



**CHIEF EXECUTIVE OFFICER ATTACHMENTS
ORDINARY MEETING OF COUNCIL
WEDNESDAY 18 MARCH 2026**

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CEO02 – 03/26	Annual General Meeting of Electors Minutes 2026 Attachments 1. Annual General Meeting of Electors Minutes – 4 February 2026	03 – 11
CEO05 – 03/26	Adoption of Strategic Direction – Council Plan 2026 – 2036 (Part A) Attachments 1. Strategic Direction – Council Plan 2026-2036 (Part A)	12 – 15
CEO06 – 03/26	Public Interest Disclosure (PID) Attachments 1. Public Interest Disclosure Policy	16 – 18
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REPORT NUMBER	REPORT TITLE AND ATTACHMENT DESCRIPTION	PAGE NUMBER(S)
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CEO12 – 03/26	<p>Extraordinary Election – Councillor Vacancy</p> <p>Attachments</p> <ol style="list-style-type: none"> 1. Western Australian Electoral Commission Election Date and Cost Estimate 2. Western Australian Electoral Commission Written Agreement Letter 	224 – 226

WORK HEALTH SAFETY REPORTING – FEBRUARY 2026

COUNCIL KPI'S – MONTHLY REPORT – WORK, HEALTH AND SAFETY FEBRUARY 2026

Reporting month	Drug tests performed	Alcohol tests performed	Positive drug test and bac exceedance	Workers' compensation claims	Current workers compensation claims	Near misses and incident	Medically treated injuries	Restricted work injuries	Lost time injuries
February	3	13	0	0	1	8	1	0	0

NEAR MISS, INCIDENT AND DAMAGE REPORT

Date	Number	Report	Type	Location	Department
31/01/2026	328	Incident	Incident - Damage to emergency step	Muchea	Technical Services
5/02/2026	329	Injury	Injury - Wasp Sting	Muchea	Technical Services
8/02/2026	330	Incident	Incident - Fire at Muchea Landfill	Muchea	Technical Services
11/02/2026	331	Incident	Incident - Damage to rate payer fence	Muchea	Technical Services
12/02/2026	332	Injury	Injury - Bruising from impact of log	Muchea	Technical Services
15/02/2026	333	Incident	Incident - Fire at landfill	Muchea	Technical Services

MINOR REGISTER

Date	Number	Report	Type	Location	Department
11/12/2026	MR5	Injury	Minor - Knocked head on steel beam	Bindoon	Technical Services
18/02/2026	MR6	Injury	Minor - Bee sting to left hand	Bindoon	Technical Services

WHS TRAINING AND DEVELOPMENT

Training	Training Organisation
Bobcat Ticket for Mitigation Officer	Saferight

SITE INSPECTIONS

Areas
Muchea Landfill – Preformed by Prompt Safety Solutions
Shire Yard – Preformed by Prompt Safety Solutions

SAFETY OBSERVATIONS

Areas
Bindoon Fire Station – Steps required from the car park to the station, loose gravel
Bindoon ICV – Test and tagging out of date, this is booked for 6 March
Muchea Landfill – Eyewash station pipe gets hot in the summer and water is hot
Bindoon Landfill – Generator exhaust fan gets really hot, barrier to build around the generator
Shire Office – Red backs falling from the air vents kitchen and open area, now sprayed and removed



MINUTES

Annual General Meeting of Electors

7.00pm, Wednesday 4 February 2026

Bindoon Hall, Great Northern Highway, Bindoon



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ITEM 1. ACKNOWLEDGEMENT OF COUNTRY

Good evening ladies and gentlemen, we wish to acknowledge the traditional custodians of the land within the Shire of Chittering, the Yued and Whadjuk peoples. We would like to pay respect to the Elders of the Nyoongar nation, past and present, who have walked and cared for the land, we acknowledge and respect their continuing culture, and the contributions made to this region.

ITEM 2. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS

The Presiding Member declared the meeting open at 7.00pm.

ITEM 3. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE / ANNOUNCEMENTS**Attendance**

The following members will be in attendance:

Cr Mark Campbell	President
Cr David Dewar	Deputy President
Cr Mary Angus	
Cr John Curtis	
Cr Beck Foulkes-Taylor	
Cr Nicholas Grayer	
Cr Kylie Hughes	

The following staff will be in attendance:

Melinda Prinsloo	Chief Executive Officer
Scott Clayton	Deputy Chief Executive Officer
Leo Pudhota	Executive Manager Technical Services
Jake Whistler	Executive Manager Development Services
Denaye Kerr	Executive Assistant

Members of the General Public: 7

R. Backer	Bindoon
T. Brown	Chittering
V. Howett	Bindoon
I. Hall	Muchea
J. Hall	Muchea
B. Hall	Muchea
L. Coles	Bindoon

Media: 0

Apologies

Nil

Approved leave of absence

Nil

ITEM 4. REPORTS

AGM01 – 02/26**Annual Report for the Shire of Chittering**

Applicant:	Shire of Chittering
File Ref:	SOCR-1845402348-41338
Prepared by:	Manager of Governance and Corporate Performance
Supervised by:	Chief Executive Officer
Voting requirements:	Absolute Majority
Attachments:	1. 2024/25 Annual Report

Executive Summary

The 2024/25 Annual Report for the Shire of Chittering is presented to the Annual Meeting of Electors.

Background

The *Local Government Act 1995* requires a local government to prepare an Annual Report for each financial year and to hold an Annual Electors Meeting. The meeting must be held within 56 days of the Annual Report being accepted by Council.

The Shire's annual audit was conducted by the Office of the Auditor General, with the audited financial statements signed off by the Senior Director Financial Audit, Tim Sanya, on 8 December 2025.

The Audit, Risk and Improvement Committee considered the Annual Report at its meeting held on 9 December 2025, prior to the report being presented to Council. The Annual Report, together with the audited financial statements, was subsequently presented to Council at the Ordinary Council Meeting on 12 December 2025.

The 2024/25 Annual Report includes a concise audited financial report as part of its comprehensive review of the Shire's performance for the financial year.

The Shire is committed to continually improving the quality of its reporting. This commitment has seen the Annual Report evolve from a purely statutory document into an integrated reporting, communication and engagement tool. This approach supports the transparent sharing of financial and operational information with both internal and external stakeholders.

Building on improvements made over recent years, the Shire undertook benchmarking for the third consecutive year with award-winning local governments to further strengthen transparency and the quality of performance reporting. This ongoing benchmarking process informed continued refinements to the Annual Report's structure, content and presentation.

The report is guided by the criteria of the Australasian Reporting Awards (ARA), which promote best-practice standards in financial and performance reporting.

In 2022/23, the Shire received a Silver Award at the Australasian Reporting Awards. Building on feedback received through the ARA adjudication process, the Shire implemented further improvements in structure, content and presentation for the 2023/24 Annual Report.

As a result, the Shire's 2023/24 Annual Report was awarded a Gold Award, representing the highest level of recognition and making the Shire of Chittering the smallest local government to achieve this status. This achievement reflects the Shire's ongoing commitment to transparency, accountability and high-quality governance.

The Annual Report is the primary mechanism for reporting on progress against the Shire's Strategic Community Plan and provides a comprehensive overview of achievements delivered through the Corporate Business Plan and Annual Operational Plan during the 2024/25 financial year.

Consultation/Communication Implications

Local

- Chief Executive Officer
- Audit, Risk and Improvement Committee
- Executive Management Team
- Key staff across all service areas
- An integrated consultation approach was undertaken to ensure all services delivered during the 2024/25 financial year, and their associated performance, were accurately captured.

State

- Nil

Legislative Implications

State

- Local Government Act 1995, Section 5.54(2)
(2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.'*
- Local Government Act 1995, Section 5.55
That Council give local public notice of the availability of the Annual Report once adopted by Council.
- Local Government Act 1995, Section 5.27
Electors' general meetings
 - (1) *A general meeting of the electors of a district is to be held once every financial year.*
 - (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
 - (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*
- Local Government Act 1995 Section 5.29
Convening electors' meetings
 - (1) *The CEO is to convene an electors' meeting by giving—*
 - (a) *at least 14 days' local public notice; and*
 - (b) *each council member at least 14 days' notice of the date, time, place and purpose of the meeting.*

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic ImplicationsState

Nil

Local

- Strategic Community Plan 2024-2034
Theme: Administration and Governance
Aspiration: Council Accountability and transparency

Site Inspection

Site inspection undertaken: Not applicable

Environmental Consideration

Environment consideration given: Not applicable

Risk Assessment / Implications

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
Risk Category: Compliance	Likely	Moderate	High	Presentation of the Annual Report to the electors within the statutory 56-day timeframe mitigates this risk and ensures legislative compliance.
Opportunity: Nil				

Officer Comment/Details

The Annual Report provides an accurate and comprehensive overview of the Shire's activities for the period 1 July 2024 to 30 June 2025. It outlines progress against strategic objectives, key projects and service delivery outcomes, supported by audited financial statements approved by the Shire's external auditors.

The Annual Report has been adopted by Council and published on the Shire website for public information prior to this Annual Electors Meeting which enables Electors to ask questions about the contents of the Report.

ITEM 5. GENERAL BUSINESS**GB01 – 02/26 Liz Coles, Bindoon**

Liz spoke about the possibility of a divider being put into the hall for an extra space to be leased out for use. It was in the planning stages a couple of years ago, however, it was put on hold at the request of the Bindoon Belle's.

The Chief Executive Officer advised that we are currently going into Budget deliberations and if you could please email through chatter to request this be placed into the Budget for consideration.

GB02 – 02/26 Tuarn Brown, Chittering

Tuarn mentioned that at the time when the Shire was approving sites for mobile phone towers, we had the concern raised about back up power to those towers so that they would have continuous power through solar or battery. At the time the comment from the Shire and Councillors was that it wasn't the Shire's place to ask that, but I would beg to differ, that it is totally the Shire's place when representing its community to say to the provider that it is an expectation of this community that these towers will not be reliant on main power and whilst it is not the Shire's place to be stipulating these conditions, by not putting that expectation in your approval, you are letting the community down, as was demonstrated recently with power outages.

MOTION / ELECTORS DECISION

Moved Tuarn Brown, seconded Bailey Hall

Request that the Shire as a matter of policy requires security of back up power for phone towers for its community.

CARRIED: 7 / 0

Tuarn brought up the issue of road safety along Blue Plains Road. As has been brought up in the past the road still appears as 110km an hour as there is nothing to say otherwise. My concern is that somewhere in the system, perhaps at Main Roads end, there is an attitude with roads that they do not want to put speed limits on them, in particular Blue Plains Road as it is seen as an access road from Toodyay to the top end of the freeway. That is not practical for the people who live on that road. I don't think the public should have to raise these issues; it needs to be identified by the Shire and/or Main Roads.

MOTION / ELECTORS DECISION

Moved Tuarn Brown, seconded Ian Hall

That a speed limit be set on Blue Plains Road of 80km/hr.

CARRIED: 7 / 0

ITEM 6. CLOSURE

The President closed the meeting at 7.20pm.

Chittering 2036: Our Place, Our Future is Part A of the Shire's Council Plan, with the Corporate Business Plan forming Part B.

It sets the long-term direction for the district over the next ten years and reflects what our community has told us matters most for Chittering's future.

This document establishes the Shire's Vision, Mission, Strategic Outcomes and Objectives, providing the overarching framework that guides the Corporate Business Plan, Long Term Financial Plan and Annual Budget. Together, these documents ensure that Council's decisions, priorities and resources are aligned with the aspirations of our community.

Vision

"A community that values its people, supports local growth, and protects our rural character"

Mission

To plan, lead and deliver services and infrastructure that support liveability, resilience and opportunity for the Chittering community.

Outcomes

Communities Connected - An enriched community life that reflects the diverse identities of the different areas that make up the Shire

Rural Way of Life - A safe and well-cared-for rural environment that values its natural and built character and provides access to essential services and facilities.

Thriving - A thoughtfully planned Shire where our community is supported to grow and thrive through future-ready development that respects rural character.

Communities Connected

An enriched community life that reflects the diverse identities of the different areas that make up the Shire.

WHY THIS OUTCOME MATTERS

Community feedback showed people value feeling informed, involved and supported, particularly during times of change.

As Chittering grows, there will be more pressure on volunteers, community facilities and emergency services. Council plays a key role in supporting connection, preparedness and clear communication so communities feel confident about the future.

STRATEGIC OBJECTIVES

1. Work with the community on matters that are important to them.
2. Support strong local clubs, groups and recreational opportunities for participation.
3. Advocate for and support communities to prepare for emergencies and local risks.
4. Engage, educate and collaborate with the community to support celebration, events and shared experiences.

LOOKING AHEAD

- Community concern regarding regional development and change
- Increasing demand on volunteers and emergency services
- Maintaining trust through clear communication and engagement
- Ensuring residents remain informed, prepared and supported

Rural Way of Life

A safe and well-cared-for rural environment that values its natural and built character and provides access to essential services and facilities.

WHY THIS OUTCOME MATTERS

Community feedback highlighted the importance of safe roads, reliable infrastructure and protecting Chittering's rural lifestyle.

As regional activity and growth increase, Council's role is to plan ahead, advocate for appropriate investment and work with other levels of government to manage impacts while protecting rural amenity and community safety.

STRATEGIC OBJECTIVES

1. Advocate for improved investment and maintenance in roads and paths.
2. Preserve and celebrate our natural places, trails, reserves and rural history.
3. Preserve the rural lifestyle by ensuring infrastructure meets current and future community needs.
4. Advocate for subdivision and infill development that respects and retains the Shire's rural character.
5. Advocate for improved connectivity within the Shire, including public and community transport options.

LOOKING AHEAD

- Increased traffic and heavy vehicle movements on rural roads
- Infrastructure wear associated with regional freight corridors
- Protecting rural landscapes, water resources and environmental values
- Maintaining rural amenity as the region grows

Thriving

A thoughtfully planned Shire where our community is supported to grow and thrive through future-ready development that respects rural character.

WHY THIS OUTCOME MATTERS

Through community engagement, residents told us they value local jobs, careful growth and the protecting Chittering's rural character.

Over the next 10 years, the Shire will experience change driven by population growth, regional economic activity and increasing infrastructure demand. Council's role is to guide this change so it benefits the community while remaining financially sustainable and rural identity.

STRATEGIC OBJECTIVES

1. Plan for future-ready growth that reflects the unique character of Chittering's communities.
2. Advocate for, retain and attract local business and employment opportunities suited to a rural Shire.
3. Grow local tourism in a way that builds on Chittering's natural, cultural and community strengths.
4. Ensure responsible stewardship of Shire resources and long-term financial sustainability.

LOOKING AHEAD

- Managing growth in appropriate locations and at a pace aligned with infrastructure capacity
- Regional economic changes affecting local employment and housing
- Ensuring local businesses benefit from regional investment and supply opportunities
- Balancing growth, service delivery and asset renewal within long-term financial capacity

SHIRE POLICY 1.15

Public Interest Disclosure (PID) Policy

Responsible Department:	Office of the CEO
Responsible Business Unit:	Governance
Date of Review:	18 February 2029
Council Resolution:	000000

1. OBJECTIVE

To provide a clear, fair and legally compliant framework for receiving, managing and investigating Public Interest Disclosures in accordance with the *Public Interest Disclosure Act 2003 (WA)*.

This Policy supports transparency, integrity and accountability by enabling appropriate disclosures of wrongdoing to be made and investigated in a protected manner.

2. SCOPE

This Policy applies to:

- Elected Members
- Committee Members
- Employees (including permanent, casual and temporary staff)
- Contractors and consultants engaged by the Shire
- Any person who makes a Public Interest Disclosure about the Shire

This Policy applies to disclosures made under the *Public Interest Disclosure Act 2003 (WA)*.

This Policy does not apply to:

- General service complaints (handled under the Customer Complaints Policy)
- Code of Conduct minor breach complaints (handled under the Behaviour Complaints Policy)
- Matters managed under the Information Sharing or PRIS legislation.

3. DEFINITIONS

Act – Public Interest Disclosure Act 2003 (WA).

PID Officer – An officer authorised by the Shire to receive Public Interest Disclosures.

Public Interest Disclosure (PID) – A disclosure of public interest information made under the Act to a proper authority.

Public Interest Information – Information that tends to show misconduct, improper conduct, corruption, misuse of public resources, substantial unauthorised use of public money, or matters of serious wrongdoing as defined under the Act.

Discloser – A person who makes a Public Interest Disclosure.

Proper Authority – A person or body authorised under the Act to receive a Public Interest Disclosure..

SHIRE POLICY 1.15

Public Interest Disclosure (PID) Policy

4. POLICY STATEMENT

The Shire is committed to:

- Encouraging appropriate reporting of wrongdoing
- Protecting persons who make disclosures under the Act
- Ensuring disclosures are properly assessed and, where appropriate, investigated
- Maintaining confidentiality in accordance with legislative requirements
- Preventing victimisation or reprisals against disclosers

Public Interest Disclosures will be managed impartially, confidentially and in accordance with statutory obligations.

A Public Interest Disclosure must:

- Be made to a designated PID Officer or other proper authority
- Be made in writing or in another form acceptable under the Act
- Contain sufficient information to enable assessment
- The Shire will publish the contact details of its authorised PID Officers.

Under the Act, a person who makes a PID:

- Is protected from civil, criminal and administrative liability (subject to the Act)
- Must not be subject to victimisation
- Has confidentiality protections

The Shire will not tolerate reprisal action against a discloser.

Any victimisation will be treated as serious misconduct.

The identity of a discloser and information that may identify them will be kept confidential as required under the Act.

Information will only be disclosed where permitted or required by law.

5. ROLES AND RESPONSIBILITIES

Council

- Ensures an authorised PID Officer is appointed.
- Supports good governance and integrity.

Chief Executive Officer

- Ensures compliance with the Act
- Appoints and supports PID Officers
- Ensures appropriate procedures and training are in place.

PID Officer – Deputy CEO

- Receives and assesses disclosures

SHIRE POLICY 1.15

Public Interest Disclosure (PID) Policy

- Determines whether the disclosure meets the definition of public interest information
- Conducts or arranges investigations where appropriate
- Maintains a confidential register of disclosures.

Employees and Elected Members

- Must not victimise or disadvantage a discloser
- Must cooperate with investigations where required

6. COMPLIANCE

Legislation	<i>Children and Community Services Act 2004 (WA) – Part 5A (PRIS)</i> <i>Freedom of Information Act 1992 (WA)</i> <i>State Records Act 2000 (WA)</i> <i>Local Government Act 1995 (WA)</i>
Industry	
Organisational Documents	Code of Conduct – Elected Members, Committee Members and Candidates Behaviour Complaints Policy Customer Complaints Policy Risk Management Policy PRIS Policy Information Handling and Data Breach Policy
Strategic Alignment	

7. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	[February / 2029]
Policy Owner			
Version	Decision Ref	Date	Change
1.0		18/03/2026	Initial adoption



Shire of Chittering Code of Conduct

Council Members, Committee Members and Candidates

Item	Details
Document Owner	Governance
Last Adoption	21 April 2021
Last Amendment	March 2026 (to incorporate Model Code amendments effective 1 January 2026)
Adoption Method	Absolute Majority
Review Period	Every 3 years
Next Review	March 2029
Legislative Basis	<i>Local Government Act 1995 s.5.104; Local Government (Model Code of Conduct) Regulations 2021</i>
Council Resolution	

Introduction

This Code of Conduct sets out the standards of conduct expected of Council Members, Committee Members and Candidates of the Shire of Chittering.

It incorporates the Model Code of Conduct prescribed under the *Local Government Act 1995* and the *Local Government (Model Code of Conduct) Regulations 2021*, as amended.

The Code supports good governance by promoting integrity, respectful relationships, accountability, and public confidence in local government decision-making.

Legislative basis

- *Local Government Act 1995* (WA) – section 5.104 (adoption and amendment of model code).
- *Local Government (Model Code of Conduct) Regulations 2021* (WA) – Schedule 1 (Model Code of Conduct).

Note: The amended Model Code commenced on 1 January 2026. Local governments are required to incorporate these amendments within three months (by 1 April 2026).

The following provisions reproduce the Model Code of Conduct prescribed under the *Local Government (Model Code of Conduct) Regulations 2021*.

Schedule 1 – Adopted Code of Conduct

Division 1 — Preliminary provisions

1. Citation

This is the Shire of Chittering 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) (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.

10A. Administrative compliance (additional requirement – applies to council members and committee members only)

- (1) Council members and committee members must comply with proper and reasonable administrative practices and professional standards when representing the local government.
- (2) When representing the local government on external bodies, council members and committee members must act consistently with Council decisions and, where practicable, the agreed position of the local government.
- (3) Council members and committee members must ensure that communications relating to local government business are accurate, respectful and professional at all times.
- (4) Claims for travel and sustenance expenses must comply with applicable local government policies.
- (5) Council members and committee members must not disclose personal information about employees or community members unless authorised or required by law.

10B. Media and external communication (additional requirement – applies to council members and committee members only)

- (1) Unless authorised to speak on behalf of the local government, a council member or committee member must make it clear when speaking publicly that they are expressing a personal view.
- (2) Council members and committee members must not represent that they are authorised to speak on behalf of the local government unless such authority has been given.

- (3) Council members and committee members must not post or share content that is offensive, discriminatory, harassing, defamatory, threatening, or otherwise unlawful.
- (4) Council members and committee members must not use local government branding or logos in a manner that implies official authorisation unless authorised.
- (5) Requests for service or official responses received through social media should be directed to the Shire's official channels.

11. Complaint about alleged breach

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

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) take no further action; or
 - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.

- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
- (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
- (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

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

14. Withdrawal of complaint

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

15. Other provisions about complaints

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

Division 4 — Rules of conduct**16. Overview of Division**

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

17. Misuse of local government resources

- (1) In this clause —

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

resources of a local government includes —
 - (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

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

19. Prohibition against involvement in administration

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

20. Relationship with local government employees

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

21. Disclosure of information

(1) In this clause —

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

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

document includes a part of a document;

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

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

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

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

- (a) at a closed meeting; or
- (b) to the extent specified by the council and subject to such other conditions as the council determines; or
- (c) that is already in the public domain; or
- (d) to an officer of the Department; or
- (e) to the Minister; or
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

22. Disclosure of interests

(1) In this clause —

interest —

- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
- (b) includes an interest arising from kinship, friendship or membership of an association.

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

23. Compliance with plan requirement

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

Publication

The CEO will ensure that an up-to-date version of this Code of Conduct is published on the Shire of Chittering website in accordance with section 5.104(7) of the Local Government Act 1995.

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.

Briefing Note

Review of the Code of Conduct for Council Members, Committee Members and Candidates

Why this review is being done

The Code of Conduct sets out the behaviour expected of Council Members, Committee Members and Candidates.

All local governments must adopt a Code of Conduct that follows the Model Code prescribed under the *Local Government Act 1995 (WA)* and the *Local Government (Model Code of Conduct) Regulations 2021 (WA)*.

Amendments to the Model Code came into effect on 1 January 2026. Under the legislation, local governments must update their Code of Conduct within three months of these changes taking effect.

This means the Shire must adopt the updated Code by 31 March 2026 to remain compliant with the legislation.

The Shire's Code of Conduct was originally adopted in 2009 and was updated in 2020 and 2021 when the Model Code was first introduced. This review ensures the Shire's Code remains consistent with the latest legislative requirements.

What has changed

The review found that the Shire's existing Code already closely follows the Model Code.

As a result, no major behavioural changes have been made. The update mainly focuses on improving clarity and ensuring the document remains legally compliant.

Key updates include:

Legislative alignment

The Code has been reviewed to ensure it aligns with the current Model Code and legislative requirements.

Clarified communication expectations

Some existing provisions relating to communication, media and administrative conduct have been clarified to ensure they are clear and consistent with the Model Code.

Consistency with complaint processes

The Code has been reviewed alongside the Behaviour Complaints Management Policy and the updated Behaviour Complaint Form to ensure the complaint process is consistent across these documents.

Governance update

Previously, the Code of Conduct was listed in the Shire's Policy Register.

As part of this review, the Code has been repositioned as a stand-alone governance document rather than a policy. This reflects its importance and its status as a document required under legislation.

The Code will now sit within the Shire's governance framework alongside other statutory governance documents rather than being treated as a standard Council policy.

Summary

The updated Code:

- ensures the Shire complies with the legislative requirement to update the Code within three months of the Model Code amendments commencing on 1 January 2026;
- maintains the existing behavioural standards expected of Council Members, Committee Members and Candidates;
- improves clarity and consistency with related governance documents; and
- recognises the Code as a stand-alone governance document rather than a policy.

SHIRE POLICY 4.9

Behaviour Complaints Management Policy

Responsible Department:	Office of the CEO
Responsible Business Unit:	Governance
Date of Review:	18 February 2029
Council Resolution:	000000

1. OBJECTIVE

The objective of this Policy is to establish a clear and consistent framework for the receipt, assessment and management of behaviour complaints relating to Council Members, Committee Members and Candidates.

This Policy supports the implementation of the Shire of Chittering Code of Conduct for Council Members, Committee Members and Candidates and ensures behaviour complaints are managed in accordance with the *Local Government Act 1995* and the *Local Government (Model Code of Conduct) Regulations 2021*.

2. SCOPE

This Policy applies to behaviour complaints made against:

- Council Members
- Committee Members
- Candidates for Council

The Policy applies only to behaviour complaints under Division 3 of the Code of Conduct.

This Policy does not apply to Rules of Conduct complaints under Division 4 of the Code of Conduct. These complaints must be made to the Inspector of Local Government through the Department of Local Government, Sport and Cultural Industries.

3. DEFINITIONS

Behaviour Complaint

A complaint alleging a breach of the behaviour requirements contained in Division 3 of the Code of Conduct.

Code of Conduct

The Shire of Chittering Code of Conduct for Council Members, Committee Members and Candidates adopted in accordance with section 5.104 of the Local Government Act 1995.

Complaints Officer

An officer authorised by Council to receive behaviour complaints under clause 11(3) of the Local Government (Model Code of Conduct) Regulations 2021.

Rules of Conduct Complaint

SHIRE POLICY 4.9

Behaviour Complaints Management Policy

A complaint relating to a breach of the Rules of Conduct under Division 4 of the Code of Conduct, which must be made to the Inspector of Local Government.

4. POLICY STATEMENT

The Shire of Chittering is committed to maintaining high standards of conduct, integrity and accountability in local government decision-making.

Behaviour complaints relating to Council Members, Committee Members and Candidates will be managed in accordance with the Shire's Code of Conduct and the legislative requirements prescribed under the Local Government (Model Code of Conduct) Regulations 2021.

A behaviour complaint must:

- be submitted in writing using the approved complaint form;
- be lodged within one month of the alleged breach occurring; and
- clearly describe the alleged behaviour and relevant circumstances.

Behaviour complaints will be received and assessed by an authorised Complaints Officer.

Where appropriate, the Complaints Officer may facilitate informal resolution or alternative dispute resolution with the agreement of the parties involved.

Where a complaint proceeds, the complaint will be determined by the local government in accordance with the Code of Conduct, either by Council or by a Behaviour Complaints Committee established under the Local Government Act 1995.

The decision-making body will determine whether:

- a breach has not occurred;
- no further action will be taken; or
- a plan will be implemented to address the behaviour.

Where a plan is implemented, it may include actions such as mediation, counselling, training or other appropriate measures.

Written notice of the decision will be provided to both the complainant and the respondent.

Complaints will be managed in accordance with the principles of procedural fairness, confidentiality and transparency.

SHIRE POLICY 4.9

Behaviour Complaints Management Policy

5. ROLES AND RESPONSIBILITIES

Council is responsible for:

- adopting the Code of Conduct and this Policy
- appointing Behaviour Complaints Officers
- establishing and appointing members of the Behaviour Complaints Committee
- determining behaviour complaints where required.

Behaviour Complaints Committee

Where established, the Behaviour Complaints Committee is responsible for:

- determining behaviour complaints in accordance with the Code of Conduct
- making findings based on the available evidence
- determining appropriate outcomes where a breach is found.

Complaints Officer

The authorised Complaints Officer is responsible for:

- receiving behaviour complaints submitted under the Code of Conduct
- confirming that complaints meet the required submission criteria
- providing administrative support to the complaints process
- facilitating informal resolution where appropriate
- preparing documentation for the determination of complaints
- issuing written notification of complaint outcomes
- maintaining records relating to behaviour complaints.

Chief Executive Officer (Complaints Officer)

The Chief Executive Officer is responsible for:

- ensuring appropriate administrative processes are in place to support the management of behaviour complaints
- ensuring compliance with legislative requirements and Council policy
- maintaining appropriate records relating to behaviour complaints.

Where appropriate, the Chief Executive Officer may obtain independent advice or appoint an external investigator to assist in the assessment of a behaviour complaint.

This may occur where the complaint is complex, involves multiple Council Members, or where independent assessment is considered necessary to support procedural fairness and transparency.



SHIRE POLICY 4.9

Behaviour Complaints Management Policy

6. COMPLIANCE

Legislation	<i>Local Government Act 1995 (WA)</i> <i>Local Government (Model Code of Conduct) Regulations 2021 (WA)</i>
Industry	Department of Local Government, Sport and Cultural Industries guidance materials relating to Codes of Conduct.
Organisational Documents	Code of Conduct – Council Members, Committee Members and Candidates Behaviour Complaint Form
Strategic Alignment	Council accountability and transparency

7. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	[March / 2029]
Policy Owner	Governance Officer		
Version	Decision Ref	Date	Change
1.0		18/03/2026	Initial adoption

Behaviour Complaint Form – Code of Conduct

This form is used to lodge a Behaviour Complaint under Division 3 of the Shire of Chittering Code of Conduct for Council Members, Committee Members and Candidates.

Behaviour complaints must be lodged **within one (1) month of the alleged breach occurring**, in accordance with the Code of Conduct.

If the complaint relates to a candidate, the complaint cannot be determined unless the candidate is elected as a Council Member.

Before submitting this complaint

This form is for Behaviour Complaints only. Behaviour complaints relate to alleged breaches of the behavioural standards in Division 3 of the Code of Conduct, such as bullying, harassment, offensive language, conduct during meetings, or inappropriate use of communication channels including social media.

If your complaint relates to a breach of the Rules of Conduct (Division 4 of the Code of Conduct), it must be submitted directly to the Inspector of Local Government through the Department of Local Government, Sport and Cultural Industries.

Inspector of Local Government
Department of Local Government, Sport and Cultural Industries
Phone: (08) 6552 7300
Website: www.dlgsc.wa.gov.au

Complaint Eligibility Confirmation

Please confirm the following before submitting this complaint:

- The complaint relates to behaviour under Division 3 of the Code of Conduct.
- The complaint occurred within one (1) month of the alleged behaviour.
- The complaint does not relate to a Council decision or disagreement with a Council resolution.
- I understand that complaints relating to Rules of Conduct (Division 4) must be lodged with the Inspector of Local Government.

If you are unsure whether your complaint is a behaviour complaint, please contact the Shire before submitting the form.

1. Complainant Details

Full Name: _____

Residential Address: _____

Postal Address (if different): _____

Phone: _____

Email: _____

BEHAVIOUR COMPLAINT FORM

2. Person the Complaint is About

Name of person: _____

- Council Member
- Committee Member
- Candidate for election

3. Incident Details

Date(s) of alleged breach: _____

Location of alleged breach: _____

4. Behaviour Provision (if known)

If known, please identify the relevant clause or behaviour requirement from Division 3 of the Code of Conduct.

Clause(s) breached: _____

5. Details of the Complaint

Please provide a detailed description of the alleged behaviour breach. Include what occurred, who was involved, and any relevant context.

6. Supporting Information

Please list and attach any supporting information relevant to this complaint (for example emails, documents, photographs, or witness details).

7. Informal Resolution (Optional)

If you have attempted to resolve this matter directly with the person concerned, please provide details below. If you have not attempted to resolve the matter, you may explain why.

8. Desired Outcome

Please outline what outcome you are seeking as a result of this complaint.

9. Alternative Dispute Resolution

The Complaints Officer may offer Alternative Dispute Resolution (ADR) where appropriate to assist parties in resolving the matter.

Would you be willing to participate in ADR if offered?

Yes No

Information provided in this form will be managed in accordance with the Code of Conduct and applicable privacy and confidentiality requirements.

10. Declaration

I declare that the information provided in this complaint is true and correct to the best of my knowledge.

Name: _____

Signature: _____

Date: _____

Submitting the Complaint

Completed complaints must be submitted within one (1) month of the alleged breach.

Complaints must be submitted to an **authorised Behaviour Complaints Officer**.

Shire of Chittering

PO Box 70

Bindoon WA 6502

Email: chatter@chittering.wa.gov.au

Office Use Only

Received by: _____

Position: _____

Date received: _____

The Shire may decline to investigate complaints that are frivolous, vexatious, or outside the scope of the Code of Conduct.

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.

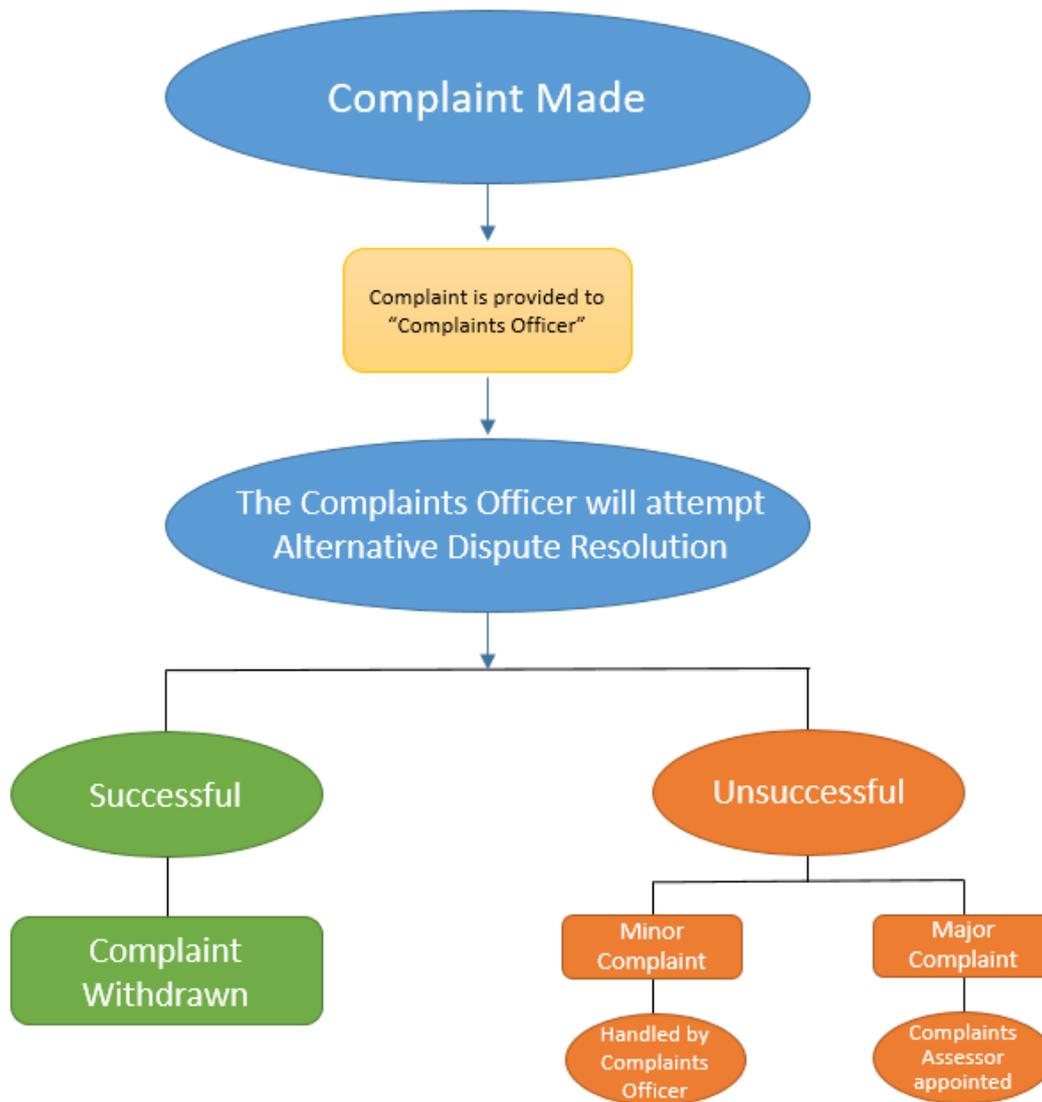
If alternative dispute resolution is terminated or does not achieve an agreed outcome that results in the withdrawal of the Complaint, the Behaviour Complaints Officer will resume the formal process required under this Policy.

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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CUSTOMER SERVICE CHARTER



Our Commitment to you

The Shire of Chittering is committed to delivery respectful, responsive and accountable customer service that supports our vision of:

**Prosperous and diverse rural communities
living in harmony with nature**

We are here to serve our community with integrity, fairness and care.

Our values in action

Our customer service is guided by the Shire's values:

Positive Attitude
Shire Respect
Accountability
Teamwork

These values shape how we work with you and with each other.

What you can expect from us

In all our interactions, we will:

- **Treat you with respect and professionalism**
- **Listen carefully and take your concerns seriously**
- **Communicate clearly and in plain language**
- **Provide accurate and consistent information**
- **Take ownership of your enquiry and keep you informed**
- **Be courteous, approachable and solutions-focused**
- **Protect your privacy and personal information**
- **Strive to make our services accessible and inclusive**



How we will respond to you

We aim to:

- Attend to you promptly when you contact or visit us
 - Connect you with the most appropriate officer for your enquiry
 - Keep you informed if further investigation is required
 - Work constructively to resolve matter where possible
-

How you can help us

You can assist us by:

- Providing accurate and timely information
 - Keeping you contact details up to date
 - Being clear about what you need
 - Treating our staff with courtesy and respect
 - Letting us know how we are doing through feedback
-

Feedback, compliments & complaints

Your feedback helps us improve.

We welcome compliments, comments and complaints about our services.

Complaints are managed in line with our formal complaints process. If you are not satisfied with the outcome, review options are available.

You can provide feedback via:

- Our website
- Email or phone
- In person at the Shire Administration Office
- In writing





Australian Citizenship Ceremonies Policy

OBJECTIVE

The objective of this Policy is to provide effective, efficient, consistent and legally compliant Australian Citizenship Ceremonies for local residents / ratepayers in the Shire of Chittering (**the Shire**) on behalf of the Department of Immigration and Citizenship.

SCOPE

This Policy applies to any other relevant Shire Officers who may be involved with the Ceremonies

POLICY STATEMENT

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

Private Ceremonies are unable to be officiated unless requests are in accordance with the guidelines set down, or are specifically approved by the Department of Home Affairs.

The Shire will provide, as part of the welcome package to new Australian Citizens, the additional gifts as set out below:

- 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.

DEFINITIONS

Nil

ROLES AND RESPONSIBILITIES

The Chief Executive Officer is responsible for the implementation of this Policy.

COMPLIANCE

Legislation	Local Government Act 1995, Australian Citizenship Act 2007
Industry	Department of Home Affairs (Commonwealth)
Organisational	Events Policy,
Strategic Community Plan	Strategy 1.1 Cultural Diversity and Heritage

POLICY ADMINISTRATION

Review Cycle	3 Years	Next Review Due	2027
Policy Owner	Chief Executive Officer		

Version	Decision Ref	Date	Change
1		18/05/2011	Adoption
2		20/07/2022	Amendment
3		2025	Amendment

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.

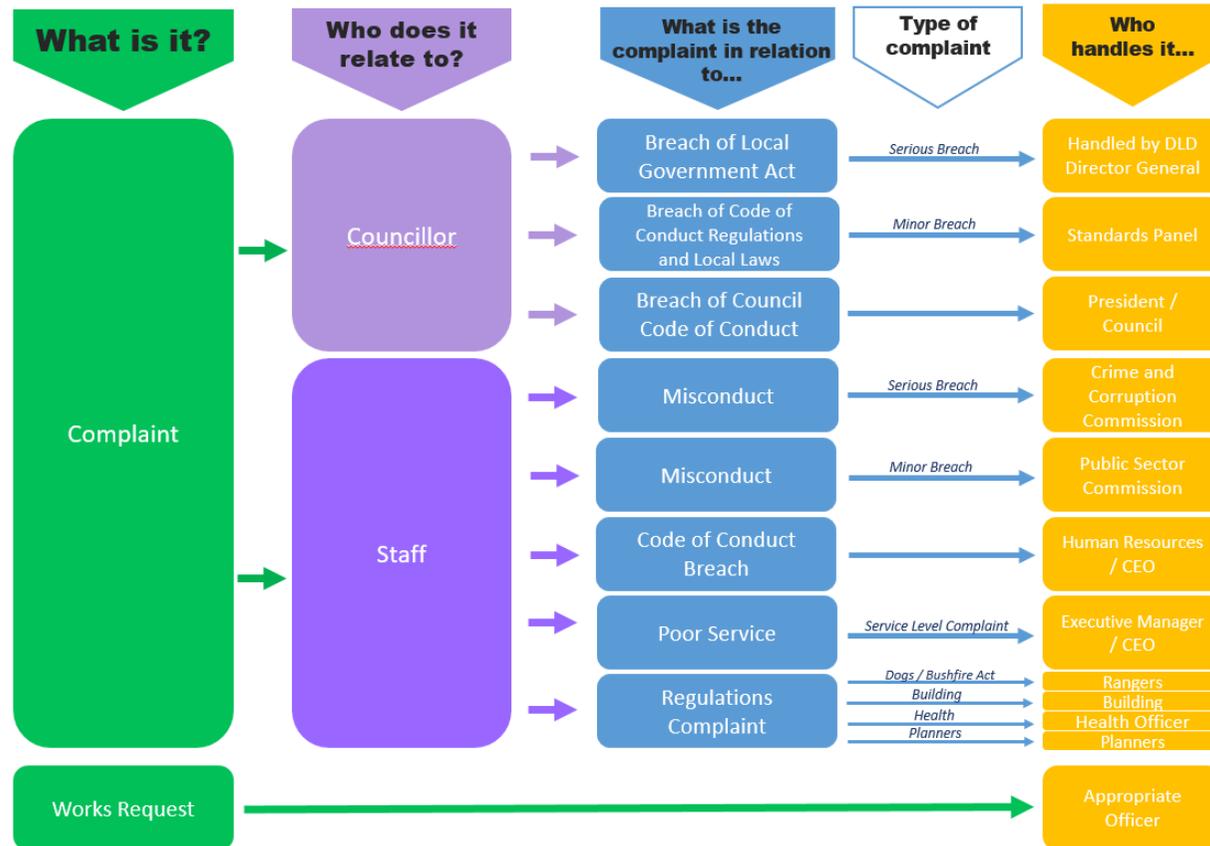
References:

<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







OBJECTIVE

To control advertising signs on thoroughfares within the Shire of Chittering (**the Shire**) during an election period to ensure that public safety is not compromised.

SCOPE

This policy applies to any advertising sign seeking to promote a candidate or political party during an election period.

POLICY STATEMENT

Advertising signs during an election period of any level of government must not be placed on a thoroughfare without a permit issued by the Shire under the **Local Government Property and Public Places Local Law 2023 (Local Law)**.

All candidates participating in the election, on application, will be issued a permit for election advertising signs setting out conditions under which the signs are able to be displayed. Any breach of permit conditions or failure to apply for a permit will result in enforcement actions as set out in the Local Law and impounding of the sign.

DEFINITIONS

Advertising sign – means a sign or advertisement used for the purposes of advertising or drawing attention to a person or political party.

Candidate – means a person who has nominated to participate in an election for a position within any level of government.

Election period – means the period 6 weeks prior to the announced voting day of an election to 72 hours after the close of polls on voting day.

Thoroughfare – means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end.

Voting Day – means the day gazetted for voting in the election.

ROLES AND RESPONSIBILITIES

The Executive Manager Development Services is responsible for the implementation of this Policy.

COMPLIANCE

Legislation	Details of any relevant legislation that guides the Policy
Industry	
Organisational	??
Strategic Community Plan	Council Accountability and Transparency



1.4. Election Advertising Policy

POLICY ADMINISTRATION

Review Cycle	4 Years	Next Review Due	2029
Policy Owner	Executive Manager Development Services		

Version	Decision Ref	Date	Change
1		15 April 2009	Adoption
2		20 March 2019	Review
3		19 July 2023	Review



OBJECTIVE

To ensure that records of all activities and decisions of the Shire of Chittering (**the Shire**) are created, accessed, managed and retained or disposed of appropriately, and in accordance with relevant legislation.

SCOPE

This policy applies to all Shire Council Members and employees.

POLICY STATEMENT

The Shire is committed to creating and maintaining full and accurate records of its business transactions and official activities. In accordance with legislative requirements, the Shire is obliged to maintain evidential records. Records created and received by Shire personnel and contractors are to be managed in accordance with the Shire's Approved Record Keeping Plan, this Policy and associated Procedures.

DEFINITIONS

Record – means a record as defined in the *State Records Act 2000* as set out below:

Any record of information however recorded and includes:

- anything on which there is writing or Braille;
- a map, plan, diagram or graph;
- a drawing, pictorial, graphic work or photograph;
- anything on which there are figures, marks perforations or symbols, having a meaning for persons qualified to interpret them;
- anything from which images, sounds or writings can be reproduced with or without the aid of anything else; and/or
- anything on which information has been stored or recorded, either mechanically, magnetically or electronically.

ROLES AND RESPONSIBILITIES

Records of decision making processes of external bodies to which a Council Member has been appointed and any correspondence by a Council Member as part of their duties should be periodically returned to the Shire for registering into the appropriate record keeping system

All staff are to create, collect and retain records relating to business activities they perform. They are to identify significant records; ensure those records are registered into the record keeping system and that all records are handled in a manner commensurate with legislation and the Shire's policies and procedures for record keeping



COMPLIANCE

Legislation	State Records Act 2000, Freedom of Information Act 1992, Local Government Act 1995, General Disposal Authority (GDA) for Local Government Records
Industry	State Records Office
Organisational	Recordkeeping Plan
Strategic Community Plan	

POLICY ADMINISTRATION

Review Cycle	5 Years (with recordkeeping Plan)	Next Review Due	2029
Policy Owner	Corporate Services		

Version	Decision Ref	Date	Change
1		18 May 2011	Adoption
2		19 July 2023	Amendment

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

- Incorporate Asset Management into the its 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 President and 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 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.



OBJECTIVE

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

SCOPE

This policy applies to all nominations for the award of the title of 'Honorary Freeman of the Shire of Chittering'.

POLICY STATEMENT

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

The award is a title only with no financial benefit attached to the award. Recipients are however invited to significant events that are sponsored by the Shire.

Eligibility

1. All members of the Shire community including past Council Members and staff can be nominated.
2. A current Council 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.
4. The honour shall not be awarded posthumously.

Nomination

Nomination for the conferral of the title of Honorary Freeman of the Shire of Chittering should be made in writing to the Chief Executive Officer in the strictest confidence and without the nominee's knowledge. The nomination is to clearly outline, in chronological order, the history of community service and achievements of the nominated person and how this meets the Selection Criteria.

Selection Criteria

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

1. Nominees must have lived in, worked or served the Shire for a significant number of years (20 years or more).
2. Level of commitment to their field(s) of activity.
3. Outstanding personal leadership qualities and personal integrity.
4. Benefits to the community of the Shire, the State of Western Australia or to the nation resulting from the nominee's work.
5. Special achievements of the nominee.

Nomination Assessment

1. On receipt of a nomination the Chief Executive Officer will
 - a. Confirm that less than five living persons hold the title; and



1.8. Conferral of Title - Honorary Freeman of the Shire of Chittering Policy

- b. Circulate a copy of the nomination and any supporting information to all Council Members for initial consideration.
2. Council Members shall have reasonable time, being no less than two weeks, to consider the proposal.
3. If a Council Member expresses an objection to the nomination, they must give their reasons for the objection in writing to the Chief Executive Officer within the two week review period.
4. A nomination must be supported in writing by at least one third of the Council Members.
5. Council Members who do not formally respond in writing will be presumed not to object to the proposal.
6. If the nomination is sufficiently supported, the Chief Executive Officer (CEO) will
 - a. Contact the nominee on a confidential basis to determine whether the award will be accepted. Should a nominee decline to accept the award, all Council Members will be informed and the matter will lapse.
 - b. Prepare a confidential report to the next Council Meeting, once the nominee confirms acceptance of the award, recommending the conferral of the title Honorary Freeman of the Shire of Chittering on the nominee. The nominee's name and identifying information will be maintained as confidential in all meeting papers.
7. 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.
8. Approval of the CEO's recommendation to confer the title requires an absolute majority decision of Council.

Awarding the Title

Conferral of the title shall be carried out at a formal Council function. The CEO, 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, signed by the Shire President and Chief Executive Officer, will be presented to the recipient. A 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.

Conditions

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 revoke 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 decision of Council.



1.8. Conferral of Title - Honorary Freeman of the Shire of Chittering Policy

DEFINITIONS

Nil

ROLES AND RESPONSIBILITIES

The Chief Executive Officer is responsible for the implementation of this Policy.

COMPLIANCE

Legislation	Nil
Industry	Nil
Organisational	Nil
Strategic Community Plan	

POLICY ADMINISTRATION

Review Cycle	3 Years	Next Review Due	2028
Policy Owner			

Version	Decision Ref	Date	Change
1		25 June 2014	Adoption
2		20 July 2022	Amendment

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 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



OBJECTIVE

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 (**Shire**) endorsed activity.

SCOPE

This policy applies to damage caused to a volunteers personal equipment and non-equipment items that were approved for, and critical to, being undertake a Shire endorsed volunteer activity. Damage to personal equipment or non-equipment items that occurs in transit to/from the volunteer activity is not covered.

POLICY STATEMENT

- a) Personal equipment proposed for use at a Shire endorsed volunteer activity must have been inspected, to ensure it is fit-for-purpose and serviceable, and approved for use prior to any claim for damage being made.
- a) The Shire may provide financial assistance to volunteers undertaking Shire endorsed activities where their personal 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 personal equipment damage, making 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 a replacement for the damaged equipment, whilst an insurance claim is being processed. The hire period should be short-term and only occur with the approval of the Shire.

DEFINITIONS

Non-equipment items - means 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.

Personal equipment – includes privately owned motor vehicles, stationery engines, power tools, etc. which are critical to being able to undertake the volunteer activity and approved to be used at the Shire endorsed volunteer activity.

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

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



1.10. Reimbursement of Volunteers for Damaged Personal Equipment Policy

ROLES AND RESPONSIBILITIES

The Chief Executive Officer is responsible for the implementation of this Policy.

The Coordinator Communications Marketing & Events is responsible for ensuring that any volunteer personal equipment or non-equipment items proposed for use at a Shire endorsed volunteer activity are inspected, to ensure that they are fit-for-purpose and serviceable prior to approving use at the activity.

COMPLIANCE

Legislation	NA
Industry	
Organisational	Risk Management Policy, Event Management Policy
Strategic Community Plan	

POLICY ADMINISTRATION

Review Cycle	3 Years	Next Review Due	2028
Policy Owner	Chief Executive Officer		

Version	Decision Ref	Date	Change
1	231019	16 October 2019	Adoption

OBJECTIVE

The purpose of this policy is to guide the implementation of the audio recording, and live-streaming, of meetings of Shire of Chittering (Shire) Council and electors, and to establish how audio and video recordings will be used and made available.

SCOPE

This policy applies to all special and ordinary meetings of Council, Agenda Briefing Forums, meetings of committees with delegated authority, and meetings of electors.

POLICY STATEMENT

In line with objectives of section 1.3(2) of the *Local Government Act 1995 (the Act)*, this policy seeks to promote greater accountability to the community through the provision of information that is accessible, transparent and accurate. Where Council has resolved to close the meeting to members of the public in accordance with Section 5.23 of the Act and the Shire of Chittering Standing Orders Local Law 2023 the recording of the Council Meeting will cease.

The primary purpose of recording is to ensure that a true and accurate account of debate, discussions, questions and answers at all relevant meetings are available. The audio and video recordings will assist in the preparation of the minutes of Council, committees with delegated authority, electors' meetings, and Agenda Briefing Forum notes, to ensure that records held are true and accurate.

All audio and video recordings, with the exemption of matters that are deemed confidential in accordance with the Act, are to be made available to the public on the Shire's website. It is to be noted that should any unforeseen technical difficulties arise, the audio or video recording may not be available or may be delayed.

The primary purpose of livestreaming Council meetings is to give the public greater access to Council decisions, debate and discussions, by eliminating geographic and/or personal barriers that may prevent physical attendance at a Council meeting. The livestreaming will be accessible on the Shire's website upon commencement of the relevant meeting. It is to be noted that should any unforeseen technical difficulties arise, the livestream may not be available or may be delayed.

To ensure that the public, Council Members and staff are aware of the recordings, clear signage must be placed prominently in the council chamber advising that the meeting is being recorded. At the commencement of each recorded meeting, the Presiding Member is also to publicly announce that the meeting will be recorded, and livestreamed.

The official record of the meeting is not the audio and visual recording, but the meeting minutes which require confirmation by Council resolution and must be signed by the person presiding at the meeting. Minutes are prepared in accordance with the requirements of the Act and the *Local Government (Administration) Regulations 1996*. Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue. Recordings will be stored in accordance with the *State Records Act 2000*.



1.11. Recording and Access to Recordings of Council Meetings Policy

Opinions expressed or statements made by persons during the course of Council Meetings, and contained within the audio and visual recording, are the opinions or statements of those individual persons, and are not opinions or statements of the Shire. The recording is not, and shall not be taken to be, a confirmed official record of Council, or of any meeting or discussion to which it relates, or may appear to relate.

Other than in accordance with this Policy, a person must not use any electronic, visual or audio recording device or instrument to record the proceedings of a Council (or committee) meeting without the written permission of the Presiding Member.

The Shire retains copyright over the livestreaming and recordings of its Council meetings.

Recordings will not be transcribed.

The channel of the video streaming service that the Shire utilises will only be viewable to audiences within Australia.

DEFINITIONS

Council Meetings means Agenda Briefing, Ordinary Council Meetings, Special Council Meetings, Audit, Risk and Improvement Committee Meetings and Annual General Meeting of Electors.

ROLES AND RESPONSIBILITIES

The Manager Governance & Corporate Performance is responsible for the implementation of this Policy.

COMPLIANCE

Legislation	Local Government Act 1995 s5.23A, Local Government (Administration) Regulations 1996 Part 2A, State Records Act 2000
Industry	
Organisational	Shire of Chittering Standing Orders Local Law 2023
Strategic Community Plan	Strategy 5.1 Enhancing Accountability & Transparency

POLICY ADMINISTRATION

Review Cycle	3 Years	Next Review Due	2028
Policy Owner	Manager Governance & Corporate Performance		

Version	Decision Ref	Date	Change
1	N19241	20/11/2019	Adoption
2	N222900	18/05/2022	Amendment
3	N222936	20/07/2022	Amendment
4		2025	Change of name and update to include livestreaming

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

3. LODGING 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	

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:

1. Deeds of Agreement and Release in respect to sale or purchase relating to Shire land including equitable interests;
2. Town Planning Schemes and Scheme Amendments;
3. Local Laws;
4. Documents of a ceremonial nature;

5. 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);
6. Licensing contracts where the Shire is the Licensor; and
7. 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:

8. Agreements relating to grant funding, when the funder requires that the agreement be signed under seal;
9. Debenture documents for loans which Council has resolved to raise;
10. General Legal and Service Agreements not already listed in this policy; and
11. 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;
 12. 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);
 13. Documents required to enact a decision made under delegated authority or as a condition or approval given under delegated authority;
 14. 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;
 15. Contracts for incoming grant funding
 16. Other legally binding contracts outside of the normal course of business (e.g. confidentiality, indemnity, licensing, novation and sponsorship agreements); and
 17. 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:
 1. agreement to lease or licence;
 2. variation of lease or licence;
 3. assignment of lease or licence;
 4. subleases; and
 5. surrender of lease or licence.
- 1. The following Landgate documents and/or deeds including lodgement, removal, withdrawal, surrender/cancel or modification:
 1. Notifications in accordance with Section 70A of the *Transfer of Land Act 1893*; Covenants, easements and caveats under the *Transfer of Land Act 1893*
 2. Reciprocal easements and/or parking agreements
 3. Rights of carriageway agreements
 4. Amalgamations
 5. 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:

2. 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);
3. General correspondence required to discharge the duties of your position;
4. Grant applications;

5. Documents to authorise funding allocations for community groups; and
6. 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 <i>Local Government Act 1995</i> (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:

- Delegations Register
- Authorisations Register
- Common Seal Register



OBJECTIVE

The objective of this policy is to detail legislative obligations and establish protocols applicable to the Shire of Chittering's (**the Shire**) official communications with our community to ensure the Shire is professionally and accurately represented and to maximise a positive public perception.

SCOPE

This policy applies to communications initiated or responded to by the Shire with our community and Council Members when commenting or engaging with the community, in both a private and public capacity, about matters relevant to the Shire.

POLICY STATEMENT

1. Official Communications

The purposes of the Shire's official communications include:

- Sharing information required by law to be publicly available.
- Sharing information that is of interest and benefit to the Community.
- Promoting Shire events and services.
- Promoting Public Notices and community consultation / engagement opportunities.
- Answering questions and responding to requests for information relevant to the role of the Shire.
- Receiving and responding to community feedback, ideas, comments, compliments and complaints.

The Shire's official communications will be consistent with relevant legislation, policies, standards and the positions adopted by the Council. Our communications will always be respectful and professional.

The Shire will use a combination of different communication modes to suit the type of information to be communicated and the requirements of the community or specific audience, including:

- Website;
- Advertising and promotional materials;
- Media releases prepared for the Shire President, to promote specific Shire positions;
- Social media; and
- Community newsletters, letter drops and other modes of communications undertaken by the Shire's Administration at the discretion of the CEO.

2. Speaking on behalf of the Shire

The *Local Government Act 1995* (**the Act**) states that the Shire President is the official spokesperson for the Shire, representing the Local Government in official communications, including; speeches,



1.15. Communications and Social Media Policy

comment, print, electronic and social media. Where the Shire President is unavailable, the Deputy Shire President may act as the spokesperson.

The CEO may speak on behalf of the Shire, where authorised to do so by the Shire President.

The provisions of the Act essentially direct that only the Shire President or the CEO, if authorised, may speak on behalf of the Local Government. It is respectful and courteous to the office of Shire President to refrain from commenting publicly, particularly on recent decisions or contemporary issues, until such time as the Shire President has had opportunity to speak on behalf of the Shire.

Communications by Council Members, Committee Members and Candidates, whether undertaken in an authorised official capacity or as a personal communication, must not:

- Bring the Shire into disrepute.
- Compromise the person's effectiveness in their role with the Shire.
- Imply the Shire's endorsement of personal views.
- Imply the Council Member, Committee Member or Candidate is speaking on behalf of the Shire unless authorised to do so.
- Disclose, without authorisation, confidential information.

Social media accounts or unsecured website forums must not be used to transact meetings which relate to the official business of the Shire.

Council Member communications must comply with the Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct) and the *Local Government (Model Code of Conduct) Regulations 2021*.

3. Responding to Media Enquiries

All enquiries from the Media for an official Shire comment, whether made to an individual Council Member or employee, must be directed to the CEO or a person authorised by the CEO. Information will be coordinated to support the Shire President or CEO (where authorised) to make an official response on behalf of the Shire.

Council Members may make comments to the media in a personal capacity – refer to clause 7.1 below.

4. Decision Making

The Shire uses social media platforms to encourage and foster meaningful interaction and engagement with the local community, serving as a place for discussion, feedback, questions and an exchange of ideas.

The Shire's social media pages also exist to provide information on Shire services, events, programs, initiatives and news.

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 entity's private affairs.



1.15. Communications and Social Media Policy

Members of the local community who want to request works or maintenance should still contact the Shire by phone or email, or via the Shire website to lodge a formal request

The Shire 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.

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

- Offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;
- Promotional, soliciting or commercial in nature;
- Unlawful or incites others to break the law;
- Encouragement or glamorisation of the use of alcohol, tobacco, or illegal drugs;
- Information which may compromise individual or community safety or security;
- Repetitive material copied and pasted or duplicated;
- Content that promotes or opposes any person campaigning for election to the Council, appointment to official office, or any ballot;
- Content that violates intellectual property rights or the legal ownership of interests or another party; and
- Any other inappropriate content or comments at the discretion of the Shire.

Where a third party contributor to a Shire 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.

5. Private Profiles and Private Groups

While it is good practice to ensure that any social media platforms being used are set to private so that only immediate 'followers' can view the content, private profile settings and private groups are no guarantee that information is only seen by the target audience. Posts can be screenshot and distributed further than the intended audience, even after the original post has been deleted, meaning that nothing that is posted on-line is truly 'private'.

6. Personal Communications

Personal communications and statements made privately in conversation, written, recorded email or posted on personal social media accounts have the potential to be made public, whether it was intended to be made public or not.

Therefore, on the basis that personal or private communications may be shared or become public at some point in the future, Council Members, Committee Members and Candidates must ensure that their personal or private communications do not breach the requirements of this Policy, the Code of Conduct or the *Local Government (Model Code of Conduct) Regulations 2021*.



1.15. Communications and Social Media Policy

7. Council Member statements on Shire matters

A Council Member may choose to make a personal statement using social media on a matter related to the business of the Shire. However, it is not the Council Member's role to find the answers to social media enquiries, or become involved in resolving a community member's request, as that is the role of Shire Officers. If Council Members are using social media to connect with the community, then it is important that the Council Member forward any community requests to the CEO for action by Shire Officers.

Any public statement made by a Council Member, whether made in a personal capacity or in their Local Government representative capacity, must:

- Clearly state that the comment or content is a personal view only, which does not necessarily represent the views of the Shire
- Be made with reasonable care and diligence.
- Be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment laws.
- Be factually correct.
- Avoid damage to the reputation of the local government.
- Not reflect adversely on a decision of Council.
- Not reflect adversely on the character or actions of any other person/s.
- Maintain a respectful and positive tone and not use offensive or objectionable expressions in reference to any other person/s.

A Council Member who is approached by the media for a personal statement may request the assistance of the CEO.

Comments which become public and which breach this Policy, the Code of Conduct, *the Local Government (Model Code of Conduct) Regulations 2021* or the Act, may be referred for investigation. Complaints may be made to the Local Government Standards Panel, may determine sanctions under the Act. Serious misconduct may be referred to the Corruption and Crime Commission. Social media activity from Council Members, Committee Members and Candidates must not:

- Bring the Shire into disrepute.
- Compromise the person's effectiveness in their role with the Shire.
- Imply the Shire's endorsement of personal views.
- Disclose, without authorisation, confidential information.

Social media accounts or unsecured website forums must not be used to transact meetings which relate to the official business of the Shire.



1.15. Communications and Social Media Policy

8. Record Keeping

Official communications undertaken on behalf of the Shire, including on the Shire's Social Media accounts and third party social media accounts must be created and retained as local government records in accordance with the Shire's Record Keeping Plan and the *State Records Act 2000*. These records are also subject to the *Freedom of Information Act 1992*.

Council Member communications that relate to their role as a Council Member are subject to the requirements of the Shire's Record Keeping Plan and the *State Records Act 2000*. Council Members are responsible for transferring these records to the Shire's administration. Council Member records are also subject to the *Freedom of Information Act 1992*.

DEFINITIONS

Social Media means to any form of electronic communication through which users create and/or join online communities to share information; this includes all websites and applications that enable users to create and share content or participate in social networking.

Social Media Content means to all forms of content published through social media channels, such as, but not limited to, Facebook, LinkedIn, Instagram, YouTube and Twitter.

Official Use is defined as staff using social media as a representative of the Shire of Chittering.

Personal Use refers to a personal presence on social media separate to an individual's professional association with the Shire of Chittering.

ROLES AND RESPONSIBILITIES

The Manager Place Management is responsible for the implementation of this Policy.

COMPLIANCE

Legislation	Local Government Act 1995, Local Government (Model Code of Conduct) Regulations 2021, State Records Act 2000, Defamation Act 2005, Freedom of Information Act 1992.
Industry	WALGA Elected Member Social Media Guideline, State Records Office Guideline – Management of Digital Records
Organisational	Code of Conduct for Council Members, Committee Members and Election Candidates
Strategic Community Plan	5 Strengthen the Council's commitment to accountability, transparency, and responsible financial management while empowering residents and stakeholders.

POLICY ADMINISTRATION

Review Cycle	3 Years	Next Review Due	2027
Policy Owner	Deputy Chief Executive Officer		

Version	Decision Ref	Date	Change
1		21/06/2023	Adoption
2		2025	Amendment – alignment to WALGA Communications and Social Media Template Policy



OBJECTIVE

The objective of this policy is to set out Council's position, and to provide guidance when investing Shire of Chittering's (**the Shire's**) 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.

SCOPE

This policy applies to all employees involved in the investment and management of all funds held by the Shire, including operating accounts, investment accounts and funds managed under Trust.

POLICY STATEMENT

The Shire will apply the following principles to all investments made in accordance with section 6.14 of the *Local Government Act 1995*:

Prudent Person Standard

Investments will be managed with the care, diligence, and skill that a prudent person would exercise. The Shire will manage the investment portfolios to safeguard the portfolios and not for speculative purposes.

Ethics and Conflicts of Interest

Employees shall refrain from personal activities that would conflict with the proper execution and management of the Shire investment portfolio. Employees will disclose any conflict of interest to the Chief Executive Officer.

Approved Investments

Investments may only be made with authorised institutions.

Authorised investments shall be limited to:

- Fixed and floating rate interest bearing deposits with a term to maturity of 12 months or less, with authorised institutions.
- State and Commonwealth Government Bonds with a term to maturity of 3 years or less
- Specific securities approved by Council.

Prohibited Investments

This policy prohibits investments in foreign currency and the use of leveraged funds for the purpose on investing.

Risk Management Guidelines

When exercising the power of investment, the following are to be given consideration:

- Forward cash flow requirements to ensure investment return.
- The costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Reporting



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.

DEFINITIONS

Authorised Institution – means 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*.

ROLES AND RESPONSIBILITIES

The Deputy Chief Executive Officer is responsible for the implementation of this Policy.

COMPLIANCE

Legislation	<i>Local Government Act 1995</i> – Section 6.14, <i>Local Government (Financial Management) Regulations 1996</i> – Regulation 19, Regulation 28 and Regulation 49, <i>Trustees Act 1962</i> – Part III Investments
Industry	Australian Accounting Standards Board (AASB) Standards
Organisational	
Strategic Community Plan	

POLICY ADMINISTRATION

Review Cycle	Annual	Next Review Due	2026
Policy Owner	Deputy Chief Executive Officer		

Version	Decision Ref	Date	Change
1		19 August 2009	Adoption
2	N233107	21 June 2023	Amendment
3		2025	Review

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 Deferments) 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.

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 financial support and assistance in the Shire of Chittering's Annual Budget.

All requests for financial support and assistance must be made in writing.

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.

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.

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.

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 re 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 is 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.

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.

SHIRE POLICY 1.2

Australian Citizenship Ceremonies

Responsible Department:	Office of the CEO
Responsible Business Unit:	Executive Assistant
Date of Review:	16 April 2025
Council Resolution:	180425

1. OBJECTIVE

The objective of this Policy is to provide effective, efficient, consistent and legally compliant Australian Citizenship Ceremonies for local residents / ratepayers in the Shire of Chittering (the Shire) on behalf of the Department of Home Affairs.

2. SCOPE

This Policy applies to any other relevant Shire Officers who may be involved with the Ceremonies.

3. DEFINITIONS

Presiding Officer means the person authorised to conduct the Citizenship Ceremony and administer the Pledge of Commitment, in accordance with Commonwealth requirements.

Private Ceremony means a citizenship ceremony conducted outside the Shire's scheduled public ceremonies, subject to approval by the Department of Home Affairs.

4. POLICY STATEMENT

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

Private Ceremonies are unable to be officiated unless requests are in accordance with the guidelines set down, or are specifically approved by the Department of Home Affairs.

The Shire will provide, as part of the welcome package to new Australian Citizens, the additional gifts as set out below:

- 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.

5. ROLES AND RESPONSIBILITIES

The Chief Executive Officer is responsible for the implantation of this Policy.

SHIRE POLICY 1.2

Australian Citizenship Ceremonies

6. COMPLIANCE

Legislation	<i>Local Government Act 1995</i> <i>Australian Citizenship Act 2007</i> <i>Australian Citizenship Regulations 2016 (Cth)</i>
Industry	Department of Home Affairs – Australian Citizenship Ceremonies Code and Guidelines
Organisational Documents	Policy 6.1 – Australia Day Awards Policy – Public Events
Strategic Alignment	

7. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	November 2026
Policy Owner	Chief Executive Officer		
Version	Decision Ref	Date	Change
1.0	Unknown	18/05/2011	Initial Adoption
2.0	130722	20/07/2022	Amendment
3.0	180425	16/04/2025	Amendment

SHIRE POLICY 1.3

Service Level Complaints Handling

Responsible Department:	Office of the CEO
Responsible Business Unit:	Governance
Date of Review:	19 October 2022
Council Resolution:	151022

1. OBJECTIVE

The objective of this Policy is to develop a structured and systematic approach to dealing with complaints received by the Shire of Chittering (the Shire) from external persons. Additionally to assure the community that complaints may be made without fear of recrimination and that all complaints will be promptly deal with and a (written if required) response will be given setting out the answer to the complaint providing reasons, where appropriate.

2. SCOPE

This policy applies to all Shire Staff.

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.

3. DEFINITIONS

Complainant means a person or entity who lodges a complaint with the Shire.

Service Level Complaint means a complaint relating to the standard, timeliness, quality or delivery of a Shire service, customer service interaction or operational activity.

External Review means a review of a complaint by an independent body external to the Shire.

4. POLICY STATEMENT

The Shire 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.

In the event that a complaint or report of dissatisfaction is received, the shire will endeavour to provide a response within a reasonable timeframe.

If a complaint is received, and it will potentially be brought to the attention of the Council, by an outside party, officers will endeavour to make Councillors aware of the issue as soon as practicable.

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.

SHIRE POLICY 1.3

Service Level Complaints Handling

4.1. Guidelines

A complaint, by definition, is an 'expression of dissatisfaction made to or about an organisation, related to its services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required'.

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.

Council staff will advise the customer of their rights and obligations and the correct method for their type of complaint.

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.

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.

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.

Should the complainant not be satisfied with the result, written application to Council is required within 30 days.

External review options are available, the CEO will advise Complainants of the available options.

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.

The written complaint is to be recorded in the Shire's Electronic Record System (eg. Synergy).

The written complaint is also to be registered in the Complaint Register.

SHIRE POLICY 1.3

Service Level Complaints Handling

4.2. 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 is not attended to could reasonably constitute a risk to the public health and safety of persons, animals or the environment; and
- e) A submission relating to the exercise of a regulatory function; and
- f) A petition.

5. ROLES AND RESPONSIBILITIES

The Chief Executive Officer is responsible for ensuring the implementation of this Policy and that appropriate complaint management systems are in place.

Governance is responsible for maintaining the Complaint Register and monitoring compliance with this Policy.

All staff are responsible for managing complaints professionally, seeking early resolution where appropriate, and ensuring complaints are properly recorded and escalated as required.

SHIRE POLICY 1.3

Service Level Complaints Handling

7. COMPLIANCE

Legislation	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i> <i>Corruption, Crime and Misconduct Act 2003</i> <i>Public Interest Disclosure Act 2003</i> <i>State Records Act 2000</i> <i>Freedom of Information Act 1992</i>
Industry	Ombudsman Western Australia – Guidelines for Complaint Handling
Organisational Documents	Policy 4.1 – Code of Conduct - Elected Members, Committee Members and Candidates Policy 1.5 – Record Keeping Code of Conduct – Employees Delegated Authority Register External Complaint Form
Strategic Alignment	

8. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	March 2027
Policy Owner	Chief Executive Officer		
Version	Decision Ref	Date	Change
1.0	Unknown	15/04/2009	Initial adoption
2.0	160620	17/06/2020	Amendment
3.0	130722	20/07/2022	Amendment
4.0	151022	19/10/2022	Amendment

SHIRE POLICY 1.4 Election Advertising

Responsible Department:	Development Services
Responsible Business Unit:	Executive Manager Development Services
Date of Review:	19 July 2023
Council Resolution:	000000

1. OBJECTIVE

The objective of this Policy is to control advertising signs on thoroughfares within the Shire of Chittering (the Shire) during an election period to ensure that public safety is not compromised.

2. SCOPE

This policy applies to any advertising sign seeking to promote a candidate or political party during an election period.

3. DEFINITIONS

Advertising sign means a sign or advertisement used for the purposes of advertising or drawing attention to a person or political party.

Candidate means a person who has nominated to participate in an election for a position within any level of government.

Election period means the period 6 weeks prior to the announced voting day of an election to 72 hours after the close of polls on voting day.

Thoroughfare means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end.

Voting Day means the day gazetted for voting in the election.

4. POLICY STATEMENT

Advertising signs during an election period of any level of government must not be placed on a thoroughfare without a permit issued by the Shire under the *Local Government Property and Public Places Local Law 2023* (the *Local Law*).

All candidates participating in the election, on application, will be issued a permit for election advertising signs setting out conditions under which the signs are able to be displayed. Any breach of permit conditions or failure to apply for a permit will result in enforcement actions as set out in the *Local Law* and impounding of the sign.

SHIRE POLICY 1.4 Election Advertising

5. ROLES AND RESPONSIBILITIES

The Executive Manager Development Services is responsible for the implementation of this Policy.

6. COMPLIANCE

Legislation	<i>Local Government Act 1995</i> <i>Local Government (Elections) Regulations 1997</i> <i>Electoral Act 1907</i> <i>Commonwealth Electoral Act 1918</i>
Industry	Western Australian Electoral Commission (WAEC) guidelines
Organisational Documents	Local Government Property and Public Places Local Law 2023 Delegated Authority Register
Strategic Alignment	

7. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	August 2026
Policy Owner	Executive Manager Development Services		
Version	Decision Ref	Date	Change
1.0	CRXXXXXX	15/04/2009	Initial adoption
2.0		20/03/2019	Review
3.0		19/07/2023	Review

SHIRE POLICY 1.5

Record Keeping

Responsible Department:	Office of the CEO
Responsible Business Unit:	Corporate Services
Date of Adoption:	19 July 2023
Council Resolution:	000000

1. OBJECTIVE

The objective of this Policy is to ensure that records of all activities and decisions of the Shire of Chittering (the Shire) are created, accessed, managed and retained or disposed of appropriately, and in accordance with relevant legislation.

2. SCOPE

This policy applies to all Shire Council Members and Employees.

3. DEFINITIONS

Record means a record as defined in the *State Records Act 2000* as set out below:

Any record of information however recorded and includes:

- Anything on which there is writing or Braille;
- A map, plan, diagram or graph;
- A drawing, pictorial, graphic work or photograph;
- Anything on which there are figures, marks perforations or symbols, having a meaning for persons qualified to interpret them;
- Anything from which images, sounds or writing can be reproduced with or without the aid of anything else; and/or
- Anything on which information has been stored or recorded, either mechanically, magnetically or electronically.

4. POLICY STATEMENT

The Shire is committed to creating and maintaining full and accurate records of its business transactions and official activities. In accordance with legislative requirements, the Shire is obliged to maintain evidential records. Records created and received by Shire personnel and contractors are to be managed in accordance with the Shire's approved Record Keeping Plan, this Policy and associated Procedures.

SHIRE POLICY 1.5

Record Keeping

5. ROLES AND RESPONSIBILITIES

Records of decision making processes of external bodies to which a Council Member has been appointed and any correspondence by a Council Member as part of their duties should be periodically returned to the Shire for registering into the appropriate record keeping system.

All staff are to create, collect and retain records relating to business activities they perform. They are to identify significant records; ensure those records are registered into the record keeping system and that all records are handled in a manner commensurate with legislation and the Shire's policies and procedures for record keeping.

6. COMPLIANCE

Legislation	<i>State Records Act 2000</i> <i>State Records Regulations 2001</i> <i>Freedom of Information Act 1992</i> <i>Local Government Act 1995</i> <i>Corruption, Crime and Misconduct Act 2003</i>
Industry	State Records Office of Western Australia Standards and Guidelines General Disposal Authority (GDA) for Local Government Records
Organisational Documents	Shire of Chittering Recordkeeping Plan
Strategic Alignment	

7. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	September 2026
Policy Owner	Corporate Services		
Version	Decision Ref	Date	Change
1.0	CRXXXXXX	18/05/2011	Initial adoption
2.0		19/07/2023	Amendment

SHIRE POLICY 1.7

Asset Management – Infrastructure Assets

Responsible Department:	Corporate Services
Responsible Business Unit:	Governance Officer
Date of Adoption:	18 May 2011
Council Resolution:	000000

1. OBJECTIVE

The objective of this Policy is to ensure that the Shire of Chittering (the Shire) 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.

2. SCOPE

This policy applies to Council Members, the Chief Executive Officer, employees, contractors and consultants engaged by the Shire of Chittering.

This policy applies to all Shire activities, functions and decision-making processes, and governs the identification, assessment, treatment and monitoring of risks that may affect the Shire's objectives, compliance obligations or service delivery.

3. DEFINITIONS

Asset means a physical item that is owned or controlled by the Shire, 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 President and Councillors) of the Shire.

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 LOS, the greater the cost. The aim of asset management is to match the asset and LOS to the community expectation, need and level of affordability.

SHIRE POLICY 1.7

Asset Management – Infrastructure Assets

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 objects.

Shire means the collective Shire organisation. The Chief Executive Officer (CEO) of the Shire 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.

4. POLICY STATEMENT

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

- Incorporate Asset Management into the its Corporate Plan, Strategic Plan and Annual Budget
- Develop Asset Management plans for the following classes of Infrastructure Assets:
 - Roads
 - Drainage
 - Buildings
 - Parks and Reserves

SHIRE POLICY 1.7

Asset Management – Infrastructure Assets

- Define and document (within Asset Management plans) the functional and operational LOS 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 and 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.

5. ROLES AND RESPONSIBILITIES

Council is responsible for setting strategic direction, determining Levels of Service and allocating resources through the Corporate Plan, Long Term Financial Plan and Annual Budget.

The Chief Executive Officer is responsible for ensuring the implementation of this policy and that appropriate systems, resources and governance arrangements are in place to support sustainable asset management.

The Executive Management Team is responsible for integrating asset management principles into strategic planning, financial planning and operational decision-making.

All employees involved in asset planning, delivery and maintenance are responsible for managing assets in accordance with this policy and associated procedures.

SHIRE POLICY 1.7

Asset Management – Infrastructure Assets

6. COMPLIANCE

Legislation	<p><i>Local Government Act 1995</i></p> <p><i>Local Government (Administration) Regulations 1996</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p> <p><i>Local Government (Functions and General) Regulations 1996</i></p> <p><i>State Records Act 2000</i></p>
Industry	<p>Integrated Planning and Reporting Framework (Department of Local Government, Industry Regulation and Safety)</p> <p>ISO55000 Asset Management Standards</p>
Organisational Documents	<p>Council Plan (formerly Strategic Community Plan)</p> <p>Corporate Business Plan</p> <p>Long Term Financial Plan</p> <p>Asset Management Plan</p> <p>Policy 1.9 – Risk Management</p>
Strategic Alignment	

7. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	May 2027
Policy Owner	Chief Executive Officer		
Version	Decision Ref	Date	Change
1.0	CRXXXXXX	XX/XX/XXXX	Initial adoption

SHIRE POLICY 1.8

Conferral of Title – Honorary Freement of the Shire of Chittering

Responsible Department:	Office of the CEO
Responsible Business Unit:	Governance
Date of Amendment:	20 July 2022
Council Resolution:	000000

1. OBJECTIVE

The objective of this Policy is to guide the eligibility, nomination, selection and awarding of the prestigious ceremonial title of ‘Honorary Freeman of the Shire of Chittering’ to a designated person.

2. SCOPE

This policy applies to all nominations for the award of the title of ‘Honorary Freeman of the Shire of Chittering’ (Honorary Freeman).

3. DEFINITIONS

Absolute Majority means the same definition given in accordance with the *Local Government Act 1995*.

Honorary Freeman means a person upon whom Council has formally conferred the ceremonial title of ‘Honorary Freeman of the Shire of Chittering’ in recognition of exceptional service to the community.

Nominee means a person proposed for consideration for the conferral of the title of Honorary Freeman.

4. POLICY STATEMENT

Council may, subject to eligibility and selection criteria of this policy being met, confer the title of ‘Honorary Freeman of the Shire of Chittering’ on any person who has rendered exceptional service to the Shire of Chittering (the Shire) community. This prestigious honour will not be awarded regularly, but only on rare and exceptional occasions.

The award is a title only with no financial benefit attached to the award. Recipients are however invited to significant events that are sponsored by the Shire.

4.1. Eligibility

1. All members of the Shire community including past Council Members and staff can be nominated.
2. A current Council 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.
4. The honour shall not be awarded posthumously.

SHIRE POLICY 1.8

Conferral of Title – Honorary Freement of the Shire of Chittering

4.2. Nomination

Nomination of the conferral of the title of Honorary Freeman should be made in writing to the Chief Executive Officer (CEO) in the strictest confidence and without the nominee's knowledge. The nomination is to clearly outline, in chronological order, the history of community service and achievements of the nominated person and how this meets the Selection Criteria.

4.3. Selection Criteria

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

1. Nominees must have lived in, worked or served the Shire for a significant number of years (20 years or more).
2. Level of commitment to their field(s) of activity.
3. Outstanding personal leadership qualities and personal integrity.
4. Benefits to the community of the Shire, the State of Western Australia or to the nation resulting from the nominee's work.
5. Special achievements of the nominee.

4.4. Nomination Assessment

1. On a receipt of a nomination the CEO will:
 - a. Confirm that less than five living persons hold the title; and
 - b. Circulate a copy of the nomination and any supporting information to all Council Members for initial consideration.
2. Council Members shall have reasonable time, being no less than two weeks, to consider the proposal.
3. If a Council Member expresses an objection to the nomination, they must give their reasons for the objection in writing to the CEO within the two week review period.
4. A nomination must be supported in writing by at least one third of the Council Members.
5. Council Members who do not formally respond in writing will be presumed not to object to the proposal.
6. If the nomination is sufficiently supported, the CEO will:
 - a. Contact the nominee on a confidential basis to determine whether the award will be accepted. Should a nominee decline to accept the award, all Council Members will be informed and the matter will lapse.
 - b. Prepare a confidential report to the next Council Meeting, once the nominee confirms acceptance of the award, recommending the conferral of the title Honorary Freeman on the nominee. The nominee's name and identifying information will be maintained as confidential in all meeting papers.
7. 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.
8. Approval of the CEO's recommendation to confer the title requires an absolute majority decision of Council



SHIRE POLICY 1.8

Conferral of Title – Honorary Freement of the Shire of Chittering

5. ROLES AND RESPONSIBILITIES

The Chief Executive Officer is responsible for the implementation of this Policy.

6. COMPLIANCE

Legislation	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>
Industry	Western Australian Local Government Association (WALGA) governance guidance materials
Organisational Documents	Policy 4.1 – Code of Conduct – Elected Members, Committee Members and Candidates Shire of Chittering Standing Orders Local Law 2023 Delegated Authority Register
Strategic Alignment	

7. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	June 2027
Policy Owner	Chief Executive Officer		
Version	Decision Ref	Date	Change
1.0	CRXXXXXX	25/06/2014	Initial adoption
2.0		20/07/2022	Amendment

SHIRE POLICY 1.9

Risk Management

Responsible Department:	Corporate Services
Responsible Business Unit:	Governance
Date of Amendment:	21 June 2023
Council Resolution:	000000

1. OBJECTIVE

The objective of this Policy is 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.

2. SCOPE

This policy applies to Council Members, the Chief Executive Officer, employees, contractors and consultants engaged by the Shire of Chittering.

This policy applies to all Shire activities, functions, and decision-making processes, and governs the identification, assessment, treatment and monitoring of risks that may affect the Shire's objectives, compliance obligations or service delivery.

3. DEFINITIONS

Risk means effect of uncertainty on objective.

Risk Management means coordinated activities to direct and control an organisation with regard to risk.

Risk Management Process means 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.

4. POLICY STATEMENT

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.

SHIRE POLICY 1.9 Risk Management

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.

4.1. 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.

5. ROLES AND RESPONSIBILITIES

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

6. APPENDICES

Appendix A – Measures of Compliance Matrix

SHIRE POLICY 1.9 Risk Management

7. COMPLIANCE

Legislation	<p><i>Local Government Act 1995</i></p> <p><i>Local Government (Administration) Regulations 1996</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p> <p><i>Corruption, Crime and Misconduct Act 2003</i></p> <p><i>Work Health and Safety Act 2020</i></p> <p><i>State Records Act 2000</i></p>
Industry	<p>AS/NZS ISO 31000:2009 Risk Management – Guidelines</p> <p>Integrated Planning and Reporting Framework (Department of Local Government, Industry Regulation and Safety)</p> <p>Western Australian Local Government Association (WALGA) Risk Management Guidance</p>
Organisational Documents	<p>Risk Management Register</p> <p>Council Plan (formerly Strategic Community Plan)</p> <p>Corporate Business Plan</p> <p>Long Term Financial Plan</p> <p>Audit, Risk and Improvement Committee Terms of Reference</p>
Strategic Alignment	

8. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	October 2028
Policy Owner	Chief Executive Officer		
Version	Decision Ref	Date	Change
1.0	CRXXXXXX	25/06/2014	Initial adoption
2.0		20/07/2022	Amendment
3.0		21/09/2023	Amendment



SHIRE POLICY 1.9 Risk Management

APPENDIX A – MEASURES OF COMPLIANCE MATRIX

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	Description	Frequency
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

Rating	Almost Certain (5)	Likely (4)	Possible (3)	Unlikely (2)	Rare (1)
Extreme (5)	Catastrophic (25)	Extreme (20)	High (15)	High (12)	High (10)
High (4)	Extreme (20)	High (16)	High (12)	Moderate (8)	Moderate (6)
Moderate (3)	High (15)	High (12)	Moderate (9)	Moderate (8)	Moderate (6)
Low (2)	High (10)	Moderate (8)	Moderate (8)	Moderate (6)	Moderate (5)
Moderate (5)	Moderate (5)	Moderate (5)	Moderate (5)	Moderate (5)	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

SHIRE POLICY 1.10

Reimbursement of Volunteers for Damaged Personal Equipment

Responsible Department:	Office of the CEO
Responsible Business Unit:	Governance
Date of Adoption:	16 October 2019
Council Resolution:	231019

1. OBJECTIVE

The objective of this Policy is to provide clarity and consistency when dealing with claims from volunteers for damage to their equipment whilst volunteering at a Shire of Chittering (Shire) endorsed activity.

2. SCOPE

This policy applies to damage caused to a volunteers personal equipment and non-equipment items that were approved for, and critical to, being undertake a Shire endorsed volunteer activity. Damage to personal equipment or non-equipment items that occurs in transit to/from the volunteer activity is not covered.

3. DEFINITIONS

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

Non-equipment items means 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.

Personal equipment includes privately owned motor vehicles, stationery engines, power tools, etc. which are critical to being able to undertake the volunteer activity and approved to be used at the Shire endorsed volunteer activity.

Serviceable means capable of or ready to be used and to perform its function.

Short term means a period not in excess of three calendar months.

4. POLICY STATEMENT

Personal equipment proposed for use at a Shire endorsed volunteer activity must have been inspected, to ensure it is fit-for-purpose and serviceable, and approved for use prior to any claim for damage being made.

The Shire may provide financial assistance to volunteers undertaking Shire endorsed activities where their personal equipment has been endorsed to be used at that volunteer activity, and that equipment has been damaged.

SHIRE POLICY 1.10

Reimbursement of Volunteers for Damaged Personal Equipment

In the first instance, the Shire will facilitate the volunteer, who has suffered personal equipment damage, making an insurance claim on one of the Shire's existing insurance policies (if applicable).

The Shire's insurance policy is considered to provide an adequate and fair compensation for the damage / loss of volunteer equipment.

The Shire may (upon application by the volunteer outlining their claim) provide a contribution towards the cost of renting a replacement for the damaged equipment, whilst an insurance claim is being processed. The hire period should be short-term and only occur with the approval of the Shire.

5. ROLES AND RESPONSIBILITIES

The Chief Executive Officer (CEO) is responsible for the implementation of this Policy.

The Coordinator Communications Marketing & Events is responsible for ensuring that any volunteer personal equipment or non-equipment items proposed for use at a Shire endorsed volunteer activity are inspected, to ensure that they are fit-for-purpose and serviceable prior to approving use at the activity.

6. COMPLIANCE

Legislation	<i>Local Government Act 1995</i> <i>Local Government(Financial Management) Regulations 1996</i> <i>Work Health and Safety Act 2000</i> <i>State Records Act 2000</i>
Industry	Local Government Insurance Scheme (LGIS) Policy Requirements WorkSafe WA Guidance Material
Organisational Documents	Policy 1.9 – Risk Management
Strategic Alignment	

7. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	October 2026
Policy Owner	Chief Executive Officer		
Version	Decision Ref	Date	Change
1.0	CR231019	16/10/2019	Initial adoption

SHIRE POLICY 1.11

Recording and Access to Recordings of Council Meetings

Responsible Department:	Office of the CEO
Responsible Business Unit:	Governance
Date of Amendment:	DATE
Council Resolution:	000000

1. OBJECTIVE

The objective of this Policy is to guide the implementation of the audio recording, and live-streaming, of meetings of Shire of Chittering (Shire) Council and electors, and to establish how audio and video recordings will be used and made available.

2. SCOPE

This policy applies to all special and ordinary meetings of Council, Agenda Briefing Forums, meetings of committees with delegated authority, and meetings of electors.

3. DEFINITIONS

Council Meetings means Agenda Briefing, Ordinary Council meetings, Special Council Meetings, Audit, Risk and Improvement Committee Meetings and Annual General Meeting of Electors.

4. POLICY STATEMENT

In line with objective of s1.3(2) of the *Local Government Act 1995* (the *Act*), this policy seeks to promote greater accountability to the community through the provision of information that is accessible, transparent and accurate. Where Council has resolved to close the meeting to members of the public in accordance with s5.23 of the *Act* and the *Shire of Chittering Standing Orders Local Law 2023* the recording of the Council Meeting will cease.

The primary purpose of recording is to ensure that a true and accurate account of debate, discussions, questions and answers at all relevant meetings are available. The audio and video recordings will assist in the preparation of the minute of Council, committees with delegated authority, electors' meetings, and Agenda Briefings Forum notes, to ensure that records held are true and accurate.

All audio and video recordings, with the exemption of matters that are deemed confidential in accordance with the *Act*, are to be made available to the public on the Shire's website. It is to be noted that should any unforeseen technical difficulties arise, the audio or video recording may not be available or may be delayed.

The primary purpose of livestreaming Council meetings is to give the public greater access to Council decisions, debate and discussions, by eliminating geographic and/or personal barriers that may prevent

SHIRE POLICY 1.11

Recording and Access to Recordings of Council Meetings

physical attendance at a Council meeting. The livestreaming will be accessible on the Shire's website upon commencement of the relevant meeting. It is to be noted that should any unforeseen technical difficulties arise, the livestream may not be available or may be delayed.

To ensure that the public, Council Members and staff are aware of the recordings, clear signage must be placed prominently in the council chambers advising that the meeting is being recorded. At the commencement of each recorded meeting, the Presiding Member is also to publicly announce that the meeting will be recorded, and livestreamed.

The official record of the meeting is not the audio and visual recording, but the meeting minutes which require confirmation by Council resolution and must be signed by the person presiding at the meeting. Minutes are prepared in accordance with the requirements of the *Act* and the *Local Government (Administration) Regulations 1996*. Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue. Recordings will be stored in accordance with the *State Records Act 2000*.

Opinions expressed or statements made by persons during the course of Council Meetings, and contained within the audio and visual recordings, are the opinions or statements of those individual persons, and are not opinions or statements of the Shire. The recording is not, and shall not be taken to be, a confirmed official record of Council, or of any meeting or discussion to which it relates, or may appear to relate.

Other than in accordance with this Policy, a person must not use any electronic, visual or audio recording device or instrument to record the proceedings of a Council (or committee) meeting without the written permission of the Presiding Member.

The Shire retains copyright over the livestream and recordings of its Council meetings.

Recordings will not be transcribed.

The channel of the video streaming service that the Shire utilises will only be viewable to audiences within Australia.

5. ROLES AND RESPONSIBILITIES

The Manager Governance & Corporate Performance is responsible for the implementation of this Policy.

SHIRE POLICY 1.11

Recording and Access to Recordings of Council Meetings

6. COMPLIANCE

Legislation	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i> <i>State Records Act 2000</i> <i>Freedom of Information Act 1992</i> Privacy Act 1988
Industry	Department of Local Government, Industry Regulation and Safety – Council Meeting and Governance Guidance
Organisational Documents	Shire of Chittering Standing Orders Local Law 2023 Policy 1.5 – Record Keeping Policy 4.1 – Code of Conduct – Elected Members, Committee Members and Candidates
Strategic Alignment	

7. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	April 2027
Policy Owner	Manager Governance & Corporate Performance		
Version	Decision Ref	Date	Change
1.0	CRXXXXXX	20/11/2019	Initial adoption
2.0		18/05/2022	Amendment
3.0		20/07/2022	Amendment
4.0		2025	Name change and amendments

SHIRE POLICY 1.12

General Compliance and Enforcement

Responsible Department:	Development Services & Technical Services
Responsible Business Unit:	Governance
Date of Amendment:	18 August 2021
Council Resolution:	000000

1. OBJECTIVE

The objective of this Policy is to 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.

2. 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 collaboration approach to enforcement action.

3. DEFINITIONS

Authorised Officer means a person appointed or delegated under relevant legislation to exercise compliance and enforcement powers on behalf of the Shire.

4. POLICY STATEMENT

4.1. 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 aims to ensure consistency in how the Shire makes decisions on enforcement action.

4.2. 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.

SHIRE POLICY 1.12

General Compliance and Enforcement

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>

4.3. Lodging a Complaint

Where a complaint relates to a breach in legislation for which the Shire is responsible for administrating, 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

SHIRE POLICY 1.12

General Compliance and Enforcement

- 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 A).

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.

4.4. 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.

4.5. Community Engagement

Compliance matters will generally not be publicly communicated.

Where applicable, the Shire will work with residents, ratepayers, stakeholders and businesses to encourage compliance with relevant laws, regulations and policies.

4.6. 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).

4.7. 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;

SHIRE POLICY 1.12

General Compliance and Enforcement

- 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.

4.8. Offence Categories

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 where 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.

4.9. Compliance Investigations

4.9.1. 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 complaints);
- e) Any demonstrated history of non-compliance;

SHIRE POLICY 1.12

General Compliance and Enforcement

- 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 the 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.

4.9.2. 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.

4.9.3. 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.

4.10. 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.

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General Compliance and Enforcement

4.11. Prosecution Actions

4.11.1. Initiation of Proceedings

The Shire may determine to instigate prosecution proceedings under an Act, Regulation or Local Law where the Shire considered 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 and safety impacts resulting from the offence; and
- e) Whether the prosecution is in the public interest.

4.11.2. 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.

4.11.3. Appeal of Infringements, Notice 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.

4.12. Delegations

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

5. ROLES AND RESPONSIBILITIES

Nil

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General Compliance and Enforcement

6. COMPLIANCE

Legislation	<p><i>Local Government Act 1995</i></p> <p><i>Local Government (Administration) Regulations 1996</i></p> <p><i>Local Government (Functions and General) Regulations 1996</i></p> <p><i>Local Government (Financial Management) Regulations) 1996</i></p> <p><i>Corruption, Crime and Misconduct Act 2003</i></p> <p><i>Public Interest Disclosure Act 2003</i></p> <p><i>Freedom of Information Act 1992</i></p> <p><i>State Records Act 2000</i></p>
Industry	Department of Local Government, Industry Regulation and Safety – Governance and Compliance Guidance
Organisational Documents	Delegations Register
Strategic Alignment	

7. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	November 2028
Policy Owner	Governance		
Version	Decision Ref	Date	Change
1.0	CRXXXXXX	18/08/2021	Initial adoption
2.0		19/07/2023	Review

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APPENDIX A

ENVIRONMENT HEALTH SERVICES

The aim of the Environmental Health Service 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:** investigation 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.



SHIRE POLICY 1.12 General Compliance and Enforcement

COMPLIANCE MATRIX

BUILDING SERVICES

Offence Description	Statutory Authority	Offence Category		
		Minor	Moderate	Major
Building Compliance				
Unauthorised swimming pool or spa	<i>Building Act s9</i>			X
Authorised swimming pool	<i>Building Regs r50</i>			X
Non-compliant pool barrier – hinges, windows	<i>Building Regs r50</i>	X		
Non-compliant pool barrier – non-compliant barrier (height, gates swinging in wrong direction, openings too large)	<i>Buildings Regs r50</i>			X
Unauthorised Building Work	<i>Building Regs s50</i>		X	
Unauthorised Demolition	<i>Building Act s10</i>			X
No Notice of Completion	<i>Building Act s33</i>	X		
Non-compliance applicable Building Standards – After completion	<i>Building Act s37</i>		X	
Non-compliance applicable Building Standards – Demolition	<i>Building Act s38</i>		X	
Occupying a building without Occupancy Permit	<i>Building Act s41</i>		X	
Non-display or non-notification of Occupancy Permit	<i>Building Act s42</i>	X		
Occupation use to comply with Occupancy permit	<i>Building Act s43</i>		X	
Occupancy permit – General Compliance	<i>Building Act s44</i>		X	
Encroachments outside of works land	<i>Building Act s76</i>			X
Adverse impact to other land without consent	<i>Building Act s77</i>			X
No protection Structure on or over land without consent	<i>Building Act s78</i>		X	
Work not to affect party wall without consent	<i>Building Act s79</i>		X	



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TECHNICAL SERVICES

Offence Description	Statutory Authority	Offence Category		
		Minor	Moderate	Major
<i>Local Government Act 1995</i>				
Unauthorised works within road reserve/POS	<i>Schedule 9.1 (8)</i>		X	
Damage public Infrastructure	<i>Schedule 9.4 (8)</i>		X	
Discharge stormwater into public land/Road	<i>Schedule 9.1 (10)</i>		X	
Wind erosion or sand drift	<i>Schedule 9.1 (12)</i>		X	
<i>Cemeteries Local Law 2005</i>				
Excessive Speed	<i>Clause 5.4</i>		X	
Unauthorised use – driving of vehicles	<i>Clause 5.4</i>	X		
Placing of rubbish and surplus materials	<i>Clause 7.3</i>	X		
Leaving uncompleted works in an untidy or unsafe condition	<i>Clause 7.7</i>	X		
Animal at large	<i>Clause 8.1</i>		X	
Dumping of rubbish	<i>Clause 8.5</i>	X		
Unauthorised advertising and or trading	<i>Clause 8.6</i>	X		
Disobeying sign or lawful direction	<i>Clause 8.7</i>	X		



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PLANNING SERVICES

Offence Description	Statutory Authority	Offence Category		
		Minor	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		
Unauthorised land use	LPS6	X		
Extractive Industries				
No Approval	<i>Extractive Industries Local Law</i>			X
Breach of conditions minor	<i>Extractive Industries Local Law</i>		X	
Breach of conditions major	<i>Extractive Industries Local Law</i>			X



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RANGER SERVICES

Offence Description	Statutory Authority	Offence Category		
		Minor	Moderate	Major
Unregistered Dog	<i>Dog Act s7(1)</i>	X		
Unregistered Cat	<i>Cat Act s5(1)</i>	X		
Wandering Dogs – Private Property (Dog in a place without Consent)	<i>Dog Act s33A(3)</i>		X	
Wandering Dogs – Public (Dog not held or tethered in public place)	<i>Dog Act s31(3)</i>		X	
Dog Attacked – Causing Physical Injury	<i>Dog Act s33D(1)</i>			X
Dog Attack – Causing No Physical Injury	<i>Dog Act s33D(2A)</i>		X	
Restricted Breed or Declared Dangerous Dog Offences	<i>Dog Act s33E</i>			X
Dog Causing a Nuisance by Barking	<i>Dog Act s38(5)</i>		X	
Collection of Stray Dogs – Community	<i>Dog Act s29</i>	X		
Collection of Stray Cats – Community	<i>Cat Act s27</i>	X		
Livestock – Wandering at Large	<i>LG Miscellaneous Provisions Act & Local Law</i>			X
Livestock – Trespassing	<i>LG Miscellaneous Provisions Act</i>		X	
Abandoned Vehicles – General	<i>Local Government Act</i>	X		
Abandoned Vehicles – Obstructing	<i>Local Government Act</i>		X	
Litter – Building Development Sites	<i>Litter Act</i>		X	
Litter – Illegal Dumping	<i>Litter Act</i>		X	
Litter – Household Rubbish	<i>Litter Act</i>	X		
Signage – Nuisance signs	<i>Litter Act</i>	X		
Unightly Properties	<i>Local Law</i>	X		
Illegal Camping	<i>Local Government Act</i>	X		
Registration Enquiries	<i>Dog & Cat Acts</i>	X		
Pound Transfer	<i>Local Government Act, Dog Act, Cat Act</i>	X		
Breach of fire safety	<i>Bush Fire Act 1954</i>		X	

SHIRE POLICY 1.14

Execution of Documents and Use of the Common Seal

Responsible Department:	Office of the CEO
Responsible Business Unit:	Governance
Date of Amendment:	21 July 2023
Council Resolution:	000000

1. 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 (the Shire) Common Seal.

2. 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 s5.41(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 s5.45 of the *Act*.

3. DEFINITIONS

Absolute Majority means the same as defined in the *Local Government Act 1995*.

Authorised Officer means an officer of the Shire who has been delegated authority under the *Local Government Act 1995* or the Register of Delegations and Sub-delegations to execute documents on behalf of the Shire.

Common Seal means the official seal of the Shire of Chittering used to execute documents in accordance with s9.49A of the *Local Government Act 1995*.

Seal Register (Common Seal Register) means the register maintained by the Chief Executive Officer recording all documents executed under the Common Seal.

4. POLICY STATEMENT

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

SHIRE POLICY 1.14

Execution of Documents and Use of the Common Seal

4.1. 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:

1. Deeds of Agreement and Release in respect to sale or purchase relating to Shire land including equitable interests;
2. Town Planning Schemes and Scheme Amendments;
3. Local Laws;
4. Documents of a ceremonial nature;
5. 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);
6. Licensing contracts where the Shire is the Licensor; and
7. Documents specified by resolution of Council to be executed by the Common Seal.

4.2. 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:

1. Agreements relating to grant funding, when the funder requires that the agreement be signed under seal;
2. Debenture documents for loans which Council has resolved to raise;
3. General Legal and Service Agreements not already listed in this policy; and
4. Any document stating that the Common Seal of the Shire 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 CEO (or the person acting in that position). s9.49A(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.

SHIRE POLICY 1.14

Execution of Documents and Use of the Common Seal

4.3. Category 2 Documents

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

Under s9.49A(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 inconstant 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:

1. Documents and/or deeds required in the management of land as a landowner or where land is a Reserved vested to the Shire;
2. 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);
3. Documents required to enact a decision made under delegated authority or as a condition or approval given under delegated authority;
4. 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;
5. Contracts for incoming grant funding
6. Other legally binding contracts outside of the normal course of business (e.g. confidentiality, indemnity, licensing, novation and sponsorship agreements); and
7. 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:
 - i. Agreement to lease or licence;
 - ii. Variation of lease or licence;
 - iii. Assignment of lease or licence;
 - iv. Subleases; and
 - v. Surrender of lease or licence.
8. The following Landgate documents and/or deeds including lodgement, removal, withdrawal, surrender/cancel modification:
 - i. Notifications in accordance with s70A of the *Transfer of Land Act 1893*; Covenants, easements and caveats under the *Transfer of Land Act 1893*
 - ii. Reciprocal easements and/or parking agreements
 - iii. Rights of carriageway agreements

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Execution of Documents and Use of the Common Seal

- iv. Amalgamations
- v. Easements or deeds of easement under the *Land Administration Act 1997* and/or *Strata Titles Act 1985*

4.4. 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:

1. 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);
2. General correspondence required to discharge the duties of your position;
3. Grant applications;
4. Documents to authorise funding allocations for community groups; and
5. Regular hire arrangements

4.5. 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
3. The correct execution clauses for Shire of Chittering documents are below. Officers must ensure the document being executed contains the correct execution clause.

5. ROLES AND RESPONSIBILITIES

Nil



SHIRE POLICY 1.14

Execution of Documents and Use of the Common Seal

6. COMPLIANCE

Legislation	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i> <i>Local Government (Financial Management) Regulations 1996</i> <i>State Records Act 2000</i> <i>Transfer of Land Act 1893</i> <i>Land Administration Act 1997</i>
Industry	Landgate Practice Requirements
Organisational Documents	Delegations Register Policy 1.5 – Record Keeping
Strategic Alignment	

7. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	September 2028
Policy Owner	Chief Executive Officer		
Version	Decision Ref	Date	Change
1.0	CRXXXXXX	20/07/2022	Initial adoption
2.0	CRXXXXXX	21/06/2023	Amendment



SHIRE POLICY 1.14

Execution of Documents and Use of the Common Seal

EXECUTION CLAUSES

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



SHIRE POLICY 1.14

Execution of Documents and Use of the Common Seal

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



SHIRE POLICY 1.14

Execution of Documents and Use of the Common Seal

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 authorized)
 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



SHIRE POLICY 1.14

Execution of Documents and Use of the Common Seal

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 authorized)
 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

SHIRE POLICY 1.15

Communications and Social Media

Responsible Department:	Corporate Services
Responsible Business Unit:	Deputy Chief Executive Officer
Date of Adoption:	DATE
Council Resolution:	000000

1. OBJECTIVE

The objective of this Policy is to detail legislative obligations and establish protocols applicable to the Shire of Chittering's (the Shire) official communications with our community to ensure the Shire is professionally and accurately represented and to maximise a positive public perception.

2. SCOPE

This policy applies to communications initiated or responded to by the Shire with our community and Council Members when commenting or engaging with the Community, in both a private and public capacity, about matters relevant to the Shire.

3. DEFINITIONS

Official Use is defined as staff using social media as a representative of the Shire of Chittering.

Personal Use refers to a personal presence on social media separate to an individual's professional association with the Shire.

Social Media means to any form of electronic communication through which users create and/or join online communities to share information; this includes all websites and applications that enable users to create and share content or participate in social networking.

Social Media Content means to all forms of content published through social media channels, such as but not limited to, Facebook, LinkedIn, Instagram, YouTube and Twitter.

4. POLICY STATEMENT

4.1. Official Communications

The purposes of the Shire's official communications include:

- Sharing information required by law to be publicly available.
- Sharing information that is of interest and benefit to the Community.
- Promoting Shire events and services.
- Promoting Public Notices and community consultation / engagement opportunities.
- Answering questions and responding to requests for information relevant to the role of the Shire.

SHIRE POLICY 1.15

Communications and Social Media

- Receiving and responding to community feedback, ideas, comments, compliments and complaints.

The Shire's official communications will be consistent with relevant legislation, policies, standards and the positions adopted by the Council. Our communications will always be respectful and professional.

The Shire will use a combination of different communication modes to suit the type of information to be communicated and the requirements of the community or specific audience, including:

- Website;
- Advertising and promotional material;
- Media releases prepared for the Shire President, to promote specific Shire positions;
- Social media; and
- Community newsletters, letter drops and other modes of communications undertaken by the Shire's Administration at the discretion of the CEO.

4.2. Speaking on behalf of the Shire

The *Act* states that the Shire President is the official spokesperson for the Shire, representing the Local Government in official communications, including; speeches, comment, print, electronic and social media. Where the Shire President is unavailable, the Deputy Shire President may act as the spokesperson.

The CEO may speak on behalf of the Shire, where authorised to do so by the Shire President.

The provisions of the *Act* essentially direct that only the Shire President or the CEO, if authorised, may speak on behalf of the Local Government. It is respectful and courteous to the office of Shire President to refrain from commenting publicly, particularly on recent decisions or contemporary issues, until such time as the Shire President has had opportunity to speak on behalf of the Shire.

Communications by Council Members, Committee Members and Candidates, whether undertaken in an authorised official capacity or as a personal communication, must not:

- Bring the Shire into disrepute
- Compromise the person's effectiveness in their role with the Shire
- Imply the Shire's endorsement of personal views.
- Imply the Council Member, Committee Member or Candidate is speaking on behalf of the Shire unless authorised to do so.
- Disclose, without authorisation, confidential information.

Social media accounts or unsecured website forums must not be used to transact meetings which relate to the official business of the Shire.

SHIRE POLICY 1.15

Communications and Social Media

Council Member communications must comply with the *Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct)* and the *Local Government (Model Code of Conduct Regulations 2021)*.

4.3. Responding to Media Enquiries

All enquiries from the Media for an official Shire comment, whether made to an individual Council Member or employee, must be directed to the CEO or a person authorised by the CEO. Information will be coordinated to support the Shire President or CEO (where authorised) to make an official response on behalf of the Shire.

Council Members may make comments to the media in a personal capacity – refer to clause 4.7. below.

4.4. Decision Making

The Shire uses social media platforms to encourage and foster meaningful interaction and engagement with the local community, serving as a place for discussion, feedback, questions and an exchange of ideas.

The Shire's social media pages also exist to provide information on Shire services, events, programs, initiatives and news.

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 entity's private affairs.

Members of the local community who want to request works or maintenance should still contact the Shire by phone or email, or via the Shire website to lodge a formal request.

The Shire 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.

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

- Offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;
- Promotional, soliciting or commercial in nature;
- Unlawful or incites others to break the law;
- Encouragement or glamorisation of the use of alcohol, tobacco, or illegal drugs;
- Information which may compromise individual or community safety or security;
- Repetitive material copied and pasted or duplicated;
- Content that promotes or opposes any person campaigning for election to the Council, appointment to official office, or any ballot;
- Content that violates intellectual property rights or the legal ownership of interests or another party; and

SHIRE POLICY 1.15

Communications and Social Media

- Any other inappropriate content or comments at the discretion of the Shire.

Where a third party contributor to a Shire 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.

4.5. Private Profiles and Private Groups

While it is good practice to ensure that any social media platforms being used are set to private so that only immediate 'followers' can view the content, private profile settings and private groups are no guarantee that information is only seen by the target audience. Posts can be screenshot and distributed further than the intended audience, even after the original post has been deleted, meaning that nothing that is posted on-line is truly 'private'.

4.6. Personal Communications

Personal communications and statements made privately in conversation, written, recorded email or posted on personal social media accounts have the potential to be made public, whether it was intended to be made public or not.

Therefore, on the basis that personal or private communications may be shared or become public at some point in the future, Council Members, Committee Members and Candidates must ensure that their personal or private communications do not breach the requirements of this Policy, the Code of Conduct or the *Local Government (Model Code of Conduct) Regulations 2021*.

4.7. Council Member statements on Shire matters

A Council Member may choose to make a personal statement using social media on a matter related to the business of the Shire. However, it is not the Council Member's role to find the answers to social media enquiries, or become involved in resolving a community member's request, as that is the role of Shire Officers. If Council Members are using social media to connect with the community, then it is important that the Council Member forward any community requests to the CEO for action by Shire Officers.

Any public statement made by a Council Member, whether made in a personal capacity or in their Local Government representative capacity, must:

- Clearly state that the comment or content is a personal view only, which does not necessarily represent the views of the Shire.
- Be made with reasonable care and diligence.
- Be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment laws.
- Be factually correct.
- Avoid damage to the reputation of the local government.
- Not reflect adversely on a decision of Council.

SHIRE POLICY 1.15

Communications and Social Media

- Not reflect adversely on the character or actions of any other person/s.
- Maintain a respectful and positive tone and not use offensive or objectionable expressions in reference to any other person/s.

A Council Member who is approached by the media for a personal statement may request the assistance of the CEO.

Comments which become public and which breach this Policy, the Code of Conduct, the *Local Government (Model Code of Conduct) Regulations 2021* or the *Act*, may be referred for investigation. Complaints may be made to the Local Government Standards Panel, may determine sanctions under the *Act*. Serious misconduct may be referred to the Corruption and Crime Commission. Social media activity from Council Members, Committee Members and Candidates must not:

- Bring the Shire into disrepute.
- Compromise the person's effectiveness in their role with the Shire.
- Imply the Shire's endorsement of personal views.
- Disclose, without authorisation, confidential information.

Social media accounts or unsecured website forums must not be used to transact meetings which relate to the official business of the Shire.

4.8. Record Keeping

Official communications undertaken on behalf of the Shire, including on the Shire's Social Media accounts and third party social media accounts must be created and retained as local government records in accordance with the Shire's Record Keeping Plan and the *State Records Act 2000*. These records are also subject to the *Freedom of Information Act 1992*.

Council member communications that relate to their role as a Council Member are subject to the requirements of the Shire's Record Keeping Plan and the *State Records Act 2000*. Council Members are responsible for transferring these records to the Shire's administration. Council Member records are also subject to the *Freedom of Information Act 1992*.

5. ROLES AND RESPONSIBILITIES

The Manager Place Management?? is responsible for the implementation of this Policy

SHIRE POLICY 1.15

Communications and Social Media

6. COMPLIANCE

Legislation	<p><i>Local Government Act 1995</i></p> <p><i>Local Government (Model Code of Conduct) Regulations 2021</i></p> <p><i>State Records Act 2000</i></p> <p><i>Defamation Act 2005</i></p> <p><i>Freedom of Information Act 1992</i></p> <p><i>Privacy Act 1988</i></p> <p><i>Copyright Act 1968</i></p> <p><i>Equal Opportunity Act 1984</i></p>
Industry	<p>WALGA Elected Member Social Media Guidelines</p> <p>State Records Office Guideline – Management of Digital Records</p>
Organisational Documents	<p>Policy 4.1 – Code of Conduct for Council Members, Committee Members and Election Candidates</p> <p>Policy 1.5 – Record Keeping</p>
Strategic Alignment	

7. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	April 2027
Policy Owner	Deputy Chief Executive Officer		
Version	Decision Ref	Date	Change
1.0	CRXXXXXX	21/06/2023	Initial adoption
2.0		2025	Amendment

SHIRE POLICY 2.1

Investment

Responsible Department:	Corporate Services
Responsible Business Unit:	Deputy Chief Executive Officer
Date of Amendment:	16 April 2025
Council Resolution:	180425

1. OBJECTIVE

The objective of this Policy is to set out Council's position, and to provide guidance when investing Shire of Chittering's (the Shire's) 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.

2. SCOPE

This policy applies to all employees involved in the investment and management of all funds held by the Shire, including operating accounts, investment accounts and funds managed under Trust.

3. DEFINITIONS

Authorised Institutions means an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) s5; or the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*.

4. POLICY STATEMENT

The Shire will apply the following principles to all investments made in accordance with s6.14 of the *Local Government Act 1995*.

4.1. Prudent Person Standard

Investments will be managed with the care, diligence, and skill that a prudent person would exercise. The Shire will manage the investment portfolios to safeguard the portfolios and not for speculative purposes.

4.2. Ethics and Conflicts of Interest

Employees shall refrain from personal activities that would conflict with the proper execution and management of the Shire investment portfolio. Employees will disclose any conflict of interest to the Chief Executive Officer (CEO).

4.3. Approved Investments

Investments may only be made with authorised institutions.

SHIRE POLICY 2.1 Investment

Authorised Investments shall be limited to:

- Fixed and floating rate interest bearing deposits with a term to maturity of 12 months or less, with authorised institutions.
- State and Commonwealth Government Bonds with a term to maturity of 3 years or less.
- Specific securities approved by Council.

4.4. Prohibited Investments

This policy prohibits investments in foreign currency and the use of leveraged funds for the purpose of investing.

4.5. Risk Management Guidelines

When exercising the power of investment, the following are to be given consideration:

- Forward cash flow requirements to ensure investment return.
- The costs (including commissions, fees, charges and duties payable) of making the proposed investment.

4.6. Reporting

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.

5. ROLES AND RESPONSIBILITIES

The Deputy Chief Executive Officer is responsible for the implementation of this Policy.

SHIRE POLICY 2.1 Investment

6. COMPLIANCE

Legislation	<p><i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p> <p><i>Trustees Act 1962</i></p> <p><i>Banking Act 1959</i></p> <p><i>Western Australian Treasury Corporation Act 1986</i></p>
Industry	<p>Australian Accounting Standards Board (AASB) Standards</p> <p>Department of Local Government, Industry Regulation and Safety – Financial Management Guidance</p>
Organisational Documents	<p>Long Term Financial Plan</p> <p>Annual Budget</p> <p>Policy 1.9 – Risk Management</p> <p>Delegations Register</p>
Strategic Alignment	

7. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	July 2026
Policy Owner	Deputy Chief Executive Officer		
Version	Decision Ref	Date	Change
1.0		19/08/2009	Initial adoption
2.0		21/06/2023	Amendment
3.0		2025	Review

SHIRE POLICY 2.2

Rating

Responsible Department:	Corporate Services
Responsible Business Unit:	Deputy Chief Executive Officer & Rates Officer
Date of Adoption:	19 August 2009
Council Resolution:	000000

1. OBJECTIVE

The objective of this Policy is to provide guidelines for the collection of rates and to authorise the Chief Executive Officer (CEO) to apply alternative instalment options, to appoint debt collection agencies and to comply with all other requirements of the *Local Government Act 1995*.

2. SCOPE

This policy applies to the administration, collection and recovery of rates and services charges levied by the Shire of Chittering under the *Local Government Act 1995*.

This policy applies to all ratepayers and governs payment options, alternative payment arrangements, debt recovery processes and enforcement actions undertaken by the Shire.

3. DEFINITIONS

Caveat means a notice lodged against land title under the *Transfer of Land Act 1893* to protect the Shire's interest in respect of unpaid rates and charges.

Debt Recovery Action means action taken by the Shire to recover unpaid rates and service charges, including referral to a debt collection agency, legal proceedings, lodging of a caveat, or action under 6.64 of the *Local Government Act*.

Ratepayer means the person liable to pay rates and service charges in respect of rateable land.

Rates means a levy imposed on rateable land under Part 6 of the *Local Government Act 1995*.

Service Charges means a charge imposed under the *Local Government Act 1995* for the provision of a prescribed service to land.

Rating Year means the financial year for which rates are imposed.

4. POLICY STATEMENT

4.1. Rates Collection

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

SHIRE POLICY 2.2

Rating

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 CEO 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.

4.2. Alternative payment arrangements

The Shire of Chittering (the Shire) 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 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.

4.3. 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.

SHIRE POLICY 2.2

Rating

4.4. Pensioners and Seniors

Persons registered to receive a pensioner or senior rebate under the *Rates and Charges (Rebates and Deferments) 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.

4.5. Rate incentive Scheme – Terms & Conditions

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.
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.
3. No responsibility will be accepted for late service of any rate notice.
4. Only one entry per rate notice.
5. The winner will be determined by random selection.
6. The winner will be notified and published in the Northern Valleys News, Chatter, eChatter, Shire of Chittering Website and Facebook.
7. Decision of the Council is final and no correspondence will be entered into.
8. Once the prize has been collected by the winner, the Shire accepts no responsibility for any costs or associated administration with the prize, including warranty.
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.
10. IF the prize, or any part of the prize, becomes available due to circumstances beyond the Shire's control, then the Shire may – at its absolute discretion – substitute a different prize in place of any prize as they see fit.

5. ROLES AND RESPONSIBILITIES

Council is responsible for setting the annual rate in the dollar, adopting the Annual Budget, and determining any rate incentives, fees, charges and interest in accordance with the *Local Government Act 1995*.

The Chief Executive Officer is responsible for ensuring the implementation of this Policy and for exercising powers relating to alternative payment arrangements, appointment of debt collection agencies and recovery action, in accordance with legislation and delegated authority.

SHIRE POLICY 2.2

Rating

The Deputy Chief Executive Officer and Rates Officer are responsible for administering the rating process, issuing rate notices, managing payment arrangements, maintaining accurate records and progressing debt recovery action in accordance with this Policy and relevant legislation.

All officers involved in the administration of rates are responsible for ensuring compliance with the *Local Government Act 1995*, maintaining confidentiality of ratepayer information, and keeping accurate financial and statutory records

6. COMPLIANCE

Legislation	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> <i>Local Government (Administration) Regulations 1996</i> <i>Rates and Charges (Rebates and Deferments) Act 1992</i> <i>Transfer of Land Act 1893</i>
Industry	Department of Local Government, Industry Regulation and Safety – Rating Guidance
Organisational Documents	Annual Budget Long Term Financial Plan Policy 2.8 – Financial Hardship – Collection of Rates and Service Charges
Strategic Alignment	

7. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	June 2027
Policy Owner	Deputy Chief Executive Officer		
Version	Decision Ref	Date	Change
1.0		19 August 2009	Initial adoption

SHIRE POLICY 2.3

Community Donations

Responsible Department:	Corporate Services
Responsible Business Unit:	Deputy Chief Executive Officer
Date of Amendment:	21 June 2023
Council Resolution:	000000

1. OBJECTIVE

The objective of this Policy is to provide guidelines for assistance and/or donations to the community.

2. SCOPE

This Policy applies to all requests for financial assistance, donations, grants or sponsorship made to the Shire of Chittering.

This policy governs the assessment, approval and administration of community funding provided through the Shire's Annual Budget, including grants, events support, works, printing and community assistance initiatives.

3. DEFINITIONS

Nil

4. POLICY STATEMENT

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 financial support and assistance in the Shire of Chittering's (the Shire's) Annual Budget/

All requests for financial support and assistance must be made in writing.

4.1. 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.

4.2. 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.

SHIRE POLICY 2.3 Community Donations

5. ROLES AND RESPONSIBILITIES

Council is responsible for allocating funding through the Annual Budget and determining applications for financial assistance and donations exceeding the delegated limit.

The Shire President may approve requests for donations of \$500 or less in accordance with this Policy and within the adopted budget.

The Community Development Officer is responsible for preparing reports and administering approved funding in accordance with Council decisions.

The Deputy Chief Executive Officer is responsible for overseeing the implementation of this Policy and ensuring compliance with legislative and financial management requirements.

6. COMPLIANCE

Legislation	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> <i>Local Government (Administration) Regulations 1996</i> <i>State Records Act 2000</i> <i>Freedom of Information Act 1992</i>
Industry	Department of Local Government, Industry Regulation and Safety – Integrated Planning and Reporting Framework Guidance Western Australian Local Government Association (WALGA) Governance Guidance
Organisational Documents	Annual Budget Long Term Financial Plan Delegations Register Policy 2.5 – Purchasing and Procurement Policy 1.5 – Record Keeping Policy 4.1 – Code of Conduct
Strategic Alignment	

7. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	October 2028
Policy Owner	Deputy Chief Executive Officer		
Version	Decision Ref	Date	Change
1.0		19/08/2009	Initial adoption
2.0		15/02/2018	Amendment
3.0		21/06/2023	Amendment

SHIRE POLICY 2.5

Purchasing & Procurement

Responsible Department:	Corporate Services
Responsible Business Unit:	Deputy Chief Executive Officer
Date of Amendment:	19 October 2022
Council Resolution:	000000

1. OBJECTIVE

The objective of this Policy is to comply with the *Local Government Act 1995*, *Local Government (Functions and General) Regulations 1996*, and *State Records Act 2000*. Provide consistency and uniformity in the purchase of goods and services within the Shire of Chittering (the Shire). 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.

2. SCOPE

This policy applies to all purchasing and procurement activities undertaken by or on behalf of the Shire of Chittering.

This policy governs the acquisition of goods and services, including quotations, tenders, contract management, exemptions and record keeping requirements, in accordance with applicable legislation and regulatory obligations.

This policy applies to Council, the Chief Executive Officer, employees and authorised officers involved in procurement decision-making and contract administration.

3. DEFINITIONS

Authorised Officer means an officer of the Shire who has been delegated authority under the *Local Government Act 1995* or the Register of Delegations to approve expenditure, execute contracts or undertake procurement activities.

Purchase Order means a formal document issued by the Shire authorising the supply of goods or services at an agreed price.

Quotation means a written or verbal offer from a supplier to provide specified goods or services at a stated price and within stated terms.

Regional Price Preference means a price adjustment mechanism applied in accordance with the *Local Government (Functions and General) Regulations 1996* to support local suppliers within the defined region.

SHIRE POLICY 2.5

Purchasing & Procurement

Tender (Public Tender) means a formal procurement process conducted in accordance with Part 4 Division 2 of the *Local Government (Functions and General) Regulations 1996*, involving public advertisement and structured evaluation.

Variation means an approved change to the scope, value or terms of an existing contract or purchase order.

4. POLICY STATEMENT

4.1. Ethics & Integrity

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.
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 transparency, 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.

4.2. Value for Money

1. Value for money is one of the overarching principles governing purchasing that allows the best possible outcome to be achieved for the Shire. 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. 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.

SHIRE POLICY 2.5

Purchasing & Procurement

- 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.
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.

4.3. Sustainable Procurement

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

4.4. Supporting Local Industry – Regional Price Preference

1. The Shire encourages, promotes and supports economic development for local suppliers permanently based throughout our district, by way of ensuring that its buying practices and procedures consider the involvement of local businesses and residents.
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.
3. The *Local Government (Functions and General) Regulations 1996* provide opportunity for local government to establish Regional Price Preference.
 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.
 5. The region this policy relates to is the entire Shire of Chittering area.
 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;

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Purchasing & Procurement

- 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.
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.
 8. A regional price preference applies whenever contracts / tenders are called unless the local government resolves otherwise in reference to a particular contract / tender/
 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.

4.5. Purchasing Thresholds

Purchasing 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

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.
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.
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.
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. The general principles for verbal and written quotations shall be followed as noted below.
6. General principles for obtaining verbal quotations

SHIRE POLICY 2.5

Purchasing & Procurement

- 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 recoded.
 - Record keeping requirements must be maintained in accordance with record keeping policies.
7. All documents relating to the quotation process must be saved in the Shire's relevant Electronic Management System.
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.

4.6. 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.

4.7. 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*.

SHIRE POLICY 2.5

Purchasing & Procurement

- 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 exclusion under Regulation 11 of the *Local Government (Functions and General) Regulations 1996* apply.

4.8. Contractors

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.
2. Contractor Engagement Procedures
 - 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.
 - 2.2. The tender or contractual documentation should contain appropriate indemnity insurance clauses.
 - 2.3. Contractors must provide current Certificate 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.
 - 2.4. All documentation and insurances specified above (in point 8.2.3) are to be kept current for the duration of the contract.
 - 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.
3. Contractor Termination

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

 - a) 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.
 - b) The Shire may terminate its agreement with the contractor immediately upon written notice to the contractor if the contractor enters bankruptcy or enters into

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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.

4.9. 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.*

4.10. Anti-Avoidance

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

4.11. Variations to Purchase Orders

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.
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.

4.12. 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.

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

- 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.

4.13. Advertising Tenders

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.
2. The advertisement shall be placed on the public notice boards located at the Shire Administration and Library building.
3. Tenders are also to be advertised on the Shire’s website or social media administered by the Shire.
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.
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 good 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.

4.14. Issuing Tender Documentation

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.
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 not to compromise its duty to be fair.

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4.15. Tender Deadline

Tenders must be received in full, in the required format, by the advertised tender deadline (close date), and 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.

4.16. Opening of Tenders

1. No tenders are to be removed from the tender box, or opened (read or evaluate) prior to the tender deadline or close date.
2. Tenders are to be opened in the presence of the panel. The details of all tenders received and opened shall be recorded into the 'Tenders Register'.
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.
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.

4.17. No Tenders Received

In accordance with s11.2(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.

4.18. Tender Evaluation

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

4.19. Tender Acceptance

That the CEO 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).

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4.20. Addendum to Tender

If, after the tender has been publicly advertised, and 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.

4.21. Minor Variation

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.
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.

4.22. 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.

4.23. 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.

4.24. 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

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- 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.

4.25. Purchasing from WA Disability Enterprises

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.
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 s5 (Purchasing Thresholds and Processes) of this Policy. There are seven Disability Enterprises registered in Western Australia.
3. A complete list of approved organisations is available from the following website: www.wade.org.au.

5. ROLES AND RESPONSIBILITIES

Council is responsible for adopting this Policy, determining purchasing thresholds requiring Council approval, and awarding contracts in accordance with the *Local Government (Functions and General) Regulations 1996*.

The Chief Executive Officer is responsible for ensuring the implementation of this Policy, exercising delegated authority for procurement and tender acceptance within approved limits, and maintaining appropriate systems of internal control.

The Deputy Chief Executive Officer is responsible for overseeing procurement governance, ensuring compliance with legislative requirements, and providing advice to officers on purchasing and tender processes.

All employees involved in purchasing are responsible for complying with this Policy, observing ethical standards, declaring conflicts of interest, and ensuring accurate documentation is retained in accordance with record keeping requirements.

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6. COMPLIANCE

Legislation	<p>Local Government Act 1995</p> <p>Local Government (Functions and General) Regulations 1996</p> <p>Local Government (Financial Management) Regulations 1996</p> <p>State Records Act 2000</p> <p>Work Health and Safety Act 2020</p> <p>Competition and Consumer Act 2020</p>
Industry	<p>Western Australian Local Government Association (WALGA) Procurement and Governance Guidelines</p> <p>Department of Local Government, Industry Regulation and Safety Financial Management and Tendering Guidance</p>
Organisational Documents	<p>Delegations Register</p> <p>Policy 1.5 – Record Keeping</p> <p>Record Keeping Plan</p> <p>Policy 4.1 – Code of Conduct – Elected Members, Committee Members and Candidates</p> <p>Policy 1.9 – Risk Management</p> <p>Long Term Financial Plan</p> <p>Annual Budget</p>
Strategic Alignment	

7. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	July 2027
Policy Owner	Deputy Chief Executive Officer		
Version	Decision Ref	Date	Change
1.0		19/04/2009	Initial adoption
2.0		28/10/2015	Amendment
3.0		26/10/2016	Amendment
4.0		07/08/2018	Amendment
5.0		16/06/2021	Amendment
6.0		20/07/2022	Amendment
7.0		19/10/2022	Amendment

SHIRE POLICY 2.6

Change in Use of Rural Land

Responsible Department:	Corporate Services
Responsible Business Unit:	Deputy Chief Executive Officer
Date of Adoption:	21 June 2023
Council Resolution:	170623

1. OBJECTIVE

The objective of this Policy is 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.

2. SCOPE

This policy applies to rural land within the Shire of Chittering where there is a change in the predominant land use, or where subdivision results in a change in valuation methodology.

This policy governs the assessment process, referral to the Minister for Local Government, and implementation of valuation changes from Unimproved Value (UV) to Gross Rental Value (GRV), including notification to affected landowners.

3. DEFINITIONS

Gross Rental Value (GRV) means the gross annual rental value of land as determined by the Valuer General under the *Valuation of Land Act 1978* for rating purposes.

Rural land means land rated on the basis of Unimproved Value (UV) and zoned or used for rural purposes.

Subdivision means the division of land into two or more lots approved by the Western Australian Planning Commission (WAPC).

Unimproved Value (UV) means the capital value of land excluding the value of improvements, as determined by the Valuer General under the *Valuation of Land Act 1978*.

4. POLICY STATEMENT

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 methods 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.

SHIRE POLICY 2.6

Change in Use of Rural Land

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.

5. ROLES AND RESPONSIBILITIES

Council is responsible for determining the method of valuation to be applied within its district in accordance with the *Local Government Act 1995*, subject to Ministerial approval where required.

The Chief Executive Officer is responsible for ensuring the implementation of this Policy, including making application to the Minister for Local Government for changes in valuation methodology where appropriate.

The Deputy Chief Executive Officer is responsible for overseeing the assessment of land use changes, coordinating referrals to the Minister, and ensuring affected landowners are notified of decisions and appeal rights.

The Rates Officer is responsible for administering valuation changes once approved, updating rating records, and maintaining accurate documentation in accordance with legislative and record keeping requirements.

SHIRE POLICY 2.6

Change in Use of Rural Land

6. COMPLIANCE

Legislation	<i>Local Government Act 1995</i> <i>Valuation of Land Act 1978</i> <i>Local Government (Financial Management) Regulations 1996</i> <i>Planning and Development Act 2005</i> <i>Transfer of Land Act 1893</i> <i>State Records Act 2000</i>
Industry	Department of Local Government, Industry Regulation and Safety – Rating Guidance Landgate Valuation Policies and Guidelines
Organisational Documents	Policy 2.2 – Rating Long Term Financial Plan Annual Budget Delegations Register Policy 1.5 – Record Keeping
Strategic Alignment	

7. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	November 2028
Policy Owner	Deputy Chief Executive Officer		
Version	Decision Ref	Date	Change
1.0		20/11/2013	Initial adoption
2.0		21/06/2023	Amendment

SHIRE POLICY 2.7

Related Party Disclosures

Responsible Department:	Corporate Services
Responsible Business Unit:	Deputy Chief Executive Officer
Date of Adoption:	21 June 2023
Council Resolution:	170623

1. OBJECTIVE

The objective 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*.

2. SCOPE

This policy applies to Elected Members, Key Management Personnel and related parties of the Shire of Chittering.

This policy governs the identification, assessment, disclosure and reporting of related party relationships and transactions in accordance with AASB 124 and applicable legislation.

3. DEFINITIONS

Close members of the family of a person means those family members who may be expected to influence, or 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 means under "*Identification of Key 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*".

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.

4. POLICY STATEMENT

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 (AASB) determined that *AASB 124 – Related Party Disclosure* will apply to government entities, including local governments. The objective of the accounting standard is to ensure that annual financial statements contain

SHIRE POLICY 2.7

Related Party Disclosures

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 KMP act honestly and with reasonable care and diligence whilst avoiding improper use of their position and information. It is equally important that KMP 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.

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.

4.1. 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 KMP of 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. KMP of Council;
3. Close family members of KMP;
4. Possible close family members of KMP's; and
5. Entities or persons that re 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 is any of the following apply:

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Related Party Disclosures

- 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.

4.2. 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 case 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.

4.3. 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:

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Related Party Disclosures

- 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.

4.4. Frequency of disclosures

The Related Party Disclosures – Declaration form must be completed by Elected Members and KMP prior to termination of officer or termination of employment.

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

- a. The nature of the related party relationship; and
- b. Relevant information about the transactions including:
 - i. The amount of the transaction;
 - ii. The amount of outstanding balances, including commitments;
 - iii. Provision for doubtful debts related to the amount of outstanding balances; and
 - iv. 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 AASB 124 and other relevant standards, as required.

4.5. 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 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.

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Related Party Disclosures

4.6. 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.

4.7. 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.

4.8. 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.

4.9. Disclosure Requirements

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

4.10. 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.

5. ROLES AND RESPONSIBILITIES

Council is responsible for adopting this Policy and ensuring related party disclosures are made in accordance with legislative and accounting requirements.

The Chief Executive Officer is responsible for ensuring the implementation of this Policy and that appropriate systems are in place to identify, assess and disclose related party relationships and transactions.

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Related Party Disclosures

The Deputy Chief Executive Officer is responsible for coordinating the annual identification process, maintaining the Related Party Register, and ensuring disclosures are incorporated into the Shire's Annual Financial Statements in accordance with AASB 124.

Elected Members and Key Management Personnel are responsible for declaring related party relationships and transactions in a timely manner, completing required disclosure forms, and updating information where circumstances change.

Governance is responsible for maintaining records of declarations and ensuring information is securely stored and managed in accordance with legislative requirements.

6. COMPLIANCE

Legislation	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> <i>Local Government (Model Code of Conduct) Regulations 2021</i> <i>Corruption, Crime and Misconduct Act 2003</i> <i>State Records Act 2000</i> <i>Freedom of Information Act 1992</i>
Industry	Australian Accounting Standards AASB 124 – Related Party Disclosures
Organisational Documents	Policy 4.1 – Code of Conduct – Elected Members, Committee Members and Candidates Primary and Annual Returns Register Related Party Disclosure Form
Strategic Alignment	

7. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	February 2029
Policy Owner	Deputy Chief Executive Officer		
Version	Decision Ref	Date	Change
1.0		20/11/2019	Initial adoption
2.0		20/07/2022	Amendment
3.0		21/06/2023	Amendment

SHIRE POLICY 2.8

Financial Hardship – Collection of Rates and Service Charges

Responsible Department:	Corporate Services
Responsible Business Unit:	Chief Executive Officer
Date of Adoption:	21 June 2023
Council Resolution:	000000

1. OBJECTIVE

The objective 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.

2. SCOPE

This Policy applies to ratepayers experiencing financial hardship in relation to rates and service charges levied by the Shire of Chittering.

This policy governs the assessment of hardship applications, payment arrangements and suspension of debt recovery processes in accordance with the *Local Government Act 1995* and associated regulations.

3. DEFINITIONS

Debt Recovery Action means action taken by the Shire to recover unpaid rates and service charges in accordance with the *Local Government Act 1995*, including referral to a debt collection agency, legal proceedings, lodging of a caveat, or action under s6.64 of the *Act*.

Financial Hardship means a situation where a ratepayer is unable to meet their rate and service charge obligations due to genuine financial difficulty beyond their reasonable control.

Service Charges means a charge imposed under the *Local Government Act 1995* or the provision of a prescribed service to land.

Payment Arrangement means an agreed schedule of payments entered into under s6.49 of the *Local Government Act 1995* to enable a ratepayer to pay outstanding rates and service charges over time.

4. POLICY STATEMENT

4.1. 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:

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Financial Harship – Collection of Rates and Service Charges

- 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 out statutory responsibilities.

4.2. Payment Arrangements

Payment arrangements facilitate in accordance with s6.49 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 any change in circumstance that jeopardises the agreed payment schedule.

4.3. 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*.

4.4. 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.

SHIRE POLICY 2.8

Financial Harship – Collection of Rates and Service Charges

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.

4.4.1. Financial Counselling Contact Numbers

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

4.5. 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
- s6.51 of the Local Government Act 1995 (the Act)
- s6.12 of the Act
- Delegated Authority Register

4.6. 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 CEO for a ruling.

5. ROLES AND RESPONSIBILITIES

Council is responsible for adopting this Policy and determining any fees, interest and charges through the Annual Budget in accordance with the *Local Government Act 1995*.

The Chief Executive Officer is responsible for ensuring the implementation of this Policy and for exercising delegated authority to approve, vary or refuse financial hardship arrangements in accordance with legislative requirements.

The Deputy Chief Executive Officer is responsible for overseeing the assessment of hardship applications, ensuring consistency and fairness in decision-making, and monitoring compliance with agreed payment arrangements.

SHIRE POLICY 2.8

Financial Harship – Collection of Rates and Service Charges

The Rates Officer is responsible for administering payment arrangements, maintaining accurate records, suspending and recommencing debt recovery action as required, and ensuring documentation is retained in accordance with legislative and record keeping requirements.

Ratepayers seeking assistance are responsible for providing accurate and timely information relevant to their financial circumstances and for complying with agreed payment arrangements.

6. COMPLIANCE

Legislation	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> <i>Rates and Charges (Rebates and Deferments) Act 1992</i> <i>Transfer of Land Act 1893</i> <i>State Records Act 2000</i>
Industry	Western Australian Local Government Association Rating and Debt Recovery Guidance
Organisational Documents	Delegations Register Policy 2.2 – Rating Long Term Financial Plan Annual Budget Policy 1.5 – Record Keeping
Strategic Alignment	

7. ADMINISTRATION

Review Cycle	Every 3 years	Next Review Due	March 2029
Policy Owner	Chief Executive Officer		
Version	Decision Ref	Date	Change
1.0		15/04/2020	Initial adoption
2.0		21/06/2023	Amendment



Ms Melinda Prinsloo
Chief Executive Officer
Shire of Chittering
PO Box 70
BINDOON WA 6502

Dear Ms Prinsloo,

Date for Local Government Extraordinary Election 2026

Thank you for the recent email from Scott Clayton, dated 4 March 2026, advising of the resignation of Councillor Mark Campbell effective 3 March 2026, and confirming that an extraordinary election will therefore be required for the Shire of Chittering.

I note that as per section 4.9(1) of *the Local Government Act 1995*, Council has one (1) month after the vacancy occurring (the day the resignation is received) to decide on and fix the election day for the extraordinary election. The *Local Government Act 1995* allows for either the WAEC to conduct the extraordinary election or for the Local Government to conduct the election in-house, with the CEO as the Returning Officer.

To assist your Council in making this decision, I am writing to advise you that the earliest date that the Western Australian Electoral Commission (WAEC) can conduct an extraordinary election is **Thursday 25 June 2026**. This is also our preferred date for the election.

This letter also serves as your cost estimate. The WAEC has estimated the cost to conduct this election at approximately **\$28,000** (ex GST). This cost has been based on the following assumptions:

- The method of election will be postal
- 1 Councillor vacancy
- 4850 electors
- response rate of approximately 35%
- appointment of a local Returning Officer
- the Shire providing all other electoral officers to assist in the conduct of the election
- count to be conducted at your office using CountWA.

The WA Electoral Commission conducts elections on the basis of full accrual cost recovery, in accordance with *the Local Government (Elections) Regulations 1997*. This means if the actual costs to conduct the election are less or greater than what we have estimated, the final cost may differ from the estimate we have provided.

We aim to keep additional costs at a minimum, however examples of where cost increases may arise include:

- you select Australia Post Priority Service for the lodgement of your election package
- casual staff are required to be provided for the issuing of Replacement Election Packages;
- casual staff are required to be provided to assist the Returning Officer on election day or with the count at night
- unanticipated cost increases from our suppliers

Please advise us in writing as soon as practicable that you accept to take this cost estimate to Council, so I can provide you with my written agreement to conduct the election in a separate letter. Both the cost estimate letter and the written agreement letter then need to be taken to Council for a decision.

The WA Electoral Commission is available to you to provide any further advice or support. If you have any queries please contact Phil Richards, Manager Election Events, at lgelections@waec.wa.gov.au.

Yours sincerely



Dennis O'Reilly
ELECTORAL COMMISSIONER

5 March 2026



Ms Melinda Prinsloo
Chief Executive Officer
Shire of Chittering
PO Box 70
BINDOON WA 6502

Dear Ms Prinsloo,

Written Agreement: 2026 Local Government Extraordinary Election

Thank you for your correspondence dated 6 March 2026 in which you accept to take the Western Australian Electoral Commission's cost estimate for your 2026 local government extraordinary election to your next Council meeting.

I am pleased to provide this letter as my written agreement to be responsible for the conduct of your local government extraordinary election. In order to finalise this agreement, please submit the following motions to Council for a postal election as required under the *Local Government Act 1995*:

1. declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2026 extraordinary election, together with any other elections or polls which may be required;
2. decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

Please note:

- the above motions must be presented to Council as drafted and cannot be amended in any way
- both the Cost Estimate letter, and this Written Agreement letter should be attached to the item for Council's consideration
- the above motions must be passed by an absolute majority

Once the Council passes the above mentioned motions, please forward confirmation to us via the email address below. We will then proceed with arrangements for your ordinary election.

The WA Electoral Commission is available to you to provide any further advice or support. For any queries, please contact please contact Phil Richards, Manager Election Events via email at lgelections@waec.wa.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D O'Reilly'.

Dennis O'Reilly
ELECTORAL COMMISSIONER

6 March 2026