shire business, the user should conduct all e-mail communication through their assigned Shire email account.

4. Professional Conferences

4.1 To enable members to develop and maintain skills and knowledge relevant to their role as a representative of the Shire, the Chief Executive Officer is authorised to arrange, at the Shire's cost, and at the request of an Elected Member:

- a) registration at professional conferences and meetings referred to above are to be:-
 - i) considered by the CEO to be directly relevant to the Shire's affairs; or
 - ii) convened by the Western Australian Local Government Association (WALGA) including the Convention.

4.2 The type of conference that Elected Members attend will be related to a particular function or activity in which Council is involved rather than individual or personal development type conference/seminars.

4.3 An Elected Member who is funded by the council to attend a conference, seminar, forum, delegation or similar event, shall participate as a representative of the council, not as an individual.

4.4 Registration at conferences will include the dinner for the Elected Member.

4.5 Subject to the Section 4.1, a maximum amount (per Elected Member) is set annually for attendance at conferences in accordance with the Shire of Chittering Annual Budget.

- 4.6** For the purpose of Regulation 32(1)(a), the express authority by resolution of the Council is given to Elected Members to perform the following function – the attendance by an Elected Member at a professional conference, the registration for which is arranged by the Chief Executive Officer.

5. Travel and Accommodation

Travel and accommodation expenses incurred as part of attending professional development activities must be in accordance with Section 5 of this policy - Elected Members' – Entitlements and Training.

5.1 Travel within Western Australia

Elected Members may attend Shire Representation events within Western Australia during their term of office upon the following conditions:

- 5.1.1** The travel falls within the definitions for conference, professional development or delegation;
- 5.1.2** Prior approval has been granted by the mayor or deputy mayor as applicable;
- 5.1.3** In deciding whether approval is to be granted the mayor or deputy mayor should take into consideration the council members remaining term of office; and
- 5.1.4** There is sufficient budget allocation for the council members travel.

5.2 Travel outside of Western Australia

Council Members may attend Shire Representation events held outside WA and overseas during their term of office upon the following conditions:

- 5.2.1** The travel falls within the definitions for conference, professional development or delegation;
- 5.2.2** An item has been presented to the council with the exclusion of the Shire President's and/or councillor acting in that office, interstate travel specifying:
- 5.2.3** the benefit to the City of the attendance at the conference, professional development or delegation;
- 5.2.4** whether, if applicable, there is a necessity to send more than one council member; and
- 5.2.5** whether the information to be discussed at the conference or professional development can be sourced from within Western Australia.
- 5.2.6** Approval has been granted by council resolution; and
- 5.2.7** There is sufficient budget allocation for the council members travel.

5.3 General conditions of travel

5.3.1 Bookings

Travel, accommodation and registrations will be booked by the Office of the Chief Executive Officer. This will allow the Shire to take advantage of any discounts offered. Where practicable, travel requests should be provided at least one month before travel to allow adequate time for bookings to be made.

5.3.2 Travel

5.3.2.1 The cost of air travel to and from destinations is to be by the shortest most practical route unless additional travel is contemplated before or after a conference.

5.3.2.2 The proposed duration of the conference attendance together with travel time and planned supplementary pre or post conference activities relevant to the Shire of Chittering, will be notified to Council or the Chief Executive Officer for confirmation and/or amendment prior to the delegate's departure for the conference.

5.3.2.3 Where a council member chooses to arrive earlier or extend their stay at the location of a conference or deviates from the travel arrangements, then the council member will be responsible for the full cost associated with that extended stay and/or variation to travel arrangements for private purposes. The exception would be if the flight schedules determine an extended stay is required.

5.3.2.4 Air travel will be booked as one return economy class airfare on the most economical flight. The cost of any upgrade to business class shall be paid from the council members' personal funds or personal frequent flyer points.

5.3.2.5 Other than to amend departure times, tickets provided to representatives of the Shire are not to be exchanged, downgraded or rebated for any reason. Tickets or bookings may not be altered to include personal travel that is not part of the scheduled conference itinerary.

5.3.2.6 The Shire President shall have the authority to assess special, medical or extenuating circumstances and approve business travel. Such requests must be in writing and supported by appropriate evidence.

5.3.2.7 Hire cars may be booked only if required to meet the reasonable travel requirements of the conference or professional development at the discretion of the Chief Executive Officer.

- 5.3.2.8** Taxi fares for reasonable travel requirements relevant to the conference and/or council business will be reimbursed upon return, upon the production of receipts to verify the expense.
- 5.3.2.9** Where an Elected Member elects to travel interstate by private motor vehicle they will be reimbursed for actual accommodation costs and vehicle costs in accordance with the Local Government travel allowance up to an equivalent amount that would have been expended had the travel occurred by air.
- 5.3.2.10** All claims for reimbursement must be lodged on the appropriate claim form and submitted to the Office of the CEO to process for approval and payment. Claim forms must be submitted with accompanying receipts for all expenses in order to be reimbursed.
- 5.3.2.11** A part of the Shire's business travel insurance policy, any travel insurance for Council Members or their spouses is provided for as part of that certificate of currency.

5.3.3 Accommodation

Accommodation for an Elected Member will be booked, where practicable, in a standard room at a reasonably priced hotel at the associated venue or, if unavailable, at premises in close proximity to the venue. Bookings will include accommodation the night before and/or after the event where necessary because of travel, airline flights and/or event timetables.

5.3.4 Meal and Incidentals

The following expenses incurred by an Elected Member in performing a function referred to in Clause 4.1 (a) are approved for reimbursement:

- 5.3.4.1** The Shire will pay to a daily and combined level for reasonable costs of meals and incidentals per annual ATO Taxation Determination. Such expenses which will be paid or reimbursed by the Shire include:
- Taxi, rideshare (i.e. Uber), train, bus and tram fares to/from the airport and the venue during the conference;
 - Vehicle hire, petrol and parking fees;
 - food and beverages consumed by the member during the conference - being breakfasts, lunches and/or dinners not included in the registration fee.
 - Laundry and dry cleaning - if the stay is for more than three days.

- costs associated with the attendance of the Elected Member at any meetings or forums with other government bodies or associations, at the discretion of the CEO.

5.3.4.2 The extent to which the costs are to be reimbursed is the “actual cost”. All costs are to be fully substantiated by receipts and invoices and a Council Member Reimbursement of Expenses form is to be completed and submitted to the Office of the CEO to process for approval and payment.

5.3.4.3 The Shire will not pay for or reimburse:

- Alcohol expenses of any type;
- Entertainment costs not associated with those scheduled as part of the Shire Representation event.
- Any expenses associated with matters other than those attended to while attending the Shire Representation event.
- A meal allowance if the conference provides meals as part of the package.

****Meal and beverage claims will be accepted where it is reasonable for the Elected Member to have incurred the expense. Meal claims will not be accepted where meals are provided at the event or activity or where the expense is incurred outside of reasonable travelling times for example more than a day in advance of or after the end of the event or activity.***

5.3.5 Accompanying persons

5.3.5.1 In recognising the contribution of elected members to the community and period of time spent away from an elected member’s principal residence, for elected member development Council authorises payment of associated expenses of Elected Members’ spouses/partners to attend one (1) conference annually in Western Australia.

5.3.5.2 A partner or spouse may accompany a council member to a Shire Representation event/s but the Shire will not pay for partners and spouses to accompany Council Members on Council business - other than payment for attendance at the official conference dinner.

5.3.5.3 All expenses incurred by the accompanying person are to be paid by the accompanying person or council member, except the following which will be paid or reimbursed by the Shire:

- Official conference meals; and

- Accommodation provided there is no increase in accommodation costs arising if the council member attending the event on their own.

5.3.5.4 Where the Shire meets an account containing any expenditure of cost incurred on behalf of an accompanying person attending, such expenditure must be repaid to the Shire by the council member/accompanying person within 30 days of being invoiced for such expenditure.

5.3.5.5 Where Council is represented by a person requiring assistance for the reason of disability, the accompanying person shall be given the same privileges as the representative regarding the travel, accommodation and reasonable expenses incurred.

6. Workplace Information

Following participation in an event covered by section 2 or a Shire Representation event of more than 5 days' duration covered in section 4:

6.1 The council member(s) is expected to submit an individual or composite report (where approval has been granted for more than one member to attend) for inclusion in the next ordinary Council meeting briefing session.

6.2 The report should document;

- the program and major points of interest to the shire;
- whether the objectives of the participation were met;
- the benefits to the council member, council and the community; and
- the value of future attendance or representation by council at similar events.

6.3 All conference and training papers remain the property of the Shire.

7. Professional Development

7.1 Commitment to professional development

7.1.1 As the public face of the council and as community representatives, council members play an integral leadership role in the processes for the development, communication and representation of the Council Strategic Plan and the council's policies, strategies and programs.

7.1.2 Professional development for council members contributes towards a positive presentation of the Council for the betterment of the organisation and the community.

7.1.3 Council will allocate funds through its budget process to meet approved professional development needs of council members.

7.2 Mandatory Training

Each council member must complete training in accordance with the *Local Government Act 1995, Section 5.126(1)* and the *Local Government (Administration) Regulations 1996*:

7.2.1 Council Member Essentials

An Elected Member must pass the course titled *Council Member Essentials* in accordance with the *Local Government (Administration) Regulations 1996* within a period of twelve months beginning on the day on which the council member is elected. The course consists of the following modules:

- Understanding Local Government;
- Serving on Council;
- Meeting Procedures;
- Conflicts of Interest; and
- Understanding Financial Reports and Budgets; and

Is provided by any of the following bodies –

- i. North Metropolitan TAFE;
- ii. South Metropolitan TAFE; and/or
- iii. WALGA

7.2.1.1 Priority will be given to the attendance of any new Elected Member at any induction or training course that is specifically organised for the benefit of the new Elected Member.

7.2.1.2 An Elected Member is not entitled to any subsidy where a course of study is subsidised through other means.

7.2.2 Exemption from Mandatory Training

A council member is exempt from the requirement in section 5.126(1) of the Local Government Act 1995 if:

7.2.2.1 the Elected Member passed either of the following courses within the period of five years ending immediately before the day on which the council member is elected:

- Council Member Essentials;
- 52756WA Diploma of Local Government (Elected Member) ;

or

7.2.2.2 the Elected member passed the course titled LGASS00002 Elected Member Skill Set before 1 July 2019 and within a period of five years ending immediately before the day on which the council member is elected.

7.2.2.3 A person who is a council member on the day on which the Local Government Regulations Amendment (Induction and Training) Regulations 2019 regulation 8 comes into operation is exempt

from the requirement in section 5.126(1) until the end of their term of office.

7.3 Personal development

Elected members are encouraged to identify individual and group personal development needs to enhance their effectiveness. As the needs of individual council members may vary, each member is encouraged to seek the assistance of the Chief Executive Officer in analysing his or her particular requirements and in identifying appropriate courses, seminars and training to meet those needs.

7.4 Funding for Professional Development

The council will allocate funds for professional development during the budget process.

7.5 Report on Training

The Shire must prepare a report for each financial year on the training completed by Elected Members in the financial year. The report must be published on the Shire's website within one month after the end of the financial year to which the report relates.

8. Dispute Resolution

All disputes in regard to this policy will be referred to the Chief Executive Officer, in the first instance. In the event that the Member and the Chief Executive Officer cannot reach an agreement, the matter will be submitted to Council for a ruling.

Acceptance of Terms

I hereby certify that I have received a written copy of the "Elected Members' – Entitlements and Training" Policy. I have read and fully understand the terms of this policy.

By: _____
Council Member's Signature

Dated: _____

Council Member's Printed Name

References:

Local Government Act 1995
Local Government (Administration) Regulations 1996
Salaries and Allowances Act 1975
State Records Act 2000
Shire of Chittering Code of Conduct Elected Members

4.4 Certificate of Recognition

Policy Owner:	Governance
Distributed to:	All Elected Members
Person Responsible:	All Executive Managers
Date of Approval:	17 February 2010
Amended:	25 June 2014

Objectives

To formally recognise the contribution made by recently retiring Elected Members

Policy

There is relatively little recognition and support for people who are prepared to be members of Council and, as a result, make a significant contribution to their communities.

The Department of Local Government has therefore reduced the qualifying period for the receipt of a Certificate of Recognition to eight years.

In order to enable the Shire to appropriately recognise Elected Members, the following is presented:

- A certificate of recognition will be awarded to a current or former Elected Member, on request to the Department of Local Government, after eight or more years of service and which has been confirmed by the local government;
- The service need not be continuous and may be with one or more local governments;
- If an Elected Member, having been issued with a Certificate, has further service that qualifies, (i.e. a further eight years or more), an additional Certificate will be issued; and
- Details on a Certificate will include the period served by the Elected Member as mayor/president, deputy mayor/ president or Councillor.

Requests for certificates will be made to the Department by the Shire on behalf of the Elected Member. Certificates issued to current Elected Members who have served for more than eight years will recognise all their years of service however, once a Certificate has been issued, another will not be provided for any period less than a further eight years.

It is therefore suggested that an Elected Member who has qualified, having been on Council for eight years, but who intends to continue for another term, defer their application for a certificate until such time as their term is completed or they retire from Council. This will allow the service details to be on one certificate.

The Department of Local Government will recognise the number of years served by issuing certificates that are colour coded, i.e.

- White: 8 to 16 years of service
- Silver: 17 to 24 years of service
- Gold: 25 years or more.

In addition to the Certificate by the Department of Local Government, the Elected Member will be presented, on retirement:

- With a plaque of the Council crest and an engraved plate identifying the name of the Elected Member and the years of service to Council;
- A gift to the value of \$80 per year for Councillors and \$100 per year for Shire Presidents for each year of service capped at a maximum of \$1,000.

Presentations will occur at either of the following Council functions:

- Prior to a normal, scheduled Council meeting; or
- By the Shire President or his nominee; or
- As approved by the Shire President and Chief Executive Officer.

The retiree is to have the option of choice.

For the position of Shire President, in addition to the Department of Local Government Certificate of Recognition, a suitable gift and reception will be arranged by the Chief Executive Officer in conjunction with the Deputy Shire President.

4.5 *Legal representation and Costs Indemnification*

Policy Owner:	Governance
Distributed to:	All Elected Members
Person Responsible:	All Executive Managers
Date of Approval:	17 February 2010
Amended:	

Objectives

The policy aims to protect the interests of individual Elected Members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the Shire may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

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

Policy

- (a) The Shire may provide financial assistance to members and employees in connection with the performance of their duties provided that the Elected Member or employee has acted reasonably and has not acted dishonestly, against the interest of the Shire or otherwise in bad faith.
- (b) The Shire may provide such assistance in the following types of legal proceedings:
 - i) proceedings brought by Elected Members and employees to enable them to carry out their local government functions (e.g. where an Elected Member or employee seeks a restraining order against a person using threatening behaviour)
 - ii) proceedings brought against Elected Members or employees [this could be in relation to a decision of Council or an employee which aggrieves another person (e.g. refusing a development application) or where the conduct of an Elected Member or employee in carrying out his or her functions is considered detrimental to the person (e.g. defending defamation actions)]
 - iii) statutory or other inquiries where representation of an Elected Members or employees is justified.
- (c) The Shire will not support any defamation actions seeking the payment of damages for individual Elected Members or employees in regard to comments or criticisms levelled at their conduct in their respective roles. Elected Members or employees are not precluded, however, from taking their own private action. Further, the Shire, through the Chief

Executive Officer, may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.

- (d) The legal services the subject of assistance under this policy will usually be provided by the Shire's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors at the Chief Executive Officer's discretion.

Applications for financial assistance

- (a) Subject to item e) below, decisions as to financial assistance under this policy are to be made by the Council.
- (b) An Elected Member or employee requesting personal financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Chief Executive Officer, providing full details of the circumstances of the matter and the legal services required. [See (f) below].
- (c) An application to the Council is to be accompanied by an assessment of the request and with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer.
- (d) An Elected Member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the **Local Government Act 1995**.
- (e) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the Chief Executive Officer may give an authorisation to the value of \$5,000.
- (f) Where it is the Chief Executive Officer who is seeking urgent financial support for legal services the Council shall deal with the application.
- (g) The Elected Member or employee shall sign an agreement between him or her and the Shire agreeing that the financial assistance shall be provided on the terms and conditions of this policy.

Repayment of assistance

- (a) Any amount recovered by an Elected Member or employee in proceedings, whether for costs or damages, will be off set against any monies paid or payable by the Shire.
- (b) Assistance will be withdrawn where the Council determines, upon legal advice that a person has acted dishonestly.
- (c) Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The Shire may take action to recover any such monies in a court of competent jurisdiction.

4.6 Council Forums, Workshops and Information Sessions

Policy Owner:	Chief Executive Officer
Person Responsible:	Executive Assistant
Date of Approval:	17 May 2017 ^{Resolution 090517}
Amended:	16 September 2020; 15 March 2023
Integrated Framework Reference:	Strategic Community Plan
Applies to:	All Staff and Council attending Councillor Information sessions

This policy was adopted by Council to set governing principles in place that align with the Strategic Community Plan 2022 - 2032: Focus Area Performance: Outcome SF.2: Accountable and Transparent Governance.

OBJECTIVES

To ensure that Council Forums, Workshops and Information Sessions:

- 1 Provide relevant information to ensure Councillors are better informed when participating in Council decision making processes.
- 2 Provide a platform for two-way communication between Councillors and key staff on Council related matters.
- 3 Provide an inclusive opportunity for general community members to receive the same information on Agenda Items being provided to Councillors on a range of relevant topics.

DEFINITION

Agenda Forum refers to the non-statutory meeting held by Council to ask questions, receive presentations and seek clarity of officer reports on the upcoming agenda.

Briefing Sessions refers to a non-statutory meeting held by Council to ask questions on the published agenda.

Community Engagement Forums refers to community engagement sessions scheduled in the various localities where Councillors and staff share information and engage in open discussions with the community.

Council Workshops refers to the non-statutory meeting held by Council to provide input and guidance on the development of matters that have a strategic impact and/or relate to the delivery of the Strategic Community Plan.

POLICY

The Department of Local Government, Sport and Cultural Industries (DLGSC) (Operational Guideline Number 05) acknowledges that many local governments, especially those in rural areas, need to conduct pre-meeting forums as Councillors need an opportunity to discuss issues within the freedom of a forum rather than in a formal Council meeting.

1 AGENDA FORUMS

1.1 Matters dealt with at agenda forums may include;

- breaking down of complex issues before Council;
- clarification of items on the Council agenda;
- requests for additional information on items on the Council agenda; and
- discussion of confidential items on the agenda and which will be discussed with members of the public excluded.

1.2 Public Presentations and Deputations

Members of the public and applicants will have the opportunity to present or make a deputation to Councillors at an Agenda Forum. The purpose of allowing for presentations and deputations is so that the public/the applicant has the opportunity to put their position to Council, and members of Council will have an opportunity to ask questions of members of the public and/or applicant.

Requests for presentations and deputations will only be allowed at either the Agenda Forum or Ordinary Council Meeting; not for both.

1.3 Public Question Time

There is no Question Time at an Agenda Forum. Members of the public may make presentations and deputations at Agenda Forums, and may ask questions on any topic relevant to the local government at each Council Meeting.

1.4 Points/Requests for Clarification by Councillors

Councillors will have the opportunity to ask questions of any officer or person in attendance to provide further information or clarification.

1.5 No Debate

No debate, or discussion between Councillors that could be interpreted as debate, will be permitted.

1.6 No Decisions

No decision will be made at an Agenda Forum by the Council, other than the election of Presiding Member in the absence of the President or Deputy President.

1.7 Modifications to Council Agenda

Following information forthcoming prior to or as part of the Agenda Forum, the CEO may at that officer's discretion, choose to modify or withdraw an officer's agenda item prior to the Council Agenda being finalised and released for formal distribution.

2 COUNCIL WORKSHOPS

Council Workshops generally relate to strategic matters that are not yet on a Council meeting agenda.

Matters to be discussed at a Council Workshop may include:

- the brainstorming of ideas;
- policy development and direction (but not adoption);
- Budget Sessions; and
- ongoing discussion of the Shire's strategic direction.

3 BRIEFING SESSIONS

Briefing Sessions are on Agenda Forum and Council Meeting days and used for presentations to be made to Council. Relevant updates on projects, or other progress reports would be generally presented in this setting. These sessions are also used to accommodate external groups wishing to make presentations to Council for information purposes only and can also be used by a Community Group wishing to address a specific matter with council. Open discussion between Council, and staff and presenting stakeholders relating to the matter at hand.

4 COMMUNITY ENGAGEMENT FORUMS

Predominantly scheduled in a less formal setting, allowing the community to openly engage with Council on a "Question and Answer" basis; and also used, to a lesser extent, for topical information sharing. Open engagement and free discussion is encouraged.

5 CONFIDENTIALITY

Agenda forums and Community Engagement Forums are open to all members of the public. Matters of a confidential nature included in a Council agenda will be discussed at closed agenda forum sessions in accordance with the provisions of the LG Act (i.e. not open to the public).

Council Workshops are generally closed to the public to facilitate the open discussion of preliminary ideas and concepts by Councillors, but may be open to the public where the CEO or Shire President believe it would be beneficial.

6 PRINCIPLES

The following guidelines apply to Forums, Workshops and Briefing Sessions to ensure openness and accountability is safeguarded:

- 6.1** Forums, Workshops and Briefing Sessions are not to become “de facto” meetings and there must be no implication of debate or collective or collaborative decisions being made or implied.
- 6.2** Agenda Forums, Briefing Sessions and Council Workshops are to be held prior to Council Meetings with additional sessions as required and called by Council or the Shire President or convened by the CEO in liaison with the Shire President.
- 6.3** Notice of Forums, Workshops and Briefing Sessions will be given by via email invitation and will include a list of topics or a program. Councillors wishing to have an item included on the program are to advise the CEO and the Shire President via email at the earliest opportunity. The public will be informed of items which will be discussed in Agenda Forums by advertisement along with the items on the Council agenda on the Shire website.
- 6.4** Members of the public and applicants will have the opportunity to present or make a deputation to Councillors at an Agenda Forum. The purpose of allowing for presentations and deputations is so that the public/the applicant has the opportunity to put their position to Council, and members of Council will have an opportunity to ask questions of members of the public and/or applicant.

Requests for presentations and deputations will only be allowed at either the Agenda Forum or Ordinary Council Meeting; not for both.
- 6.5** Forums, Workshops and Briefing Sessions are to be chaired by the Shire President. The CEO is responsible for the presentation of information and for providing direction to staff.
- 6.6** Councillors and staff must disclose conflicts of interest in matters to be discussed in Forums, Workshops and Briefing Sessions. Interests must be disclosed at the start of the session and in accordance with the provisions of the LG Act as they apply to Ordinary Council meetings. Persons disclosing a financial interest must not participate in that part of the session relating to their interest and leave the room unless the forum otherwise allows. Interests affecting impartiality should also be disclosed and dealt with in accordance with the Local Government (Model Code of Conduct) Regulations 2021.

The Chief Executive Officer (CEO) is responsible for the administration of the Forums, Workshops and Briefing Sessions in terms of officer attendance, convening sessions, notice of items to be discussed at the session, and the keeping of a record of the proceedings including reporting details of the sessions on a quarterly basis.

7 RECORDING OF PROCEEDINGS

An audio recording will be taken of questions from elected members and answers from members and officers, public presentations and deputations at Agenda Forums; and these audio recordings are to be circulated to Council before the issuance of the Ordinary Council Meeting Agenda to the public.

References:

<https://www.dlgsc.wa.gov.au/department/publications/publication/council-forums>

Elected Member Policy 4.10 - Transparency & Accountability

4.7 Gifts, Benefits, Hospitality and Attendance at Events Policy

Policy Owner:	Governance
Person Responsible:	Chief Executive Officer
Date of Approval:	15 July 2020
Amended:	

Objective

The purpose of this policy is to establish guidelines for appropriate conduct in circumstances where Elected Members and/or Employees are offered gifts, benefits, hospitality or are granted awards or win prizes, whether part of their official duties or while attending functions as Council representatives; and to establish guidelines for appropriate disclosure and management of acceptance of invitations to events or functions, or other hospitality occasions, where elected members and employees are invited free of charge, whether as part of their official duties as council or Shire representatives or not.

Scope

This policy applies to all Elected Members and/or Employees and operates in accordance with *Local Government Act 1995*, *Local Government (Rules of Conduct) Regulations 2007*, *Local Government (Administration) Regulations 1996*, and Shire of Chittering Code of Conduct.

Policy

1. RESPONSIBILITY

Elected Members and/or Employees are responsible for ensuring that when any gift, benefit or hospitality offer is received the following are addresses:

- A high standard of probity and accountability is maintained;
- Legislative requirements and community expectations are met;
- Council activities are not influenced or perceived to be influenced by the receipt of gifts, benefits or hospitality; and
- Gifts that are accepted or declined are properly disclosed and managed.

Elected Members and/or Employees must:

- At all times be ethical, transparent, fair and honest in the conduct of official duties.
- Be aware that corruptly receiving a gift (including a benefit or hospitality) is an offence under the *Local Government Act 1995*.
- Be fully accountable and responsible for their actions and ensure that the methods and processes they use to arrive at decisions are beyond reproach and can withstand audit scrutiny.
- Not seek, solicit or use their position with Council to obtain gifts or benefits from external organisations or people.

- Ensure that a person or organisation is not placed in a position in which they feel obliged to offer gifts, benefits or hospitality to secure or retain Council business.
- In case of an Elected Member, report any incidences immediately to the Chief Executive Office, and in the case of an Employee to their Manager and/or Chief Executive Officer where a bribe and/or cash are offered.

2. The GIFT Test

G (Giver) - Who is providing the gift, benefit or hospitality and what is their relationship to me?

Does my role require me to select contractors, award grants, regulate industries or determine a Council policy? Could a person or organisation benefit from a decision I have made?

I (Influence) - Are they seeking to influence my decisions or actions?

Has the gift, benefit or hospitality been offered to me publically or privately?

Is it a courtesy, a token of appreciation or valuable? Does its timing coincide with a decision I am about to make, have made or contributed to?

F (Favour) - Are they seeking a favour in return for the gift, benefit or hospitality?

Has the gift, benefit or hospitality been offered honestly?

Has the person or organisation made several offers over the last 12 months?

Would accepting it create an obligation to return a favour?

T (Trust) - Would accepting the gift, benefit or hospitality diminish public trust?

How would I feel if the gift, benefit or hospitality became public knowledge?

What would my colleagues, family and friends, associates or a member of the public think?

In considering whether a benefit such as an invitation to an event or hospitality given to an elected member or an employee is a gift for the purposes of the Act and Regulations, the key issues include:

1. What is the value of the benefit?
2. Does the elected member or employee of the benefit contribute anything of value to the donor in return for the benefit such as formally opening or speaking at the event or presenting prizes/awards?
3. If so, does the value of that contribution outweigh the value of the benefit?
If so, it will not be a gift for the purposes of the Act and Regulations.

3. PRINCIPLES

3.1 Gifts must never be sought

Elected Members and/or Employees must not solicit, demand or request gifts or any personal benefit for themselves or another person by virtue of their position.

3.2 No sense of obligation

No gift should be accepted that could influence or be perceived to influence an Elected Member and/or Employee in the performance of their public duty.

3.3 Prohibited Gifts

In addition to other limitations imposed by this policy, monetary gifts of any value and an individual gift from a person or organisation, with a value exceeding \$300 must not be accepted.

3.4 Gifts of Appreciation

A person or organisation wishing to demonstrate their appreciation for services received from Council or Employee should not involve the presentation of a gift or benefit. Acceptable alternatives may include a letter of thanks or a thank you card as these are considered less likely to result in a situation that may compromise or be perceived to compromise either party.

3.5 Token Gifts

Gifts of token value may be accepted by an Elected Member and/or Employees provided that the gift does not create a real, or perceived sense of obligation that may lead to a perception of preferential service as a result of the gift.

The following should be used as a guide for an Elected Member and/or Employees in determining whether to accept token gifts. Such gifts may be accepted only when the following have been considered:-

- a) Such a gift is offered in an open or public forum and refusal would be obviously discourteous;
- b) Acceptance would not cause any potential perceived or actual compromise or conflict of interest;
- c) The gift does not have a significant monetary value (as a guide, less than \$10); and
- d) The gift is not offered on a regular basis.

3.6 Offer to attend a “Free” Event

There is no such thing as a free event. In these circumstances there needs to be a reasonable calculation or assessment of the value of attendance as a member of the “paying public”. The threshold of \$300 also applies in these circumstances.

3.6.1 Commercial entertainment events

Any tickets accepted by an elected member or employee without payment for any commercial entertainment event, for which a member of the public is required to pay whether sponsored by the Shire or not will generally be classified as a gift for the purposes of the Act and Regulations.

An exception to this is where the Shire President or his / her representative attends the event in an official capacity to perform a civic or mayoral function.

Where there is a commercial entertainment event that, in the opinion of the Chief Executive Officer, it is in the interests of the Shire for one or more

elected members or employees to attend in order to assess and understand first-hand the impacts on the community or business, then one or more tickets for that event will be purchased for the relevant elected member or employee by the Shire at full cost.

3.6.2 *Other commercial (non-entertainment) events*

For other commercial (non-entertainment) events, such as a conference or seminar, for which a member of the public is required to pay, where the Chief Executive Officer is of the opinion that it is in the interests of the Shire for one or more Elected Members or employees to attend (such as for their professional development or to undertake a function as an Elected Member or employee), then one or more registrations or other benefits for that event will be purchased for the relevant Elected Member or employee by the Shire at full cost to enable attendance.

If the Shire does not pay for the event, free registration or any other benefit (such as hospitality) given to an Elected Member or employee would be classified as a 'gift' unless the contribution of the Elected Member or employee to the event (such as by way of a paper or speaking engagement) is reasonably considered to outweigh the value of registration or other benefit given to the Elected Member or employee.

3.6.3 *Community/local business events*

Acceptance of reasonable and modest hospitality by an Elected Member or employee at an unpaid event run by a local community group for local business would not generally be classified as a 'gift' where the contribution by the Elected Member or employee to the event is reasonably considered to outweigh the value of the hospitality.

This is more likely where the Elected Member or employee attends the event in his or her capacity as an Elected Member or employee - preferably where the attendance has been specifically authorised by the Shire, but otherwise where the person is performing his or her functions as an Elected Member or employee.

3.7 **Event Attendance Register**

The CEO shall maintain an event attendance register listing events attended by elected members in their civic capacity, where they have been invited or received tickets, regardless of value. Elected members are required to declare their event attendance within ten (10) days.

Each elected member is required to declare the following information on the register:

- a) who invited the member or provided the tickets to the event;
- b) the description of the event;
- c) the location of the event;
- d) the date of the event;

- e) the role that the elected member fulfilled at the event (i.e. presenter, observer or participant);
- f) the benefit of the elected member attending the event for the Shire of Chittering; and
- g) the value of the event (if any)

Where the value of the event attended exceeds \$300, or the invitations received from a donor has exceeded \$300 over a twelve-month period, the elected member or CEO must declare the event as a gift in accordance with sections 5.87A and 5.87B of the Act.

3.8 Official Gifts

From time to time a person or organisation may offer gifts of goodwill to Council through conferences or social, cultural, community, industry events where gifts are presented or exchanged. It is reasonable for an Elected Member and/or Employee to accept the gift on behalf of Council and such gifts shall be considered to be the property of the Shire.

3.9 Hospitality

Elected Members and/or Employees in an official capacity will from time to time receive invitations of hospitality to attend various functions and events.

Where hospitality is only modest in nature and provides an opportunity to network or undertake business of a common purpose, it may be considered appropriate to accept such invitations.

Such incidental refreshments at meetings, working lunches, community events or similar are not considered to be a gift and need not be recorded, unless they occur at a frequency that may give rise to the perception of a conflict of interest under the Act.

If acceptance of the hospitality is likely to create the impression that an attempt is being made to compromise the impartiality of the Elected Member and/or Employee, or could be perceived as a conflict of interest, the offer of hospitality should be politely declined and recorded.

Where possible any offer of hospitality made to an Elected Member and/or Employee should be declared and approved prior to the event.

4. PROCEDURAL GUIDELINES

4.1 Declaration of Gifts – Elected Members and/or Employees in their role (r12 of the Local Government (Rules of Conduct) Regulations 2007 and Shire of Chittering Code of Conduct.

Nothing in this policy shall be construed to override the provisions of the Act.

4.1.1 Individual Gift (Single Item)

An Elected Member and/or Employee is to disclose a notifiable gift where the value is between \$50 and \$300, or where a gift is one of two or more gifts given by the same person or organisation, within a period of six months, that are in total valued between \$50 and \$300.

No Elected Member and/or Employee is to accept a gift valued at \$300 or more, or where the value is one of two or more gifts given to the Elected Member and/or Employee by the same person or organisation, within a period of six months, that are in total valued \$300 or more.

An Elected Member and/or Employee may accept a gift with a value less than \$50, but the Elected Member and/or Employees' disclosure will be made in a prompt and full manner and in writing in the Gifts Register, including the name(s) of the person(s) who gave the token gift, the date of receipt and its estimated value.

Gifts from relatives, statutory authorities, government instrumentalities, non-profit associations for professional training, WALGA, the Australian Local Government Association or Local Government Professionals Australia WA are not required to be disclosed.

4.1.2 *Multiple Gift (More than one item in the same batch)*

An Employee may receive a multiple gift from a person or organisation on behalf of the Shire, on the condition that the value of each item is less than \$300.

Note: A batch of individual tickets to attend a community event is defined as a multiple gift, whereas, a basket of gift wrapped confectionery is defined as an individual gift.

The Holder of a multiple gift is not permitted to receive a benefit from the batch and must notify their Manager immediately, ensuring the details on what has been received is clear and precise.

The relevant Manager shall determine the disbursement of the individual item.

The Holder is not permitted to accept further multiple gifts from the same provider within 6 months, if the individual items total \$300 or more.

4.2 Declaration of Gifts – An Elected Member and/or Employee with delegated authority who accept a gift from a person other than a relative outside their role as an Elected Member or Employee

Nothing in this policy shall be construed to override the provisions of the Act.

An Elected Member or Employee with delegated authority is to disclose the acceptance of a gift worth more than \$200, or where a gift is one of two or more gifts, given by the same person or organisation within a period of 12 months that are in total valued more than \$200.

Gifts from relatives are not required to be disclosed.

4.3 Notifiable Gift Register

All gifts received by an Elected Member and/or Employee between \$50 and \$300 must be declared. Disclosure will be made in a prompt (within 10 days of receipt) and full manner and in writing in the Gifts Register, including the name(s) of the person(s) who gave the token gift, the date of receipt and its estimated value.

4.4 Disposing of Gifts that are unable to be returned

In instances where returning the gift would be inappropriate due to protocol, the gift is anonymous and/or returning it would cause significant embarrassment, the Executive Team will determine how the gift will be disposed of.

4.5 Awards and Prizes won at Conferences/ Seminars

In circumstances where an Elected Member and/or Employee is able to keep a prize or award is restricted to personal payment for the attendance, or the Elected Member and/or Employee pays for the raffle ticket that wins the prize or award.

Prizes or awards valued over \$100 that are won at functions, attended at the Shire's expense, must immediately become the property of the Shire.

4.6 Other Benefits must not be accepted

Other benefits may be offered and must not be accepted under any circumstances include:

- a) Benefits under loyalty schemes where the Shire is able to obtain the benefit;
- b) Discounts on Commercial Items;
- c) Discounts from local suppliers not available to the general public;
- d) Offers for coffee/ drinks / lunch / food when meeting with external service providers to the Shire where they occur often and may be perceived as a conflict of interest; and
- e) Offers of articles or accessories where the Shire has business dealings with the person or organisation may lead to perceptions of improper influence.

References:

Local Government Act 1995
Local Government (Rules of Conduct) Regulations 2007
Local Government (Administration) Regulations 1996
Local Government Regulations Amendment (Gifts) Regulations 2019
Shire of Chittering Code of Conducts

DEFINITIONS	
Acceptance	The date the gift was received, not the date of the event or function.
Act	<i>the Local Government Act 1995.</i>
Benefit	An item which is believed to be of value to the receiver such as a service (ie access to a sporting event, preferential treatment, access to confidential information, accommodation, pleasure or vacation trips.
Bribe	A corrupt inducement to reward.
Donor	A person or organisation that provides a gift to the Shire
Gift of Appreciation	A gift that is presented to an Elected Member and/or Employee to express their appreciation and a feeling of goodwill on behalf of the giver where there is no expectation of repayment or reciprocal arrangement. These gifts are generally a one-off occurrence.
Holder	The custodian of the multiple gifts of the Shire, prior to the gift being disbursed.
Hospitality	Where a meal or service is offered which has a value and is not viewed as being connected to official Shire business or part of the accepted meal at a conference or seminar.
Item	An article or thing
Monetary Gift	Cash, cheques, gift cards, frequent flyer points, money orders, traveller's cheques and direct deposits, lottery tickets and scratchies.
Notifiable Gift	A gift between \$50 and \$300 or; 2 or more gifts from the same donor within a 6 month period that combined value is between \$50 and \$300
Official Gift	A gift received by an employee, as the representative of the Shire or Council. These gifts may be received from an organisation bestowing a corporate gift (ie plaques, vases, trophies art work) or souvenir to the Shire, or as a token of appreciation for a contribution to a conference or industry event.
Organisation	Company or corporation
Prohibited Gift	A gift worth \$300 or more or; 2 or more gifts from the same donor within a 6 month period that combined value is \$300 or more.
Relative	Is defined in s5.74 of the Act – as a spouse or de facto partner, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant of the relevant person or the relevant person's spouse or de facto partner, or a spouse or de facto partner of any relative, whether or not the relationship is a natural relationship or a relationship established by written law.
Token Gift	Of such a nature and value that it could not reasonably be regarded as capable of influencing any actions or decision of the relevant person in relation to the matter.
Value	The face value or estimated retail value.

4.8 Notices of Motion

Policy Owner:	Office of the CEO
Distribution:	All Elected Members and Staff
Person Responsible:	All Elected Members
Date of Approval:	15 August 2020
Amended:	19 July 2023

Objective

To ensure the Elected Members are provided with an appropriate period for consideration of Notices of Motion; and to also provide a consistent approach to publishing the “Notices of Motion” in the Council ‘Draft’ Agenda Briefing papers, for Council’s consideration at the Council Agenda Forum.

To ensure the published Ordinary Council Meeting papers provide sufficient detail for the community to understand the rationale for the proposed motion.

Scope

Elected Members require Notices of Motion be included in Agenda Forum Briefing Papers, for consideration at the subsequent Ordinary Council Meeting. This is to provide Elected Members with an opportunity to consider and ask questions regarding proposed Notices of Motion, at the Agenda Forum meeting, prior to formal debate on the Notices of Motion at the Ordinary Council Meeting.

Clause 5.3 of Shire of Chittering’s *Standing Orders Local Law 2023* provides that Notices of Motion must be given at least seven (7) days, before the Council meeting at which the Notices of Motion is to be moved. However; in order to be included in the ‘Draft’ Agenda for discussion at the preceding Agenda Forum an additional 7 (seven) days’ notice is required.

While every encouragement is made for Elected Members to conform to this Policy, it is acknowledged that it is the right of the Elected Member to refrain from adhering to these procedures, owing to its sub-ordinance of the process stipulated in the Shire of Chittering’s *Standing Orders Local Law 2023*.

To assist Elected Members with adherence to Outcome 5 ‘Strong Leadership’ (*Strategic Community Plan 2022 - 2032*), allowing the Motions to be included in the Agenda ensures good governance that supports efficient and effective service delivery.

1. Drafting a Notice of Motion

Originating Members should refer to the Department of Local Government and Communities “A Guide to Meetings – Clause 8.3”, and “Operational Guideline No 7 – Clarity on Council Motions”.

<https://www.dlgsc.wa.gov.au/department/publications/publication/A-guide-to-council-and-committee-meetings>

Furthermore, originating Members are encouraged to seek the advice of the Shire’s Chief Executive Officer and/or Executive Managers in the formation of a Notice of Motion.

In the first instance consideration should be given, in discussion with the Chief Executive Officer, to determine if the matter can be dealt with through the normal course of business. This requires the Chief Executive Officer to agree to progress the Elected Member’s request for action through the normal course of business. This may be the most efficient process for dealing with the issue or matter.

Notices of Motion are to be submitted in writing and should as a minimum, include:

- Notice of Motion wording.
- Introduction.
- Background.
- Reason.

The Shire of Chittering’s “Notice of Motion” form ([Attachment 1](#)) is a pro-forma template which may be used for this purpose.

2. Notice of Motion Submission

The Chief Executive Officer will give consideration to the form of the Notice of Motion, in accordance with Clause 5.3 of Shire of Chittering’s *Standing Orders Local Law 2023*.

Clause 5.3 of Shire of Shire of Chittering’s *Standing Orders Local Law 2023* requires that Notices of Motion must be given at least seven (7) days before the meeting at which the Notices of Motion is to be moved. However, a timescale has been established which provides for the Notices of Motion to be included in the Agenda Forum Briefing papers and also allows for an Officer’s Comment to be prepared and included.

Accordingly, for the purpose of this policy Notices of Motion should be submitted to Chief Executive Officer seven (7) calendar days, prior to the Agenda Forum Meeting being held.

A Notices of Motion which may breach legislation will, with the concurrence of the President, be excluded.

3. Officer Comment

When the Chief Executive Officer has granted consideration to the form of the Notices of Motion, Officers with relevant subject matter expertise, will prepare a response for inclusion in the Agenda Forum Briefing papers.

The Officer's Comment may include material facts and circumstance, matters of policy, budget and law. As a guide the Officer's Comment may include:

- a) Relevance to Strategic Community Plan / Corporate Business Plan.
- b) Policy implications.
- c) Statutory requirements.
- d) Consultation requirements.
- e) Financial impact including budgetary impacts.
- f) Resource requirements.
- g) Alternative options.

4. Publication of 'Draft' Agenda Briefing Papers

Council 'Draft' Agenda Forum Briefing papers are issued to Councillors and Shire Executive Managers five (5) calendar days prior to the Agenda Forum meeting.

A list of items included in the Agenda Forum Briefing papers will be published on the Shire website.

Only approved Notices of Motion will be published in the 'Draft' Agenda Forum Briefing papers.

References:

- Department of Local Government and Communities "A Guide to Meetings – Clause 8.3
- Operational Guideline No 7 – Clarity on Council Motions

4.9 Code of Conduct – Behaviour Complaints Management

Policy Owner:	Governance
Distribution:	All Elected Members and Staff
Person Responsible:	All Executive Managers
Date of Approval:	16 June 2021
Amended	

Objective

To establish, in accordance with Clause 15(2) of the Local Government (Model Code of Conduct) Regulations 2021 and Shire of Chittering Code of Conduct for Council Members, the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Shire of Chittering's Code of Conduct for Council Members, Committee Members and Candidates.

To give effect to the Shire of Chittering's commitment to an effective, transparent, fair and accessible complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.

Policy Scope

This Policy applies to complaints made in accordance with Clause 13 of the Shire of Chittering Elected Member Policy 4.1 - Code of Conduct for Council Members, Committee Members and Candidates policy.

This Policy applies to Council Members, Committee Members, Candidates and any person who submits a complaint in accordance with this Policy.

Definitions

Act means the *Local Government Act 1995*.

Behaviour Complaints Committee means the Committee established by the Council in accordance with s.5.8 of the Act for the purpose of dealing with Complaints. The role of the Behaviour Complaints Committee is outlined in Part 2.3 of this Policy.

Behaviour Complaints Officer means a person authorised in writing [*by Council resolution or by the CEO exercising delegated authority*] under clause 13(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Behaviour Complaints Officer is addressed in Part 2.1 of this Policy.

Breach means a breach of Division 3 of the Shire of Chittering Code of Conduct for Council Members, Committee Members and Candidates.

Candidate means a candidate for election as a Council Member, whose nomination has been accepted by the Returning Officer under s.4.49 of the Act, but does not include a Council Member who has nominated for re-election. A person is a Candidate from the date on which their nomination is accepted, until the Returning Officer declares the election result in accordance with s.4.77 of the Act.

Candidate Complaint means a Complaint alleging a Breach by a Candidate. Candidate Complaints are dealt with in Part 3.2 of this Policy.

Code of Conduct means the Shire of Chittering Code of Conduct for Council Members, Committee Members and Candidates.

Committee means a committee of Council, established in accordance with s.5.8 of the Act.

Committee Member means a Council Member, employee of the Shire of Chittering or other person who has been appointed by the Council to be a member of a Committee, in accordance with s.5.10(1) of the Act. A person is a Committee Member from the date on which they are appointed, until their appointment expires or is terminated by Council resolution.

Complaint means a complaint submitted under Clause 13 of the Code of Conduct.

Complainant means a person who has submitted a Complaint in accordance with this Policy.

Complaint Assessor means a person appointed by the Behaviour Complaints Officer in accordance with Part 2.2 and Part 3.8 of this Policy.

Complaint Documents means the Complaint Form and any supporting information, evidence, or attachments provided by the Complainant.

Complaint Form means the form approved under clause 13(2)(a) of in the Code of Conduct *[by Council resolution or by the CEO exercising delegated authority]*.

Council means the Council of the Shire of Chittering.

Council or Committee Meeting means a formal meeting of the Council or a Committee that is called and convened in accordance with the Act. It does not include informal meetings, such as workshops or briefings.

Council Member means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act.

Finding means a finding made in accordance with under clause 13(2)(a) of the Code of Conduct as to whether the alleged Breach has or has not occurred.

Plan means a Plan that may be prepared and implemented under clause 14(4)(b) of the Code of Conduct, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.

Response Documents means the response provided by the Respondent to the Complaint, and includes any supporting information or evidence that is supplied.

Policy Statement

1. Principles

1.1 *Procedural fairness*

The principles of procedural fairness, or natural justice, will apply when dealing with a Complaint under this Policy. In particular:

- the Respondent will be afforded a reasonable opportunity to be heard before any findings are made, or a plan implemented;
- the decision maker should be objective and impartial, with an absence of bias or the perception of bias; and
- any findings made will be based on proper and genuine consideration of the evidence.

1.2 *Consistency*

The application of this Policy should lead to consistency in process and outcomes. While each Complainant and Respondent will be dealt with according to their circumstances, and each Complaint considered and determined on its merits, similar circumstances will result in similar decisions.

1.3 *Confidentiality*

The Shire of Chittering will take all reasonable steps to maintain confidentiality when dealing with the Complaint, in order to protect both the Complainant and Respondent.

Council Members, Local Government employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely, and must not disclose or inappropriately use this information.

Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

1.4 Accessibility

The Shire of Chittering will ensure that information on how to make a complaint, including this Policy, is available at the Shire of Chittering's Administration Building and on the Shire of Chittering's website. The Shire of Chittering will make information available in alternative formats if requested.

Any person wishing to make a complaint may contact the Behaviour Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.

2. Roles

2.1 Behaviour Complaints Officer

The Behaviour Complaints Officer is authorised in accordance with clause 13(3) of the Code of Conduct to accept complaints and withdrawal of complaints.

The Behaviour Complaints Officer is not an advocate for the complainant or the respondent. The Behaviour Complaints Officer provides procedural information and assistance to both Complainant and Respondent.

The Behaviour Complaints Officer will liaise with the Chief Executive Officer, to receive administrative support, including the appointment of a Complaints Assessor, where the Behaviour Complaints Officer determines that it is necessary to do so.

The Behaviour Complaints Officer will liaise with the Local Government to facilitate the calling and convening of Council or Behaviour Complaints Committee meetings if required.

In undertaking their functions, the Behaviour Complaints Officer will apply the Principles of this Policy.

2.2 Complaint Assessor

The Complaint Assessor is appointed by the Behaviour Complaints Officer in accordance with Part 3.8 of this Policy.

The Complaint Assessor is an impartial third party who will undertake the functions specified in this Policy. In undertaking their functions, the Complaint Assessor will apply the Principles of this Policy.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.

2.3 Behaviour Complaints Committee

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the Act for the purpose of dealing with Complaints.

The Behaviour Complaints Committee is a Committee of Council Members only. The membership and purpose of the Behaviour Complaints Committee is outlined in "Committee Handbook - Behaviour Complaints Committee Terms of Reference".

3. Procedure

3.1 Making a complaint

Any person may make a Complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 3 of the Code of Conduct [clause 13(1) of the Code of Conduct].

A Complaint must be made within one (1) month after the alleged Breach [clause 13(2)(c) of the Code of Conduct].

A Complaint must be made by completing the Behaviour Complaint Form in full and providing the completed forms to the Behaviour Complaints Officer.

A Complaint must be made in accordance with the Behaviour Complaint Form and specify which requirement(s) of the Code of Conduct is alleged to have been breached.

A Complaint is required to include the name and contact details of the Complainant therefore anonymous complaints cannot be accepted.

Where a Complaint Form omits required details, the Behaviour Complaints Officer will invite the Complainant to provide this information in order for the Complaint to be progressed.

Where a Complaint is made more than 1 month after the alleged breach, the Behaviour Complaints Officer will give the Complainant written notice that the Complaint cannot be made [clause 13(2)(c) of the Code of Conduct].

3.2 Candidate Complaints

A Complaint in relation to a Candidate must be made in accordance with 3.1, above, but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.

Within 7 days after receiving a Candidate Complaint, the Behaviour Complaints Officer will provide written notice:

To the Complainant confirming receipt, and advising of the procedure for candidate complaints; and

To the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints.

No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date.

If the Respondent is not elected, the Behaviour Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with [clause 17(1) of the Code of Conduct].

3.3 *Withdrawing a Complaint*

A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint [clause 16 of the Code of Conduct].

A Complainant may withdraw a Complaint by advising the Behaviour Complaints Officer in writing that they wish to do so.

After receiving a written withdrawal of the Complaint, the Behaviour Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

3.4 *Notice to Complainant*

Within 7 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Complainant that:

- confirms receipt of the Complaint;
- outlines the process that will be followed and possible outcomes;
- explains the application of confidentiality to the complaint;
- includes a copy of this Policy; and
- if necessary, seeks clarifications or additional information.

If the Complaint Form indicates that the Complainant agrees to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will advise the Complainant of the process in accordance with Part 3.6 of this Policy.

3.5 *Notice to Respondent*

Within 14 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Respondent that:

- advises that a Complaint has been made in accordance with the Code of Conduct and this Policy;
- includes a copy of the Complaint Documents;

- outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes;
- includes a copy of this Policy; and
- if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

If the Complainant has agreed to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will ask the Respondent if they are also willing to participate in accordance with Part 3.6 of this Policy.

3.6 *Alternative Dispute Resolution*

The Shire of Chittering recognises that Alternative Dispute Resolution may support both parties reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint. Alternative Dispute Resolution requires the consent of both parties to the complaint and may not be appropriate in all circumstances.

To commence the process, the Behaviour Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will pause the formal process.

The objective of Alternative Dispute Resolution will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with Part 3.3 of this Policy. For example, an offer by a Respondent to issue a voluntary apology in response to a Complaint, even in the absence of a request from the Complainant, qualifies for consideration as Alternative Dispute Resolution.

If Alternative Dispute Resolution is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of a third party who is providing assistance to the Local Government, such as a facilitator or mediator.

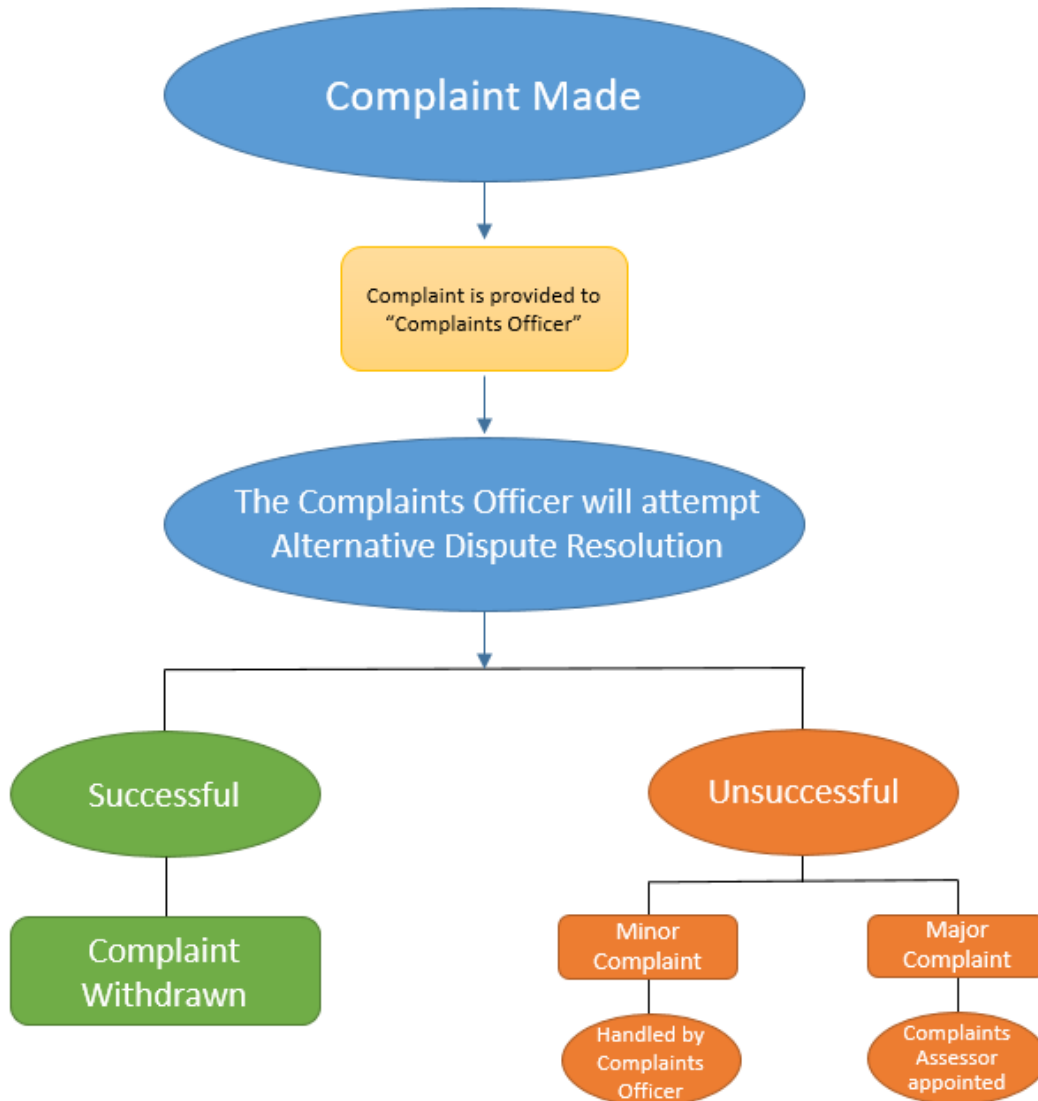
If Alternative Dispute Resolution is terminated or does not achieve an agreed outcome that results in the withdrawal of the Complaint, the Behaviour Complaints Officer will resume the formal process required under this Policy.

3.7 *Order of Complaints*

Complaints will normally be dealt with in the order in which they are received.

If more than one Complaint is received that relates to the same alleged behaviour, the Behaviour Complaints Officer may decide to progress those Complaints concurrently.

3.8 Appointment of Complaints Assessor



If Alternative Dispute Resolution is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint the Complaints Officer can elect to follow the formal process internally or appoints a Behaviour Complaints Officer.

For “major” breaches the Behaviour Complaints Officer will endeavour to appoint a Complaint Assessor within a reasonable period. The Behaviour Complaints Officer will provide written notice of the appointment to the Complainant and the Respondent.

3.9 Search of Local Government Records

The Complaint Assessor may request the Behaviour Complaints Officer to search for any relevant records in the Shire of Chittering's Record Management System.

In particular, if the behaviour is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Officer will be requested to identify any Local Government records that provide evidence that may support a decision as to whether:

- the behaviour occurred at a Council or Committee Meeting,
- the behaviour was dealt with by the person presiding at the meeting, and/or
- the Respondent has taken remedial action in accordance with the Shire of Chittering Standing Orders Local Law 2023

The Complaints Assessor must provide the Respondent with a copy of any records that are identified. In addition, where a clarification or additional information has been sought from the Complainant by either the Behaviour Complaints Officer or the Complaint Assessor, copies must also be provided to the Respondent.

3.10 Assessment of the Complaint

The Complaints Officer or Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under Part 3.4 and Part 3.5 of this Policy.

The Complaint Assessor must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions, or drafting the Complaint Report or recommendations.

3.11 Complaint Report

The Complaint Assessor will prepare a Complaint Report that will:

- outline the process followed, including how the Respondent was provided with an opportunity to be heard;
- include the Complaint Documents, the Response Documents and any relevant Local Government Records as attachments; and
- include recommendations on each decision that may be made by the Complaints Committee; and
- include reasons for each recommendation, with reference to Part 4 of this Policy.

If the Complaint Report recommends that a Plan is prepared and implemented in accordance with clause 14(4)(b) of the Code of Conduct and Part 4.4 of this Policy, the Complaint Report must include a Proposed Plan.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to include the Complaint Report in the Agenda for a meeting of the Complaints Committee. The Behaviour Complaints Officer will be responsible for preparation of an Officer Report with the Complaint Report provided as a confidential attachment. The

recommendations of the Complaint Report will be provided as the Officer Recommendations.

3.12 Complaints Committee Meeting

The Agenda will be prepared on the basis that the part of the meeting that deals with the Complaint Report will be held behind closed doors in accordance with s.5.23(2) of the Act.

The Behaviour Complaints Committee will consider the Complaint Report and attachments and give due regard to the recommendations.

In accordance with Regulation 11(d)(a) of the Local Government (Administration) Regulations 1996, reasons for any decision that is significantly different from the Officer Recommendation must be recorded in the meeting minutes.

If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Committee will determine whether or not to dismiss the Complaint in accordance with Clause 15 of the Code of Conduct and Part 4.2 of this Policy.

If the Behaviour Complaints Committee dismisses a Complaint, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the decision and the reasons for the decision in accordance with clause 15(2) of the Code of Conduct. This concludes the process for this Complaint.

If the Complaint is not dismissed, the Behaviour Complaints Committee will consider the Complaint and make a Finding as to whether the alleged Breach that is the subject of the Complaint has or has not occurred, in accordance with clause 14 of the Code of Conduct and Part 4.3 of this Policy.

If the Behaviour Complaints Committee finds that the alleged Breach did not occur, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the Finding and the reasons for the Finding in accordance with clause 14(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee finds that the alleged breach did occur, the Committee will decide whether to take no further action in accordance with clause 14(4)(a) of the Code of Conduct or prepare a plan to address the behaviour in accordance with clause 14(4)(b) of the Code of Conduct and Part 4.4 of this Policy.

If the Behaviour Complaints Committee decides to take no further action, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of this decision and the reasons for the Finding in accordance with clause 14(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee decides to prepare a Plan, the Committee will first consult with the Respondent in accordance with clause 14(5) of the Code of

Conduct. The Behaviour Complaints Committee will consider any submissions made by the Respondent before preparing and implementing a Plan.

3.13 Compliance with Plan Requirement

The Behaviour Complaints Officer will monitor the actions in timeframes set out in a Plan.

Failure to comply with a requirement included in a Plan is a minor breach under section 5.105(1) of the Act and clause 25 of the Code of Conduct.

The Behaviour Complaints Officer must provide a report advising Council of any failure to comply with a requirement included in a Plan.

4. Decision Making

4.1 Objective and Principles

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 1 of this Policy.

4.2 Dismissal

The Behaviour Complaints Committee must dismiss a Complaint in accordance with clause 15(1)(a) and (b) of the Code of Conduct if it is satisfied that -

- a) the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and
- b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the Respondent has taken remedial action in accordance with the Shire of Chittering Standing Orders Local Law 2023 .

4.3 Finding

A Finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [clause 14(3) of the Code of Conduct].

This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a breach of a requirement of Division 3 of the Code of Conduct.

4.4 Action

In deciding whether to take no further action, or prepare and implement a Plan, the Complaints Committee may consider:

- the nature and seriousness of the breach(es);
- the Respondent's submission in relation to the contravention;
- whether the Respondent has breached the Code of Conduct knowingly or carelessly;
- whether the Respondent has breached the Code of Conduct on previous occasions;
- likelihood or not of the Respondent committing further breaches of the Code of Conduct;
- personal circumstances at the time of conduct;
- need to protect the public through general deterrence and maintain public confidence in Local Government; and
- any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

4.5 Plan Requirements

The Proposed Plan may include requirements for the Respondent to do one (1) or more of the following:

- engage in mediation;
- undertake counselling;
- undertake training;
- take other action the Complaints Committee considers appropriate (e.g. an apology).

The Proposed Plan should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.

The Proposed Plan may also outline:

- the actions to be taken to address the behaviour(s);
- who is responsible for the actions;
- any assistance the Local Government will provide to assist achieve the intent of the Plan; and
- a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

References:	<p><i>Local Government Act 1995</i></p> <p><i>Local Government (Model Code of Conduct) Regulations 2021</i></p> <p><i>Shire of Chittering Standing Orders Local Law 2023</i></p>
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4.10 Transparency & Accountability

Policy Owner:	Council
Person Responsible:	CEO
Date of Approval:	17 November 2021
Amended:	17 August 2022

Statement

The Shire of Chittering is committed to being a leader in the areas of transparency, disclosure and public accountability. In line with this commitment, we will continually be looking for relevant new opportunities to adopt best practice.

Policy

1. Member Attendance

The quarterly publishing of elected member attendances, shall include attendance at:-

- Workshops,
- Agenda Forums,
- Elector, Special and Ordinary Council Meetings

and shall be published on the Shire Website, Facebook Page and Northern Valley News;

This information is to be published in February (previous quarter), April, July and October of each calendar year.

2. Councillors Seeking Information

Councillors seeking information from the administration must state the purpose of seeking information and how it is relevant to the performance of their function.

A register is to be kept containing the following information:

- a. The name of the Councillor making the request;
- b. The stated purpose;
- c. The number of hours required to fulfil the request;

That once per quarter a report be presented to Council containing the information contained within the register with the report to be presented to the February, April, July and October Ordinary Meetings of Council.

4.11 Council Positions

Policy Owner: Council
Person Responsible: CEO
Date of Approval: 20 July 2022
Amended:

POLICY OBJECTIVE

To provide a record of resolutions in relation to Councils Position pertaining to certain matters.

POSITION STATEMENTS

1. Annual Electors Meeting

That Council adopt the practice of holding the Annual Electors Meeting, on a rotating basis, in the larger population centres of Muchea, Wannamal, Lower Chittering and Bindoon; with 2018 meeting held in Muchea, 2019 in Lower Chittering and 2020 in Bindoon.

Resolution # **120818**

Date: **15 August 2018**

2. Transparency & Accountability

The Shire of Chittering is committed to being a leader in the areas of transparency, disclosure and public accountability. In line with this commitment, we will continually be looking for relevant new opportunities to adopt best practice.

Resolution # **161121**

Date: **17 November 2021**

3. Occupational Health & Safety

Council cares about the employees of the shire and want to ensure that all employees arrive safely home each day. This requires that everyone commits to their role in ensuring a safe workplace, starting with Council.

Resolution # **231121**

Date: **17 November 2021**

4. Aged Care

The Shire of Chittering is committed to retaining older people and people with disability support needs in the Chittering community

The Shire of Chittering is committed to investigating options to facilitate the development of a multi service housing, aged care and associated health service campus within the Shire of Chittering

Resolution # **150522**

Date: **18 May 2022**

References:

- Elected Member Policy 4.10 – Transparency & Accountability

4.12 Donations, Contributions and Sponsorship

Policy Owner: Governance
Person Responsible: Chief Executive Officer
Date of Approval: 19 April 2023
Amended:

OBJECTIVE

The purpose of this policy is to set out the criteria for assessing proposals for donations and sponsorships to the Shire, including procedures that should be followed in receiving, assessing, and determining proposals. The policy aims to ensure transparency, prevent conflicts of interest or undue influence, and comply with relevant legislation.

DEFINITIONS

Conditional Donation: A donation offered, however subject to certain prescribed conditions by a donor.

Community Group: Any group whose activities are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; but does not include schools or State or Federal Government agencies.

Contra Arrangement: Arrangement between two parties who exchange goods or services without any cash changing hands. For example, a contra agreement with a media outlet could see a designated number of advertisements provided without the exchange of funds.

Donation: Provision of cash or items of value towards an initiative that aligns with key objectives with no return benefit expected. An acquittal is not required.

Fee Reduction: A fee or charge articulated within the Shire's Schedule of Fees and Charges (excludes rates concessions) that is formally reduced to a lesser amount, however still more than zero.

Fee Waiver: A fee or charge articulated within the Shire's Schedule of Fees and Charges (excludes rates concessions) that is formally reduced to zero.

In Kind Contribution: Provision of Shire equipment, services or products free of charge. In kind contributions represent a cost to the Shire, however there is no set amount articulated within the Schedule of Fees and Charges. For example, Officer Time or use of plant and equipment.

Local: Any community group which undertakes activities within the gazetted boundaries of the Shire of Chittering, and whose membership base is made up of more than 50% of members who live within the Shire of Chittering

Resident: Someone who can demonstrate their primary place of residence is located in the Shire of Chittering.

Sponsorship: means a contribution of financial and / or in kind support, received or provided by the Shire in return for an expected benefit. An acquittal may or may not be required.

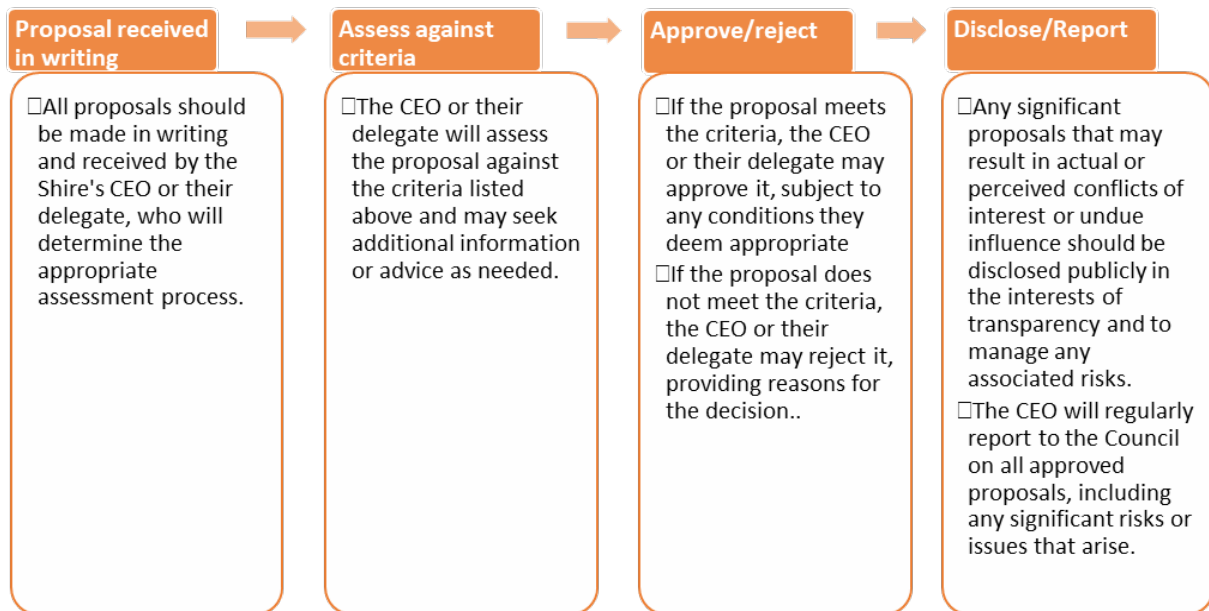
1. CRITERIA FOR ASSESSING PROPOSALS:

All proposals for donations and sponsorships should be assessed based on the following criteria:

- (a) **Alignment with the Shire's strategic objectives and values:** The proposal should align with the Shire's strategic plan, mission, vision, and values. It should contribute to the achievement of the Shire's long-term goals and priorities.
- (b) **Relevance to the Shire's community needs and priorities:** The proposal should be relevant to the needs and priorities of the Shire's community. It should address a specific issue or challenge that the community faces, or provide a service or resource that the community needs.
- (c) **Potential benefits to the Shire and its stakeholders:** The proposal should provide tangible benefits to the Shire and its stakeholders. These benefits may include social, economic, environmental, or cultural outcomes.
- (d) **Compatibility with the Shire's policies and practices:** The proposal should be compatible with the Shire's policies, practices, and procedures. It should not conflict with any existing agreements or arrangements that the Shire has in place.
- (e) **Legal and ethical compliance:** The proposal should comply with all relevant laws, regulations, and ethical standards. It should not involve any illegal, unethical, or discriminatory activities.
- (f) **Financial feasibility and sustainability:** The proposal should be financially feasible and sustainable. The costs and benefits of the proposal should be carefully considered, and any financial risks should be mitigated.
- (g) **Potential risks and mitigation strategies:** The proposal should be evaluated for potential risks, such as reputational, legal, or financial risks. Strategies to mitigate these risks should be identified and assessed.
- (h) **Actual or perceived conflicts of interest or undue influence:** The proposal should not create actual or perceived conflicts of interest or undue influence. This means that the proposal should not involve any activities that could compromise the Shire's independence, impartiality, or integrity, or give rise to perceptions of bias or

impropriety. If any such conflicts or influences arise, they should be identified and managed appropriately.

2. ASSESSMENT PROCEDURES:



3. SEPARATION OF FUNCTIONS:

The Council acknowledges that not all proposals for sponsorships and donations need to be determined by the Council, and that doing so would be inconsistent with the separation of functions under the Local Government Act. Therefore, this policy does not include a blanket requirement that every proposal should be determined by the Council.

4. CATEGORIES OF PROPOSALS:

Categories of proposals and related decision making as it relates to the functions exercisable by the Council under the Local Government Act and any other relevant legislation, and categories of proposals within the management functions of the CEO under the Local Government Act and other legislation.

5. DONATIONS

Donations are regularly offered to the Shire in the course of building and maintaining shire facilities and/or hosting events. These donations are offered with no return benefit expected apart from the perceived community benefit that the particular proposal offers.

(a) Incoming donations are to be approved in accordance with the following values:

Value (ex GST)	Approving Officer
Up to \$2,000	Shire Officer responsible for project/event
Financial value \$2,001 to \$30,000	Deputy CEO

Financial values \$30,000 - \$100,000	Chief Executive Officer
over the value of \$100,000 (ex GST)	Council

- (b) Sponsorships or donations from controversial sources (such as a tobacco company, a gambling organisation, or an industry that has a negative impact on the environment) must be determined by Council.
- (c) Items are to be assessed pertinent to ongoing costs and implications of owning the item prior to acceptance. This includes (but is not limited to) insurance and maintenance requirements, as all such costs will transfer to the Shire upon receipt of the article. Where it cannot be demonstrated that the Shire has the ability to meet ongoing costs, the donation is to be declined.

The Shire does not have deductible gift recipient (DGR) status. A receipt can be issued for financial contributions, but no tax deductible receipts will be issued to donors. Donors will need to seek independent financial advice regarding tax and GST implications.

5.1 ACCEPTABLE DONATIONS TO THE SHIRE

An acceptable donation is one deemed to represent an appropriate sum of money or in-kind items/goods/services from an external organisation for a project or activity that falls within the normal scope of Shire Services.

The reasons for the donation need to be considered and assessed accordingly before acceptance, with the Shire to evaluate:

- Whether the donation is in the best interest of the public.
- Public accountability and perception towards the donation.
- Potential risks and potential benefits of the donation.

It is equally important that the entity making the donation is considered, and the entity makes clear the purpose of their donation.

Generally, conditional donations are only accepted where these conditions can be met within a three year period. Should it not be possible to fulfil the conditions of the donor at any time within the designated period, this will be disclosed as soon as it becomes apparent, at the earliest possible opportunity.

Any donations offered subject to indefinite conditions, or that must be sustained post a three year period are only considered by the CEO, by exception. Such donations would need to demonstrate a significant community benefit.

5.2 EXAMPLES OF ACCEPTABLE DONATIONS TO THE SHIRE

Donations are subject to any applicable Council Policy requirements and may include, but are not limited to:

- Financial donation, including offers of donation of, or towards, public facilities on public land or the purchase of land. Public facilities including buildings (kiosks, lights, shelters, sheds etc) and structures (benches, playground equipment, barbeques, walkways etc).
- Library resources which meet accepted public library standards for content and condition.
- Documents, photographs, memorabilia, artefacts, diaries and records of historical and/or cultural significance.
- Artworks created by local artists for display in public places or which record events or local cultural/historical significance.

5.3 UNACCEPTABLE DONATIONS TO THE SHIRE

Examples of unacceptable donation may include, but are not limited to:

- Artworks or other objects including books that are deemed to be offensive or inappropriate for other reasons.
- Books that are supplied in large quantities by publishers (where the provision of these books is not philanthropic, but for promotion or advertising).
- Financial donation that may infer excessive restrictions or exclusivity of use or benefit to only the donor or another individual or group.

6. SPONSORSHIP

A sponsorship is a commercial arrangement in which a sponsor provides a financial contribution or in kind support to an activity in return for certain specified benefits. Sponsorships to the Shire entails receiving financial and/or in-kind support from a commercial or external organisation, in exchange for public recognition or association, to provide a facility or activity for the community (incoming Sponsorship).

6.1 SPONSORSHIP DOES NOT INCLUDE:

- Selling advertising space.
- Consultancies.
- Grants, including funding agreements and community grants.
- Gifts, donations, bequests or endowments.

Sponsorship is not philanthropic. Sponsors can expect to receive a reciprocal benefit beyond a modest acknowledgement.

(a) All sponsorships are to be approved in accordance with the following values:

Value (ex GST)	Approving Officer
Up to \$2,000	Shire Officer responsible for project/event
Financial value \$2,001 - \$30,000	Deputy CEO
Financial values \$30,001 - \$100,000	Chief Executive Officer
over the value of \$100,000 (ex GST)	Council

The Shire of Chittering may consider opportunities to maximise returns from assets and develop new income streams through strategic corporate sponsorship with private organisations or service providers.

Any income or contra services obtained from sponsorship would go towards delivering or improving the services provided by the Shire of Chittering, or reducing the costs associated with that particular program or service.

New sponsorship arrangements with any business or individual that is currently tendering for work with the Shire of Chittering cannot be considered.

All incoming sponsorship arrangements approved by Council in excess of \$100,000 (ex GST) are to be described in the Shire of Chittering Annual Report.

6.2 ACCEPTABLE SPONSORSHIPS TO THE SHIRE

The objectives and products of potential sponsors (including parent companies or subsidiaries) must not conflict with the values and the objectives of the Shire. Sponsorship must meet relevant certification (where required) and WHS requirements. As an example, a free kid's activity has to provide the necessary proof that they can provide the service in a safe manner and their staff hold the necessary certification to work with children.

Activities suitable for achieving and granting sponsorship are generally activities that can be enhanced via additional contribution or support offered by external parties, including but not limited to:

- Festivals and events.
- Tourism and/or economic development opportunities.
- Shire buildings or major assets (e.g. naming rights), vehicles or minor assets on a case by case basis.

6.2.1 BENEFITS TO A SPONSOR:

The Shire of Chittering can recognise corporate sponsors in a number of ways. The extent of such recognition is determined in relation to the level and nature of the sponsorship.

Forms of benefits may include:

- Temporary signage.
- Media release and seeking of associated media or promotional opportunities including discounted or gratis advertising.
- Invitations to selected Shire or Council functions.
- Printing of the sponsor's name and logo in the Shire's external publications.
- Naming rights for an event, building, etc. for the term of the sponsorship.
- Award or trophy in the sponsor's name and publicly presented.

- Right to use the asset, service, event, name and logo, etc. in sponsor's advertising and sales promotion in a form to be mutually agreed.
- Event facilities, which may include hospitality, free preferential seats, event functions, award presentation, car parking, VIP functions, etc.
- Merchandising of goods at selected points of sale.
- Static display in the foyer of the Shire's Civic Centre or other Shire-owned facility in a form to be mutually agreed.
- Professional footage and photography of the asset, service, event, etc. for use by the sponsor in a form to be mutually agreed.
- Use of the asset or facility, subject to approval in each individual case, in static displays or for an activity of the sponsor when not required for Shire use.
- Opportunity for sponsor's name and/or logo to be promoted through appropriate general advertising by the Shire.
- Opportunity for the sponsor's name and/or logo to be promoted on the Shire's website and a link to be provided to the sponsor's website for a specified time period.
- Space at an event for promotional displays or information stall.

6.2.2 BENEFITS TO THE SHIRE FOR ACCEPTING SPONSORSHIP:

Benefits to the Shire in receiving sponsorship may include one or all of the following:

- Connection with a reputable sponsor to enhance the Shire's image and reputation.
- Enhance the Shire's ability to undertake beneficial non-core activities that could not otherwise be delivered or undertaken to the same extent.
- Reduce the cost of a particular event or activity, or enable it, to be expanded or enhanced to the overall benefit of the local community.
- Achieve greater community awareness or public profile for the Shire, or for a particular service, program or product, than may otherwise have been possible.

6.2.3 UNACCEPTABLE SPONSORSHIPS TO THE SHIRE

The Shire of Chittering will not enter into sponsorship agreements with organisations, companies, partnerships, or sole traders:

- Involved in the manufacture, distribution and wholesaling of tobacco and tobacco-related products.
- Involved in the manufacture, distribution and wholesaling of alcoholic products, where such sponsorship is relevant to services, programs or activities for youth and children.
- Involved in any illegal activities.

- Whose services or products are injurious to health, or are perceived to be in conflict with the Shire's policies and responsibilities to the community and do not support the goals of the Shire's Health and Wellbeing Strategy.
- Who are in legal conflict with the Shire.
- A sponsorship agreement should not impose or imply conditions that would limit, or appear to limit, the Shire's ability to carry out its functions fully and impartially. Activities where sponsor involvement could compromise or be seen to compromise Council's ability to exercise its role impartially on behalf of the community or could diminish the public's confidence are not suitable for sponsorship.
- Where the cost of managing and evaluating the sponsorship outweighs the dollar value of the sponsorship.
- The sponsorship conflicts or is seen to conflict with the objectives, policies and planning controls of the Shire.

6.2.4 RESTRICTIONS AND CONSIDERATIONS

Where sponsorship involves a sponsor supplying a product:

- Commercial products or services associated with the sponsor, recipient or any third party are not to be publicly endorsed outside of the agreed sponsorship activities.
- That product must still be evaluated for its fitness for purpose against objective criteria, relevant to needs.

References:	<i>Local Government Act 1995 - Section 2.7. Role of Council</i>
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Community Facilities and Recreation Policies

5.1 *Concerts, Events and Organised Gatherings*

Policy Owner: Development Services
Person Responsible: Principal Environmental Health Officer
Date of Approval: 16 May 2012
Amended:

Objective

To enable the effective and efficient management of concerts, events and organised gatherings being held within the Shire of Chittering, to ensure that they are conducted in a safe manner and in compliance with all statutory requirements and associated guidelines.

Policy

All concerts, events and organised gatherings that are held in the Shire of Chittering must be approved by the Shire's Chief Executive Officer.

Applications for approval must be sent to the Shire by the event organiser within 25 working days of the date of the event; along with full supporting documentation and relevant fees as advised by the Shire's assessment officers.

Shire officers will assess each application to determine relevant compliance with the "*Guidelines for Concerts, Events and Organised Gatherings*" published and updated from time to time by the Western Australian Department of Health.

Council may waive fees where fund-raising is for charitable purposes.

5.2 Container Deposit Scheme – Community Groups Donation Points

Policy Owner:	Technical Services
Person Responsible:	Executive Manager Technical Services Works Supervisor Principal Environmental Health Officer
Date of Approval:	16 May 2012
Amended:	

Objective

The objective of this policy is to encourage recycling in the community and encourage community groups to get involved in the Container Deposit Scheme to fund raise for their organization where ensuring that establishing community donation point locations for the Container Deposit Scheme does not affect the amenity of the area on which they will be placed.

Muchea Landfill is the only approved Container Deposit Scheme refund collection point within the Shire of Chittering. Due to the distance some residents may not wish to take their containers for cash to the Muchea Landfill but may be willing to take them to the community donation points.

Policy

Council approve the following locations for donation points for Community Groups to place their bins to fund raise through the Container Deposit Scheme;

- Bindoon Landfill; **Figure 1**
- Chinkabee complex (Southside of old bowling green on Chinkabee Road); **Figure 2**
- Wannamal Transfer Station; **Figure 3**
- Muchea Landfill; **Figure 4**
- Muchea sports ground (west side of netball courts on Philmore Street); **Figure 5**

Bins

The bins are to be constructed in a way that they will not allow recyclables to fall out of the bins/wool bales and litter the approved locations.

Wool bales may be used in sheltered locations (Bindoon Landfill, Muchea Landfill and Wannamal transfer station).

Community groups need to be registered with the Shire of Chittering before bins/wool bales can be placed at the approved locations.

Transporting containers for cash to Muchea landfill

Due to the Shire of Chittering limited resources, community groups are to be responsible for the transportation of their bins or wool bales of containers for cash to the Muchea Landfill for processing. Community group will also be responsible for all maintenance of their bins or wool bales.







Community Development Policies

6.1 Australia Day Awards

Policy Owner:	Governance
Person Responsible:	Executive Assistant
Date of Approval:	November 2005
Amended:	17 June 2015; 15 March 2017; 12 November 20

Objective

The purpose of this policy is to provide for the recognition of individuals and organisations who have made significant contributions to the Shire of Chittering's (Shire) community, through annual awards presented on Australia Day.

Policy

The Shire of Chittering are members of the Australia Day Council of WA (Auspire) Citizen of the Year program. Auspire manages and delivers a number of recognition programs with the objective of profiling leading citizens who are role models.

The Australia Day Council of WA (Auspire) facilitates the provision of these awards each year for presentation to the Shire of Chittering on Australia Day.

Each year three local citizens and one local community group or event in the Chittering Shire will be eligible for the Australia Day WA Citizen of the Year Awards in the following four categories:

- Citizen of the Year
- Citizen of the Year – Senior (over 65 years of age)
- Citizen of the Year – Youth (under 25 years of age)
- Active Citizenship Award (to recognise a community group or event)

The recipients will be selected from people and groups who have made a noteworthy contribution since the closure of the previous nomination period, or given outstanding service to the local community over a number of years through active involvement.

Nominations open on 1st September and close on 31st October each year.

Nominations will be advertised from when they open - in Chatter, eChatter, Shire of Chittering website and Facebook.

These prestigious awards are only available to one recipient in each category in each year.

The Shire of Chittering will hold the award ceremony on Australia Day (26 January) on a rotational basis in the localities of Bindoon, Muchea and Lower Chittering. Details of the event will be published in the Northern Valleys News.

Prize

Nominees will receive a certificate of recognition; with the winners receiving a certificate and a medallion.

Scope

In choosing the recipients of the Australia Day WA Citizen of the Year Awards, regard is given to the nominee's achievements in the year immediately prior to receiving the award, as well as their past achievements and ongoing contribution to the community. A nominee need only be nominated once to be considered. The number of nominations received per nominee bears no weight in their selection.

Recipients will have been judged to have shown:

- A positive contribution to the Chittering Community
- Demonstrated leadership on a community issue resulting in the enhancement of community life
- A significant initiative which has brought about positive change and added value to community life
- Inspiring qualities as a role model for the community

Nominees should reside or work principally within the Chittering Shire. Awards may be granted posthumously in recognition of recent achievements. Groups of people or couples will not normally be eligible except when meeting the criteria for a community group. A person may receive an award on more than one occasion in recognition of their particularly outstanding community contribution or involvement in an alternative initiative. Unsuccessful nominees may be nominated in future years.

Nominations must be apolitical in their nature and should not in any way bring the awards program or local government area into disrepute. Sitting members of State, Federal and Local Government are not eligible.

Selection

A confidential officer report will be submitted to Council seeking their recommendation as to the winners of the awards.

School Citizenship Awards

The Shire's School Citizenship Awards are determined by the three local schools, with nomination forms sent to the schools' Principal seeking nomination details. The winners receive a framed certificate and a glass award.

Award Ceremony

An invitation to attend the ceremony is to be sent to the Freeman of the Shire.

Details of the Australia Day Awards recipients are published in the first available edition of "Chatter" following the Award ceremony.

6.2 Education Scholarship Award

Policy Owner:	Corporate Services
Person Responsible:	Community Development Coordinator
Date of Approval:	18 May 2011
Amended:	16 September 2015; 20 July 2016 ^(N161852)

Objective

To provide financial assistance to local residential students in the upcoming financial year.

Policy

The Shire of Chittering offers two scholarships for local students: one graduating from Year 6 and one graduating from Year 10.

Eligible criteria

To be eligible students must be residents of the Shire of Chittering and be continuing with their schooling during the next calendar year.

Selection is based on outstanding all round involvement and contribution to school life and the local community, including but not limited to:

- Academic achievement.
- All round achievement.
- Community involvement.
- Outstanding leadership.

About the scholarship

The scholarship can assist the student with school fees, uniform(s), books and other extracurricular activities that may otherwise be missed out on (i.e. school trips / camps) as determined by the student and his/her parent or guardian.

The money is forwarded to the school the winning student will be attending, where it is held in trust until requested.

Winning the scholarship not only provides an important financial benefit to the student, it also recognises academic excellence and a strong commitment towards civic engagement.

Advertising

The Scholarship Awards are advertised in the Northern Valley News and via other Shire communication strategies such as Facebook, Keep me Posted and the Shire website in line with the Shire Communication Plan in September each year.

Application forms are also forwarded to the relevant high schools.

Applications open first Friday of September and close on the first Friday of November each year.

Assessment process

Applications are reviewed by the Education Scholarship group consisting of a three-member panel appointed by Council and assessed against the Shire of Chittering Education Scholarship Assessment matrix.

Time frame

All applicants will be notified of the receipt of their application within a month of the closing date for applications.

The Education Scholarship group will make a recommendation to Council at the December Ordinary meeting of Council. All applicants will be notified of Council's decision and invited to attend the Australia Day awards in January.

Presentation of awards

All unsuccessful applicants will be awarded a certificate of merit and the winners will be presented with a certificate and a glass award. The nominated school of the winning students will be forwarded the monetary award to be held in trust until requested by the student and their parent / guardian.

6.3 Use of Chittering Community Bus

Policy Owner:	Corporate Services
Person Responsible:	Deputy Chief Executive Officer
Date of Approval:	20 May 2009
Amended:	19 May 2021; 21 June 2023

Objective

To provide guidelines defining the eligibility and criteria for the use of the Shire of Chittering community bus.

Policy

The community bus is provided as a service to not for profit community groups based in the Shire of Chittering only.

For individuals and organisations in the Shire of Chittering other than community groups, use of the bus will require specific approval of the Chief Executive Officer.

Examples of organisations that may be eligible to use the bus are:

- Schools, where it can be demonstrated that it is not practical to hire a commercially available bus, use a bus of their own, or where it is a one off emergency situation;
- Professional Associations, Chamber of Commerce, Tourism Organisations, where it can be demonstrated that the use of the bus will benefit the wider community, or attending an event that promotes sports in Chittering approved by the Chief Executive Officer;
- Church groups, where the benefits from the use of the bus will benefit the broader community.

No group will be eligible to use the bus in a capacity to make a profit from providing travel to paying customers, or to provide a charter service to another group.

The proposed driver of the bus must have a current motor vehicle licence (manual), LR Class, (F endorsed in the case of use for charter).

All users of the bus will be required to pay the hire fee (as per the current Fees and Charges Schedule) to the Shire of Chittering and adhere to the Conditions of Use document.

Community groups are exempt from the fees and charges and will not be required to pay the bond for the hire of the bus.

Note: The Community Bus is restricted to Shire of Chittering community groups and community members only (except state public service providers at the discretion of the CEO)

6.4 Community Assistance Grant Scheme

Policy Owner:	Corporate Services
Person Responsible:	Deputy Chief Executive Officer Community Development Officer
Date of Approval:	20 May 2009
Amended:	25 June 2014; 26 October 2016; 7 February 2018; 19 June 2019; 19 May 21; 21 June 2023

Objective

To provide financial assistance to community based clubs and organisations.

Policy

In recognition, of the pivotal role that community groups and organisations play in developing vibrant and diverse communities Council is committed to the provision of support and assistance through the Shire of Community Assistance Grants and Sponsorship Scheme.

1. Guidelines

- 1.1 Consideration will be given to priority areas, but not limited to emergency services, education, youth, sports, recreation, heritage, and culture within the Shire of Chittering.
- 1.2 Only one application for assistance towards one project will be assessed for the provision of minor sporting, recreation, cultural or other project.
- 1.3 The applicant organisation must operate from the Shire of Chittering and beneficiaries must be residents of the Shire of Chittering. If managed by an outside group, demonstrated evidence that a high percentage of members/users reside in the Shire of Chittering must be included in the application.
- 1.4 Only groups who can demonstrate that they are a not-for-profit community organisation will be considered eligible for funding.
- 1.5 A tax invoice, with proof of purchase, will be required before the Shire of Chittering can make payment of the grant.

2. Funding amounts

- 2.1 Infrastructure and Equipment Grants of up to \$5,000 will be considered.
- 2.2 Sponsorship for events and programs of up to \$3000 will be considered.
- 2.3 Large annual community events or ongoing programs identified by the Community Assistance Grants and Sponsorship Scheme Working Group may be eligible to apply for a 3 year agreement, in place of an annual application.
- 2.4 For funding requests over \$1000, a copy of your group's current financial statement must be attached.

- 2.5 Council contributions to Community Grants will be limited to one third of the total project cost.
- 2.6 Council contributions to Event Sponsorship will be at the discretion of the Community Assistance Grants and Sponsorship Scheme Working Group, with applicant contribution a requirement.
- 2.7 The value of in kind work undertaken by volunteers may not exceed one third of the completed value of the project. The voluntary work should be described and valued at a rate of no more than \$50 per hour. (Generally \$30 per hour for unskilled works and \$50 an hour for skilled labour).

3. Retrospective funding

- 3.1 No application for retrospective funds will be considered as a part of this grant scheme.
- 3.2 Projects may not materially commence before the announcement of successful applicants.

4. Funding agreement

If your organisation is successful in gaining financial assistance it will be expected to enter into a funding agreement. This will require the organisation to:

- 4.1 Adhere to the project budget as stated in the application. Significant variations must be reported to the CAGS Manager as soon as they are known to the organisation. Failure to do so may result in the voiding of the funding agreement and the cancellation or reduction of the grant funds.
- 4.2 Expend the funds made available only on the agreed project, event or activity.
- 4.3 In the case of an Infrastructure or Equipment Grant, on completion of the project, provide to the Shire with an invoice (showing GST if applicable), along with an acquittal, including a statement of expenditure certified by the organisation's Treasurer and President, and copies of relevant invoices/receipts, and associated media, so that approved funding may be reimbursed to your organisation.
- 4.4 In the case of an Event or Project Sponsorship Grant, provide the Shire with an invoice (showing GST if applicable) for the approved funding. On completion of the project, activity or event, provide an acquittal, including a statement of expenditure certified by the organisation's Treasurer and President, copies of relevant invoices/receipts and any associated media.
- 4.5 In the place of an annual event or project under a special 3 year agreement, provide to the Shire an invoice (showing GST if applicable) for the approved yearly funding annually. On completion of each year's event, provide a statement of expenditure and evaluation of the event.
- 4.6 Acknowledge the funding provided by the Shire.
- 4.7 Indemnify the Shire insofar as any activities relevant to the funding are concerned.

5. Ineligible projects

Some projects or events (or parts of) are considered ineligible for funding through this scheme. These include:

-
- 5.1 Any project which is deemed by the selection panel to be of direct benefit of a business, person or any other profit making venture, or any government department or agency (school or parent groups are excepted).
 - 5.2 Projects that have already commenced.
 - 5.3 Projects that cannot demonstrate a contribution by the group, organisation, or community which will benefit from the granting of funds for the project.
 - 5.4 Salaries or recurrent operational costs. (These will be removed from the budget before consideration). Public Liability insurance may be exempt from this condition if the organisation is within its first two years of operation.
 - 5.5 Any project submitted from a religious group, for a religious purpose or for the provision or improvement of religious infrastructure (i.e. church buildings or grounds).
- 6. Eligible projects**
Projects will be considered eligible if they can demonstrate that:
- 6.1 All other potential funding sources have been sort, and/or;
 - 6.2 They are able to demonstrate benefit to the wider community, and/or;
 - 6.3 Provide benefit to Shire residents through recreational, social or cultural means.
- 7. Other conditions**
- 7.1 Council reserves the right to consider and allocate funds without the right of appeal.
 - 7.2 Council reserves the right to request further information.
 - 7.3 A new Organisation may be eligible to receive funding towards Public Liability Insurance for the first two years of operation.
 - 7.4 Strategic or Forward plans may be required for any groups requesting a 3 year agreement for their events or programs.
 - 7.5 All applicants will be advised, in writing, of the success or otherwise of their application.
 - 7.6 Event notification forms will need to be completed for any public event. Forms will be made available to applicants upon approval or before application if requested. Approval of funding does not mean automatic event approval.
- 8. Advertising**
The Community Assistance Grants and Sponsorship Scheme will be advertised to coincide with the opening of each funding round and subsequent invitation for applicants.
- 9. Time Frame**
All applicants will be notified of the outcome of their application within one month of Council's decision regarding applications.
- 10. Community Event Sponsorship**
The Community Event Sponsorship area within the Community Assistant Grants and Sponsorship Scheme has been developed to assist community organisations in the development and operation of a range of events across the Shire.

The operation of this funding strand recognises the size of the Shire and the need for community events to be staged at various locations and venues throughout the area in order to maximise access opportunities for residents.

Support of large, annual community events, through a 3 year funding agreement, will allow for more stability and confidence for event managers, increasing the feasibility of these events going forward. A succession / forward plan may be required to be eligible for this funding.

11. Australia Day & Christmas Event Sponsorship

The Australia Day and Christmas Event sponsorship area within the Annual Budget has been developed to assist the four major localities (ie Bindoon, Wannamal, Muchea and Lower Chittering) within the Shire of Chittering in conducting their communities Australia Day or Christmas event. It is administered through the Community Assistance Grants and Sponsorship Scheme.

If any locality does not conduct an event, their allocation may be spread evenly with the other localities, or utilised by a community group from another locality.

6.5 Financial assistance for residents involved in state/national sporting events

Policy Owner:	Corporate Services
Person Responsible:	Deputy Chief Executive Officer Executive Assistant
Date of Approval:	20 May 2009
Amended:	25 June 2014; 21 June 2023

Objective

To provide financial assistance to Shire of Chittering residents participating in a state/national sporting event.

Policy

The Shire of Chittering offers funding to persons who represent the State or Nation in their chosen sport.

The applicant must be participating as an athlete in a National Sporting competition endorsed by the relevant State Association or Governing Body. The athlete must be a resident of the Shire of Chittering and have been selected through a validated process.

This funding does not apply to development or training squads or invitational events, nor for local or regional competitions.

Individuals may apply at any time and can request up to a maximum of \$200. Unless the individual is selected to represent Australia in an international event, they then may apply for up to \$400.

Funding is limited to once per individual per annum.

An allocation is to be made each year in the annual budget.

Elected Members will be informed of those Shire of Chittering residents who receive financial assistance through the monthly information bulletin.

Requests for assistance five hundred dollars (\$500) and less may be authorised for payment by the Shire President.

6.6 Community Bus Transport Service

Policy Owner:	Corporate Services
Person Responsible:	Deputy Chief Executive Officer
Date of Approval:	21 September 2016
Amended:	21 August 2019; 21 June 2023

Objective

To provide guidelines for the provision of a Community Bus Service for Shire of Chittering residents to access services within the metropolitan area.

Policy

The Community Bus Transport Service is a free courtesy service to the metropolitan centres of Joondalup and Midland for any resident within the Shire of Chittering. Children aged 16 and under will need to be accompanied by an adult / guardian.

The driver will be volunteer driver(s) registered with the Shire of Chittering, who hold a relevant class of licence for driving the designated vehicle.

Day of service

Tuesday, alternating between Joondalup and Midland town center's on a weekly basis.

Times of service

Pick up 8am at Shire of Chittering Administration Centre. The bus route and subsequent bus stops throughout the Shire of Chittering will be subject to bookings. Metropolitan drop-off points will be at designated central locations within the Midland **OR** Joondalup Central Business districts.

Returning to Bindoon at 3pm with bus stops along the reverse route as outlined above (5 hour duration in metro area).

The bus must not be utilised for any other activities without the prior approval of the Chief Executive Officer or Deputy Chief Executive Officer.

Drivers

A roster will be developed and maintained by the Shire of Chittering for volunteer drivers who will receive an honorarium payment.

Drivers are permitted to use the Community Courtesy bus to attend to personal matters whilst waiting for passengers for the return trip to Bindoon with an allowance of 30kms per trip.

Minimum numbers of travellers per day

The bus service will require a minimum of four passengers. If on any occurrence there are three or less booked passengers, a Council vehicle (to be driven by the community bus driver) will be made available to ensure that those booked will be able to attend booked appointments.

Luggage

A luggage trailer is available if required.

The Community Bus Service will maintain a nil alcohol rule and passengers utilising the service will be advised that it is their responsibility to ensure that they are at the designated bus stop on time to catch the return trip to the Shire of Chittering. The Shire, and the volunteer driver, will not be held accountable for passengers who miss the bus.

The day to day operation of the service will be supported by established administrative procedures.

6.7 Community Assisted Transport Service Policy (CATS)

Policy Owner:	Community Development
Person Responsible:	Community Development Co-ordinator
Date of Approval:	20 April 2022
Amended:	16 August 2023

Policy Statement

An assisted transport service for local residents has been recognised as something beneficial for the local community. If local residents are unable to find travel alternatives to their medical, specialist or allied health appointments outside of the shire, The Shire of Chittering's Assisted Transport Service (CATS) is available to transport these residents.

Objectives

To provide a community volunteer driver and vehicle to transport residents who have medical, specialist or allied appointments outside of the Shire who have no other travel alternatives.

Guidelines

Clients Eligibility

- The Shire of Chitterings Community Assisted Transport Service is available to *Shire of Chittering residents* who have *no other viable travel alternatives* to get to their scheduled appointment
- The Service is available to all local residents who need to travel to and from the Wheatbelt region or Perth Metropolitan area for ;
 - *Medical and specialist appointments outside the Shire of Chittering*
 - *Allied health appointments or services not available locally in Chittering*

Drivers Eligibility

- All Shire of Chittering volunteer CATS drivers must:
 - Register as a shire volunteer
 - Hold a current C class Driver's License
 - Undertake a induction for OHS, and vehicle procedures

Clients Responsibilities

- Must be able to get in and out of a sedan vehicle
- Be medically stable or have a carer with them if they are unstable
- Be accompanied by a guardian if client is under the age of 18
- Organise pick up and drop off location with the Shire representative
- Be able to manage themselves at their scheduled appointment

- Pay for any costs incurred on their journey, for example vehicle parking or their own food and drink
- If additional seating like wheelchair or baby seat are required the client must supply and in the case of a baby seat, install this themselves.

Drivers Responsibilities

- Must take responsibility for any illegal actions as a result of their own actions e.g. speeding, parking fines
- Pay for own food and drink
- Whilst Client is in appointment, the driver is permitted to utilise the Shire vehicle up to a total of 50km of travel for personal time. Eg Shopping

Shire of Chittering representative

- Liaising between client and driver to set up journey
- Driver induction
- Receiving and processing money from client for the service
- Refueling, cleaning and ensuring the vehicle is roadworthy after use
- Reporting any damage of the vehicle
- Paying for any costs associated with the vehicle and service
- Providing a roadworthy vehicle with a:
 - First Aid Kit
 - GPS / Satellite Navigation
 - Log sheet
 - Receipt sleeve
 - Client & Volunteer forms
 - Mobile phone

Patient Assisted Travel Scheme (PATS) eligibility

(Government of WA Country Health Service, 2018-2021)

If a client lives in Western Australia and has been referred to by a clinician to a specialist medical service that is not available locally, they may be eligible for PATS subsidy to cover travel, accommodation or escort expenses.

Clients located in Bindoon and the southern areas of the Shire may be eligible for a \$20.00 subsidy where they *are travelling 70-100km (one way) to access specialist medical treatment for cancer or renal dialysis ONLY.*

Those residents who live in our most northern point of the Shire, Wannamal, may be eligible for further subsidies if they need to *travel more than 100km (one way) to access the nearest eligible medical specialist service.*

Clients may be eligible for PATS if they:

- Are a permanent resident of a WA Country Health Service region (Wheatbelt)
- Are eligible and have a Medicare card
- Referred to a specialist medical service not available locally or via telehealth
- The referral is for an eligible specialist medical service. List available [here](#)

- The most direct or common route for a special medical service is more than 100km away from their residence, or more than 70km away for cancer or renal treatment

Subsidies are available for accommodation if people are living more than 100 kms away who are required to stay overnight for medical reasons, distance or transport schedules.

Subsidies are available for escorts who accompany people receiving cancer treatment, the frail, people with disabilities or to accompany a patient under the age of 18 years.

Procedures

Client PATS Subsidy (EXTERNAL PROCESS)

- Clients are responsible for sorting out all details in relation to their PATS subsidies.
- Clients will need to have a Medicare Card and PATS Referral specialist form to be collected from their specialist or via <https://www.wacountry.health.wa.gov.au/Our-patients/Patient-Assisted-Travel-Scheme-PATS/PATS-forms>
- All appropriate sections of the form need to be completed and signed by the clients doctor prior to journey
- All appropriate sections of the form need to be completed and signed by the clients specialist on the appointment day to verify attendance
- The form will need to be returned to their local PATS office (Northam Regional Hospital or any hospital in the Wheatbelt, in person or via email) to be lodged, and reimbursement to be made.

Pre-journey (SHIRE PROCESS)

- Client books medical appointment for middle of the day / as close as possible
- Client visits Shire Administration to fill in signup sheet informing of pick up and drop off location and times.
- Shire Admin finds available volunteer driver for the journey
- Shire Admin confirms pick up and drop off times and informs the client of confirmation
- Client is then charged the required service fee

During journey (SHIRE PROCESS)

- On the day of journey the driver goes to the Shire of Chittering Admin to receive vehicle keys
- Shire Admin staff walks driver down to the vehicle located in the Shire depot
- Driver departs the Shire and meets client at organised location and time
- Driver takes the client to the building where appointment is booked, it is not required they walk them into their appointment, but they are more than welcome too
- The client will pay for any parking fees associated
- The client will call the driver to pick up the client
- The driver will take the client to their organised drop off location and return the vehicle to the Shire of Chittering by 4:30pm along with the vehicle keys. Should appointment time run over expected return time past 4:30pm, refer to after hour's processes.

Post journey

- A Shire representative will fuel up the vehicle and ensure the vehicle is cleaned after use as well as ensuring it is still roadworthy

Requirement for Accommodation

The client is responsible for making and paying for their own accommodation if an overnight stay is required. A PATS subsidy may be acquired to cover some costs from the client if they are eligible.

However if an overnight stay is required by the driver the Shire will subsidise this cost by a maximum value of \$100.00 for one night only upon presentation of a valid receipt.

Alternative accommodation arrangements at friends or family, or own accommodation for the client / driver can be made. However no subsidy will be provided for this option.

After hours vehicle & key drop off

If a vehicle is expected to return back to the Shire of Chittering after the Shires closure at 4:30pm it must be organised with the Shire representative prior to undertaking the trip to park vehicle securely at the Shire and to drop the vehicle key off after their journey.

Fees

Clients will be required to pay a fee to the Shire of Chittering for using the CATS Service. The fee payable is aligned to the adopted 'Fees and Charges' schedule.

Operational Hours

Are subject to volunteer availability.

Engineering, Construction and Maintenance Policies

7.1 Nature Strip Treatments – Protective Devices

Policy Owner:	Chief Executive Officer
Person Responsible:	Executive Manager Technical Services Works Supervisor Technical Officer
Date of Approval:	November 2005
Amended:	

Objective

The objective of this policy is to Guide Council and Administration appropriate installation of bollards and/or barriers.

To establish policy guidelines to enable property owners to protect landscaping, water reticulation systems and to discourage parking on the nature strip (formerly known as the verge).

Policy

Property owners may make written application to the Shire’s Executive Manager Technical Services for the installation of semi mountable or mountable kerbing within the nature strip to protect landscaping, water reticulation systems and to discourage parking on the nature strip.

Bollards

The installation of bollards or any other form of obstruction on the nature strip is not approved. Any installation of bollards should be restricted to the property boundary. The Shire will also consider installation of trees at the property boundary on a case-by-case basis.

Semi-mountable Kerbing

Where damage to the nature strip adjacent to a residential, commercial or industrial property is occurring semi mountable or barrier kerbing may be installed at the full cost of the property owner. However, any action agreed to is subject to a site investigation being undertaken by Shire Administration personnel to determine the cause for vehicular over-runs, and if appropriate, the cost of agreed kerbing installation. Implementation of the approved works will be undertaken by the Shire on receipt of written agreement from the property owner to proceed with the work at the quoted cost. The Shire will continue to provide information on suitable water sensitive landscaping and planting options for residents as required.

Provision for bollards or barriers to protect pedestrians from vehicles and bicycle traffic shall be included in all footpath construction programs.

7.2 Crossovers Subsidy

Policy Owner: Chief Executive Officer
Person Responsible: Executive Manager Technical Services
Works Supervisor
Technical Officer
Date of Approval: November 2005
Amended:

Objectives

The purpose of this policy is to provide a subsidy towards the construction of a vehicle crossover to a private property.

Statement

To clarify the Shire's requirements for the construction of a vehicle crossing to a private property in order to receive a subsidy from the Shire.

Scope

The policy applies to all property owners.

Background

Under the **Local Government Act 1995 regulation 15 Contribution to cost of crossing-Schedule 9.1 cl 7(4)**,

(1) *Where-*

(a) *a local government-*

(i) *under regulation 12 constructs or approves the construction of; or*

(ii) *under regulation 13(1) requires the construction of, a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land;*

(b) *the crossing is the first crossing in respect of the land; and*

(c) *the crossing is a standard crossing or is of a type that is superior to a standard crossing,*

the local government is obliged to bear 50% of the cost, as estimated by the local government, of a standard crossing, but otherwise the local government is not obliged to bear, nor prevented from bearing, any of the cost.

(2) *In sub-regulation (1) -*

“first crossing” in respect of land, means the first crossing to the land or a private thoroughfare serving the land constructed under regulation 12 or section 358 2 of the Local Government Act 1960 as in force at any time before 1 July 1996;

“standard crossing” means, subject to any local law as to what is or is not a standard crossing, a crossing of a kind that the local government, by resolution, decides is a standard crossing.

Crossover Subsidy

1. All crossovers shall be constructed and approved by the Executive Manager Technical Services. The Owner/agent shall arrange for construction.
2. The crossover shall be paved utilising sprayed bitumen, bituminous concrete, in-situ concrete, paving bricks or blocks.
3. The Shire will contribute 50% towards the cost of only one standard residential crossover, subject to the crossover being deemed to conform to the Shire specifications.
4. The subsidy (as outlined in 3 above) shall apply to industrial, commercial and grouped dwellings as well as single residential. In the case of strata titles, a subsidy shall apply to each crossover up to the number of dwellings.
5. Crossovers, eligible for subsidy, may be claimed for at the subsidy rate that applies in the financial year construction is completed. Crossovers in excess of six months old shall have a reduced subsidy based on straight line depreciation, for age and type, as per the following: (Crossovers in excess of their life shall not be eligible).

Crossover Type	Maximum Life of Crossover
Gravel	10 years
2 Coat Seal	10 years
Asphalt	15 years
Brick/Block	20 years
Concrete	25 years

6. Reconstruction of one crossover to a property shall attract a second subsidy where that crossover has exceeded its expected life (taken as 20 years) as determined by the Shire’s Executive Manager Technical Services.
7. The reference a “standard crossover” shall mean a sealed or paved construction to a size conforming to the Shire’s Executive Manager Technical Services area standard widths, referred to in specifications.
8. Where Council undertakes road works affecting existing crossovers Council will bear the cost of replacement.

Crossover Maintenance

The crossover is that section of driveway that extends from the road kerb or edge of road seal to the front or side property boundary line, across the verge. The property owner is responsible for the cost of construction and all future maintenance and repairs to the crossover, including any damage resulting from the roots of street trees and water run off from private property.

The Shire will not undertake any maintenance or repairs to the crossover or accept any liability as a result of poorly constructed or maintained crossovers.

Existing Vehicle Crossover

The Shire will not provide any subsidy to replace or repair any existing crossover. It is the property's owners' responsibility to ensure the crossover complies with the Shire's minimum requirements. Crossover repairs must be undertaken if it is considered unsafe.

Administration

To apply for a subsidy, the applicant must complete the ***Application for Subsidy or Construction of a Crossing***. On receipt of the application the Technical Services Department may investigate and provide a quotation (if requested) to the owner/builder.

If the Shire's subsidy is to be claimed, then on receipt of the Application the crossing will be inspected. A subsidy will be processed on completion of the construction of the crossover and once an inspection has been carried out by an officer from the Technical Services Department, to ensure that the crossover conforms to the Shire of Chittering crossover specifications.

Note: This process will normally take a maximum of four working weeks

Bonds

- i) Bonds for the construction or reconstruction of crossovers shall be required to be paid at time of issue of the building licence. The amount of the bond will be set by Council.
- ii) Crossover construction or reconstruction shall be required as a condition of subdivision, development and/or as a condition of issue of building licence where it is deemed by the Shire's Executive Manager Technical Services that the construction is necessary.
- iii) Construction/reconstruction of a crossover as a condition of the building licence shall not be required if the value of the licence is less than \$5,000 or the building work involve only minor works (e.g., pergola, shed, pool, patio, toilet) but shall apply to all building licences for structures accessible to vehicles.
- iv) Council may construct the crossover in concrete if not constructed by the owner/agent within 6 months of practical completion or occupation of the building, where payment of a crossover bond has been made.

Building Licence

The Building Licence is for building construction inside the property boundary and does not include approval for the construction of the crossover. Hence, a separate application is required for the construction of a crossover within the road verge, which is vested with the Shire of Chittering.

The position, width, and construction of the crossover shall be in accordance with this crossover specification.

Protection of Existing Services, Street Trees and the Public

1. Existing services within the vicinity of the proposed crossover shall be protected at all times. The owner or authorised representative may be contacted to provide advice in relation to the protection of services;
2. Where damage is caused to the Shire's infrastructure (i.e. kerb, pathway, road etc.) as a result of the construction of the crossover, the infrastructure shall be repaired to the satisfaction of the Executive Manager Technical Services;
3. Conflicting public utility services shall be adjusted or relocated at the applicant's expense, subject to formal approval of the relevant authority;
4. The Shire's existing drainage structures (i.e. pits drains or culverts) that conflict with the location of the proposed crossover are to be adjusted by the Shire's Technical Services Department and all costs associated with this work shall be borne by the Applicant;
5. The removal, adjustment, or reinstatement of reticulation is the responsibility of the Applicant;
6. Street trees shall not be removed without the prior approval of the Shire's Executive Manager Technical Services. Crossovers shall be located a minimum of 2 metres from a tree and removal will only be undertaken where it can be demonstrated that this is the only option available. All costs associated with the removal of the street tree shall be borne by the Applicant;
7. The Applicant shall be responsible for the protection of the public at all times. Signage, lighting, barricades, and/or any other protection measure deemed necessary shall be provided by the applicant to ensure that the public are protected during the execution of the works;
8. Safe access for pedestrians on the verge shall be maintained at all times. The Shire will not permit pedestrians being forced to walk on the road pavement unless appropriate measures are put in place for the protection of pedestrians; and
9. Vehicle crossings abutting major roads shall be subject to the approval of MRWA in conjunction with the Shire of Chittering.

Definitions

"Applicant" means the person who makes application to the Shire to construct a crossover

"Shire" means the Shire of Chittering

"Contractor" means the person or company who will be responsible for construction of the crossover

"Crossing" has the same meaning as Crossover

"Crossover" means that section of the "drive in" to a property that replaces the verge and footpath or will ultimately form part of the future footpath

"Footpath" means the paved or made portion of a thoroughfare used or intended for use by pedestrians and cyclists

"Local Government" means the local government of the Shire of Chittering

"Local Government Act" means the Western Australian Local Government Act 1995

"Subsidy" means the contribution that the Shire is prepared to make towards the cost of an approved crossover as set by Council each year in the fees and charges

"Superintendent" means the Executive Manager Technical Services or his/her nominated representative

"Verge" means that portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property boundary but does not include a footpath.

References

Shire of Chittering Specification for Vehicular Crossing

7.3 Naming of Shire Facilities

Policy Owner:	Chief Executive Officer
Person Responsible:	Executive Manager Technical Services Technical Officer
Date of Approval:	November 2005
Amended:	15 March 2023

OBJECTIVES

The objectives of this policy are to:

- Outline Council's policy position on the naming of all Shire owned or administered buildings and community facilities, parks, reserves, open space, waterways, places, memorials and other assets (except for roads);
- Establish a naming convention for each of those categories of Shire controlled assets, which is both responsive to anticipated community expectations, and consistent with the stated values of stakeholders and Council.
- Provide guidelines for the provision of **Community Facility Name Signs** in accordance with **AS1742.5 - 1997**, within the municipality; and
- Outline the process for considering a name change of Council property.

SCOPE

This Policy applies to the naming of Shire owned or administered buildings, structures and other assets.

This policy does not apply to the naming of roads.

The suitability of names is to be assessed using Landgate's *Policies and Standards for Geographical Naming in Western Australia*.

STATEMENT

Council recognises that the names of buildings, gardens, parks and reserves owned by the Shire can have significant influence on the future development and sense of community within an area. With this in mind, it has determined that the naming of facilities, buildings and amenities under the control of the Shire will be undertaken in a planned and coordinated way which respects and acknowledges the area's history, heritage and environment.

Council also acknowledges that any policy and naming convention that it adopts on this issue must be both responsive to anticipated community expectations and consistent with the stated values of all relevant stakeholders.

The position adopted under this policy is that naming of Shire owned or administered infrastructure and its other assets is to be consistent with the overarching values, ethical principles, and current standards of Council, stakeholders and both the local and wider community.

This policy also includes guidelines for the selection of permanent names, which are included under the appropriate headings throughout this policy.

Proposals to give recognition to specific members of the community through naming of facilities must be able to establish an association between that individual and the facility to be named or provide other justification such as that person's notable contribution to the community.

Although this policy does not apply to bridges, waterways, reserves, other assets or infrastructure which are controlled or managed by other authorities, the Shire will use this policy to guide a response to a referral or invitation to comment made by that other authority.

POLICY

1 NAMING OF TOWNS, LOCALITIES, STREETS AND PARKS – GENERAL

The Chief Executive Officer shall arrange for the naming of streets and reserves, and the allocation of house numbers.

Council will follow the principles and guidelines for the general naming of streets, parks, roads, towns localities, as determined by the Geographic Names Committee of Western Australia, and set out by Landgate.

While in general, Parks and Reserves shall be named after an adjacent boundary road, and buildings and facilities shall be named after the locality in which they reside or after an adjacent road, where possible, to facilitate ease of identification, alternatives may be developed using the following principles.

2 PRINCIPLES OF NAMING FACILITIES

Names for buildings and community facilities would normally be allocated in a way that reflects the location, geographical or historical context of the land on which the facility is erected. In some instances it may be appropriate to consider an expanded scope.

When proposing names for facilities developed and owned by the Shire, the following will be taken into consideration:

- The locality within which the development is situated
- Any historical events associated with or near the site
- Indigenous and cultural heritage relevant to the site
- Community or corporate sponsorship
- Marketing opportunities
- Pioneering families (family names only) associated with the immediate area (5-10 kilometres radius)
- Social or calendar events
- Significant individuals who have contributed substantially to the community.

2.1 ROOMS AND BUILDING FEATURES

Features of, and within, buildings and community facilities, (e.g., a room, courtyard or garden), may also be named. Names for these types shall be selected from the same criteria as above. Naming of rooms and features within the one building or community facility would normally be required to adopt one constant theme which has direct links to the name of the overall facility itself.

3 PROCEDURES FOR NAMING NEW FACILITIES

- 3.1** Any member of the community or Council may initiate a request for naming or renaming of existing Shire owned or administered facilities. The naming of new facilities will be undertaken in a timely and coordinated fashion.
- 3.2** Due process will be given to the consideration of any proposed name for any new facility.
- 3.3** Where a new facility is being developed/constructed, Elected Members and the community may suggest, in writing, names for the facility and the reasons for the suggestion. Where it is proposed to name the facility after a person who is no longer living and who made a significant contribution to the community, it is a requirement that background information (research material) on that person be provided as part of the written submission.
- 3.4** The name proponent is expected to ensure that all material supplied to the Shire is accurate, objective and not a distortion of actual facts.
- 3.5** In the event that a name or names are suggested other than a name relating to the locality or prime function of the facility, using the criteria listed above, the Chief Executive officer will prepare a confidential report on the proposed names. Elected Members will be invited to select their preferred option through a ballot system based on 'first-past-the-post'. If an absolute majority preference is not achieved through this process, the secret ballot will be recast, based on the two most popular choices.

4 REGISTRATION OF THE BUILDING'S NEW NAME

Although the names of Shire buildings do not have to be registered with Landgate, in order that the new name will be registered on maps etc. where appropriate, Landgate shall be advised of the change.

5 PARKS, RESERVES AND OTHER OPEN SPACE

- 5.1** Where a substantial parcel of land has been gifted or bequeathed as public open space by an individual (not including land dedicated to the Shire as part of a development approval or subdivision), a request for the land to bear the name of that benefactor may be considered.
- 5.2** Where parks provided at different times abut one another, the additions shall assume the name of the adjacent previously named park. Where a small part of a planned larger park is dedicated to public use at the early stages of a development, this may be grounds for delaying

the permanent naming of that facility to a later time. A proposal for permanent naming (of the combined parks) may be made by a development proponent at the time associated with dedication of the later park.

5.3 Generally, parks on opposite sides of the same public road or major waterway are to have different names. An exception to this is linear linkage park, which may retain the one name for its complete length despite the fact that it may be severed at one or more locations by roadways and/or major waterways.

5.4 When proposing names for park, reserve and other open space the following are to be considered for their relevance:

- Persons with a historical connection to the land or area;
- Indigenous connections;
- Names of pioneering families and long-term residents (20 years or more);
- Names of respected community members of considerable service who are, or were resident or working within the region (20 years or more);
- Historic landmarks;
- Persons having prior ownership of a substantial part of that land for a significant period of time;
- Persons having made a significant financial or “in kind” contribution to the park;
- Recognition of a bequeathed or gifted parcel of land for open space;
- Local fauna, flora or geographic features;
- Locality of the land.

6 TRAILS

Naming of trails (mountain bike, bridal and/or walk) within a park / adventure park shall take on a more informal approach and be derived in the same manner that is general practice in these non-registered naming events. It has universally been accepted that trail builders, relevant clubs, user groups and Stakeholders are intimately involved in the consultation process for a specific trail project name/trail(s) in a more light-hearted way to reflect the fun aspects, whilst still attempting to preserve history, topography, native flora and fauna or in some cases in recognition of local community members. A member of Council should also be included in the process..

In relation to displaying the names within the park, it is suggested that:-

- Sign posts must comprise trail name, direction, classification and a distinctive graphic relating to the particular trail name, and may also include details on the trail itself, such as length, etc.
- Trail name and graphic ideally relate to a natural, historical or cultural value in the area occupied by the trail network. This creates additional interpretive opportunities to explain these values (e.g. interpretive content and a map on a ‘You are here’ sign or on a trail brochure or app).

7 SPORTING COMPLEXES

The hierarchical level of a sporting complex is to be clearly reflected in its name. For example, facilities of regional significance shall have this indicated within the name, whereas a smaller local facility catering for sport on a much smaller scale should reflect its subordinate/local status.

Naming shall generally be consistent with the significance of the facility and the criteria used for naming Parks, Reserves and Open Space. In instances of local level facilities catering for one sport only, naming relevant to that sport or use may be appropriate.

8 SPORTS FIELDS

8.1 Where opportunities arise to sub-name fields, courts and ovals within a sporting complex, Council acknowledges that it would be fitting for each particular field or court to bear the name of a sports person, member or volunteer of the sports organisation having the predominant use of that field or court, who has provided a significant contribution to the organisation or has been a representative of that sport and can be shown to be of good character.

8.2 When proposing names for sports fields or courts, the following are to be considered for their relevance:

- a) Sports persons of high achievement within the organisation the field or court is associated with;
- b) Long serving and respected administrators or volunteers within the sport or organisation the field or court is associated with;
- c) Sports persons of high achievement within the sport of which the organisation is associated.

8.3 Before undertaking the naming of any field pursuant to this policy, the sports organisation seeking the sub-naming must:

- Conduct due diligence and character checks on the person after whom the field is to be named;
- Supply the Shire with details of their findings on the character checks;
- Supply the Shire with copies of the minutes of the organisation meeting proposing the naming;
- Supply the Shire with supporting reasons for the proposed naming of the field;
- Provide the Shire with a layout plan clearly showing the location of the field to be named within the overall sporting complex.
- Await written approval to undertake the naming of the field.

9 DUPLICATION OF NAMING

Facility names are not to be duplicated anywhere within the region and duplication of names of existing facilities within adjacent local authority areas is to be avoided wherever practicable. Further, a similarity between the names of different facilities is also to be avoided, (e.g., “Freshwater Park”

and “Freshwater Place” are to be avoided wherever possible even though they may be in well separated parts of the Shire).

Facilities named after individuals having similar names shall be accepted provided that they are well separated, (e.g., “Bill Jones Park” in one locality and “Fred Jones Park” in a different and non-adjointing locality).

10 COMMUNITY ENGAGEMENT FOR NAMING (AND RENAMING) PROPOSALS

The scope of community engagement to be undertaken will be determined by the Shire on a case-by-case basis, having particular regard to anticipated community sensitivities and the results or scope of other recent consultation activities undertaken in the local community or area. In those instances where public advertising of a naming proposal is deemed to be warranted, it will be carried out by the Shire.

In order for submissions to be given due consideration, the person giving the response to the advertised naming must ensure that it:

- is made in writing;
- is received by the Shire prior to expiry of the advertising period; and
- fully articulates the reasons for supporting or opposing the proposed naming.

11 INSTALLATION OF NAME PLATES, SIGNS

Once a permanent name has been assigned to a Shire owned or administered facility, a suitable plaque, name plate, sign or other similar device will be displayed stating the allocated name and, if warranted, explanatory information, or abbreviated history outlining the basis for the name. All such devices shall comply with the Shire’s standards, and/or be appropriate and applicable to the context of the facility, and may only be installed with the prior approval of the Shire.

Note that explanatory information in the context of major projects and partnerships specifically includes details such as:

- a) Date of opening or unveiling;
- b) The Shire’s current logo;
- c) Names of persons opening the place or unveiling the plaque;
- d) Names of partner organisations or sponsorships;
- e) Logos of others as may be relevant;
- f) The official name of the building or project; and
- g) Any other wording relevant to the project which the Shire considers is deserving of display.

12 PROPOSALS TO RENAME EXISTING COUNCIL FACILITIES

Criteria for renaming an existing facility

The Shire recognises that from time to time it may be appropriate to rename a Shire owned facility.

When considering options for re-naming Shire facilities, in addition to the criteria listed above, the following will also be considered:

- The historical reasons for the original name;

- The public profile/familiarity of the facility's original name;
- The costs associated with changing the facility's name; and
- The relevance to the facility's main user group of the proposed new name.

12.1 PROPOSING THE RENAMING OF A FACILITY

Any resident or elector of the Shire may propose the renaming of a Shire facility, but a proposal by an elector must be supported in writing by an Elected Member. Nominations must be made in writing to the Chief Executive Officer.

12.2 RECOGNITION OF COMMUNITY MEMBERS

In instances where the renaming proposal relates to recognising a member of the community who, in their lifetime, demonstrated outstanding contributions to the Shire, the following criteria will be required to be met:

- Persons nominated should have made substantial contribution directly to the Shire of Chittering, largely in a voluntary capacity;
- The nominee must have given extensive and distinguished service to the community that goes beyond the particular Local Government Authority concerned (e.g. service to other organisations, voluntary and community groups, school P&C etc.) in a largely voluntary capacity;
- The service should be easily recognisable as having a direct benefit to the Shire and have produced substantial long term improvement for the Shire.
- Nominees should have lived within the Shire of Chittering for a significant number of years (significant would usually mean at least 20 years) and had a long and close association and identification with the Shire.

The person making a nomination to re-name a facility after an individual will provide sufficiently detailed background information to enable the Chief Executive Officer to prepare a report on the proposal which considers the criteria listed in this policy.

Being a former Councillor or former Member of Parliament is not sufficient grounds on which to nominate an individual. In the event that the nominee is still living, the nomination must be made in the strictest confidence without the nominee's knowledge. Death or former ownership of the land on which the facility is developed is not normally acceptable as criteria for nomination.

12.3 PROCESS ON RECEIPT OF A NOMINATION

On receipt of a proposal to rename an existing facility, the Chief Executive Officer will cause a report to be prepared and circulated on a confidential basis to Elected Members for consideration. On the written advice of at least five Elected Members the report and recommendation shall be put to Council for consideration.

12.4 CURRENT FACILITIES THAT SHOULD NOT BE RENAMED

The following facilities that have the following criteria should not be renamed:

- have a name that reflects a specific historical event within the Shire of Chittering;
- have a name that has specific relevance to indigenous peoples of Australia; or
- are already named after a person.

13 RENAMING OF SHIRE STREETS

This is generally not supported as it impacts directly on residents. Renaming of streets may be considered where a realignment or similar substantial change occurs. Under these circumstances the renaming will follow the principles and guidelines for the general naming of streets, parks, roads, towns or localities, as determined by the Geographic Names Committee of Western Australian and set out by Landgate and is delegated to the Chief Executive Officer.

14 STREET SIGNS ADVISING ROAD USERS

In accordance with **AS1742.5 - 1997**, the purpose of Naming of Council Facilities is to advise road users of the direction to facilities, generally of a non-commercial nature. Details of typical facilities are provided in the aforementioned standard.

14.1 SHAPE, SIZE, COLOUR

In accordance with **AS1742.5 - 1997**.

14.2 LOCATION, MOUNTING

In accordance with **AS1742.5 - 1997** and Council Street Sign Layout guidelines.

15 APPROVAL

Upon receipt of a request in writing for a Naming of Shire Facilities, the request will be assessed against the criteria of this policy and actioned accordingly.

7.4 Road Formation Widths / Clearing Widths – for new construction works

Policy Owner: Technical Services
Person Responsible: Executive Manager Technical Services
Date of Approval: May 2011
Amended:

Objective

To ensure that all newly constructed sections of roads are formed to the maximum formation and clearing widths as designated in Table 1.0 below.

This will guide staff as to standards for new road formations and to give a uniform policy on road works.

Statement

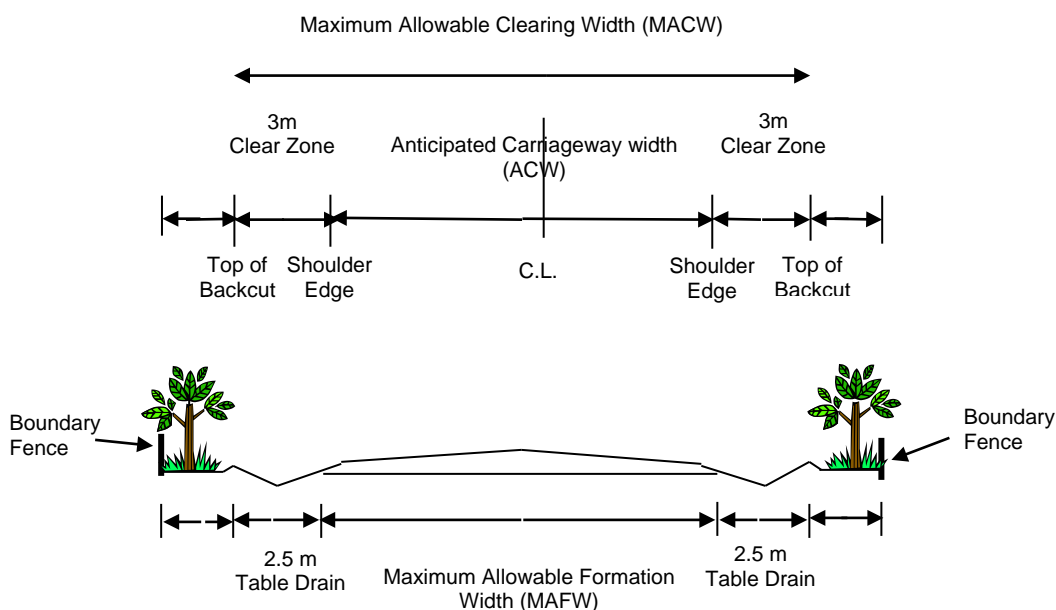


Table 1.0 shows the maximum road formation and clearing widths for new work, on the three classes of roads within the Shire (refer to Table 2.0, in relation to the classification of each road within the Shire.)

Table 1.0 – Maximum road formation and clearing widths for new work

Road Type	Maximum Allowable Formation Width (MAFW) m	Anticipated Carriageway Width (ACW) m	Maximum Allowable Clearing Width (MACW) m
Regional Distributor	11	10	16
Local Distributor	10	9	15
Access Road	9	8	14

Note:

The Carriageway width is typically 1m less than the formation width, for the flat terrain areas that are predominant in the Shire. Where new sections of roads are to be constructed with excessive cuts or fills, then this rule will not apply.

Table 2.0 over shows the New Functional Road Hierarchy as of 2011.

road	name	skend	built up area	financial accountability	funding weight	functional class	hierarchy
0001	MOOLIABEENEE ROAD	6.73	Non Built Up	Local Government	Local Distributor	Urban District Connector	District Distributor
0002	CHITTERING RD	26.72	Non Built Up	Local Government	Local Distributor	Urban District Connector	Access Road
0003	DEWAR'S POOL-BINDOON RD	9.40	Non Built Up	Local Government	Local Distributor	Urban District Connector	District Distributor
0004	MUCHEA EAST RD	8.69	Non Built Up	Local Government	Local Distributor	Urban District Connector	Access Road
0005	TEATREE NORTH RD	7.00	Non Built Up	Local Government	Residential	Rural Local	Access Road
0006	BLUE PLAINS RD	7.13	Non Built Up	Local Government	Residential	Rural Local	Access Road
0007	CHITTERING VALLEY RD	8.78	Non Built Up	Local Government	Local Distributor	Urban District Connector	Access Road
0008	HAY FLAT RD	13.08	Non Built Up	Local Government	Residential	Rural Local	Access Road
0009	WELLS GLOVER RD	10.51	Non Built Up	Local Government	Local Distributor	Urban District Connector	Access Road
0010	JULIMAR RD	5.39	Non Built Up	Local Government	Local Distributor	Urban District Connector	Access Road
0011	FLAT ROCKS RD	7.44	Non Built Up	Local Government	Residential	Rural Local	Access Road
0012	NORTH RD	11.31	Non Built Up	Local Government	Residential	Rural Local	Access Road
0013	CRESTHILL RD	7.65	Non Built Up	Local Government	Residential	Rural Local	Access Road
0014	TEATREE RD	8.02	Non Built Up	Local Government	Residential	Rural Local	Access Road
0015	PERRY RD	6.65	Non Built Up	Local Government	Residential	Rural Local	Access Road
0016	GRAY RD	6.90	Non Built Up	Local Government	Residential	Rural Local	Access Road
0017	STEPHENS RD	5.00	Non Built Up	Local Government	Residential	Rural Local	Access Road
0018	TOY RD	1.40	Non Built Up	Local Government	Residential	Rural Local	Access Road
0019	KAY RD	2.11	Non Built Up	Local Government	Residential	Rural Local	Access Road
0020	SETTLEMENT RD	1.19	Non Built Up	Local Government	Residential	Rural Local	Access Road
0021	DENSLEY RD	1.70	Non Built Up	Local Government	Residential	Rural Local	Access Road
0023	MARTIN ROAD	0.55	Non Built Up	Local Government	Residential	Rural Local	Access Road
0024	DAVIS RD	3.36	Non Built Up	Local Government	Residential	Rural Local	Access Road
0025	FEWSTER ST	1.34	Non Built Up	Local Government	Residential	Rural Local	Access Road
0026	SANDOW RD	0.80	Non Built Up	Local Government	Residential	Rural Local	Access Road
0027	MORLEY RD	4.35	Non Built Up	Local Government	Residential	Rural Local	Access Road
0028	POLINELLI RD	2.76	Non Built Up	Local Government	Residential	Rural Local	Access Road
0029	HARRIS RD	1.93	Non Built Up	Local Government	Residential	Rural Local	Access Road
0030	WANDENA RD	8.69	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0031	GULLIENTE RD	1.03	Non Built Up	Local Government	Residential	Rural Local	Access Road
0032	ARCHIBALD ST	2.05	Built/Non Built	Local Government	Residential	Rural Local/Urban Local	Access Road
0033	BYRNE RD	1.73	Non Built Up	Local Government	Residential	Rural Local	Access Road

road	name	skend	built up area	financial accountability	funding weight	functional class	hierarchy
0034	NOLAN RD	1.23	Non Built Up	Local Government	Residential	Rural Local	Access Road
0035	TIMARU RD	4.46	Non Built Up	Local Government	Residential	Rural Local	Access Road
0036	MUCHEA SOUTH RD	5.29	Non Built Up	Local Government	Local Distributor	Urban District Connector	Access Road
0037	MCGLEW RD	3.02	Non Built Up	Local Government	Residential	Rural Local	Access Road
0038	RESERVE ROAD	8.14	Non Built Up	Local Government	Residential	Rural Local	Access Road
0039	OLD GINGIN RD	2.95	Non Built Up	Local Government	Residential	Rural Local	Access Road
0040	MOSS RD	0.37	Non Built Up	Local Government	Residential	Rural Local	Access Road
0041	DEWAR RD	0.61	Non Built Up	Local Government	Residential	Rural Local	Access Road
0042	BARN RD	6.54	Non Built Up	Local Government	Residential	Rural Local	Access Road
0043	OWEN RD	3.75	Non Built Up	Local Government	Residential	Rural Local	Access Road
0044	ASHMAN RD	2.23	Non Built Up	Local Government	Residential	Rural Local	Access Road
0045	CULLALLA ROAD	0.18	Non Built Up	Local Government	Residential	Rural Local	Access Road
0046	BINGHAM ROAD	0.75	Non Built Up	Local Government	Residential	Rural Local	Access Road
0047	GALLEHAWK RD	2.60	Non Built Up	Local Government	Residential	Rural Local	Access Road
0048	HEAD RD	2.37	Non Built Up	Local Government	Residential	Rural Local	Access Road
0049	WEST POINT RD	7.39	Non Built Up	Local Government	Residential	Rural Local	Access Road
0050	WALDECK WEST RD	2.18	Non Built Up	Local Government	Residential	Rural Local	Access Road
0051	SPILLMAN RD	5.15	Non Built Up	Local Government	Residential	Rural Local	Access Road
0052	MADDERN RD	8.92	Non Built Up	Local Government	Residential	Rural Local	Access Road
0053	LEWIS RD	0.98	Non Built Up	Local Government	Residential	Rural Local	Access Road
0054	COOK RD	5.07	Non Built Up	Local Government	Residential	Rural Local	Access Road
0055	SPICE RD	1.56	Non Built Up	Local Government	Residential	Rural Local	Access Road
0056	BLIZZARD RD	0.35	Non Built Up	Local Government	Residential	Rural Local	Access Road
0057	GREEN STREET	0.60	Non Built Up	Local Government	Residential	Rural Local	Access Road
0058	WALDECK EAST RD	3.03	Non Built Up	Local Government	Residential	Rural Local	Access Road
0060	CARL ST	2.08	Built/Non Built	Local Government	Residential	Rural Local/Urban Local	Access Road
0063	STEER ST	0.52	Non Built Up	Local Government	Residential	Rural Local	Access Road
0064	DEAR ST	0.25	Non Built Up	Local Government	Residential	Rural Local	Access Road
0065	ARBUCKLE ST	0.64	Non Built Up	Local Government	Residential	Rural Local	Access Road
0066	MCKENZIE ST	0.49	Non Built Up	Local Government	Residential	Rural Local	Access Road
0068	KINKELLA ST	0.85	Non Built Up	Local Government	Residential	Rural Local	Access Road
0069	KANGAROO GULLY RD	1.94	Non Built Up	Local Government	Residential	Rural Local	Access Road

road	name	skend	built up area	financial accountability	funding weight	functional class	hierarchy
0070	HUMPHREYS ST	1.69	Non Built Up	Local Government	Residential	Rural Local	Access Road
0071	DAVERN ST	1.69	Non Built Up	Local Government	Residential	Rural Local	Access Road
0072	HORTON ST	0.74	Non Built Up	Local Government	Residential	Rural Local	Access Road
0073	PHILMORE ST	2.10	Built/Non Built	Local Government	Residential	Rural Local/Urban Local	Access Road
0074	CHITTERING ST	1.65	Non Built Up	Local Government	Residential	Rural Local	Access Road
0075	IOPPOLO RD	6.02	Non Built Up	Local Government	Residential	Rural Local	Access Road
0076	KEATING RD	0.39	Non Built Up	Local Government	Residential	Rural Local	Access Road
0077	HIDAWAY DRIVE	1.39	Non Built Up	Local Government	Residential	Rural Local	Access Road
0078	HART DR	5.24	Non Built Up	Local Government	Residential	Rural Local	Access Road
0081	MINGHA RD	0.26	Non Built Up	Local Government	Residential	Rural Local	Access Road
0082	BONZA PL	0.65	Non Built Up	Local Government	Residential	Rural Local	Access Road
0083	EGRET PL	0.61	Non Built Up	Local Government	Residential	Rural Local	Access Road
0084	GODWIT GL	0.18	Non Built Up	Local Government	Residential	Rural Local	Access Road
0085	WARBLER CT	0.44	Non Built Up	Local Government	Residential	Rural Local	Access Road
0086	BITTERN PL	0.24	Non Built Up	Local Government	Residential	Rural Local	Access Road
0087	HERON HL	0.46	Non Built Up	Local Government	Residential	Rural Local	Access Road
0088	SPOONBILL CL	0.52	Non Built Up	Local Government	Residential	Rural Local	Access Road
0089	TEAL PL	0.18	Non Built Up	Local Government	Residential	Rural Local	Access Road
0090	PELICAN RI	0.50	Non Built Up	Local Government	Residential	Rural Local	Access Road
0091	PIONEER DR	1.22	Non Built Up	Local Government	Residential	Rural Local	Access Road
0092	PARKSIDE GDNS	0.31	Non Built Up	Local Government	Residential	Rural Local	Access Road
0093	ORCHARD RD	0.59	Non Built Up	Local Government	Residential	Rural Local	Access Road
0094	WOODLAND LANE	0.35	Non Built Up	Local Government	Residential	Rural Local	Access Road
0095	SANDPIPER MEWS	0.41	Non Built Up	Local Government	Residential	Rural Local	Access Road
0096	KINGFISHER CT	0.60	Non Built Up	Local Government	Residential	Rural Local	Access Road
0097	WHISTLER CLOSE	0.24	Non Built Up	Local Government	Residential	Rural Local	Access Road
0098	RIDGETOP RAMBLE	2.98	Non Built Up	Local Government	Residential	Rural Local	Access Road
0099	HIGHVIEW RISE	0.12	Non Built Up	Local Government	Residential	Rural Local	Access Road
0100	ROBIN CLOSE	0.43	Non Built Up	Local Government	Residential	Rural Local	Access Road
0101	EVERGREEN RISE	0.38	Non Built Up	Local Government	Residential	Rural Local	Access Road
0102	RANGEVIEW	0.28	Non Built Up	Local Government	Residential	Rural Local	Access Road
0103	FOREST HILLS PDE	4.57	Non Built Up	Local Government	Residential	Rural Local	Access Road

road	name	silkend	built up area	financial accountability	funding weight	functional class	hierarchy
0104	CLUNE RD	0.69	Non Built Up	Local Government	Residential	Rural Local	Access Road
0105	PAYNE ST	2.00	Non Built Up	Local Government	Residential	Rural Local	Access Road
0106	DONALDSON RD	0.88	Non Built Up	Local Government	Residential	Rural Local	Access Road
0107	PETERS ROAD	0.85	Non Built Up	Local Government	Residential	Rural Local	Access Road
0108	GINGILLING ROAD	4.37	Non Built Up	Local Government	Residential	Rural Local	Access Road
0109	BRENNAN RD	2.57	Non Built Up	Local Government	Residential	Rural Local	Access Road
0110	MARTIN ROAD	0.36	Non Built Up	Local Government	Residential	Rural Local	Access Road
0111	CHINKABEE RD	0.25	Built/Non Built	Local Government	Residential	Rural Local/Urban Local	Access Road
0112	LAKESIDE GROVE	0.23	Non Built Up	Local Government	Residential	Rural Local	Access Road
0113	BRIAR LANE	0.41	Non Built Up	Local Government	Residential	Rural Local	Access Road
0114	BOTTLEBRUSH PLACE	0.32	Non Built Up	Local Government	Residential	Rural Local	Access Road
0115	BRIDGES ROAD	0.51	Non Built Up	Local Government	Residential	Rural Local	Access Road
0116	VILLAGE ROAD	0.82	Non Built Up	Local Government	Residential	Rural Local	Access Road
0117	BORE ROAD	1.12	Non Built Up	Local Government	Residential	Rural Local	Access Road
0118	PIT ROAD	0.31	Non Built Up	Local Government	Residential	Rural Local	Access Road
0120	FAULL ST	0.65	Non Built Up	Local Government	Residential	Rural Local	Access Road
0121	POPPLE PLACE	0.19	Non Built Up	Local Government	Residential	Rural Local	Access Road
0122	EDWARDS PLACE	0.22	Non Built Up	Local Government	Residential	Rural Local	Access Road
0123	SETTLEMENT SOUTH ROAD	0.45	Non Built Up	Local Government	Residential	Rural Local	Access Road
0125	COBBLE ROAD	0.73	Non Built Up	Local Government	Residential	Rural Local	Access Road
0126	SHORT ROAD	0.13	Non Built Up	Local Government	Residential	Rural Local	Access Road
0127	PINES ROAD	3.22	Non Built Up	Local Government	Residential	Rural Local	Access Road
0128	CRAY ROAD	0.66	Non Built Up	Local Government	Residential	Rural Local	Access Road
0130	RECHICHI ROAD	0.09	Non Built Up	Local Government	Residential	Rural Local	Access Road
0132	SNAKE SPRING ROAD	0.88	Non Built Up	Local Government	Residential	Rural Local	Access Road
0133	ENERGY PLACE	0.97	Non Built Up	Local Government	Residential	Rural Local	Access Road
0135	KELLY STREET	0.25	Non Built Up	Local Government	Residential	Rural Local	Access Road
0139	WANAMAL WEST ROAD	0.03	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0141	BINDA PLACE	0.26	Built Up	Local Government	Residential	Rural Local	Access Road
0142	VALLEY VIEW DRIVE	1.44	Non Built Up	Local Government	Residential	Rural Local	Access Road
0143	LOUDEN ROAD	0.24	Non Built Up	Local Government	Residential	Rural Local	Access Road
0144	CASUARINA CLOSE	0.10	Non Built Up	Local Government	Residential	Rural Local	Access Road

road	name	silend	built up area	financial accountability	funding weight	functional class	hierarchy
0145	HEREFORD WAY	0.95	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0146	MURRAY GREY CIRCLE	3.64	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0147	DEVON WAY	2.03	Non Built Up	Local Government	Residential	Rural Local	Access Road
0148	RED POLL COURT	0.23	Non Built Up	Local Government	Residential	Rural Local	Access Road
0149	ANGUS WAY	0.50	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0150	SANTA GERTRUDIS DRIVE	4.38	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0151	WELBURN ROAD	0.60	Non Built Up	Local Government	Residential	Rural Local	Access Road
0152	PATTENS DR	1.00	Non Built Up	Local Government	Residential	Rural Local	Access Road
0153	POWDERBARK DRIVE	3.43	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0154	SOLLYA RETREAT	0.47	Non Built Up	Local Government	Residential	Rural Local	Access Road
0155	CALADENIA CL	0.90	Non Built Up	Local Government	Residential	Rural Local	Access Road
0156	HAKEA PASS	0.34	Non Built Up	Local Government	Residential	Rural Local	Access Road
0157	ATKINSON ROAD	0.33	Non Built Up	Local Government	Residential	Rural Local	Access Road
0158	DORSET ROAD	0.47	Non Built Up	Local Government	Residential	Rural Local	Access Road
0159	EDMONDS PLACE	0.16	Non Built Up	Local Government	Residential	Rural Local	Access Road
0160	HALLEEN ROAD	0.24	Non Built Up	Local Government	Residential	Rural Local	Access Road
0162	LIMOUSIN WAY	1.72	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0163	BRAHMAN DALE	0.26	Non Built Up	Local Government	Residential	Rural Local	Access Road
0164	CHAROLAIS TRAIL	0.97	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0165	CHIANINA PLACE	0.38	Non Built Up	Local Government	Residential	Rural Local	Access Road
0166	PORTER STREET	0.36	Non Built Up	Local Government	Residential	Rural Local	Access Road
0167	ELLEN STREET	0.84	Non Built Up	Local Government	Residential	Rural Local	Access Road
0168	SMITH STREET	0.22	Non Built Up	Local Government	Residential	Rural Local	Access Road
0169	IBIS WAY	0.05	Non Built Up	Local Government	Residential	Rural Local	Access Road
0170	NEEDOONGA PLACE	0.28	Non Built Up	Local Government	Residential	Rural Local	Access Road
0172	WELLS STREET	0.50	Non Built Up	Local Government	Residential	Rural Local	Access Road
0173	CHARDONNAY DRIVE	1.63	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0174	VERDELHO PLACE	0.28	Non Built Up	Local Government	Residential	Rural Local	Access Road
0175	GALLOWAY RISE	0.63	Non Built Up	Local Government	Residential	Rural Local	Access Road
0176	SIMMENTAL GROVE	0.39	Non Built Up	Local Government	Residential	Rural Local	Access Road
0177	JACARANDA CLOSE	0.32	Non Built Up	Local Government	Residential	Rural Local	Access Road
0178	LESCHENAULTIA DRIVE	2.18	Non Built Up	Local Government	Residential	Rural Local	Local Distributor

road	name	silend	built up area	financial accountability	funding weight	functional class	hierarchy
0179	PATERSONIA ROAD	2.17	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0180	AYRSHIRE LOOP	3.34	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0181	TOODAY GLEN	1.30	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0182	MOON RISE	0.09	Non Built Up	Local Government	Residential	Rural Local	Access Road
0183	YOZZI ROAD	1.00	Non Built Up	Local Government	Residential	Rural Local	Access Road
0184	WOOTRA ROAD	0.15	Non Built Up	Local Government	Residential	Rural Local	Access Road
0186	BLUE GUM WAY	0.60	Non Built Up	Local Government	Residential	Rural Local	Access Road
0187	SALMON GUM CRESCENT	0.85	Non Built Up	Local Government	Residential	Rural Local	Access Road
0188	GHOST GUM RIDGE	2.00	Non Built Up	Local Government	Residential	Rural Local	Access Road
0189	BAGLEY STREET	0.10	Non Built Up	Local Government	Residential	Rural Local	Access Road
0190	MOORE STREET	0.01	Non Built Up	Local Government	Residential	Rural Local	Access Road
0191	FERN GLADE	0.24	Non Built Up	Local Government	Residential	Rural Local	Access Road
0192	ROCKY CREEK RISE	0.30	Non Built Up	Local Government	Residential	Rural Local	Access Road
0193	MAINE-ANJOU DRIVE	3.55	Non Built Up	Local Government	Residential	Rural Local	Access Road
0194	SHORTHORN PASS	0.42	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0195	HOLSTEIN LOOP	2.75	Non Built Up	Local Government	Residential	Rural Local	Access Road
0196	ROMANY CLOSE	0.36	Non Built Up	Local Government	Residential	Rural Local	Access Road
0197	SUSSEX BEND	1.39	Non Built Up	Local Government	Residential	Rural Local	Access Road
0198	TEXON RIDGE	0.90	Non Built Up	Local Government	Residential	Rural Local	Access Road
0199	JENJODA ROAD	0.01	Non Built Up	Local Government	Residential	Rural Local	Access Road
0200	SUGAR GUM DR	1.21	Non Built Up	Local Government	Residential	Rural Local	Access Road
0202	CHARBRAY ROAD	0.90	Non Built Up	Local Government	Residential	Rural Local	Access Road
0203	FISHER ROAD	0.39	Non Built Up	Local Government	Residential	Rural Local	Access Road
0204	LEARNERS WAY	0.17	Non Built Up	Local Government	Residential	Rural Local	Access Road
0205	YALYAL ROAD	2.60	Non Built Up	Local Government	Residential	Rural Local	Access Road
0206	GUERNSEY RISE	0.51	Non Built Up	Local Government	Residential	Rural Local	Access Road
0207	DEXTER CHASE	1.70	Non Built Up	Local Government	Residential	Rural Local	Access Road
0208	SHETLAND CLOSE	0.22	Non Built Up	Local Government	Residential	Rural Local	Access Road
0209	SANDALFORD DRIVE	1.35	Non Built Up	Local Government	Residential	Rural Local	Access Road
0210	BRINDLE CLOSE	0.21	Non Built Up	Local Government	Residential	Rural Local	Access Road
0211	BUCKTHORN DRIVE	0.92	Non Built Up	Local Government	Residential	Rural Local	Access Road
0212	HONEYPOT ROAD	0.39	Non Built Up	Local Government	Residential	Rural Local	Access Road

road	name	sikend	built up area	financial accountability	funding weight	functional class	hierarchy
0213	TASSEL COURT	0.23	Non Built Up	Local Government	Residential	Rural Local	Access Road
0214	BLUE SQUILL DRIVE	1.24	Non Built Up	Local Government	Residential	Rural Local	Access Road
0215	PIPE LILY WAY	0.58	Non Built Up	Local Government	Residential	Rural Local	Access Road
0216	PAPERBARK WAY	0.30	Non Built Up	Local Government	Residential	Rural Local	Access Road
0217	WANDOO DRIVE	0.39	Non Built Up	Local Government	Residential	Rural Local	Access Road
0218	MARRI STREET	0.19	Non Built Up	Local Government	Residential	Rural Local	Access Road
0219	HONEY CLOSE	0.09	Non Built Up	Local Government	Residential	Rural Local	Access Road
0220	MYRTLE WAY	0.46	Non Built Up	Local Government	Residential	Rural Local	Access Road
0221	COCKATOO DRIVE	1.47	Non Built Up	Local Government	Residential	Rural Local	Access Road
0222	QUAIL PLACE	0.21	Non Built Up	Local Government	Residential	Rural Local	Access Road
0223	CORRELLA ROAD	0.07	Non Built Up	Local Government	Residential	Rural Local	Access Road
0224	FRASER CLOSE	0.42	Non Built Up	Local Government	Residential	Rural Local	Access Road
0225	HASLAM STREET	0.46	Non Built Up	Local Government	Residential	Rural Local	Access Road
0226	VAN OORAN STREET	0.27	Non Built Up	Local Government	Residential	Rural Local	Access Road
0227	KENDALL STREET	0.29	Non Built Up	Local Government	Residential	Rural Local	Access Road
0228	HOUSDEN CLOSE	0.23	Non Built Up	Local Government	Residential	Rural Local	Access Road
0229	WESTERIA WAY	2.86	Non Built Up	Local Government	Residential	Rural Local	Access Road
0230	SWALLOW LANE	0.42	Non Built Up	Local Government	Residential	Rural Local	Access Road
0231	LORIKEET COURT	0.47	Non Built Up	Local Government	Residential	Rural Local	Access Road
0232	TURTLE DOVE DRIVE	1.44	Non Built Up	Local Government	Residential	Rural Local	Access Road
0233	ROSELLA WAY	0.76	Non Built Up	Local Government	Residential	Rural Local	Access Road
0234	THORNBILL PLACE	0.33	Non Built Up	Local Government	Residential	Rural Local	Access Road
0235	BRONZEWING COURT	0.03	Non Built Up	Local Government	Residential	Rural Local	Access Road
0236	CORELLA CLOSE	0.31	Non Built Up	Local Government	Residential	Rural Local	Access Road
0237	ROSEWOOD DRIVE	1.60	Non Built Up	Local Government	Residential	Rural Local	Access Road
0238	ENDEAVOUR STREET	1.43	Non Built Up	Local Government	Residential	Rural Local	Access Road
0239	MALBEC DRIVE	0.27	Non Built Up	Local Government	Residential	Rural Local	Access Road
0240	DAMPIERA DRIVE	0.29	Non Built Up	Local Government	Residential	Rural Local	Access Road
0241	BOTTLEBRUSH SPUR	0.05	Non Built Up	Local Government	Residential	Rural Local	Access Road
0242	CAMMERAY CLOSE	0.60	Non Built Up	Local Government	Residential	Rural Local	Access Road
0243	CITRON WAY	1.46	Non Built Up	Local Government	Residential	Rural Local	Access Road
0244	WINDEMERE WAY	0.92	Non Built Up	Local Government	Residential	Rural Local	Access Road

Parks and Landscaping Policies

8.1 Landscaping Policy for Industrial and Commercial Areas

Policy Owner: Technical Services
Person Responsible: Executive Manager Technical Services
Date of Approval: November 2005
Amended:

Objective

The objective of this policy is to:

- Guide Council and Administration in prioritising public open space and distributor roads for appropriate landscaping development, utilising an endorsed criteria for assessment.
- Guide applicants on matters Council and Administration will take into consideration when evaluating development applications and detailed engineering and landscape designs.

Statement

The Shire recognises its responsibility to work towards and advocate an economically, socially and environmentally sustainable community. In considering Capital and Operational Budget allocations, Administration will endeavour to:

- evaluate sites for best practice landscape asset management
- minimise the Shire's exposure to risk and capital and recurrent cost liabilities
- apply a consistent approach to landscape treatments within the Shire of Chittering.

Council wishes to promote the establishment of landscaping for the benefit of those who reside, work and visit the Shire of Chittering.

The intent of the policy is to:

- i) Provide a means of reducing the impact of the built form in developed areas, through the moderating influence of trees, shrubs and other vegetation.
- ii) Improve the quality of life in the Shire of Chittering by beautifying the built environment and moderating the harsh climatic conditions.
- iii) Encourage a landscaping form which is economical in its water and maintenance requirements.
- iv) Provide a means of permitting relative freedom of design of the individual components of any built-up area, while also ensuring that the important 'sense of place' is maintained through the unifying character of landscaping.
- v) Provide a means of minimising soil erosion.

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- vi) Provide a guide detailing the minimal requirements of a satisfactory landscaping plan for submission purposes.

Policy

This policy is for the provision of landscaping in Industrial and Commercial areas. Subject to Council approval the provisions contained may be varied should the result achieved by the variation meet the intent of this policy.

Each application for a Building Licence in industrial and commercial zones shall include a landscape plan which conforms to the Shire of Chittering Landscaping Policy for Industrial and Commercial areas.

The approved landscaping plan to be implemented and maintained at all times to the satisfaction of the Chief Executive Officer.

A unit numbering plan shall be prepared and implemented to the satisfaction of the Chief Executive Officer.

A three metre wide permanent and reticulated landscaping strip being provided along the front boundary of the property to the satisfaction of the Chief Executive Officer.

A landscaping plan to be prepared and landscaping established for the development to the satisfaction of the Chief Executive Officer.

Landscaping as shown on the approved plans to be established to the satisfaction of the Chief Executive Officer.

Recommended Plant Types

For reasons of soils and climatic compatibility, hardy plants suited to the region are essential. A range of species may be included in the landscaped area, these may be species recommended by Chittering Landcare .

It should be noted, species may be varied subject to approval and reference should be made to the Works Supervisor to ascertain suitability of alternative species.

Preparation of Shrubbery Areas

Due to the harsh climatic conditions that prevail within the municipality and the predominance of potential weeds, preparatory treatment of planting beds is essential.

Reticulation

All landscaping shall be reticulated. The reticulation considered satisfactory by Council for shrubbery planting's is the typical polythene trickle or drip irrigation. The reticulation should be connected to a timing mechanism via an approved backflow device to ensure continued maintenance of the landscaping and checked for satisfactory operation on a weekly basis.

Where practical, landscaping should utilise the principles of landscape design as outlined in the publication "**Water Conservation Through Good Design**" produced by the Western Australian Water

Resources Council. Where irrigation is to be installed in areas surrounded by pavement, an adequately sized conduit must be provided during construction.

Maintenance

Conscientious maintenance of all landscaped areas for a period of no less than 12 months after establishment is required during this critical growth period. Where maintenance is not carried out as required, the CEO may determine that the standard is inferior which may prejudice an application for free-hold title or final approval for completion of development requirements.

Unattractive Buildings

Where, in the opinion of Council, little consideration has been given to aesthetic qualities of a building or other structure, landscaping may be required in order to moderate the impact of that building.

Existing Trees

Where significant trees and shrubs are already in existence on the lot, these may only be removed with the approval of Council where extenuating circumstances apply.

Power Lines and Services

Overhead power lines and underground services shall be considered in the provision of landscaping to ensure no hazardous or potentially damaging situation is created.

Car Parking Areas

Landscaping of car parks shall take into account all necessary pedestrian vehicular sight lines. Planting shall maintain all necessary sight line truncations.

All car parking areas shall be planted to be screened externally, and planted internally to break up large expanses of bitumen paving. As a guide external landscape strips shall be a minimum of 1.5 metres wide. Internally an equivalent of 1 in every 10 bays shall be landscaped.

Location of Landscaping

Generally all landscaping shall be located within property boundaries. Landscaping shall screen and complement development proposed. Landscaping proposals shall be assessed against the provisions of this policy and the degree to which the proposal meets the intent of the policy.

The Landscape Plan shall include:

Basic Data

- Street Names
- North Point
- Scale
- Date prepared
- Contact name and phone number
- Property boundaries and outline of adjacent buildings

Development Details

- Building layout including doors and windows
- Building elevations
- Car park layout

Landscaping Details

- Details of areas to be planted
- Names and location of plants to be planted (Scientific and Common Name)
- Location of onsite services, e.g. overhead power lines, sewers, drains and underground power
- Details of reticulation design and maintenance for 6 - 12 months following planting
- Details of stormwater and sub-soil drainage where required
- Mulching/gravel provision and other weed control measures to be implemented

Standard Planning Conditions for Landscaping

- L1 All land indicated as landscaped area on the approved plan being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council. All landscaped areas are to be maintained in good condition thereafter.
- L2 Landscape plans, showing size, species, location of trees and shrubs to be planted or retained, being submitted to Council for approval prior to the issue of a building licence.
- L3 The (insert) being screened from view from the surrounding lots and adjacent road by the use of suitable trees and shrubs.
- L4 New landscaping to be maintained in a healthy condition and to be planted within 60 calendar days of the structural completion of the (insert development). Should such vegetation die, it is to be replaced with similarly sized vegetation within 30 calendar days.

8.2 Verge Maintenance

Policy Owner: Technical Services
Person Responsible: Executive Manager Technical Services
Date of Approval: 20 July 2022
Amended:

Introduction

Pursuant to Section 55(1) of the *Land Administration Act 1997*, the land comprising a road is the absolute property of the Crown and, subject to the *Main Roads Act 1930* and the *Public Works Act 1902*, the local government within the district of which a road is situated has the care, control and management of the road. This care, control and management includes not only the road, drainage, footpaths and supporting infrastructure but also the naturally occurring vegetation contained within.

The verge area is generally considered to be the area within the road reserve between the edge of the road infrastructure and adjacent private property.

The verge area is created for a range of uses. Some of these include:-

- To provide a safe pedestrian space and paths
- To allow vehicle access to properties (crossovers)
- To accommodate public service utilities eg. street lighting, water, gas and telecommunications.

Due to the extensive amount of verges within the Shire, it is impractical to assign the level of resources that would be required to maintain all verges. The Shire therefore requires all residents and commercial property owners to endeavour to maintain the verge adjacent to their property, for their own benefit, the benefit of their neighbours and the wider Chittering community.

Objective

This policy is intended to outline Council's expectations, responsibilities and the extent to which verge maintenance services will be provided by the Shire in the overall management of the road reserve and verges within the Shire of Chittering.

Application

The Shire recognises that the appearance of road verges are important to owners / occupiers, due to the aesthetic impact on their properties and dwellings. The following policy is provided to maintain safety to the community whilst enabling owners / occupiers to improve the aesthetics

and amenity of road verges adjacent to their properties.

Policy Intent

- To value the verge as an important component of the streetscape;
- To encourage ownership by owners/occupiers to improve and maintain verge presentation;
- Define the extent of general verge maintenance activities undertaken by the Shire;
- Reduce the impact of unwanted plants on agriculture, conservation and landscape values in the Shire;
- Ensure Council meets its legal responsibilities under the *Local Government Act 1995 (WA)* and to control unwanted plants within the Shire under the *Agricultural and Related Resources Protection Act 1976*

Interpretation

This Policy is to be read in conjunction with the Shire of Chittering's relevant Local Law pertaining to property.

Residents Responsibilities:

- Maintenance of the verge including tasks such as mowing, weeding, pruning and mulching. *Appendix 1 – Road Verge Development Criteria* and the Shire of Chittering's relevant Local Law in relation to Property shall be considered when making improvements to the verge.
- Residents should consider the verge adjoining their property as a part of their land's overall fuel management plan. The threat from fire to private property can be greatly minimised by maintaining a low fuel area between the verge and their property.
- If planting street trees do so within the guidelines set out in *Appendix 1 – Road Verge Development Criteria*. Where street trees have been planted by residents, residents will be responsible for the maintenance of the tree. Trees that do not fit within the guidelines may need to be removed.
- Clean-up and repair damage from falling trees and branches - the shire is mainly hilly and heavily treed. Should trees or branches cause damage to a resident's infrastructure, it is considered a part of living in the shire and the resident is responsible for the damage and clean-up of the tree or branch. The Council expects landowners to have suitable insurance cover for the risk of this type of event occurring on their property.
- Gaining appropriate approval prior to Hazard Reduction Burning, which is allowed to be undertaken. Approval to undertake burning must be received and *Appendix 2* of this policy sets out the requirements that must be met for approval.
- Landowners who do not want spraying on their verge are required to advise the Shire, in writing, assuming responsibility for control of vegetation. If landowners do not manage vegetation to the Shire's satisfaction, the Shire reserves the right to continue to manage this area in accordance with typical work practices. Vegetation should be kept away from the road surface and managed to a not unreasonable height.
- Verge management activities must be considerate of potential high conservation roadside (endangered flora areas). Verge Management Activities undertaken on high conservation

roadsides and shire managed reserves for the protection of flora and fauna require approval by the Chief Executive Officer under delegated authority.

Shire Responsibilities:

- Controlling the development of street verges and the provision and maintenance of street trees. We control the development of verges through local laws and policies such as this one.
- Verge maintenance adjacent to our buildings, parks and reserves.
- Spraying verges - this typically occurs once a year for the purpose of controlling weeds in order to protect our assets. For this reason, spraying typically occurs around the following assets: Kerbs; Edge of roadway; Pathways; Street trees; Drains; Other Shire infrastructure; Public Service infrastructure
- Fire mitigation works both in reserves and road reserve areas (i.e. within the verge). These works are identified and conducting in areas deemed a strategic fire risk by the shire's staff and under the Strategic Bushfire Risk Management Plan, taking into account the risks present for the whole of the shire. Due to the planned nature of these and resources required, request to burn typically cannot be undertaken.
- Removal of 'significant hazards', obstructions to road users or Shire infrastructure.
- Planting of street trees. These are trees planted in the road verge with the appropriate permit/approval from the Shire under the Shire of Chittering Property Local Law. Following establishment of the trees/vegetation, the Shire accepts responsibility for the ongoing maintenance of these trees.
- Naturally occurring trees/vegetation It is a common misconception that the Shire owns all naturally occurring verge trees. Naturally occurring trees are growing on Crown Land, the Shire simply manages the trees when and where necessary, predominately to stop trees interfering with the flow and/or safety of traffic and does not take ownership of a particular tree or trees.

Further Information:**Appendix 1****Road Verge Development Criteria**

- i) Council shall encourage and support the development of road verges in urban areas, either maintained grass style or dry garden style or a mixture of both.
- ii) The preferred style shall be the Native Garden option with irrigation and up to two trees/20m of frontage. Any irrigation system shall be installed and operated to avoid nuisance to the public. All pipes shall be installed at a minimum depth of 400mm and approved pop-up type sprinkler equipment is preferred.
- iii) The trees shall not be planted on the 3.5m offset so as to avoid electrical power lines and all other services. No trees shall be planted within 12m of street corners or within 2.5m of crossovers. Tree planting on road verges shall not take place without prior consultation with Executive Manager Technical Services.

- iv) Subject to keeping the verge clear for the first 1.5m width from kerb of seal a dry garden style of small vegetation, shrubs and ground covers may be established, however, no large rocks or non-frangible items shall be placed on the road reserve. Weed control using plastic sheeting with aggregate, mulch, metal dust overlay is acceptable.
- v) No assistance shall be given by the Shire for development, ongoing operation or maintenance costs.

Appendix 2

Road Verge Burning

Council fully supports road verge burning by residents, and brigades, and this policy sets out the circumstances where road verges may be burnt for the purposes of fire protection; as long as the following guidelines are followed:-

- a) All applications shall be made on the prescribed “Application for Approval to Burn the Verge” form; which can be found [here](#)
- b) No authority is given for any Brigade Fire Control Officer to allow the burning of road verges;
- c) That no authority can be given by an officer of the Shire of Chittering or Fire Control Officer to burn road verges that are not under the control of the Shire, unless written approval has been received from the controlling body;
- d) Approvals to Burn the Verge – for hazard reduction, along road verges – can only be provided after a site inspection has been completed. The inspection will take into consideration the environmental impact on the road verge, the potential hazard the road verge would pose in the event of bush fire and the weather patterns and forecasts for that time of year;
- e) Approvals issued pursuant to the above are to state the measures that must be taken to prevent damage to native vegetation along the verge, acceptable weather conditions and other normal permit conditions;
- f) Council is committed, where possible, to preserving natural vegetation on road reserves and the proper management of specified weeds. Accordingly all reasonable precautions are to be taken to protect flora and fauna during the course of road verge burning (pest plants and wild weeds excluded); and
- g) All necessary safety precautions are to be taken.
- h) Approvals to burn the verge will only be issued by Authorised Officers to residents during the Unrestricted Burning period.

Council authorises the following officers to determine applications and apply conditions to approvals:-

- o Community Emergency Services Manager
- o Bushfire Risk Officer
- o Ranger(s)

Appendix 3

Hazardous Trees

As per general maintenance considerations, Shire involvement is limited to ‘significant hazards’

and/or obstructions to road users or Shire infrastructure.

What constitutes a hazard?

- *A dead or dying tree (or limbs) that is close to a crossover, road, footpath and/or infrastructure.*
- *A tree that is severely diseased and of poor structure.*
- *A tree that has become unstable at the base where root ball heave is present.*
- *A tree or limb/s that is causing sight line problems when exiting a driveway, gateway or an intersection.*
- *A tree that is deteriorating in health (photographic evidence to be captured)*
- *A tree with severe termite infestation.*
- *A limb/s that is cracked or damaged.*
- *A limb/s that is encroaching over infrastructure or the road with the potential for failure or injury or causing damage to a vehicle permitted to use the road.*

What does not constitute a hazard?

- *A tree simply shedding leaves, bark and fruits. This is a natural occurrence.*
- *The height of a particular tree.*
- *The proximity to infrastructure if the tree is in good health and structure.*
- *The species of a particular tree.*
- *A limb/s encroaching over a fence that has no impact on infrastructure.*
- *The size of a limb/s.*
- *A particular limb/s shedding leaves, bark and fruits, this is a natural occurrence.*
- *Limb/s encroaching into a paddock where no infrastructure is present.*

8.3 Rural Numbering

Policy Owner:	Development Services
Person Responsible:	Executive Manager Development Services Executive Manager Technical Services
Date of Approval:	November 2005
Amended:	

Objective

This policy is to ensure that all properties are allocated with rural numbering.

Policy

Where new lots are created by a subdivision the developer is required to install rural numbering in accordance with Council's standard or pay the Shire the sum as prescribed by Council in its annual budget (refer to Schedule of Fees & Charges) for the Shire to purchase and install such signage to each lot and;

Where the Shire approves a building permit for a new dwelling where that dwelling has an access from a public road which does not currently have a rural number, the landowner is required to purchase and erect a rural number in accordance with Council's standard.

8.4 Storm Water Management

Policy Owner:	Development Services
Person Responsible:	Executive Manager Technical Services Executive Manager Development Services
Date of Approval:	19 October 2022
Amended:	

Objective

This policy provides guidelines to effectively control and manage stormwater runoff from land under the care, control or management of the Shire.

Definitions

Sump means a drainage retention basin that disposes of stormwater runoff by infiltration into the ground and ultimately to the ground water table.

Compensation basin means a drainage detention basin that incorporates both a piped inlet and a piped outlet. Compensating basins may also incorporate infiltration into the ground and ultimately to the ground water table.

Scope

This policy applies primarily to manage construction, seeding/planting of compensating basin and fencing within Shire of Chittering.

Policy

The Shire does not contribute toward the cost of any fence which divides privately owned land and adjoining land held by the Shire for a public purpose except that the Shire shall contribute toward the cost of a dividing fence separating private land and a drainage basin.

The Shire allows for several methods of disposal of stormwater runoff that shall be designed and implemented to the satisfaction of the Executive Manager Technical Services.

Construction of sumps/compensating basins shall be seeded, planted and form parts of road reserve to the satisfaction of the Shire.

1. DRAINAGE SUMPS AND FENCING

- 1.1.** Drainage retention basins, commonly referred to as drainage sumps built in Public Open Space or Easement, shall consist of an area of land capable of retaining a designed discharge of water in such a manner as to allow it to infiltrate to the ground water table without causing damage or undue inundation to adjacent land.

- 1.2. All drainage sumps shall be fenced in such a manner as to prevent the entry of children.
- 1.3. A strip of land a minimum of 1 meter in width must be supplied around the perimeter of a sump fence such that landscaping may be supplied when seasonal conditions allow. All landscaping shall be to the satisfaction of the Executive Manager Technical Services.
- 1.4. Drainage sumps shall have a maximum side slope equal to the angle of repose of the natural soil unless design criteria demand a shallower slope. A berm width of 2.0 metres shall be provided between the top of the sump side slope and the fence. Vehicle access gates and ramps shall be provided to the satisfaction of the Executive Manager Technical Services to enable ongoing maintenance access to the sump.

2. **COMPENSATING BASINS**

- 2.1 Designs for detention basins, commonly referred to as compensating basins, shall be to the satisfaction of the Executive Manager Technical Services.
- 2.2 Where compensating basins are unfenced and are located adjacent to or surrounded by Public Open Space / Easement the side slopes shall be a maximum of 1 in 8.
- 2.3 All pipes entering compensating basins shall have Protective End Treatments in accordance with the Shire's Standard Drawings / IPWEA Guidelines.
- 2.4 For unfenced compensation basins the maximum overall storage depth shall not exceed 400mm.

Environment and Health Policies

9.1 Environment - Council Recognition

Policy Owner:	Development Services
Person Responsible:	Executive Manager Development Services Principal Environmental Health Officer
Date of Approval:	November 2005
Amended:	

Objective

The objective of this policy is to ensure that all work undertaken within the Shire of Chittering takes into consideration the environmental implications.

Statement

The term 'environment' means living things, their physical, biological and social surroundings, and interaction between all of these.

The good management of the environment is a primary task of the Council and should be considered in all of its decisions.

The Council decisions affecting the environment shall be based on the development of sound policies developed through consultation with the community.

A co-ordinated approach to all environmental matters is required. Activities of the Shire should be co-ordinated with each other as well as with those of outside bodies wherever necessary to ensure that maximum benefit is obtained.

The Council shall initiate measures to identify environmental issues important to the residents of the Shire and shall take action as necessary to address those issues.

The Shire shall inform the public of issues concerning the environment through press releases, and other methods as appropriate.

9.2 Bush Fire Control

Policy Owner:	Development Services
Person Responsible:	Chief Bush Fire Control Officer Community Emergency Services Manager Ranger
Date of Approval:	November 2005
Amended:	17 June 2015; 17 March 2021

Objective

- To minimise the risk of out of control fires
- To minimise damage from fires
- To control burning within the Shire
- To ensure fire fighters receive adequate training
- To carry out the Shire's statutory obligations under the ***Bush Fires Act 1954***

Policy

The Council of the Shire of Chittering is to establish and maintain a Bush Fire Organisation in accordance with the ***Bush Fires Act 1954*** to provide adequate fire protection to those areas of the local government within the bush fire district and to carry out an ongoing program of hazard reduction having due regard at all times for the preservation of the natural environment.

Harvesting, Movement of Machinery and Burning

The Shire of Chittering will not permit harvesting operations including stubble processing:

- when the Shire has declared a Harvest and Vehicle Movement Ban including any hot works activities, or
- on Christmas Day, Boxing Day and New Year's Day.

The Shire of Chittering **will permit** harvesting operations including stubble processing during the Restricted and Prohibited period (including on Sundays and public holidays) on the following conditions:

- The Local Fire Control Officer is notified.
- That a fully operational fire-fighting unit (inclusive of associated pump, hose system and a minimum of 600 litres of water is present at all times.
- Two able-bodied adult people are to be present during the harvesting operations; only one of whom may be harvesting.

9.3 Nuclear Waste

Policy Owner: Development Services
Person Responsible: Executive Manager Development Services
Principal Environmental Health Officer
Date of Approval: November 2005
Amended:

Objective

The objective of this policy is to provide the views of the Council on nuclear waste.

Statement

Council recognises it is subject to various Commonwealth and State Legislation in relation to the transportation and storage of Nuclear Waste Material in the district.

Council's Policy position in relation to the above mentioned is that it does not support the transport of nuclear waste or the construction of facilities within the district for the processing or storage of nuclear waste.

9.4 Deep Drainage

Policy Owner:	Technical Services
Person Responsible:	Executive Manager Technical Services
Date of Approval:	November 2005
Amended:	

Objective

To:

- guide Council in relation to applications for deep drainage that directly affects Shire controlled lands and infrastructure (i.e. Shire roads, reserves and town-sites).
- allow input to drainage proposals that affect Shire infrastructure and private land and inform the community about proposals.

Statement

Drainage in Agricultural Areas affecting Council controlled lands and infra-structure

The Shire of Chittering recognises best practice closed deep drainage as a valid option for salinity control – “Closed deep drainage means levied deep drainage that excludes surface water from entering the drain”.

This policy is designed to guide Council in relation to applications for deep drainage that directly affects Shire controlled lands and infrastructure (i.e. Shire roads, reserves and town-sites).

This policy is designed to allow input to drainage proposals that affect Shire infrastructure and private land and inform the community about proposals.

Prior to commencement of drainage works within the Shire of Chittering a landholder or authorised agent must submit a Notice of Intent to Drain to the Department of Agriculture pursuant to ***Soil and Land Conservation Regulations 1992***.

As a condition of approval by the Shire of Chittering a public notice will be advertised by the Shire of Chittering, at the proponents cost, within the local newspapers and a state-wide newspaper. Advising submissions will be received for up to a period of 14 days after advertisement.

A state-wide notice will mean - advertised within a newspaper circulating within the State.

The form of the public notice will advise on which locations drainage works will be undertaken, that drainage works are to be constructed within the Shire of Chittering and advise what roads are to be affected and seek landholders submissions to disposal point of water.

At the Shire’s discretion the landowner may be required to submit a certified report carried out by an appropriately qualified Environmental Consultant identifying what impacts the drainage proposal

will have on the environment within the catchment. Catchment being all that area in which surface water would/may affect the proposal from commencement point to terminal point.

Guideline:

Any deep drainage system that proposes a development in excess of 30 kilometres in length, the Shire may require the above mentioned certified report.

Any proposal to carry waters through Shire infrastructure must include the preparedness of the proponent, at the proponents cost, to indemnify the Shire of any liability incurred from any action of law resulting from the development.

The developer shall enter into an agreement with the Shire of Chittering that future maintenance costs of the drainage conveyance shall be at the developer's cost and recorded as an absolute caveat on the affected land. Such remedial works shall be carried out within 14 days of advice from the Shire of Chittering.

At the Shire's discretion, proposals to conduct water through Shire infrastructure must be accompanied by an engineering certified design, taking into account the impact on the Shire's land and/or infrastructure of extra-ordinary events that may cause damage to the integrity of the drainage conveyance.

All construction and remedial costs, including traffic management, of the drainage conveyance structure, shall be at the developers/landowners cost.

Guideline:

Traffic management means in accordance with the relevant Australian Standards for Traffic Management.

Unless otherwise approved by Council, all drains and associated embankments must not encroach onto Shire managed land.

Landholders must provide a copy of the letter of no objection provided by the Department of Agriculture to the Shire, prior to the contractor commencing works.

9.5 Multiple Dogs

Policy Owner:	Executive Manager Development Services
Person Responsible:	Ranger/s
Date of Approval:	21 November 2012
Amended:	20 February 2013; 19 July 2023

Objective

To provide a consistent approach for the assessment and approval of additional dogs above the prescribed limitations within the Shire of Chittering Local Law 2023.

Statement

The Multiple Dogs Policy ensures alignment with the *Shire of Chittering Dog Local Law 2023*, section 3.2(2) which allows for:

- (2) *The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(3) of the Act—*
 - (a) *two (2) dogs over the age of three (3) months and the young of those dogs under that age if the premises are situated on land zoned townsite or residential; or*
 - (b) *three (3) dogs over the age of three (3) months and the young of those dogs under that age if the premises situated on land zoned other than townsite or residential.*

The terms ‘additional dogs’ and ‘multiple dogs’ refers to a number of dogs that exceeds the prescribed limits of the *Shire of Chittering Dog Local Law 2023*, above.

1) Application Procedure

Residents wishing to obtain additional dogs are to follow this procedure prior to obtaining the additional dog(s):

1. Complete and submit to the Shire of Chittering an “Application for Exemptions on Limitations of Number of Dogs” form;
2. Detailed written explanation for the purpose of the requested additional dog(s) that aligns to the ‘Exceptional Circumstances’ of this Policy;
3. Enclose the additional dog application fee (which is non-refundable) and is prescribed in the Shire of Chittering’s Fees and Charges; and
4. Register all existing dogs that are ordinarily kept at the subject property.

Only once a resident has received approval from the Shire of Chittering (either by Council or under delegated authority), may they then obtain the additional dog(s) in line with the conditions outlined on their approval. A resident wishing to obtain retrospective approval may incur additional fees as per the Shire of Chittering Fees and Charges.

2) Assessment Procedure

In assessing an application for additional dogs the following procedures will be undertaken by an Authorised Officer (Ranger):

1. Notify all adjoining and adjacent neighbouring landowners within 50 metres of the boundary of the subject property in writing for the opportunity to make comment to support or object to the application within a period of 21 days from the date of the letter.
2. Arrange and conduct a site inspection of the property and undertake an animal welfare assessment of any existing dogs and a fencing assessment. All details of the Authorised Officer's findings will be recorded as a report towards the final recommendation.
3. Contact and interview any neighbouring landowners who have made comments to ascertain their objection is justified and of a reasonable nature, if any received.
4. Review dog owner's history and complete a report upon closure of the 21 days period for part (1), and completion of part (2) and (3). The Authorised Officer will refer their report and recommendation for review of the Executive Manager of Development Services.

The Chief Executive Officer and Executive Manager of Development Services have conditional delegated authority on additional dog applications. If at part (3), the Authorised Officer has determined that any objections cannot be resolved or have significant issues, a report will be prepared for Council's decision.

3) Exceptional Circumstances

The following circumstances are considered sufficient reason for the Shire and Council to consider approval of additional dogs consistent with the criteria set out in the Shire of Chittering Dog Local Law 2023, section 3.3(c):

1. To replace an elderly or sick dog not expected to live, that is already registered to the subject property.
2. A family emergency resulting in the dog being inherited.
3. Merging of two households.
4. Where the applicants have had approval to keep the subject additional dog or dogs in another local authority; or
5. On premises zoned as rural or rural residential under the Shire's local planning scheme, the dog or dogs are required for stock management or to be on the premises temporarily for the purposes of training for stock management.

The above are the only circumstances which Council will consider additional dog applications, with each application to be assessed on its merits.

4) Conditions of Approval

Should an application for additional dogs be approved, the following conditions will be imposed on an approval granted:

- The approved additional dog(s) shall be registered under the *Dog Act 1976* with the Shire within 21 days of the subject dog(s) residing at the subject property.
- The approved additional dog(s) shall be microchipped and the microchip number be provided to the Shire within 21 days of the subject dog(s) residing at the subject property.
- This approval is for the life of the dog(s) listed below *<insert table of dogs approved at the premises>* and no additional dog or replacement dog shall be registered to this property unless a new application has been approved.
- The applicant must notify the Shire of Chittering if they move from the area or if there are any changes to the number of dogs approved.
- If at any time these requirements have been breached, an Authorised Officer may terminate the application, and may direct that the registration of the additional dog(s) be cancelled, and the dog(s) be removed from the premises within seven (7) days.
- The fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;

Additional conditions can be imposed on any approval granted, as the Shire deems necessary.

References:	<i>Shire of Chittering Dog Local Law 2011, clause 3.2(2)</i> <i>Dog Act 1976, section 26(3)</i> <i>Local Government Act 1995, sections 5.18, 5.42 and 5.46(1)</i>
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9.6 Trading in Public Places

Policy Owner:	Executive Manager Development Services
Person Responsible:	Principal Environmental Health Officer
Date of Approval:	12 December 2018
Amended:	20 April 2022; 19 July 2023

Objective

The Shire of Chittering '*Local Government Property and Public Places Local Law 2023*' (the local law) includes in Part 12 laws relating to stallholders and traders.

The objective of this Policy is to provide conditions subject to which an application for a Trader's Permit may be approved under Part 12 of the local law. The local law will prevail if there is any conflict with any conditions of this Policy.

Policy

1. All applications for Trader's Permits must be made on the approved application form and provide all the necessary details to enable the application to be properly assessed.
2. Trader's Permits will only be issued for operation in approved locations which are determined by the Principal Environmental Health Officer (PEHO) in collaboration with the Executive Manager Technical Services.
3. The hours of operation shall be generally restricted to 7am to 9pm however times may be varied subject to individual application and assessment.
4. Trader's Permits will only be issued for a 12 month period following receipt of payment of the Shire's annual fee after which time an application for renewal must be made.
5. Any issues/complaints arising from the operations of permit holders will be assessed by the PEHO and, if not resolved, the Chief Executive Officer may revoke a permit upon recommendation of the PEHO.
6. Permit holders do not have exclusive right to any approved location and must be considerate of other users.
7. The PEHO will keep a register of permit holders and approved locations to avoid overuse of sites or excessive competition arising from the sale of similar products.
8. Nothing in this policy restricts registered food businesses from operating as temporary food businesses at public events subject to the approval of the PEHO and authorisation of the event coordinator.

9. Traders Permits - Bindoon

- 9.1** Traders permits for food vehicles/stalls will be issued for venues within the Bindoon townsite, Muchea town site or other locations of commercial sensitivity if they meet the requirements of the Shire of Chittering Local Government Property and Public Places Local Law 2023;
- 9.2** Trader's permits for Clune Park will only be issued for 5pm – 9pm trading on any given day.

References:

Shire of Chittering Local Government Property and Public Places Local Law 2023

9.7 Temporary Accommodation During Construction of a Dwelling

Policy Owner: Executive Manager Development Services
Person Responsible: Principal Environmental Health Officer
Date of Approval: 20 November 2019
Amended:

Background

It is recognised that property owners are often short of financial resources and seek an inexpensive form of accommodation while building their main dwelling. Being able to live on site while their dwelling is being constructed can also save considerable travelling expenses and improve site security.

Objective

The objective of this policy is to permit the use of temporary accommodation on site during the construction of a permanent dwelling to ensure that minimum standards are applied with respect to environmental health, safety and amenity.

Policy

Approval is required to occupy temporary accommodation in the Shire of Chittering pursuant to the ***Caravan Parks and Camping Grounds Regulations 1997 - r11(2)***.

The following persons are authorised under the ***Caravan Parks and Camping Grounds Act 1995, s17*** to authorise temporary accommodation applications:-

- Chief Executive Officer
- Executive Manager Development Services
- Principal Environmental Health Officer

Living in a shed is prohibited unless approval has been granted in accordance with this policy.

This policy supersedes Local Planning Policy No.27 '*Living in Sheds*'.

Legislation

This policy is in accordance with the provisions of the *Building Code of Australia*, the ***Caravan Parks and Camping Grounds Act 1995***, the ***Caravan Parks and Camping Grounds Regulations 1997***, the ***Health (Miscellaneous Provisions) Act 1911***, the ***Public Health Act 2016***, the ***Shire of Chittering Health Local Law 2017***, the ***Local Government Act 1995*** and the *Shire of Chittering Local Planning Scheme No 6* where applicable.

Definitions

“Authorised Person” means a person appointed under section 17 of the *Caravan Parks and Camping Grounds Act 1995*.

“Caravan” means a vehicle that is fitted or designed for habitation and can include an annexe.

“Dwelling” means a Class 1 A structure defined in the *Building Code of Australia* which is used for habitation.

“Permit” means a building permit or a demolition permit as defined in the *Building Act 2011*, section 3.

“Shed” means a Class 10 building defined in the *Building Code of Australia* which is non-habitable.

“Substantial progress” means a dwelling is at least 50 % completed.

“Temporary accommodation” means a caravan that is temporarily occupied while a dwelling is being constructed.

Policy Provisions

Living on a property (in a caravan) whilst a dwelling is being constructed may be considered for approval by the Shire subject to the following provisions:

1. A current permit has been issued to construct a permanent dwelling or demolish a building on the site.
2. The caravan must not exceed the accommodation capacity that it is designed for and must comply with the ventilation requirements of the *Shire of Chittering Health Local Law 2017*.
3. Caravans used for temporary accommodation may be placed inside a shed.
4. Caravans must be mobile and capable of being moved offsite at all times.
5. A temporary accommodation approval will be permitted for a period no longer than twelve (12) consecutive months.
6. Approval will only be considered on land zoned under the Shire’s Local Planning Scheme as:
 - (a) Agricultural resource
 - (b) Rural Residential
 - (c) Rural Smallholdings
 - (d) Rural Retreat
7. The following minimum facilities are to be provided in a caravan to enable approval for temporary occupation to be granted:
 - (a) Connection to an approved wastewater treatment and disposal system;
 - (b) An adequate supply of potable water;
 - (c) Cooking facilities and sink;
 - (d) A refrigerator;

- (e) Connection to the mains power supply or an alternative power supply, e.g. solar panels with battery storage, however the use of a generator is not approved;
 - (f) Shire waste and recycling bins (in serviced areas); and
 - (g) Beds for all occupants.
8. The caravan must be structurally sound, weatherproof, clean and all facilities in good working order.
9. The following facilities may be installed in a shed to support the comfort, amenity and convenience of the caravan occupiers:
 - (a) A toilet
 - (b) A sink or trough
 - (c) A shower
 - (d) A washing machine
10. Overnight sleeping is not permitted in a shed, only a caravan.
11. The Shire may revoke any temporary accommodation approval should it be determined that the approval is not being carried out within the provisions of this policy or any other relevant legislation.

Application Process

1. The applicant is to complete the attached "*Application for temporary accommodation during construction of a dwelling*" form and submit this to the Shire together with the application fee.
2. An Authorised Person will conduct a site inspection prior to the issue of an approval for temporary accommodation during construction of a dwelling to determine the suitability of the land for camping with respect to:
 - (a) Safety and health; and
 - (b) Access to services.
3. Following the expiry of the 'living on site' approval, an inspection will be conducted by an Authorised Person to ensure that the temporary accommodation has been vacated and the owners have moved into their new house.
4. Should the above inspection indicate that the main dwelling is not ready for occupancy, an application for an additional twelve (12) consecutive months can be considered for approval providing:
 - (a) Substantial progress has been made to the main dwelling;
 - (b) No significant complaints or amenity impacts have occurred in the preceding period; and
 - (c) A new application form is submitted along with payment of the relevant fee.

Advice relating to approval

1. If the dwelling is being constructed by a building contractor other than by an owner-builder, the owner is advised to seek agreement with the contractor to inhabit the site in temporary accommodation facilities during construction.
2. Failure to comply with the provisions of this policy and related legislation could result in legal action being taken.



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 www.chittering.wa.gov.au

APPLICATION FOR TEMPORARY ACCOMMODATION DURING CONSTRUCTION OF A DWELLING

APPLICANT DETAILS

Name			
Postal Address			
Phone Number		Mobile	
Email Address			
Building Permit Number			

TEMPORARY ACCOMMODATION DETAILS

Property Address			
Proposed Period of Occupation			
Number of persons residing on site			
Toilet Facilities	Flushable Toilet <input type="checkbox"/>	Hand Basin <input type="checkbox"/>	
Bathroom Facilities	Shower <input type="checkbox"/>	Bath <input type="checkbox"/>	
Laundry Facilities	Wash Trough <input type="checkbox"/>	Washing Machine <input type="checkbox"/>	
Kitchen Facilities	Kitchen Sink <input type="checkbox"/>	Cooking Appliance <input type="checkbox"/>	Refrigerator <input type="checkbox"/>

EFFLUENT DISPOSAL SYSTEM DETAILS

Type of Effluent Disposal System	
Date of Approval to Construct System	
Date of Permit to Use System	

POTABLE WATER SOURCE

Scheme Water <input type="checkbox"/>	Rain Water Tank <input type="checkbox"/>	Capacity ____,000 Litres
Other <input type="checkbox"/> -- Details provided:		

POWER SUPPLY

Please provide details

I hereby certify that the information I am submitting in this application is true and accurate.	
Applicant Signature	Date



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APPLICATION FOR TEMPORARY ACCOMMODATION DURING CONSTRUCTION OF A DWELLING

PLEASE PROVIDE THE FOLLOWING:

Site Plan	Attach a Site Plan showing:- <ul style="list-style-type: none"> • Location and setback distances for all development (e.g.: proposed main dwelling, shed, caravan , effluent disposal, access driveways and pathways) • Location of natural features (contours, water courses) 	<input type="checkbox"/>
Floor Plan	Attach a Floor Plan of shed showing the location of facilities e.g. toilet, shower, sink or trough, washing machine; and the position of the caravan (if parked in the shed).	<input type="checkbox"/>
Evacuation Plan	Attach an Evacuation Plan showing egress paths in the event of a fire emergency	<input type="checkbox"/>

OFFICE USE ONLY

Application Fee	As per Fees & Charges	Amount Paid	
Receipt Number		Date	
Inspection date		Authorised Person	

9.8 Nutrient Removal Effluent Disposal Systems

Policy Owner: Development Services
Person Responsible: Principal Environmental health Officer
Date of Approval: 19 May 2021
Amended:

1. Pursuant to the provisions of the Health Act and Regulations, The Shire of Chittering requires that all new houses or developments within the Sewage Sensitive Areas as identified by the Government Sewerage Policy (by the Department of Planning, Lands and Heritage and the Department of Health) for effluent disposal be connected to a Nutrient Retentive Effluent Disposal System including amended soil/medium, as approved by the Principal Environmental Health Officer.
2. That all Nutrient Retentive Effluent Disposal Systems installed within the Shire of Chittering shall be installed in compliance with the Code of Practice for the design manufacture, installation and operation of secondary effluent treatment systems (often referred to as ATUs) published by the Department of Health under Section 344A(2) of the Health Act.
3. The Code of Practice is to be read in conjunction with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 and the conditions of approval issued by the Shire of Chittering.
4. Notwithstanding 1, above, where a site and soil study has been undertaken (in accordance with Department of Health guidelines) on a specific property, the findings of the study will take precedent.