



# POLICY MANUAL

## Introduction

The Local Government Act 1995 empowers Council in the determination of policy under s2.7 Role of Council - “(2) (b) determine the local government’s policies.”

In simple terms policy provides what can be done, CEO Policies/Management Practices provide how it is done and delegation provides who can do it.

The Shire needs Council Policies and CEO Policies/Management Practices to guide both its direction and operations and Planning policies relating to planning and development within Local Planning Scheme areas.

### Council Policies

Council policies set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic, external focus and align with the mission, vision, and strategic direction of the Shire.

Council Policies are developed to further the achievement of the Shire’s strategic goals or contribute to outcomes relating to mandatory obligations. They are defined courses of action related to circumstances which guide employee in what is permissible when dealing with related matters.

Policies arise generally in response to:

- Discretionary legislated powers; and/or
- Non-legislated functions/activities of Council, e.g., provision of Community Services, and mainly relate powers under the Local Government Act 1995.

Council Policy provides for “the rationale and guiding principles of what can be done”, and CEO/Management Practices explains “how” Management will implement or carry out that Policy.

It is important to note that some Policies are legislatively binding (and required to be developed and applied pursuant to the Local Government Act 1995) such as:

- Professional Development for Council Members,
- Attendance/Tickets to Events,
- Code of Conduct for Council Members, Committee Members, and Candidates,
- Gratuities for Employees,
- CEO Standards,
- Acting CEO,
- Legal representation,
- Financial hardship,
- Regional Price Preference Policy,
- Purchasing Policy

In those cases, the Council Policies are duplicated in the CEO Policies/Management Practices to ensure Shire employees can access all Policies and related matters, in the one document.

Otherwise, most Council Policies provide guidance only, and when good reasons prevail and are documented, can be set aside by Council, subject to legislative compliance.

#### CEO Policies/Management Practices

CEO Policies/Management Practices are developed for administrative and operational requirements. They have an internal focus and form the strategies and actions for policy implementation and provide details of the actions and processes required by employees.

#### Planning Policies

Planning policies have been prepared in accordance with Clauses 3, 4 and 5 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 which allows Council to prepare local planning policies relating to planning or development within the Scheme area.

#### Structure of Council Policy Manual

The structure of the Manual is based on:

- a) Elected Members and Employees (EME) – Policies which relate to executive employees specifically, and to all employees, including Human Resources, both statutory (such as the Code of Conduct) or guiding/advisory.
- b) Corporate and Finance (CF) – Policies which relate to corporate or financial matters, both statutory (such as Purchasing and Procurement) or guiding/advisory.
- c) Infrastructure and Development (ID) – Policies to apply in relation to the provision of technical and development services.
- d) Community (CM) - Policies to apply in relation to the community.

#### Policy Format

Except for a Policy developed under the Local Planning Scheme or a format prescribed by legislation, Executive Policies and Management Practices and Procedures will adhere to the following format:

- a) Policy Name/Title/File Number
- b) Policy Purpose
- c) Policy Statement
- d) Document Control Box (Containing definitions, relevant legislation, links to supporting documents, risk rating and the review schedule).

#### Policy Review

Each Policy will have a review date – some annually, some, every 2 years, and others every 4 years.



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## Introduction

The *Local Government Act 1995* empowers Council in the determination of policy under s2.7 Role of Council - “(2) (b) determine the local government’s policies.”

In simple terms policy provides what can be done, management practices provide how it is done and delegation provides who can do it. The Shire has Council and Operational Policies to guide both its direction and operation and Planning policies relating to planning and development within Local planning scheme areas.

### Council Policies

Council policies set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic, external focus and align with the mission, vision, and strategic direction of the Shire.

Council Policies are developed to further the achievement of the Shire’s strategic goals or contribute to outcomes relating to mandatory obligations. They are defined courses of action related to circumstances which guide employee in what is permissible when dealing with related matters.

Policies arise generally in response to:

- Discretionary legislated powers; and/or
- Non-legislated functions/activities of Council, e.g., provision of Community Services, and mainly relate powers under the Local Government Act 1995.

Council Policy provides for “the rationale and guiding principles of what can be done”, and Management Practice explains “how” Management will implement or carry out that Policy.

It is important to note that although some Policies are legislatively binding (and required to be developed and applied by the Local Government Act 1995) most Policies provide guidance only, and when good reasons prevail and are documented, can be set aside.

### Operational Policies

Operational policies are developed for administrative and operational requirements. They have an internal focus and form the strategies and actions for policy implementation and provide details of the actions and processes required by employee.

### Planning Policies

Planning policies have been prepared in accordance with Clauses 3, 4 and 5 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 which allows Council to prepare local planning policies relating to planning or development within the Scheme area.

### PURPOSE OF COUNCIL POLICIES

Council Policies provide guidance for future decisions and behaviour and the achievement of rational outcomes.

Council policies show the approach that the Council intends to be taken in a particular issue and:



- Support consistency and equity in decision making,
- Facilitate prompt responses to customer requirements; and
- Promote operational efficiency.

This Policy Manual is an essential component of Council's governance framework and guides Council, Management, and residents in the context of Council's decision making.

### 1. Council Policy Manual – Structure

The structure of the Policy Manual is based on:

- Elected Members and Executive (EME) – Policies which relate to elected members, both statutory (such as the Code of Conduct) or guiding/advisory (such as reimbursement of expenses, access to facilities).
- Corporate and Financial (CF) – Policies which relate corporate or financial matters, both statutory (such as Purchasing and Procurement) or guiding/advisory.
- Infrastructure and Development (ID) – Policies which are determined by Council, to apply in relation to the provision of technical and development services.
- Community Services (COM) - Policies which are determined by Council, to apply in relation to the provision of community services.

### 2. Council Policy Development /Review

#### 2.1 Development

Council Policy development may be initiated by one or more of the following:

- Elected Members - Request by one of more Elected Members for a Policy to address an identified strategic requirement.
- CEO recommendation due to changes in regulatory requirements – Introduction of new Legislation or amendments to existing Legislation.

#### 2.2 Review

A Council Policy review may be initiated in response to the following:

- A request made to the CEO by one or more Elected Members,
- A change to regulatory requirements,
- Employee recommendation to the CEO,
- Within a six-month period following an Ordinary Election; or
- On or after the recommended Policy review date.

A Council Policy is to be reviewed on a biennial basis from the date of last review, unless statutory requirements provide for an annual review.

Reports to Council must detail relevant Policies as this provides:





- a) guidance to Elected Members in their deliberations on the matter in hand; and
- b) information for residents, ratepayers, and stakeholders

EME001				CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS, AND CANDIDATES FOR ELECTION			
<b>POLICY OWNER:</b>				Council			
<b>DEPARTMENT:</b>				Office of the CEO			
<b>CREATION DATE:</b>				<b>REVIEW SCHEDULE:</b>		Annually, (NB: In election years, the review will follow commencement of new Council.	
<b>RELATED PROCEDURES:</b>				Must be Adopted by Absolute Majority			
<b>RELATED FORMS:</b>							
<b>RELATED DELEGATIONS:</b>							
<b>RELATED POLICIES:</b>				Dealing with Complaints Appointment of Complaints Officer			
<b>LEGISLATION:</b>				s5.103, 104 Local Government Act 1995 Local Government (Model Code of Conduct) Regulations 2021			
DOCUMENT CONTROL							
<b>DATE REVIEWED:</b>		<b>REVIEWED BY:</b>		<b>CHANGES (IF ANY):</b>		<b>ENDORSED BY COUNCIL:</b>	
23/08/2022		Council		Nil		FC7/8/22	
28/03/2023		Council		Nil		FC 5/3/23	

## EME001 Code of Conduct for Council Members, Committee Members and Candidates

### Purpose

This Code of Conduct for Shire of Carnarvon Council Members, Committee Members and Candidates has been adopted in compliance with s5.103, 5.104 of the Local Government Act 1995.

### Policy Statement

This Code of Conduct for Council Members, Committee Members and Candidates was adopted by Council by Absolute Majority on 27 April 2021.

#### Division 1 — Preliminary provisions

#### 1. Citation

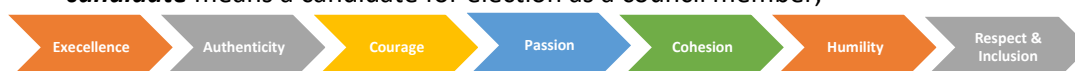
This is the *Shire of Carnarvon Code of Conduct for Council Members, Committee Members and Candidates*.

#### 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. 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

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.

## 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.

EME002		ATTENDANCE/TICKETS TO EVENTS	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually, and in election years, following commencement of new Council.
<b>RELATED PROCEDURES:</b>	Must be adopted by Absolute Majority		
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	s5.90A Local Government Act 1995 s5.90A		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22
28/03/2023	Council	Nil	FC 5/3/23

## EME002 Attendance/Tickets to Events

### Purpose

To ensure compliance with s5.90 Local Government Act 1995 by having a compliant Policy which guides Elected Members and the CEO in relation to tickets/attendance at events.

This policy is made in accordance with those provisions and addresses attendance at any events, including concerts, conferences, functions, or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government.

The purpose of the policy is to provide transparency about the attendance at events of Elected Members and the Chief Executive Officer (CEO) and establish guidelines for the management of acceptance invitations to events or functions

### Policy Statement

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

### Legislation

5.90A. Policy for attendance at events

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



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

*\* Absolute majority required.*

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

*\* Absolute majority required.*

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

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

#### PROVISION OF TICKETS TO EVENTS

##### Invitations

All invitations or offers of tickets for an Elected Member or CEO to attend an event should be in writing and addressed to the Shire President or CEO.

Any invitation or offer of tickets that is not addressed to the Shire President or CEO is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.

In addition to tickets offered by third parties, the CEO in consultation with the Shire President may purchase tickets for the purposes of Shire representation at an event

##### Approval of attendance

In deciding on attendance at an event, the following matters will be considered:

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

### Pre- Approved Events

To meet the policy requirements tickets and invitations to pre-approved events must be received by the Shire.

The Shire President, all Elected Members and the CEO are entitled to attend a pre-approved event. If there is a fee associated with a pre-approved event the fee will be paid for by the Shire out of the Shire's budget.

When events and attendees are pre-authorised, the attendees are authorised in order of priority, subject to the number of available invitations/tickets. Where there are insufficient invitations/tickets available for all pre-authorised attendees, the Shire President (in liaison with the CEO) will determine final attendance.

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

- Advocacy lobbying or Ministerial briefings,
- State and Federal Consular Events,
- Meetings of clubs or organisations within the Shire of Carnarvon,
- Any free event held within the Shire of Carnarvon,
- Australian or West Australian Local Government events,
- Events hosted by Clubs or Not for Profit Organisations within the Shire,
- Events hosted by Clubs or Not for Profit Organisations within the Shire of Carnarvon to which the Shire President, Elected Members or Chief Executive Officer have been officially invited including -
  - Shire hosted ceremonies and functions,
  - Shire hosted events with employees,
  - Shire run events
  - Where the Shire President or Chief Executive Officer representation has been formally requested.

### Approval Process – Events not pre-approved

Where an invitation is received to an event that is not pre-approved, it may be submitted for approval, on the form provided at Attachment A, no later than three business days prior to the event, for approval as follows:

- Events for the Shire President will be approved by the Chief Executive Officer,
- Events for Elected Members will be approved by the Shire President; and
- Events for the Chief Executive Officer will be approved by the Shire President.

Although the Shire will not generally pay for the partner of an Elected Member or the CEO to accompany them to an event, if the event is held outside of normal business hours and attendance is



appropriate, invitations/tickets received by the Shire may be provided for this purpose where available.

The Shire President may delegate any approved attendance to an event (by the Shire President) to the Deputy Shire President or another Elected Member.

#### Payments in respect of attendance

If it is determined that an Elected Member or the CEO should attend either a pre-approved event or an event approved in accordance with the process set out in section 4 of this policy, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.

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

#### Definitions

Event includes the following –

- a concert,
- a conference,
- a function,
- a sporting event,
- an occasion of a kind prescribed for the purposes of this definition.



ATTACHMENT A

ATTENDANCE AT EVENTS APPLICATION

Elected Member Name:

Name of Event\* \_\_\_\_\_

Organisation / Person \_\_\_\_\_

Event Date/s: \_\_\_\_\_

Location: \_\_\_\_\_ Cost: \_\_\_\_\_

\* Attach any information, flyer etc. you may have How will participation in this event meet the criteria in Council’s policy E064 Attendance at Events?

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Office Use only Budget Allocation Available: \$ COA

- Does the request for attendance at an event meet the criteria in Council Policy EME002 – Attendance at Events? In deciding on attendance at an event, the following matters will be considered:
  - who is providing the invitation or ticket to the event,
  - the location of the event in relation to the local government (within the district or out of the district),
  - the role of the Elected Member or CEO when attending the event (participant, observer, presenter) and the value of their contribution,
  - whether the event is sponsored by the local government,
  - the benefit of local government representation at the event,
  - the number of invitations/ tickets received; and
  - the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation

Yes / No\* (\*Circle option) If No please provide comment below:

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Approved: \_\_\_\_\_ Date: \_\_\_\_\_ Shire President/ Deputy Shire President/ CEO Submit completed form to the Office of the CEO for processing no less than three working days prior to the event.



EME003 ELECTED MEMBERS INDUCTION, PROFESSIONAL DEVELOPMENT, AND CONFERENCE ATTENDANCE POLICY			
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>	Must be adopted by Absolute Majority		
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	s5.126, 5.127, 5.128 Local Government Act 1995 Local Government (Administration) Regulations 1996 Part 10		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22
28/03/2023	Council	Update policy name to "Elected Members Induction, Professional Development and Conference Attendance Policy". Change to objectives to reflect intent of policy. Insertion of new text under 'Continuing Professional Development' insertion of new paragraph 'Elected Member training is..... to enable full participation within the Community' and add 'No training or PD to occur during caretaker period'	FC 5/3/23

## EME003 Elected Members Induction, Professional Development, and Conference Attendance Policy

### OBJECTIVES

- To provide a policy position on the induction and continuing professional development of elected members that is compliant with Section 5.128 of the *Local Government Act 1995* and articulates Council's commitment to best practice governance.

### POLICY STATEMENT/S

#### Induction

- Elected Members need to develop a clear understanding of their role and responsibilities when first elected to Council. It is important that Elected Members understand key processes and deliverables required by statute, especially as with each new Council there will be a requirement to review strategic direction and key long-term planning documents.
- An accessible, informative induction program is essential to newly appointed Elected Members being able to understand their role and to be able to move quickly and easily into their governance responsibilities after being elected to Council.

- It is also important that returning members have their understanding refreshed and they are aware of any changes to statutory requirements, organisational direction and issues arising.
- It is equally important that new and returning members are provided with the same information.
- Sitting and returning Elected Members will support newly appointed Elected Members by participating in the induction process.

#### Subjects to be covered in Induction

- Elected Members' Responsibilities
- Elected Members Support
- Meeting Procedures and Protocols
- Decision-making Framework
- Integrated Planning and Reporting
- Financial Management Framework
- Professional Risk and Liability of an Elected Member
- Land Use Planning
- Ensure understanding of compulsory training and timeframes

#### Mandatory Training

- All Elected Members are to ensure they complete the prescribed training course, within 12 months of being elected in accordance with the requirements of the *Local Government Act 1995*. The course has been developed to provide members with the skills and knowledge to perform their roles as leaders in their district.

#### Continuing Professional Development

- The Shire supports the ongoing professional development of Elected Members, particularly in relation to roles, responsibilities, interests, individual conduct, and meeting procedure.
- Elected Member training is available to Diploma level through WALGA and, where possible, Elected Members will be supported to complete the training.
- External Committee Training If Elected Members are nominated and approved to sit on an external committee which requires training as part of the membership, this training to be carried out as soon as practicable to enable full participation within the Committee.
- Elected Members training, with the exception of the Mandatory Training, must be endorsed by Council in consideration of benefit to the Community and budgetary implications.





- Notices inviting Council to nominate delegates to conferences, meetings, and similar occasions to be circulated to all Elected Members.
- Any Elected Member who wishes to represent Council at such an event shall request nomination at a Council meeting and must demonstrate genuine value to the position as an Elected Member and the community in general to the satisfaction of Council.
- Council shall decide by resolution to nominate such representative/s as Council may consider is subject to budgetary constraints.
- Following attendance of a conference, the Elected Member/s having attended the conference shall present, in person to the Council a summary of the conference deliverables and the relevant benefit to the Shire.

#### Register of Professional Development

- As required by the *Local Government Act 1995*, the Shire will:
- maintain a Register of Professional Development undertaken by Elected Members and publish the Register on the Shire’s website
- disclose, in the Annual Report each year, the professional development undertaken by Elected Members in the relevant period.

#### Election Caretaker Period

- Professional Development is not to be scheduled and/or expenses expended during the election caretaker period. Any CPD or compulsory training stipulated in this policy is to be completed prior to the caretaker period. The caretaker period is in accordance with EME024 Caretaker Policy – Shire Elections.

EME004		CEO STANDARDS, PERFORMANCE, MANAGEMENT REVIEW COMMITTEE	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually, and in election years, following commencement of new Council.
<b>RELATED PROCEDURES:</b>	Must be adopted by Absolute Majority		
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	s5.38, 5.39B Local Government Act 1995 s5.38, 5.39B cl 18FA, Schedule 2 Local Government (Administration) Regulations 1996		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22
28/03/2023	Council	Nil	FC 5/3/23

## EME004 CEO Standards, performance, and Management Review Committee

### OBJECTIVES

To ensure compliance with the Local Government Act 1995 by adopting CEO Standards to apply to the CEO at the Shire of Carnarvon.

To provide guidelines on meeting Council's obligations in relation to s5.36, 5.37, 5.38 and 5.39 of the Local Government Act 1995, and pursuant to the Shire of Carnarvon CEO Standards relating to the appointment, appraisal, dismissal, and contractual conditions of the CEO.

### POLICY STATEMENT/S

Shire of Carnarvon standards for CEO recruitment, performance and termination

These Standards were adopted by Council by Absolute Majority on 24 August 2021.

### Division 1 – Preliminary provisions

#### 1. Citation

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

#### 2. Terms used

- (1) In these standards —  
**Act** means the *Local Government Act 1995*;

- additional performance criteria** means performance criteria agreed by the local government and the CEO under clause 16(1)(b);
- applicant** means a person who submits an application to the local government for the position of CEO;
- contract of employment** means the written contract, as referred to in s5.39 of the Act, that governs the employment of the CEO;
- contractual performance criteria** means the performance criteria specified in the CEO's contract of employment as referred to in s5.39(3)(b) of the Act;
- job description form** means the job description form for the position of CEO approved by the local government under clause 5(2);
- local government** means the *[insert name of local government]*;
- selection criteria** means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;
- selection panel** means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.
- (2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act unless the contrary intention appears.

## Division 2 — Standards for recruitment of CEOs

### 3. Overview of Division

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

### 4. Application of Division

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

(2) This Division does not apply —

(a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of s5.36(5A) of the Act; or

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

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

(1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications

and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.

- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
  - (a) the duties and responsibilities of the position; and
  - (b) the selection criteria for the position determined in accordance with subclause (1).

## 6. Advertising requirements

(1) If the position of CEO is vacant, the local government must ensure it complies with s5.36(4) of the Act and the Local Government (Administration) Regulations 1996 regulation 18A.

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

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

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

- (a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
  - i) email a copy of the job description form to an email address provided by the person; or
  - ii) mail a copy of the job description form to a postal address provided by the person.

## 8. Establishment of selection panel for employment of CEO

(1) In this clause —

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

- a) a council member;
- b) an employee of the local government;
- c) a human resources consultant engaged by the local government.

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

(3) The selection panel must comprise —

- a) Elected Members (the number of which must be determined by the local government); and
- b) at least 1 independent person.

## 9. Recommendation by selection panel

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
  - a) a summary of the selection panel's assessment of each applicant; and
  - b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
  - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
  - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
  - (a) in an impartial and transparent manner; and
  - (b) in accordance with the principles set out in s5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
  - (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
  - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
  - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

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

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

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

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

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

## 11. Offer of employment in position of CEO

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

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

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

## 12. Variations to proposed terms of contract of employment

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

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

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

(1) In this clause —

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

(2) This clause applies if —

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

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

and

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

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

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

#### 14. Confidentiality of information

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

#### Division 3 — Standards for review of performance of CEOs

#### 15. Overview of Division

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

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

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



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

**17. Carrying out a performance review**

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

**18. Endorsement of performance review by local government**

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

**19. CEO to be notified of results of performance review**

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

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

**20. Procedural Matters**

That the:

- (1) performance of the CEO be reviewed at least once in relation to each year of employment using the performance criteria contained in the Position Description.
- (2) part of the Ordinary Council Meeting, prior to a review, be closed to enable all Elected members to have input into the review of the CEO's performance.
- (3) performance review be carried out by the Management Review Committee with the assistance of an agreed external consultant in a closed meeting with the CEO.
- (4) review of delegations and Key Performance Indicators form part of the review process.



(5) record of proceedings be prepared by the CEO and when confirmed by the Management Review Committee, be provided to all Elected Members on a confidential basis for their information and endorsement.

(6) CEO's performance appraisal be conducted as close as possible to June/July to enable alignment with the budget process

#### **Division 4 — Standards for termination of employment of CEOs**

##### **20. Overview of Division**

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

##### **21. General principles applying to any termination**

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

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

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

- (a) notifying the CEO of any allegations against the CEO; and
- (b) giving the CEO a reasonable opportunity to respond to the allegations; and
- (c) genuinely considering any response given by the CEO in response to the allegations.

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

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

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

- (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the **performance issues**) related to the performance of the CEO; and
- (b) informed the CEO of the performance issues; and
- (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
- (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.

(3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under s5.38(1) of the Act.

**23. Decision to terminate**

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

**24. Notice of termination of employment**

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

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

Management Review Committee

The Council is to establish a Committee of Council titled 'Management Review Committee' to assist the Council in fulfilling its obligations in relation to the appointment, appraisal, dismissal, and the contractual conditions of the CEO.

The Management Review Committee shall be appointed by Council every two years and consist of the following-

- a) Shire President,
- b) A minimum of two other Elected Members.
- c) An agreed external consultant

The role of the Committee is to:

- a) Make recommendations to Council on the contractual conditions of the CEO,
- b) Make recommendations to Council on the recruitment process for the position of CEO,
- c) Undertake interviews and make selection recommendations to Council on the appointment of the CEO,
- d) Undertake the annual performance appraisal of the CEO and make recommendations to Council on the performance appraisal outcomes.
- e) The Committee is to ensure that the processes for the recruitment and selection, and the performance appraisal of the Chief Executive Officer provide for the participation of the full Council and must be in accordance with the Shire of Carnarvon CEO Standards.



### CEO Performance Review – Process

The performance of the CEO must be reviewed at least once in relation to each year of employment using the performance criteria contained in the Position Description.

That part of the Ordinary Council Meeting, prior to a review, be closed to enable all Elected Members to have input into the review of the CEO's performance.

That the performance review be carried out by the Management Review Committee with the assistance of an agreed external consultant in a closed meeting with the CEO.

That a review of delegations and Key Performance Indicators form part of the review process.

That a record of proceedings be prepared by the CEO and when confirmed by the Management Review Committee, be provided to all elected members on a confidential basis for their information and endorsement.

EME005		CEO LEAVE, APPOINTMENT OF ACTING OR TEMPORARY CEO	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>	Must be adopted by Absolute Majority		
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	s5.39C Local Government Act 1995		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22
28/03/2023	Council	Nil	FC 5/3/23

## EME005 CEO leave, appointment of Acting or Temporary CEO

### OBJECTIVES

To establish the processes for the CEO taking leave, or various kinds and for the appointment of an Acting CEO or Temporary CEO for periods of less than twelve months and to comply with the provisions of s5.39C of the Local Government Act 1995 regarding the appointment of an Acting CEO or Temporary CEO.

The intent of this policy is to ensure that an Executive Manager is to act in the role of the Chief Executive Officer (CEO) for periods of leave, or vacation of the position, for up to six (6) weeks only and to foster the professional development of the Executive Managers who desire to gain experience in the Acting CEO role.

### POLICY STATEMENT/S

#### CEO taking of leave

The Shire applies the following detail of any leave taken, with or without pay, including the detail of any claims for additional work over and above of the reasonable additional hours under the CEO employment contract. This will be done by providing Council with an annual report of leave taken by the CEO.

#### Acting CEO or Temporary CEO

The Executive Managers are eligible, pursuant to s5.39(1a) of the Local Government Act 1995 to act in the role of the CEO for any period up to six (6) weeks when the CEO is on leave, or the CEO position is vacated.

An Executive Manager is not required to act in the position of the CEO during periods when the CEO is away from the office on local government business, or for short periods of leave (1-5 days) when the CEO is contactable.

An employee appointed to temporarily act in an Executive Manager position referred to above is not considered to be suitably qualified to perform the role of Acting CEO or Temporary CEO.

The Acting CEO will receive the same rate of salary (cash component) as the CEO whilst acting in the role but is not entitled to specific allowances and benefits as detailed in the CEO's employment contract.

The CEO has delegated authority to make the necessary appointment, in accordance with this Policy.

#### Remuneration and conditions of Acting or Temporary CEO

Unless Council otherwise resolves, an employee appointed as Acting CEO or Temporary CEO shall be remunerated a cash component at 80% of the cash component only of the Substantive CEO's total reward package.

Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering a contract in accordance with the requirements of s5.39(1) and (2)(a) of the Act.

Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

#### Notes:

This Policy:

- a. Has been prepared on the need to fill the position of CEO for short periods in line with statutory requirements, and in an efficient manner to ensure the fluent operations of the organisation when, or if, the CEO needs, or seeks, to exercise a leave entitlement at short notice.
- b. Is subject to review every two (2) years or at the time of change in an Executive Manager position.
- c. Does not prevent Council from appointing another person to Act in the CEO position.
- d. Requires an absolute majority vote of Council in accordance s5.36(2) of the Local Government Act 1995.

EME006		REIMBURSEMENT OF ELECTED MEMBERS' EXPENSES	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	s5.98 (2)(a)(b); 5.99A Local Government Act 1995 Reg 32 Local Government (Administration) Regulations 1996 Public Service Award 1992		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22
28/03/2023	Council	Nil	FC 5/3/23

## EME006 Reimbursement of Elected Members' Expenses

### OBJECTIVES

To describe the basis on which Elected Members will be reimbursed for additional expenses incurred and to ensure Elected Members are not disadvantaged financially for expenses incurred in performing their official roles.

### POLICY STATEMENT/S

The Shire will consider reimbursing Elected Members for expenses incurred in performing their Elected Member role, which are not prescribed expenses, and which are not otherwise recoverable under an insurance policy.

Members may be reimbursed for Out-of-Pocket expenses incurred by them in respect of attending an approved event.

The reimbursement of actual expenses incurred are to be verified by sufficient information (i.e. invoices, tax receipts, etc). Alternatively, a Member may claim a sustenance allowance per day as prescribed from time to time.

The Shire is to be responsible for "other expenses" in relation to registration, travel, and accommodation for any approved event, conference, seminar, or training course.

Travelling costs shall be:

- By motor vehicle in a Shire vehicle unless otherwise agreed by the CEO.
- By private vehicle as approved by the CEO at a rate per kilometre as prescribed from time to time for the return journey.
- By other types of travel at actual cost based documented evidence.



Where a Member makes alternative arrangements for private accommodation and the Shire does not meet accommodation costs, the Member shall be entitled to claim an accommodation allowance per night as prescribed from time to time.

EME007		LEGAL EXPENSES - ELECTED MEMBERS AND EMPLOYEES	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22
28/03/2023	Council	Nil	FC 5/3/23

## EME007 Legal Expenses – Elected Members and Employees

### OBJECTIVES

To make available legal representation to Elected Members and Shire employees on matters which may arise during normal duties.

To facilitate full, frank, and impartial decision-making and actions by relevant persons (meaning current and former serving Elected Members, non-elected members of Council Committees and employees) in the performance of their roles and responsibilities in pursuit of good government of persons in the Shire.

### POLICY STATEMENT/S

#### Definitions

**Approved lawyer** means – (a) a ‘certified practitioner’ under the Legal Practice Act 2003 and from a law firm on the Shire of Carnarvon panel of legal service providers, or as otherwise determined by Council based on need for a specific skill and/or expertise (b) a person or firm approved in writing by the Council or the CEO under delegated authority.

**Elected Member or employee** means a current or former commissioner, Elected Member, non-Elected Member of a Council committee or employee of the Shire of Carnarvon. Legal proceedings mean civil, criminal, or investigative.

**Legal representation** means the provision of legal services to or on behalf of an Elected Member or employee, by an approved lawyer that is in respect of –

- a. a matter or matters arising from the performance of the functions of the Elected Member or employee; and
- b. legal proceedings involving the Elected Member or employee that have been or may be commenced.

**Legal representation costs** mean costs, including fees and disbursements, properly incurred in providing legal representation.



**Legal services** mean advice, representation or documentation that is provided by an approved lawyer.

**Payment** means payment by the Shire of Carnarvon of legal representation costs either by –

- a. a direct payment to the approved lawyer (or the relevant firm); or
- b. a reimbursement to the Elected Member or employee.

#### Legal Representation Criteria

There are four major criteria for determining whether the Shire of Carnarvon will pay the legal representation costs of an Elected Member or employee –

- a. the legal representation costs must relate to a matter that arises from the performance, by the Elected Member or employee, in fulfilling his or her functions for the Shire of Carnarvon.,
- b. the legal representation cost must be in respect of legal proceedings that have been, or may be, commenced,
- c. in performing his or her functions, to which the legal representation relates, the Elected Member or employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
- d. the legal representation costs do not relate to a matter that is of a personal or private nature.

#### Examples of legal representation costs that may be approved

If the criteria in this policy are satisfied, the Shire of Carnarvon may approve the payment of legal representation costs –

- a. where proceedings are brought against an Elected Member or employee in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the Elected Member or employee; or
- b. to enable proceedings to be commenced and/or maintained by an Elected Member or employee to permit him or her to carry out his or her functions -for example where an Elected Member or employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the Elected Member or employee; or
- c. where exceptional circumstances are involved – for example, where a person or organization is lessening the confidence of the community in the local government by publicly making adverse personal comments about Elected Members or employees.
- d. The Shire of Carnarvon will not approve, unless under exceptional circumstances, the payment of legal representation costs for a defamation action, or a negligence action, instituted by an Elected Member or employee.

#### Application for payment

An Elected Member or employee who seeks assistance under this policy is to make an application(s), in writing, to the Council or the CEO.

The written application for payment of legal representation costs is to give details of –

- a. the matter for which legal representation is sought,
- b. how that matter relates to the functions of the Elected Member or employee making the application,
- c. the lawyer (or law firm) who is to be asked to provide the legal representation,
- d. the nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc.),
- e. an estimated cost of the legal representation; and
- f. why it is in the interests of the Shire of Carnarvon for payment to be made.

The application is to contain a declaration by the applicant that he or she has acted in good faith and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.

As far as possible the application is to be made before commencement of the legal representation to which the application relates.

The application is to be accompanied by a signed written statement by the applicant that he or she–

- a. has read, and understands, the terms of this Policy,
- b. acknowledges that any approval of legal representation costs is conditional on the repayment provisions of this Policy and any other conditions to which the approval is subject; and
- c. undertakes to repay to the Shire of Carnarvon any legal representation costs in accordance with the provisions of this Policy.

Where a person is to be in receipt of such monies the person shall sign a document which requires repayment of that money to the local government as may be required by the local government and the terms of the Policy.

An application is also to be accompanied by a report prepared by the CEO or where the CEO is the applicant by an appropriate employee, such as the Executive Manager Corporate Services.

#### Legal representation costs – Limit

The Council in approving an application in accordance with this policy shall set a limit on the costs to be paid based on the estimated costs in the application.

An Elected Member or employee may make a further application to the Council in respect of the same matter.

#### Council's powers

The Council may –

- a. refuse,
- b. grant; or
- c. grant subject to conditions, an application for payment of legal representation costs.

Conditions under the above may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.

In assessing an application, the Council may have regard to any insurance benefits that may be available to the applicant under the Shire of Carnarvon's Elected Members or employees insurance policy or its equivalent.

The Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.

The Council may, subject to this Policy, determine that an Elected Member or employee whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved –

- a. not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
- b. given false or misleading information in respect of the application.

A determination may be made by the Council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.

Where the Council decides, the legal representation costs paid by the Shire of Carnarvon are to be repaid by the Elected Member or employee in accordance with this Policy.

#### Delegation to Chief Executive Officer

In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO may exercise, on behalf of the Council, any of the powers of the Council under this Policy, to a maximum of \$5,000 in respect of each application.

An application approved by the CEO, is to be submitted to the next ordinary meeting of the Council or if deemed necessary by the Shire President, a Special Council Meeting. Council may exercise any of its powers under this Policy.

#### Repayment of Legal Representation Costs

An Elected Member or employee whose legal representation costs have been paid by the Shire of Carnarvon is to repay the Shire of Carnarvon –

- a. all or part of those costs – in accordance with a determination by the Council,



b. as much of those costs as are available to be paid by way of set-off – where the Elected Member or employee receives monies paid for costs, damages, or settlement, in respect of the matter for which the Shire of Carnarvon paid the legal representation costs.

The Shire of Carnarvon may act in a court of competent jurisdiction to recover any monies due to it under this Policy.

EME008		DESIGNATED SENIOR EMPLOYEES	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	s5.36, 5.37 Local Government Act 1995,		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22
28/03/2023	Council	Nil	FC 5/3/23

## EME008 Designated Senior Employees

### OBJECTIVES

To designate positions within the organisation that are classified as 'Senior Employees' in accordance with s5.37 of the Act.

### POLICY STATEMENT/S

- 1.0 The Chief Executive Officer is the only designated Senior Employee by virtue of Section 5.36 of the Local Government Act, 1995.
- 2.0 The senior employees:
  - Executive Manager Infrastructure; and
  - Deputy Chief Executive Officer

be designated as Senior Employees pursuant to Section 5.37 of the Local Government Act (WA) 1995.

EME009		RECORD KEEPING BY ELECTED MEMBERS AND EMPLOYEES, AND DATA MIGRATION	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	State Records Act 2000 Local Government Act 1995, Local Government (Administration) Regs Evidence Act 1906 Financial Management Act 2006 Freedom of Information Act 1992 Limitations Act 1935 Building Act 2011 Financial Administration and Audit Act 1985 Criminal Code 1913 (s85) Electronic Transactions Act 2003		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22
28/03/2023	Council	Nil	FC 5/3/23

### EME009 Record Keeping by Elected Members and employees, data migration

#### OBJECTIVES

To ensure compliance with the requirements of the State Records Act 2000 and the Local Government Act 1995. To ensure recordkeeping is undertaken in a manner that provides for adequate storage and retrieval of information required for the conducting of business, and allows for fast and efficient service of all the organisations stakeholders.

#### POLICY STATEMENT/S

This policy is relevant to the whole organisation of the Shire of Carnarvon, including Councillors, those officers in other locations, and all contractors employed by the Shire of Carnarvon to fulfil specific business functions.

All Shire of Carnarvon Records shall be kept in accordance with the State Records Act 2000.

EME010		EXECUTION OF DOCUMENTS AND APPLICATION OF COMMON SEAL	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	s2.5(2), 9.49A Local Government Act 1995		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22
28/03/2023	Council	Nil	FC 5/3/23

## EME010 Execution of documents, and application of Common Seal

### OBJECTIVES

To comply with the provisions of the Local Government Act 1995 and to ensure the Shire of Carnarvon's documents are executed and the Common Seal is used in a consistent and transparent manner.

### POLICY STATEMENT/S

#### Introduction

s9.49A of the Local Government Act 1995 sets out the requirements in relation to the execution of documents and the affixing of the Common Seal to render certain documents official documents of the Shire of Carnarvon.

It is not essential to formally execute all Council documents, but certain documents require to be formally executed in this way. It is the decision of the Council as to which documents should be formally executed.

As a minimum normal practice is to require execution of deeds of agreement, leases, land sales and certain contracts.

This policy specifies which documents are to be formally executed.

#### Principles

All relevant documents are properly executed according to the requirements of s9.49A Local Government Act 1995.

#### Provisions

##### General

Where legislation, the formal requirements of a Commonwealth or State Department authority or agency, or a Council decision, expressly specify a particular way a document is to be executed, that course of action is to take precedence over this policy.

### Category 1 Documents

Category 1 documents require a specific resolution of Council to sell, lease or enter into an agreement, as well as authority to affix the seal.

The following list are Category 1 documents:

- a. Deeds of Agreement and Release in respect of the sale, purchase or other commercial dealing relating to the Shire's assets, including equitable assets,
- b. Local Planning Schemes and Amendments,
- c. Lease documents:
  - variation of lease,
  - assignment of a lease
- d. Local Laws

These documents will be executed by having the Common Seal affixed under the authorisation of Council with the affixing of the seal in the presence of and being attested to by the President and the CEO or pursuant to s9.49A (3) (b) of the Local Government Act, the President and a senior employee authorised by the CEO to do so.

### Category 2 Documents

The following list of documents are Category 2 documents:

- a. Agreements relating to grant funding, when the funder requires that the agreement be signed under the seal,
- b. Debenture documents for loans which the Council has resolved to raise,
- c. General and legal service agreements not already listed in this policy,
- d. Extension of lease under original lease clause or provision.

Category 2 documents are those of a general form or category which may be subject to time constraints for execution.

These documents are to be sealed as part of a 'class of documents' authorised to be executed under Common Seal without a specific Council resolution to affix the seal.

Note: the document may not require a Council resolution to affix the seal but the decision to undertake a particular course of action may still require Council approval.





Category 3 Documents

Category 3 documents do not require the Common Seal to be affixed.

Under s9.49A (4) the Council authorises the following to sign documents on behalf of the Shire of Carnarvon.

Description	Authority to Execute
Documents required in the management of land as a landowner	CEO
Documents required to enact a decision of Council or the Development Assessment Panel (i.e., contractual documents resulting from a tender process, transfer of landforms, notification on title as required by a condition of approval, memorandum of understanding etc.).	CEO
Agreements relating to grant funding when the funder does not require the agreement to be signed under seal.	CEO
Documents required to enact a decision under delegated authority or as a condition of approval given under delegated authority	The Manager The employee exercising the delegated authority

Category 4 Documents

Category 4 documents are created in the normal course of business and are consistent with the Shire’s policies and procedures. Category 4 documents are to be executed by a Shire employee where the authority has been extended through a policy or procedure.

EME011		ELECTED MEMBERS – SERVICE AWARD AND GIFT	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	s5.100 Local Government Act 1995, cl34AC LG (Administration)		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22
28/03/2023	Council	Nil	FC 5/3/23

### EME011 Elected Members – Service Award and Gift

#### OBJECTIVES

To provide guidelines on the appropriate recognition of the voluntary contribution made by Elected Members serving on Council.

#### POLICY STATEMENT/S

Where an Elected Member completes at least 1 full 4-year term of office, the Shire President (in conjunction with the CEO), or the Deputy Shire President (in conjunction with the CEO) where the proposed recipient is the Shire President determine an appropriate gift, based on \$100 per year of service, up to a maximum value of \$1000, as per Reg 23AC Local Government (Administration) Regulations.

EME012		EQUAL EMPLOYMENT OPPORTUNITY	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	s5.40 Local Government Act 1995 Equal Opportunity Act (1984)		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22
28/03/2023	Council	Nil	FC 5/3/23

## EME012 Equal Employment Opportunity

### OBJECTIVES

Although the CEO is responsible for the employment of all employees (except the CEO, who is engaged by the Council), the Council has decided to adopt Policies to indicate commitment to such matters.

The Shire of Carnarvon recognises its ethical, legal obligations and its commitment to the principles and proper practices of Equal Employment Opportunity for all Shire employees.

The Shire is committed to equal opportunity and diversity and promotes a work environment that is free from discrimination and harassment, and where individuals are treated with fairness, respect, equality, and dignity.

This involves the improvement in the skills and competency levels of employees to provide equal access to further employment or career path progression. The Shire acknowledges and celebrates diversity and commits to continuing to seek actively and flexibly to appoint and accommodate the unique needs of many different employees.

### POLICY STATEMENT/S

All offers of employment within the Shire will be directed to providing equal opportunity to prospective employees, provided their relevant experience, skills and ability meet the minimum requirements for engagement.

All employment training opportunities within the Shire will be directed towards providing equal opportunity to all employees based on merit and their relevant experience, skills and ability meet the minimum requirements for the position.

All promotional policies and opportunities within the Shire will be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability are adequate to meet the minimum requirements and they are assessed as the most appropriate candidate for the advertised position. In this context, as a minimum, all vacancies shall be advertised internally within the organisation.

EME013		PUBLIC INTEREST DISCLOSURE	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	Public Interest Disclosure Act 2003 State Records Act 2000		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22
28/03/2023	Council	Nil	FC 5/3/23

## EME013 Public Interest Disclosure

### OBJECTIVES

Although the CEO is responsible for the employment of all employees of the Shire of Carnarvon (except the CEO, who is engaged by the Council), the Council has decided to adopt some Policies to indicate its level of commitment to such matters.

This policy outlines the Shire of Carnarvon's recognition of its ethical, legal obligations and its commitment to the principles and proper practices of Public Interest Disclosures.

The Shire of Carnarvon will receive disclosures of public interest information in accordance with the provisions of the Public Interest Disclosure Act 2003.

### POLICY STATEMENT/S

The Shire of Carnarvon is committed to the aims and objectives of the Public Interest Disclosure Act 2003 (PID Act).

It recognises the value and importance of contributions of employees to enhance administrative and management practices and strongly supports disclosures being made by employees as to corrupt or other improper conduct.

The Shire of Carnarvon will take all reasonable steps to provide protection to employees who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure.

The Shire of Carnarvon does not tolerate any of its employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.

EME014		FREEDOM OF INFORMATION	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	Public Interest Disclosure Act 2003 State Records Act 2000		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22
28/03/2023	Council	Nil	FC 5/3/23

## EME014 Freedom of Information

### OBJECTIVES

This policy outlines the Shire of Carnarvon's recognition of its ethical, legal obligations and its commitment to the principles and proper practices of Freedom of Information.

To provide a clear framework for the discharge of Shire of Carnarvon accountabilities under the Freedom of Information Act.

### POLICY STATEMENT/S

The Freedom of Information Act 1992 gives individuals, corporations, and businesses the right to apply for access to documents held by Public Sector agencies which including Local Government Authorities.

The Act gives any person the right to:

- a. Access copies of documents held by the Shire, except exempt documents
- b. Ask for information the Shire holds about you to be changed or annotated if it is incomplete, out of date, incorrect or misleading
- c. Seek a review of a Shire decision not to allow you access to a document or not to amend your personal record.

Resident, ratepayers, and stakeholders can ask to see any document that the Shire holds, although it should be noted that the Shire can refuse access to some documents, or parts of documents that are exempt.

For further information contact the Senior Executive Officer/FOI Coordinator at the Shire of Carnarvon.

Charges will apply in accordance with Legislation and Council's adopted Fees and Charges.

EME015		ELECTED MEMBERS – ACCESS TO INFORMATION	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	s.5.92(1)(2) Local Government Act 1995		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22
28/03/2023	Council	Nil	FC 5/3/23

### EME015 Elected members - Access to information

#### OBJECTIVES

To outline Elected Members rights to information necessary for the exercising of their responsibilities.

To provide a process on how Elected Members can access Council records and information.

#### POLICY STATEMENT/S

Elected Members have a right to inspect any record of the Council if it is relevant to the exercising of the member's responsibility in his or her civic office and is not subject to privacy, confidentiality, or legal restraint.

Each request will be treated on its merits but as a rule those records immediately seen as relevant to the exercising of an Elected Member's responsibility of civic office are:

- a. Matters before a Council Meeting, either currently or within the current term of the Council; and/or
- b. Matters known by the CEO to come before Council soon.

Elected Members can request access to other documents of the Council either by a Notice of Motion to the Council or a Freedom of Information (FOI) application.

Elected Members who have a personal or pecuniary interest in a document of Council have the same rights of access as any other person.

#### Access by the Shire President

Access will be provided to documents and files necessary for the Shire President's role.

This includes files relevant to correspondence received directly by the Shire President and is subject to the same viewing rules as other Elected Members.

The Shire President is subject to the same requirements of access as apply to other members.



Access to Computer System

Elected Members shall have the same access to the content of the Council’s computer system as do members of the public.

Members also have access to office productivity tools in the computer system to assist in word processing, email, internet etc. but do not include access to Council records databases.

Notes

The right of Elected Members to have access to records is for the purpose of exercising the office of member. It does not carry with it the right to disclose any information obtained by a member to another person unless it is already in the public domain.

An Elected Member has no authority to release documents on behalf of Council.

The Shire President shall not cause the by-passing of the general access provisions by providing to another Elected Member information made available through the Shire President’s role.

Elected Members shall not cause the by-passing of FOI provisions by providing to a member of the public information made available to Elected Members as an elected representative.

The CEO will provide guidance and assistance to Elected Members in determining whether a document is confidential and/or not to be released.

EME016		ELECTED MEMBERS – ACCESS TO SHIRE VEHICLES FOR OFFICIAL USE	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	Local Government (Administration) Regulations 34AD		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22
28/03/2023	Council	Nil	FC 5/3/23

### EME016 Elected members - Access to Shire vehicles for official use.

#### OBJECTIVES

This policy sets out the arrangements with respect to the provision of motor vehicles for use by the Shire President and Elected Members for the legitimate business of Council.

#### POLICY STATEMENT/S

A Shire vehicle will be made available to the Shire President and/or Elected Members, upon application, for the purpose of attending meetings, conferences etc. in their role as an Elected Member of the Shire of Carnarvon only and is not to be used for private business.

Elected Members requiring access to a Council vehicle are to make a booking through the Senior Executive Officer.

The Chief Executive Officer to approve use of a council vehicle if available.

Where a Shire vehicle is not available, and private vehicles are used for legitimate business of Council, Elected Members are entitled to reimbursement).

The Driver must hold a current WA Motor Drivers Licence at the correct class.

#### Notes

In this policy, “legitimate business of Council” means:

- a. Attendance at Ordinary and Special Meetings of Council,
- b. Attendance at Committee or Advisory Committee Meetings,
- c. Attendance at ordinary, committee or sub-committee meetings of State, Regional or local organisations or bodies where the Elected Member, has by Council resolution been elected as a Council delegate,
- d. Attendance at meetings, briefing sessions and civic or ceremonial functions convened by the Shire President of the Council,





- e. Attendance at a meeting, function, or other official role as a representative of the Shire President or the Council,
- f. Attendances at conferences and seminars where the attendance has been approved by the Council,
- g. The Chief Executive Officer to approve use of a council vehicle if available,
- h. Attendance at inspections and meetings within the Shire of Carnarvon relative to the duties of office as an Elected Member, provided the inspection or meeting directly relates to an item listed on the Council Agenda, an issue received in writing from the community, or where otherwise approved by the Shire President,
- i. Attendance at meetings requiring travel outside the Shire of Carnarvon as approved by the Shire President. Any breaches of this policy will be referred to the Chief Executive Officer and/or the Shire President to consider the nature of the breach and to determine a suitable process to determine any appropriate actions.

EME017		USE OF SHIRE LOGO	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>	Shire of Carnarvon Code of Conduct for Council Members, Committee Members and Candidates		
<b>LEGISLATION:</b>	Local Government Act 1995, Pt. 5. Div 7 Local Government (Administration) Regulations 1996, Pt. 7		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22
28/03/2023	Council	Nil	FC 5/3/23

## EME017 Use of Shire logo

### OBJECTIVES

To provide clear and precise guidance on the use of the Shire of Carnarvon Logo.

### POLICY STATEMENT/S

This policy will assist with ensuring that the Council's and Shire's role in the community is clearly recognised and that its reputation is protected and enhanced through accurate, consistent, and high-quality reproduction of its logos in all applications.

Any approved use of the logos must be in accordance with the Shire's condition attaching to any such approval. The logo, along with the common seal, is equivalent to a brand or trademark for the Council and is part of the corporate existence of the Council. The use of the Shire of Carnarvon logo is equivalent to a trading symbol for the administration.

The Shire of Carnarvon logo should be used:

- a. internal and external corporate business stationery,
- b. Shire marketing material,
- c. material to promote events, services, programs, or activities sponsored or supported by the Shire,
- d. Shire recreational, community, heritage, service or operational buildings and facilities (including aquatic and recreational centres, community centres, libraries, pavilions, and halls) as the primary identifiable logo; and
- e. Shire vehicles (unless for private use) and on corporate clothing for Shire employees.
- f. Where the Shire has provided sponsorship or support for a program, activity, or advertisement.



Private use of the logo is not permitted unless:

- a. The proposed use benefits the Shire or community through promotion of the district, directly or indirectly, i.e.
  - Permitted on a tourism promotion brochure indicating a facility or event is located within the Shire,
  - Not permitted on private communications, advertising etc.
- b. On materials which are provided by the Shire; and
- c. The prior approval of the CEO has been obtained

Approval for use of materials provided by the Shire or for private use of the logo may be withdrawn if Council is of the opinion that it is being misused or is for an inappropriate purpose.

At no time is the logo to be altered i.e. (stretched, colour changed, wording removed etc).

EME018		HONORARY FREEMAN OF THE SHIRE & NOTABLE AWARDS	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## EME018 Honorary Freeman of the Shire

### OBJECTIVES

To provide guidance on the nomination and awarding of the “Freeman of the Shire of Carnarvon” and notable awards.

### POLICY STATEMENT/S

From time-to-time Council may receive a nomination for the prestigious award of “Honorary Freeman of the Shire of Carnarvon” or Order of Australia.

All nominations will be referred to the Awards Committee for review and recommendation to Council.

Council may also wish to nominate any person for the award who have rendered exceptional service to the Shire of Carnarvon community.

The nomination and consideration of proposal to award the title of “Freeman of the Shire of Carnarvon” or Order of Australia shall be dealt with in the strictness of confidence.

When Council meets to consider the nomination, the meeting shall be closed to the public and reports concerning the nomination procedure shall be deemed to be a confidential item pursuant to s.5.93(3) of the Local Government Act.

A decision by Council to award the title is to be by absolute majority.

### Eligibility Criteria for ‘Freeman of the Shire’ and Order of Australia

Nominees for the conferring of the title ‘Freeman of the Municipality’ should have lived within the Shire of Carnarvon for a significant number of years and who have given extensive and distinguished service to the community (e.g., service to other organisations, voluntary and community groups) in a largely voluntary capacity.

Council may also consider conferring of the title of ‘Posthumous Freeman of the Shire’. In this case, the abovementioned eligibility criteria would apply.

Nominees will be assessed on their record of service to the local community.



The selection criteria are to include:

- a. length of service in a field (or fields) of activity
- b. level of commitment to the field (or fields) of activity
- c. personal leadership qualities
- d. benefits to the community of the Shire of Carnarvon resulting from the nominee's work
- e. specific and special achievements of the nominee

Note: Serving Elected Members and employees of the Shire are not eligible to be nominated.

Nominators must declare any relationship between the nominee, and Elected Member or Shire employee.

#### Awarding the Titles

The formal conferring of these titles is to be carried out at a civic reception held by Council.

This may be a special reception for this purpose, or the ceremony may form a focal point of any other suitable reception hosted by Council.

The decision on the occasion and format of the ceremony is to rest with the Shire President in consultation with the Chief Executive Officer.

The successful nominee is to receive a certificate (framed in a quality frame) and an official name badge (of a similar design to Elected Member badges) which confirms his or her status.

EME019		ROLES AND RESPONSIBILITIES OF SHIRE DELEGATES TO EXTERNAL BODIES	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

### EME019 Roles and Responsibilities of Shire delegates to external bodies.

#### OBJECTIVES

To prescribe how delegates nominated by Council as members of external committees or organisations may fulfil their representative role.

#### POLICY STATEMENT/S

The Shire of Carnarvon provides delegate representation on a range of external organisations and committees and is Endorsed by Council: FC7/8/22 at the first meeting after an ordinary election or as required.

Where an Elected Member or employee has been endorsed as Council's nominated representative member on an external committee, body or organisation, the delegate shall:

- a. Ensure that no pledges of financial support, or in-kind support are made, unless express decisions to that effect have been made by the Council, or the CEO prior.
- b. Understand that their appointment/membership is as a representative of the Council and is by right of their position with Council.
- b. Ensure their availability to attend scheduled meetings, and where they are unable to do so, provide prior apology to the respective Presiding Member.
- c. Be responsible for ensuring that there is a quorum for meetings and the Shire of Carnarvon is represented at external group meetings. Where a delegate is unable to attend a meeting in which they have been appointed, they are to advise their deputy (proxy member) to ensure that they will be replaced at the meeting. It is preferable that at least twenty-four (24) hours' notice is afforded.
- d. Acknowledge that where a delegate has failed to attend three successive external organisation/committee meetings, with or without an apology, the Council shall consider appointing a replacement delegate at either Council determination or at the next Ordinary Meeting of Council following the ordinary elections, to ensure that the purpose and integrity of Council's participation in the external organisation is maintained.



e. Acknowledge that if they are unable to fulfil their commitment to an external organisation/committee then the delegate must advise the CEO so that Council consideration of appointing a replacement delegate can be facilitated and subsequent formal advice to the external organisation/committee attended to.

f. Ensure that in participating and contributing to decision making of the external organisation the delegate communicates and is cognisant of Council’s determined position, if any, determined from:

- Firstly, resolutions of Council dealing specifically with the matter at hand,
- Secondly, resolutions of Council dealing generally with the matter at hand,
- Thirdly, relevant statements of the Council’s position contained in adopted Council policies or the Shire’s Strategic Community Plan,
- Lastly, if Council has not previously established a position, the delegate should give due consideration to the potential sensitivity and/or risk inherent to the matter, i.e., potential for negative environmental or social impact, or risk of community conflict.

Where the delegate evaluates potential for a significant level of sensitivity or risk then, prior to committing to a position, the CEO is to be requested to prepare a report for Council’s consideration. The delegate may provide a position statement for inclusion in the report however, employees must provide professional opinion, advice, and a recommendation for Council determination. Delegates must ensure that this occurs where a decision by the external organisation may require a commitment of Council resources.

g. Voting Rights - An Elected Member or employee appointed as a delegate may have to participate in the decision-making process of the external organisation.

The delegate may also be entitled to vote on matters coming before the external body.

The delegate will have a fiduciary duty to the external organisation to participate in decision making processes and vote in accordance with the obligations to act in good faith for the purposes for which the external organisation was established.

Council recognises that whilst it can require a delegate to communicate the Shire’s position to the external organisation, it is not appropriate to attempt to bind the delegate’s vote on any matter.

The delegate will have the benefit of discussion around the decision-making table and must vote in accordance with their good faith obligation to the external organisation.

However, this does not entitle a delegate to substitute their personal beliefs for Council’s position. Where it is possible for a delegate aware of their obligations to act in good faith for the purposes of the external body, to vote in accordance with Council’s stated position, then Council expects that a delegate will vote accordingly.

Where a delegate votes in good faith, in a manner which is opposed to a Council position, the delegate must provide a briefing to the next Corporate Information/CEO Briefing Session informing of the decision and the factors which influenced the outcome.



- h. Perform the functions and duties of a delegate in accordance with the standards set out in the Shire's Code of Conduct.
- i. Ensure that a copy of the minutes is provided to the Shire for record keeping purposes. Where confidentiality requirements exist over either Council or the external organisation's business the delegate must ensure that confidentiality is appropriately maintained and protected.
- j. Elected Members or employees who attend meetings of external organisations where access is not generally available to the public, attend as observers only and remain representatives of the Shire and therefore shall:
  - Communication with the meeting only through Council's nominated delegate or only at the request of the Presiding Member of that meeting, being mindful of not interfering with due process or the role of the Council's nominated delegate,
  - Matters relating to the Development Assessment Panel fall outside the scope of this policy



EME020		DISRUPTIVE BEHAVIOUR AT COUNCIL MEETINGS AND FORUMS	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	Shire of Carnarvon Meeting Procedures Local Law s5.41d Local Government Act 1995 s70A WA Criminal Code s49 Police Act 1892 s74 Criminal Procedure Act 2004 s70A Criminal Code 2013		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## EME020 Disruptive behaviour at Council meetings and forums

### OBJECTIVES

To establish clear steps for management of disruptive behaviour by a member, or members of the public at Council Meetings and Forums.

### POLICY STATEMENT/S

Disruptive Behaviour – means behaviour exhibited by a member of the public which in the view of the presiding member of the meeting or forum is preventing the discharge of intended business.

This can include, but not be limited to:

- a. Constant interjection, particularly when the presiding member or Elected Members present at the meeting are speaking,
- b. Members of the public calling for points of order,
- c. Refusal to give up the floor to allow other members of the public to ask questions,
- d. Demanding to ask questions before others in contradiction of an order by the presiding person,
- e. Refusal to accede to a presiding member's instructions, particularly when asked to desist from disruptive behaviour,
- f. Use of abusive and/or inflammatory language when addressing council with a question or making a statement,
- g. Unnecessarily repetitive questioning,

h. Aggressive/threatening behaviour towards either Elected Members, Shire employees or members of the public.

The Council is committed to providing residents and ratepayers with as many opportunities as possible to attend meetings held by the Shire and to participate in specified processes.

The Public Question Time Policy sets out the parameters for attendance and participation at these meetings.

It recognises that at times people will feel strongly about issues that have been raised or questions that they wish to ask of the Shire.

The general conduct of a council meeting depends upon mutual respect and good faith between Elected Members and the public.

There can be instances at a council meeting where a member of the public fails to show respect or consideration for the presiding member, Elected Members, Shire employees and other members of the public. Such disruptive behaviour makes the conduct of council business more difficult and stressful, reducing the efficiency and effectiveness of council meetings.

Disruptive behaviour also denies other members of the public the opportunity to participate in and observe council proceedings.

The Council is committed to conducting its business in an effective way. Disruptive behaviour and behaviour which shows disrespect for those involved in the conduct of council business or other members of the public in attendance at meetings of the council is not acceptable.

This Policy sets out how the Council will deal with disruptive behaviour should it occur at meetings and forums.

### Principles

Protection of the democracy, democratic processes, and the ability of members of the community to participate, at the local level is a pre-eminent concern of Council.

Council will take a range of actions designed to reduce the impacts of disruptive behaviour as a first principle but may invoke statutory sanctions if all other avenues have failed.

Wherever possible, anyone who in the view of the presiding member at a meeting is exhibiting disruptive behaviour, that person will be asked to treat the meeting with respect and will be given the opportunity to continue, if respect is shown, and the behaviour does not occur again.

When a decision is being made about whether disruptive behaviour is being exhibited, consideration will be given to whether a person is under known stress or has experienced a recent bereavement.

### Provisions

Decisions about whether disruptive behaviour is being exhibited and whether action should be taken will be made by the presiding member of the Council meeting or forum.

If, in the view of the presiding member, behaviour is disruptive the person will be asked to cease. If the person is speaking in Public Question Time, the person may then be given the opportunity to continue to speak provided that the disruptive behaviour does not re-occur, or the presiding member may choose to move on to another speaker.

Should the behaviour continue and in the view of the presiding member is disrupting Council business, then the meeting may be adjourned for a stated period. During that time the CEO will discuss the situation with the offending party or parties and ask them to behave appropriately in a place of government. The President or Elected Members will not engage with the person or people involved during this time.

If, after resuming the meeting the disruptive behaviour continues, the presiding member may again adjourn the meeting. This may occur several times, but the presiding member has the authority at any time to instruct the CEO to ask the offending person or persons to leave the premises.

This duty will be undertaken by the CEO who, under s5.41(d) of the Local Government Act, has control or management of the local government's buildings, including the council chamber and meeting rooms and is the 'person in authority' in relation to s70A of the Criminal Code.

Once the meeting has been adjourned and if the presiding member has instructed that a person be asked to leave the premises, the CEO will advise the person or persons that they are requested to leave and that if they remain, they will be committing the offence of trespass under s70A of the Criminal Code and could be prosecuted.

Depending on the nature and intensity of the disruptive behaviour the presiding member may decide that more warnings will be issued or the Police being called. s70A of the WA Criminal Code authorise the CEO to request a person to leave not only the building where the meeting is taking place, but also the local government property.

Should the person or persons refuse to leave and at the instruction of the presiding member, the CEO will advise them that the Police will be called to apprehend them, and the Council will instigate legal proceedings.

If the Police are not immediately available, the meeting will remain adjourned until they can attend.

The CEO may commence a prosecution for a breach of s70A of the Criminal Code. A prosecution is initiated by a prosecution notice under s24 of the Criminal Procedure Act 2004. Such an action must only be taken after consultation with the Shire President and Elected Members.

### Notes

This policy applies to all formal Council Meetings and Council Forums which are open to members of the public.

Under s49 of the Police Act 1892 the CEO, or a person authorised by him or her, may apprehend and detain any person found committing an offence punishable in a summary manner until the person can be delivered into the custody of the Police.

In the case of Council meetings and forums the direct assistance of the Police is the preferred action.

EME021		ELECTED MEMBERS CONTACT WITH SHIRE EMPLOYEES	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>	Shire of Carnarvon Code of Conduct for Council Members, Committee Members and Candidates. Shire of Carnarvon Code of Conduct for Employees		
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## EME021 Elected Members contact with Shire employees

### OBJECTIVES

To provide clear guidelines on the communication between Elected Members and employees at the Shire of Carnarvon.

### POLICY STATEMENT/S

This policy is to establish clear and open communication between Elected Members, the CEO, and the Executive Leadership Team and to avoid potential conflict by recognising the respective roles of Elected Members and employees.

The CEO will liaise with the Shire President on a regular and as needed basis and is also available to Elected Members during the day other than when prior commitments make this impossible. Where Elected Members have a particular need to see the CEO then an appointment can be made. The CEO is to ensure that (where appropriate) the views of Elected Members are passed on to other Elected Members and the Executive Leadership Team.

Where items are of an operational matter, contact may be permitted with the relevant Executive Manager, however Elected Members will not contact employees directly unless with the expressed permission of the CEO.

It is not appropriate for Elected Members to enter any of the employee areas of the Shire of Carnarvon unless at the specific invitation of, or in the company of, a senior employee.

If an Elected Member is approached by an employee who wishes to raise an employment matter, then the Elected Member should point out to the employee that they need to address their concerns via the Grievance Procedure and/or CEO. If the employment matter can not be resolved via the Grievance Procedure and/or CEO, the Elected Member may raise the concern with the Shire President who may seek external advice.

EME022		CIVIC FUNCTIONS AND HOSPITALITY	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## EME022 Civic functions and hospitality

### OBJECTIVES

To ensure that all civic functions and hospitality are provided in an appropriate and consistent manner.

### POLICY STATEMENT/S

#### Introduction

From time to time there will be circumstances where the Council wishes to provide hospitality or hold a function, for example, it may relate to the conferring of the Freeman of the Shire, meeting a delegation to the Shire, or hosting a State or Federal Minister.

It is a formal event and as such is intended to convey the significance of the matter at hand. It is important that such hospitality is undertaken to a consistent standard and follows a clear process.

#### Principles

A civic event or function is a mechanism available to the Council to convey the importance and significance of a matter to the community.

Funding and resources used to support an event should be effectively used and appropriate to purpose.

#### General Provisions

The Shire President, in discussion with the Elected Members and in conjunction with the Chief Executive Officer (CEO) shall have discretion to identify whether a civic reception is to be held, when it will be held and who shall be invited.

The Shire President may host functions and receptions with light refreshments for visiting dignitaries, residents who are recipients of awards or prizes from the Shire, exchange students, visitors and delegations from other local authorities from Australia and overseas. The invitation list shall be at their discretion.



The Chief Executive Officer is authorised to approve civic functions, ceremonies, receptions, provision of hospitality and the use of the Administration and Chambers, subject to compliance with this Policy

#### Specific Civic Functions and Events

The Council will hold or formally support the following Civic events:

- a. hold an Australia Day event with associated hospitality on an annual basis. The event will be funded via a specific provision in the Annual Budget,
- b. support the RSL in its holding of the ANZAC Day event. The support will be funded via a specific provision in the Annual Budget,
- c. support NAIDOC week, with specific provision in the Annual Budget

#### Note

This policy does not relate to events supported by the Council through its funding of community group activities.

EME023		GOVERNANCE SUPPORT TO ELECTED MEMBERS	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## EME023 Governance support to Elected Members

### OBJECTIVES

This policy to provides clarity about the direct governance support services Elected Members can expect to receive from the Shire of Carnarvon administration.

### POLICY STATEMENT/S

It is essential to the effective operation of Council decision-making and the wider democratic process that Elected Members are provided with a range of services which assist them to communicate with residents and ratepayers.

It is also important in their roles as delegates to external organisations that they can discuss matters and receive advice where needed.

The CEO will ensure that the following governance services will be made available to Elected Members:

- a. Assistance with responses/correspondence to complex resident and ratepayer enquiries,
- b. Support for delegates (e.g., Advice/discussion in preparation for meetings),
- c. IT support services,
- d. Assistance with filling out any forms relevant to their role as Elected Member.

In seeking support for responses to residents and ratepayers, an Elected Member will discuss the matter with the Shire President to identify whether the matter requires support. The Shire President will liaise with the CEO to identify the nature of support to be provided.

EME024		CARETAKER POLICY - SHIRE ELECTIONS	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	Code of Conduct for Council Members, Committee Members and Candidates Local Government Act 1995 s.4.49(a); s4.87(3) Local Government (Elections) Regulations 1997 Reg. 78 Shire of Carnarvon CEO Standards		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## EME024 Caretaker Policy - Shire Elections

### OBJECTIVES

The primary objective of this Caretaker Policy is to avoid the Shire of Carnarvon making major decisions, prior to an election, that would bind an incoming Council, prevent the use of public resources in ways that are seen as advantageous to, or promoting Elected Members who are seeking re-election, and recognising the requirement for the Shire of Carnarvon administration to act impartially in relation to all candidates.

This policy applies during a 'Caretaker Period' (see below for definition) to cover:

- Decisions that are made by the Council,
- Materials published by the Shire,
- Attendance and participation in functions and events,
- Use of the Shire's resources; and
- Access to information held by the Shire

This policy applies to Elected Members and employees of the Shire of Carnarvon.

Whilst electoral candidates that are not sitting Elected Members cannot be compelled to comply with a policy of the Council, such candidates will be made aware of the Caretaker Policy and encouraged to cooperate with its implementation.

### POLICY STATEMENT/S

Caretaker Period - means the period when the caretaker practices are in place prior to the election.



The caretaker practices will apply from the close of nominations (37 days prior to the election day) – s4.49(a) of the Local Government Act 1995) until 6.00pm on election day.

Election Day – means the day fixed under the Local Government Act 1995 for the holding of any poll needed for an election but excludes an extraordinary election other than an extraordinary election to elect a new Shire President.

Electoral Material - means any advertisement, handbill, pamphlet, notice, letter, or article that is intended or calculated to affect the result in an election but does not include:

- a. An advertisement in a newspaper announcing the holding of a meeting (s4.87(3) of the LGA,
- b. Any materials exempted under Reg 78 of the Local Government (Elections) Regulations 1997,
- c. Any materials produced by the Shire relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election.

Extraordinary Circumstances – means a situation that requires a major policy decision of the Council because:

- a. In the CEO’s opinion the urgent of the issue is such that it cannot wait until after the election,
- b. Of the possibility of legal and/or financial repercussions if a decision is deferred; or
- b. In the CEO’s opinion it is in the best interests of the Council and/or the Shire of Carnarvon for the decision to be made as soon as possible.

Major Policy Decision – means:

- a. Decisions relating to the employment, termination or remuneration of the CEO or any other designated senior employee, other than a decision to appoint an Acting CEO, or suspend the current CEO (in accordance with the terms of their contract) pending the election,
- b. Decisions relating to the Shire entering a sponsorship arrangement with a total Shire contribution that would constitute substantial expenditure unless that sponsorship arrangement has previously been granted ‘in principle’ support by the Council and sufficient funds have been included in the Council’s annual budget to support the project,
- c. Decisions relating to the Shire entering a commercial enterprise as defined by s3.59 of the LGA.
- d. Decisions that would commit the Shire to substantial expenditure or actions that, in the CEO’s opinion are significant, such as that which might be brought about through a Notice of Motion,
- e. Decisions that, in the CEO’s opinion, will have a significant impact on the Shire or the community,
- f. Reports requested or initiated by an Elected Member, candidate, or member of the public that, in the CEO’s opinion could be perceived within the general community as an electoral issue with the potential to call into question whether decisions are soundly based and in the best interests of the community.

Public Consultation – means a process which involves an invitation to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy but does not include consultation requirement to be undertaken to comply with a written law.

Substantial Expenditure – means expenditure that exceeds 0.1% of the Shire’s annual budgeted revenue (inclusive of GST) in the relevant financial year.

### Scheduling Major Policy Decisions

So far as is reasonably practicable, the CEO should avoid scheduling major policy decisions for consideration during a Caretaker Period, and instead ensure that such decisions are either – (a) Considered by the Council prior to the caretaker period; or (b) Scheduled for determination by the incoming Council. Where extraordinary circumstances prevail, the CEO may submit a major policy decision to the Council.

### Decisions made prior to Caretaker Period

This policy only applies to decisions made during a Caretaker Period, not the announcement of decisions made prior to the Caretaker Period. Whilst announcements of earlier decisions may be made during a caretaker period, as far as practicable any such announcements should be made before the caretaker period begins or after it has concluded.

### Implementation of Caretaker Practices - Role of the CEO in Implementing Caretaker Practices

The role of the CEO in implementing the caretaker practices outlined in this policy is as follows:

- a. The CEO will ensure as far as possible, that all Elected Members and employees are aware of the Caretaker Policy and practices at least 30 days prior to the start of the caretaker period.
- b. The CEO will ensure, as far as possible, that any major policy or significant decisions required to be made by the Council are scheduled for Council resolution prior to the caretaker period or deferred where possible for determination by the incoming Council.
- c. The CEO will endeavour to make sure all announcements regarding decisions made by the Council, are made prior to the caretaker period.
- d. The CEO will provide guidelines for all relevant employees on the role and responsibilities of employees in the implementation of this policy.

### Extraordinary circumstances requiring exemption

Despite other provisions in this Policy, the CEO may, where extraordinary circumstances exist, permit a matter defined as a ‘major policy decision’ to be submitted to the Council for determination during the caretaker period.

Whilst the definitions above establishes that a CEO may not be appointed or dismissed during a caretaker period, the Council may, where the substantive employee is on leave, appoint an Acting CEO, or in the case of an emergency, suspend the current CEO (in accordance with the terms of their contract) and appoint a person to act in the position of CEO pending the election, after which date a permanent decision can be made.

### Caretaker Statement

To assist the Council to comply with its commitment to appropriate decision making during the caretaker period, a caretaker statement will be included in each report submitted to the Council where the Council's decision would, or could, be a major policy decision.

The caretaker statement will state: "The decision the Council may make in relation to this item could constitute a Major Policy Decision within the context of the Shire of Carnarvon Caretaker Policy, however, an exemption should be made because (insert the circumstances for making the exemption....)"

### Shire of Carnarvon publications

During the caretaker period the Shire's website will not contain any material which is precluded by this policy.

Information about Elected Members will be restricted to names, contact details, titles, membership of special committees and other bodies to which they have been appointed to by the Council.

### Public consultation during the caretaker period

It is prohibited under this policy for public consultation to be undertaken during the caretaker period (either new consultation or existing) on an issue which, in the CEO's opinion could be perceived as intended or calculated to affect the result of an election, unless authorised by the CEO.

This policy does not prevent any mandatory public consultation required by the Local Government Act 1995 or any other relevant Act which is required to be undertaken to enable the Shire to fulfil its functions.

### Approval for Public Consultation

Given the general prohibition above the Council should not commission or approve any public consultation where it is likely that such consultation will continue into the caretaker period.

Where public consultation is approved to occur during the caretaker period, the results of that consultation will not be reported to the Council until after the caretaker period, except where otherwise approved by the CEO or necessary for the performance of the Shire's functions as prescribed in the Local Government Act 1995 or any other relevant Act.

### Attendance and participation at events and functions

#### Public Events Hosted by External Bodies

Elected Members may continue to attend events and functions hosted by external bodies during the caretaker period.

#### Shire of Carnarvon Organised Civic Events/Functions

Events and/or functions organised by the Shire and held during the caretaker period will be limited to only those that the CEO considers essential to the operation of the Shire and should not in any way be associated with any issues that in the CEO's opinion, are considered relevant to, or likely to influence

the outcome of an election. All known candidates are to be invited to civic events/functions organised by the Shire during the caretaker period.

#### Addresses by Elected Members

Excluding the Shire President and Deputy Shire President fulfilling their functions as prescribed by s2.8, 2.9 of the Local Government Act 1995, respectively, Elected Members that are also candidates should not, without the prior approval of the CEO, be permitted to make speeches or addresses at events/functions organised or sponsored by the Shire during the caretaker period.

#### Use of Shire resources

The Shire of Carnarvon's Code of Conduct provides that the Shire's resources are only to be utilised for authorised activities (for e.g., no use of employees for personal tasks or no use of equipment, stationery, or hospitality for non-Council business).

This includes the use of resources for electoral purposes. It should be noted that the prohibition on the use of the Shire's resources for electoral purposes is not restricted to the caretaker period.

The Shire's employees must not be asked to undertake any tasks connected directly or indirectly with an election campaign and should avoid assisting Elected Members in ways that could create a perception that they are being used for electoral purposes. In any circumstances where the use of Shire resources might be construed as being related to a candidate's election campaign, advice is to be sought from the CEO.

#### Access to Shire information and assistance

##### Electoral Information and Assistance

All candidates will have equal rights to access public information, such as the electoral rolls (draft or past rolls), monthly enrolment details, and information relevant to their election campaigns from the Shire's administration.

Any assistances and advice provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.

##### Media Advice

Any requests for media advice or assistance from Elected Members during the caretaker period will be referred to the CEO. No media advice will be provided in relation to election issues or in regard to publicity that involves specific Elected Members. If satisfied that advice sought by an Elected Member during the caretaker period does not relate to the election or publicity involving any specific Elected Member/s, the CEO may authorise the provision of a response to such a request.

##### Publicity Campaigns

During the caretaker period, publicity campaigns, other than for the purpose of conducting (and promoting) the election will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Shire activity, it must be approved by the CEO. In any event, the Shire's publicity during the caretaker period will be restricted to communicating normal Shire activities and initiatives.



Media Attention

Elected Members will not use or access Shire employees or resources to gain media attention in support of their or any other candidate's election campaign.

Election Process Enquiries

All election process enquiries from candidates, whether current Elected Members or not, will be directed to the Returning Officer, or where the matter is outside of the responsibilities of the Returning Officer, to the CEO.

EME025		REFERENCE GROUPS	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## EME025 Reference Groups

### OBJECTIVES

To identify parameters for the establishment and operation of Reference Groups.

### POLICY STATEMENT/S

#### Notes

From time to time the Council may wish to establish groups made up of stakeholders or community members to provide information and advice to assist Council decision-making.

This mechanism may be used as a general consultation tool, or it may relate to a particular issue or matter. It is important that the role of any such group is clearly understood by the wider community, that any potential members are aware of and understand their role, the process for establishment is open and transparent and that there is a regular process for review.

This policy sets out the principles to be applied, the process for establishment, the general way in which groups should operate and the mechanism for review.

#### Principles

Reference groups:

- a. Are not committees established under s5.8 of the Local Government Act 1995.
- b. Provide a valuable mechanism for Council to gain information which may be of use in decision-making.
- c. Cannot hold delegated Council powers
- d. May, depending on their individual Terms of Reference, make recommendations to the Council on a relevant matter.

#### Establishment

Reference Groups may only be established by resolution of Council, on receiving a report from the CEO which sets out the reasons for establishing the Group and provides a draft Terms of Reference.

A Reference Group may be established to:

- a. Facilitate stakeholder and/or community input and involvement activities,
- b. Provide advice, and
- c. Support the Shire regarding strategic, program or project activities

The Terms of Reference must provide for the following:

- a. A statement of objectives and the scope of activity to be undertaken
- b. An outline of membership/stakeholder representation
- c. The operational and administrative framework by which activities are to occur

There will always be a Shire of Carnarvon Elected Member appointed to a Reference Group, who will conduct themselves according to the relevant Policies and the Shire Code of Conduct for Elected Members, Committee Members and Candidates.

### Membership

Membership of a Reference Group is to be determined by the Council based on relevance to the purpose for which the group has been established.

Where the Reference Group includes representatives to stakeholder organisations, the Council shall seek written nominations from the organisations.

Where Reference Group membership includes representatives to be drawn from the community, the Council shall publicly advertise and call for nominations received within a defined period. Members are to be appointed by the Council based on demonstrated knowledge, skills and/or understanding relevant to the purpose for which the Group was established.

The term of membership is to align with the local government election cycle, with membership expiring at the next ordinary local government election. If a Group's operations are likely to conclude within a period that does not exceed 12 months following the next ordinary local government elections the existing membership shall continue for that period. However, the Council's delegate shall be reappointed following the ordinary local government election.

Should a position on the Reference Group fall vacant, any new membership will be approved via Council resolution after, where relevant, calling for nominations.

### Tenure of Appointment

The Reference Group membership is normally for a period of two years.

Membership of a Reference Group terminates when an Ordinary Local Government election occurs every two years in October.

Members may subsequently be re-appointed (i.e., There is no maximum period of membership).

If a member fails to attend three consecutive meetings his or her membership will be automatically terminated, unless Leave of Absence has been approved by the Reference Group.

The Council may terminate the appointment of any member prior to the expiry of his or her term, if:

- a. Any member is found to be in breach of the principles of the Shire's Code of Conduct.
- b. A member's conduct, action or comments brings the Shire of Carnarvon into disrepute.

### Operation

A Reference Group will only consider matters as set out in its Terms of Reference or referred to it from time to time by the Council.

A Reference Group has no decision-making powers and does not have any authority to act on behalf of the Shire. A Group cannot direct Shire employees, call tenders, award contracts, expend monies, direct volunteers, or do anything which is the responsibility of employees of the Shire.

The principles of the Council Members Code of Conduct shall apply to the conduct of members of any Reference Group as it relates to the matters dealt with by the Reference Group.

Reference Group members, either collectively or individually, are not authorised to speak on behalf of Council, or to provide comment to the media or other persons in respect of any item under consideration, unless authorised by the CEO.

A Chair shall be identified by the Council at time of approving a Group's establishment. The Chair shall manage the meetings and liaise where necessary with Shire of Carnarvon employees and the Council.

Reference Group meetings will be conducted in an informal manner providing opportunity for ideas to be raised and for general discussion. Members of the Group must disclose any conflicts of interest in relation to any matter under discussion.

Records of meetings are to be kept and all records retained in the Shire's record keeping systems.

The Group will approve by a resolution, any advice to be provided to the Council. The advice will be conveyed to the Council via a report to the Council by the sitting Elected Member on the Group. The Chair of the Group, or a nominee, will have the ability to speak to the advice to Council at the relevant Council Meeting and to answer any questions raised. They will not participate in debate or discussion.

### Reference Group Support

A senior manager will be appointed to liaise with the Group and in particular the Chair. The manager will attend meetings and will ensure the provision of secretarial support for the meetings (recording of minutes, organisation of venues and meeting notices).

Where necessary, the appointed manager will work with the Chair to prepare reports to Council.





### Review Process

As a minimum requirement, the Council will review all Reference Groups on a two-year cycle, within three months of an ordinary local government election, to determine whether they should continue and if so, whether the Terms of Reference should be modified. A report will be prepared for Council, including recommendations in relation to the future direction of any Group.

### Notes

This policy applies to all groups Council may establish to provide information advice or input to Council projects, programs, and activities.

EME026		EMPLOYEE GRATUITY PAYMENTS	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	s5.50 Local Government Act 1995		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## EME026 Employee Gratuity Payments

### OBJECTIVES

S5.50(1) of the Local Government Act 1995, prescribes that Council must prepare a policy in relation to employees whose employment with the local government is finishing.

The policy is to set out:

- a. the circumstances in which the Shire of Carnarvon will pay an employee an amount in addition to any amount which the employee is entitled under a contract of employment or award relating to the employee; and
- b. the manner of assessment of the additional amount.

As required under s5.50(1) of the Local Government Act 1995 this severance payment policy outlines the circumstances and manner of assessment upon which the Shire of Carnarvon will pay an employee an amount (severance payment) in addition to any amount to which the employee is entitled under a contract of employment, award, industrial agreement, or order by a Court or Tribunal.

### POLICY STATEMENT/S

The Shire of Carnarvon does not make gratuity payments upon termination.

EME027		ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS	
POLICY OWNER:	Council		
DEPARTMENT:	Office of the CEO		
CREATION DATE:		REVIEW SCHEDULE:	Annually
RELATED PROCEDURES:			
RELATED FORMS:			
RELATED DELEGATIONS:			
RELATED POLICIES:			
LEGISLATION:			
DOCUMENT CONTROL			
DATE REVIEWED:	REVIEWED BY:	CHANGES (IF ANY):	ENDORSED BY COUNCIL:
23/08/2022	Council	Nil	FC7/8/22

## EME027 Acknowledgement of the Traditional Owners

### OBJECTIVES

To ensure appropriate recognition of local indigenous peoples at Shire meetings, functions, and forums.

### POLICY STATEMENT/S

A Welcome to Country is to be arranged with a local Traditional Elder to recognise the traditional custodians of the area, for official major Shire of Carnarvon events, including but not limited to:

- a. events celebrating Aboriginal and Torres Strait Islander people and culture such as the official opening of NAIDOC Week,
- b. Australia Day Citizenship Ceremonies.

An Acknowledgement of the Traditional People is to be read aloud at these events by the official representative of the Shire, and at other events where appropriate.

An Acknowledgment of the Yinggarda People is to be placed by the Shire of Carnarvon in appropriate written forms, including but not limited to:

- a. Strategic Community Plan,
- b. Corporate Business Plan,
- c. Shire of Carnarvon website.

*The following statement is the official Acknowledgement of Yinggarda people by the Shire of Carnarvon– The Shire of Carnarvon acknowledges the Yinggarda people as traditional custodians of this land and their continuing connection to land and community.*

*We pay our respect to them, to their culture and to their Elders past and present.*

EME028		FLYING OF FLAGS	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## EME028 Flying of flags

### OBJECTIVES

To ensure correct protocol is observed in the flying of flags at the Shire of Carnarvon offices and facilities.

### POLICY STATEMENT/S

The Shire recognises the significance of certain flags connected to its governance responsibilities and will utilise Council flagpoles to fly such flags.

The flags that are to be flown each working day are the:

- a. Australian National flag,
- b. Australian Aboriginal flag, and
- c. Shire of Carnarvon flag.

The Western Australian State flag and any other flag/s approved by Council or CEO may be flown on appropriate occasions.

Flags flown in response to Council's governance responsibilities will be flown in accordance with the relevant legislation and protocols in force at the time.

Order of precedence of flags:

- (1) Australian National flag,
- (2) National flags of other nations,
- (3) State and Territory flags,
- (4) Other flags prescribed by the Flags Act 1953 (Commonwealth):
  - a. Australian Aboriginal flag and the Torres Strait Islander flag in either order
  - b. Australian Defence Force Ensign



- c. Australian White Ensign
  - d. Royal Australian Air Force Ensign,
- (5) Ensigns and pennants:
- a. Local Government,
  - b. Commonwealth, State and Territory agencies,
  - a. Non-Government organisations,
- (6) Banners

Flags should not be flown with any other flag on the same flagpole.

EME029		ANNUAL CLOSURE DURING FESTIVE SEASON	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

### EME029 Annual closure during festive season

#### OBJECTIVES

To manage the partial closure of non-essential service and facilities during the annual festive season.

#### POLICY STATEMENT/S

That the Administration Office, Works Depot, Library and Visitor Centre operating dates during the Christmas period be closed at the end of normal business hours on Christmas Eve and reopen the day following New Year's Day, subject to the Chief Executive Officer ensuring that an emergency contact list is maintained for senior employees and key personnel and the closures being widely advertised prior.

#### Processing of Leave

Employees are to apply for their required amount of leave utilising any accrued Time in Lieu first and then any accrued Annual Leave.

Employees with insufficient paid leave will be expected to take time off without pay.

EME030		COMPLAINT HANDLING	
<b>POLICY OWNER:</b>			
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## EME030 Complaint handling

### OBJECTIVES

To provide residents and ratepayers with consistent and clear principles, procedures and guidelines for the lodging, investigation, resolution, reporting back and implementation of decisions relating to complaints made to the Shire of Carnarvon.

To establish a clear process for the internal recording and reporting on complaints management to Elected Members.

To establish a mechanism where complaints about levels of service can be used as inputs into future strategic, annual, and financial planning analysis and decision-making by Elected Members.

### POLICY STATEMENT/S

#### Notes

The Shire of Carnarvon aspires to provide a high level of service to its residents and ratepayers, to provide them with accessible and inclusive democratic services and to do so in a manner that is positive and respectful of members of the community.

The Shire recognises that from time-to-time members of the community may not be satisfied with Council services, processes, and decisions.

It also recognises that there needs to be a clear, simple, and accountable process available for people to lodge any complaint they may wish to make which provides assurance that responses will be considered objectively, and a positive outcome actively sought.

The Shire also takes the view that complaints can provide useful information and insights into community aspirations about future levels of service and into how existing processes, delivery, and communication to the community about services can be improved.

#### Principles

a. A complaint is not a request for a service or a new level of service but is an expression of dissatisfaction about a Council service or action, accompanied by a request for redress. This redress

might take the form of a seeking particular outcome for the individual making the complaint, or a more general desire to see a change to Council services and procedures.

- b. Members of the Shire of Carnarvon community will have access to a simple, accountable, and transparent complaints response service.
- c. Complaints will be regarded as a positive source of information for continuous improvement of Shire services and procedures.
- d. Complaints will be taken seriously and anyone approaching Council with a complaint will be listened to, understood and respected. The matter will be dealt with fairly and properly.
- e. Action will be taken to address their concern or fix the problem.
- f. Complaints will be dealt with quickly and in a manner that provides the complainant with a clear decision as soon as possible.
- g. Complainants will be given information about the process and progress on dealing with the matter raised. Regular updates on progress about their complaints will be provided until a decision is made. An explanation will be given about the process and any decisions made.
- h. Any response to a complaint received from a member of the Shire of Carnarvon community will seek positive outcomes which accommodate as much as possible the concerns of the complainant, if response can be delivered in a way that is consistent with Shire budget decisions and approved annual programmes, and regulatory accountabilities.
- i. If required, an apology in relation to the matter raised will be given.
- j. Complainants will always be informed of further mechanisms available to them for redress if they do not agree with decisions made.
- k. Responses to external statutory bodies investigating complaints will be undertaken in a positive, open, and timely manner.
- l. The confidentiality of complainants will be protected according to statutory standards and requirements.

#### Complaints Procedure

The Shire will maintain a formal Complaints Procedure which will be published on the Council's website.

#### Complaints Register

A Complaints Register will be maintained for all formal complaints received. It will record complainant details and issues raised, assign a complaint number, place of referral within the organisation, final decision, resolution if classified as minor, and final response letter reference.

#### Internal Management and Reporting

The Shire will:





- a. monitor response performance against agreed and published KPIs which will be reviewed on a four-yearly cycle.
- b. report complaints statistics and performance on an annual basis to the Council.

#### Information Inputs into Strategic Planning or Organisation Improvement

As part of any future integrated planning process or organisation improvement process, the Complaints Register will be reviewed to identify any emerging themes in relation to levels of service aspirations, or procedures and standards, as inputs into those processes.

Information will only be used in an aggregated form and the confidentiality of complainant information will be fully protected.

#### Persistent and Unreasonable Complaints

The Shire is committed to addressing complaints raised by members of the community in a positive way, seeking wherever possible, outcomes which address the concerns of complainants.

There will be very limited situations where the decisions/actions of the Shire may be unpalatable to complainants, despite all efforts to achieve a positive outcome. In addition, a very small number of complainants may choose to express their complaints in an unacceptable or aggressive manner.

The Ombudsman Western Australia 2009 Guidelines identify that an organisation may experience what it terms 'Unreasonable Complainant Conduct' falling across three bands of behaviour:

- a. habitual or obsessive complainants, this includes people who:
  - o cannot 'let go' of their complaint
  - o cannot be satisfied despite the best efforts of the agency
  - o make unreasonable demands on the agency where resources are substantially and unreasonably diverted away from its other functions or unfairly allocated (compared to other customers)
- b. rude, angry, and harassing complaints
- c. aggressive complaints.

The Guidelines set out a framework for dealing with these behaviours.

Registering and discussing complaints with employees, whether verbal or written, in an abusive or aggressive manner is unacceptable. Having made clear, the intention of the Shire employees, interaction will be suspended until such time as the behaviour is guaranteed to be at an acceptable level.

Abusive, inflammatory written material or material designed to be intimidating associated with a complaint will be returned to the sender and not acted upon.

The Shire may in exceptional circumstances make the decision to identify a complainant as unreasonable in their behaviour and to limit, withhold or withdraw services associated with the complaint matter.

This can only be considered when the following threshold tests have been met:

- a. it can be clearly shown that the Shire's complaint procedure has been correctly implemented in all its facets and no material element of the complaint overlooked or inadequately addressed;
- b. the behaviour of the complainant has become so habitual, obsessive or intimidating that it constitutes an unreasonable demand on the Shire's resources; and
- c. all internal review or appeal processes have been exhausted; and
- d. the complainant has been advised of external review processes available to them and has chosen not to pursue those processes; or
- e. external review processes have been undertaken and have found against the complainant

Any decision made regarding withholding services will be made by the Shire of Carnarvon Council on receiving a formal report from the CEO. The report will set out the reasons for taking the proposed action and must explicitly address the threshold tests set out above.

The confidentiality of any person involved will be protected.

In considering any of these actions, account will be taken of whether the complainant has suffered a recent bereavement or is under known stress which may be a contributing factor to the behaviour.

### Procedures

#### Lodging of Complaints

Complaints can be made:

- a. in writing via fax and emails and are to be directed to the generic shire address [shire@carnarvon.wa.gov.au](mailto:shire@carnarvon.wa.gov.au)
- b. via the shire website
- c. in person by completing a customer feedback form at the Shire office
- d. by telephone.

Complainants are encouraged to lodge their complaint in writing but if made by telephone, the complainant will need to provide their name and contact details and information about their concerns.

The complaint will be recorded in the Complaints Register by the Shire employee receiving the complaint at first point of contact, along with information about the date at which it is referred for investigation, where referred and initial response.

#### Initial Resolution: Minor Matters

'Front of house' customer service employees and external works employees will be the first point of contact for many complaints received by Council. As a first principle they should attempt to resolve minor complaints as speedily as possible. Where there is no consequent budget cost or liability, or no implications for the Council's established policy position on a matter, then they have the authority to resolve the problem on the spot. Complaints must be recorded in the Complaints Register.

If the minor matter is resolved at this stage to the satisfaction of the complainant, this should be recorded by the person dealing with the issue in the Complaints Register. If the matter cannot be resolved satisfactorily, it should be referred to the relevant senior manager/ Chief Executive Officer with this referral also recorded in the Complaints Register. The complainant should be informed that the matter will be referred for further investigation and that they should expect a follow-up written communication within 5 working days confirming the process which will be followed.

Where there are potential implications for budgets, wider levels of service decisions, liability or the Shire's established policy position, the complaint should be immediately referred to the relevant senior manager/ Chief Executive Officer for investigation as per the Stage 2 Complaints Procedure. The complainant should be informed that the matter will be referred for further investigation and that they should expect a follow-up written communication within 5 working days confirming the process which will be followed.

### Stage 2 Complaints Processes

Where a complaint has been received and it is more than minor, or if a minor complaint that could not be satisfactorily resolved is referred on, they will be dealt with under the following processes:

#### Complaints in Relation to Council Services

If the complaint alleges illegal or corrupt action, the CEO will automatically refer the matter to a relevant outside agency.

In all other cases, the following process will be followed:

- a. The complainant will receive an initial phone-call from the relevant person with the authority to deal with the matter with the intent of trying to resolve the concern raised, within the specified time set out in Appendix 1. If the matter is resolved this will be logged in the Complaints Register.
- b. If the matter cannot be resolved in this way, the complainant will receive a letter acknowledging receipt of information within the specified time set out in Appendix 1.
- c. The complaint will be referred by the CEO to the relevant senior employee responsible for the service that is the subject of the complaint. The senior employee will investigate the complaint, including interviewing the relevant employees. If the matter can be resolved at this point in a way that in the view of the employee does not have budget implications, does not significantly affect programme, or project priorities and is consistent with Council's policy direction then the matter should be resolved. This resolution will be recorded in the Register. If it cannot be resolved at this point the matter will be reported to the CEO.
- d. The CEO will consider the report and decide on the complaint, including if the complaint is upheld whether any changes to current practices and procedures is required.
- e. The complainant shall be advised in writing of the outcome of the decision. The complainant will receive a letter with the decision on the complaint or an update on progress within the specified time set out in Appendix 1. They will also be informed of the avenues available to them for further appeal if they are dissatisfied with the decision and outcomes. This will include the ability to write further on the matter to the Shire President, or to make a complaint to the Ombudsman's office.

f. The decision at any point in the process will be recorded against the Complaints Register number along with the file reference number for any associated written document

#### Note

In some cases, complaints may be concerned with seeking a level of service change or a programmed action that is not provided for in existing budgets or programme capital works. These matters will be automatically forwarded to strategic, annual, and capital works planning processes for future reference and consideration.

#### Complaints Against Employees (other than the CEO)

s5.14 of the Local Government Act states: 'The CEO's functions are to: be responsible for the employment, management, supervision, direction, and dismissal of other employees (subject to s5.37 (2) in relation to senior employees.'

Accordingly, all complaints or allegations against an employee (other than the CEO) shall be dealt with by the CEO.

If the complaint alleges illegal or corrupt action, the CEO will automatically refer the matter to a relevant outside agency.

In all other cases, the following process will be followed:

- a. Investigation of complaints/ allegations will be treated as confidential and will be discharged according to the principles of natural justice and procedural fairness.
- b. The CEO will advise the employee verbally and in writing of the complaint, setting out:
  - details of the complaint/ allegation (other than the complainants' name/ details),
  - details of the legislation/ Employee Code of Conduct that has allegedly been breached,
  - seek comments or a response to the allegation,
  - specify a closing date for receiving a response
- c. Having received all responses, the CEO will prepare a confidential report. The report will contain details of the complaint/ allegation, legislation or Code of Conduct alleged to be breached, a determination on whether a breach has occurred and if so, the action which will be taken in relation to the employee's future performance.
- d. The employee will be advised as soon as practicable of the outcomes of the decision in relation to the complaint.
- e. The complainant will be advised as soon as practicable of the outcomes of the decision in relation to the complaint and of the avenues available to them for further appeal if they are dissatisfied with the decision and outcomes. This will include the ability to write further on the matter to the Shire President, or to make a complaint to the Ombudsman's office.

#### Complaints Against the CEO

Any complaint in relation to the Chief Executive Officer will be forwarded to the Shire of Carnarvon President for consideration and action.

If the complaint alleges illegal or corrupt action, the President will automatically refer the matter to a relevant outside agency.

In all other cases, the following process will be followed:

a. Investigation of complaints/allegations will be treated as confidential and will be discharged according to the principles of natural justice and procedural fairness.

b. The President will advise the CEO within seven days of receiving a complaint, verbally and in writing, of the existence of the complaint and setting out:

- details of the complaint/ allegation (other than the complainant's name/details)
- details of the legislation/ Employee Code of Conduct that has allegedly been breached
- seek comments or a response to the allegation
- specify a closing date for receiving a response

c. The Shire President will prepare a confidential report to Council which will:

- summarise the complaint made
- summarise information in relation to the issue raised
- present a resolution which either declines to review the matter further, addresses the issues raised, or triggers further formal review.

d. if it is resolved that the complaint should receive further consideration by Council, the President will convene a special Performance Review meeting within 21 days of receipt of the complaint and present a report outlining the issues raised, a view as to whether any breach of the Code of Conduct or Performance Agreement has occurred and if so, potential performance management provisions.

e. If the Council considers that further information is required on a specific matter or aspect of the issue under discussion, including legal advice, this will be commissioned via formal resolution by Council. No other information will be sought independent of that process by Elected Members and if tabled will not be considered further in any deliberations.

f. The President will prepare a further report, including any new information previously sought by Council with relevant recommendations for consideration by the Council.

g. The Council will make a final decision and the employee will be advised as soon as practicable of the outcomes of the decision in relation to the complaint. They will also be informed of any further process for appeal or redress.

h. The complainant will be advised as soon as practicable of the general outcomes of the decision, consistent with the Shire's duties to act in good faith as an employer and to retain relevant



confidentiality, and of the avenues available to them for further appeal if they are dissatisfied with the decision and outcomes.

#### Complaints against an Elected Member or the Shire President

Any complaint in relation to an Elected Member or the Shire President will be forwarded to the Shire of Carnarvon:

- a. Behaviour Complaints Officer as per Division 3 of the Shire of Carnarvon Code of Conduct for Council Members, Committee Members and Candidates
- b. Complaints Officer as per Division 4 of the Shire of Carnarvon Code of Conduct for Council Members, Committee Members and Candidates (s5.120 LGA 1995).

If the complaint alleges illegal or corrupt action, the Complaints Officer will automatically refer the matter to a relevant outside agency.

All subsequent processes will be followed as provided for under Division 9, LGA 1995.

#### Anonymous Complaints

As a general principle no action will be taken when a complainant declines to provide their name and/or contact details. The exception will be where the matter could be life threatening, is an existing health hazard, or will create a health hazard.

All anonymous complaints should be recorded in the Complaints Register whether action is taken or not. Where an action is taken this must be recorded in the Complaints Register.

EME031		SHIRE SOCIAL MEDIA	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>	Shire of Carnarvon Code of Conduct for Council Members, Committee Members and Candidates Shire of Carnarvon Code of Conduct for Employees		
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

### EME031 Shire social media

#### OBJECTIVES

The objectives of this policy are to:

- a. Communicate and promote the Shire's news, initiatives, events, and profile, and actively listen to the community's views on local government matters.
- b. Actively engage with the community and raise the profile and public awareness of Shire business, services, public resources and facilities, and response/recovery actions in relation to natural events and emergencies.
- c. Strengthen the Shire reputation as being responsive, consultative, participatory, and transparent.
- d. Provide an appropriate framework for use of Social Media that aligns with the Shire's Codes of Conduct.

#### POLICY STATEMENT/S

This policy represents authorisation from the Shire President to the Chief Executive Officer pursuant to s5.41(f) of the Local Government Act 1995 for Shire commentary to be conducted using social media under this policy framework.

Use of the Shire's Social Media shall be limited to:

- a. Authorised Shire Representative as determined by the Chief Executive Officer in writing.
- b. The dissemination of information only unless otherwise approved by the Shire President or the Chief Executive Officer.
- c. Information from the Shire of Carnarvon or from another agency or organization where the information relates to the response and recovery processes applicable to a natural event or an emergency.

An authorised Shire Representative may only disclose publicly available information (excludes confidential, proprietary, private, or legal matters) on Social Media, and must not cite, post or reference material from a third party, although applicable to the Shire, without approval from that third party and their Executive Manager.

An authorised Shire Representative shall record all social media communications in the Shire central records system

A Shire representative must not publicly disclose any internal information via social media that may adversely affect the Shire's customer relations or public image.

A Shire representative when using Social Media shall always be accurate and factual, respectful and courteous, and mindful of:

- a. Their obligation of fidelity to the Shire,
- b. The Shire's Code of Conduct,
- c. Possible implications under other legislation and common law (i.e. not illegal, libellous, discriminatory, defamatory, abusive or obscene); and
- d. Not bringing Council's integrity into disrepute or harm the operations or reputation of the organisation.

A Shire representative in using Social Media in their own personal time must not refer to or comment on local government business, activities, or other Shire representatives without first having obtained authorisation from the Shire President or Chief Executive Officer.

#### Note

With Social Media having blurred the lines between people's personal and professional time and space it is important to understand that the impact of a person's social media presence can have repercussions in both their personal and professional lives.

While active Social Media interaction by Shire Representatives in a personal capacity is accepted as a medium of advocacy and self-expression, it is important the use of Social Media engagement by a Shire Representatives does not harm the organisation, or its employee's reputations.

It should be noted that a Shire Representative found to have breached the provisions of this policy or pertinent legislation (including the Shire's Codes of Conduct) may be subject to disciplinary action by the Shire.



EME032		ELECTION SIGNS	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## EME032 Election signs

### OBJECTIVES

The objective of this policy is to establish a framework for the controls and standards for electoral material and signs displayed during Federal, State, and local government elections.

### POLICY STATEMENT/S

The Shire recognises that decisions of the High Court of Australia and the Supreme Court of Western Australia protect the display of electoral material or signs on private property that are an implied constitutional freedom of political communication.

The Shire will implement appropriate controls and standards to exercise the extent of the Shire's legitimate ability to control electoral material and signs and signs on private property.

The Shire will not permit signage (including election signs) on any facilities or land owned, managed, or controlled by the Shire which detract from the amenity and/or pose a risk to public safety.

EME033		GRIEVANCE INVESTIGATION AND RESOLUTION	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>FILE NUMBER</b>			
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Every 4 years
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	Local Government Act 1995 (WA) State Records Act 2000 (WA) Privacy Act 1988 (cth) Freedom of Information Act 1992 (WA) Equal Opportunity Act 1984 (WA) Public Interest Disclosure Act (2003) Occupational Safety & Health Act 1984 (WA) Fair Work Act 2009 (cth) Work Health and Safety Act 2020 and Regulations		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## EME033 Grievance Investigation and Resolution

### OBJECTIVES

To provide guidance on processes in relation to receiving and actioning internal employee grievances.

### POLICY STATEMENT/S

Applies to all workers performing work (paid and unpaid) for the Shire, including but not limited to direct hire, contractors, labour hire, project workers, volunteers and those performing work through a third party.

All employees have a right to express any genuine grievances or complaints through an impartial internal process.

All employees involved in a grievance process are expected to participate in good faith. For the purposes of this directive, the term “employee/s” will extend to cover contractors, volunteers and any person performing work for or with the Shire of Carnarvon in any capacity.

### Definitions

**Complainant:** An employee who raises a complaint about a matter regarding the workplace.

**Respondent:** An employee who is alleged to have acted in a manner which caused the complaint

Support Person: A Complainant and/or a Respondent may choose to bring a Support Person with them to a meeting, where practicable. The role of a Support Person is not to advocate on behalf of anyone, but to simply provide emotional support.

Witness: A person (including an employee) who is requested by the Shire of Carnarvon to assist the process by providing relevant information regarding the complaint.

Investigator: Appropriate Shire of Carnarvon employee or a suitable person external to the Shire appointed by the CEO (or by a Director, on the recommendation of the Shire President, where the matter relates to the CEO) to conduct investigations.

### Making a Complaint

If a Complainant believes they are the victim of behaviour of a Respondent which is inconsistent with the Shire of Carnarvon's policies, procedures or guidelines, the Complainant should, where reasonable or practicable, first approach the Respondent for an informal discussion.

If the nature of the complaint is sufficiently serious, the Complainant should contact his/her Manager or Human Resources directly, instead of approaching the Respondent. If the alleged inappropriate behaviour continues, the Complainant should make a formal complaint to his/her direct manager.

If the direct manager is the Respondent in the matter or if the Complainant feels uncomfortable approaching his/her manager, the Complainant should approach Human Resources.

Where a complaint is received it must be forwarded in a timely manner to Human Resources for a decision upon the most appropriate way to take the matter forward, whether it is an informal discussion with the Complainant and/or the Respondent, or the commencement of a formal investigation of the complaint.

Any grievances lodged against the Chief Executive Officer are to be dealt with by the Shire President and Council under this policy.

Grievances should be lodged with the Manager Human Resources or CEO.

### Investigations

#### Shire Instigated Investigations

Where the Shire becomes aware of allegations of employee/s breaching Shire of Carnarvon's policies, procedures or guidelines, an investigation may commence in accordance with this Policy. This is without the need of a formal complaint being lodged.

#### External Government Agencies

There may be times where the investigation of a complaint may be undertaken by an external government agency before or instead of being investigated by the Shire.

Circumstances include investigations being conducted by the Corruption and Crime Commission (CCC), Public Sector Commission (PSC) or the Police.

### Stand Down

Where allegations of misconduct are considered by the Chief Executive Officer (or President) to be sufficiently serious or pose a threat to health and safety the Respondent may be stood down while the matter is being investigated.

### Key principles in the complaint process

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

#### Confidentiality

Only the employees directly investigating or addressing the complaint will have access to the information about the complaint.

The Chief Executive Officer (or the President, where the matter relates to the CEO) may inform or appoint a third party to investigate and advise on the investigation.

All parties involved in dealing with a complaint are required to keep the matter confidential. Only the outcome to the investigation will be placed on the employee's personal file. and all documentation will otherwise be kept in a confidential file.

#### Impartiality

Both parties will have an opportunity to put their cases forward. No assumptions are made, and no action will be taken until available and relevant information has been collected and considered.

No employee who is a Witness or Respondent may be involved in any decision-making capacity as to the outcome of the grievance.

#### Sensitivity

The employees who assist in responding to complaints should be specifically trained or equipped to treat all complaints sensitively and ensure the process is free of coercion or intimidation.

#### Timeliness

The Shire will with all complaints as promptly and in accordance with any legislative requirements.

#### Documented

All complaints and investigations must be documented and inn formal grievance processes, records must be kept of all documents collected and/or drafted as part of that process.

For more informal processes, a file note or note in a diary may be sufficient; and

### Follow the Principles of Natural Justice

The principles of natural justice provide that:

- A Respondent against whom allegations are made as part of a grievance process has the right to respond to the allegations before any determination is made,
- A Respondent against whom an allegation is made has the right to be told (where possible and appropriate) who made the allegation,
- Anyone involved in the investigation must be unbiased and will declare any conflict of interest,
- Decisions must be based on the balance of probability arising from the objective considerations and substantiated facts; and
- The Complainant and the Respondent have the right to have a support person present at any meetings where practicable.

#### Procedurally Fair

The principles of procedural fairness provide that:

- The Respondent is advised of the details (as precisely and specifically as possible) of any allegations when reasonably practicable,
- A Respondent is entitled to receive verbal or written communication from the Shire of Carnarvon of the potential consequences of given forms of conduct, as applicable to the situation,
- The Respondent is given an opportunity to respond to any allegations made against him/her by a Complainant,
- Any mitigating circumstances presented to the CEO (or to the Shire President when the matter relates to the CEO) through the grievance process are investigated and considered,
- Any witnesses who can reasonably be expected to help with any inquiry or investigation process should be interviewed; and
- All interviews of witnesses are conducted separately and confidentially.

#### Outcomes of making a complaint

Where a complaint is substantiated, there are several possible outcomes:

- If the complaint involves a performance issue, the manager of the Respondent may commence a formal or informal performance management process with the Respondent or elect to discipline the Respondent in accordance with the applicable industrial instruments, policies, and management directives; or
- If the complaint involves a breach of a Policy or any other behaviour that is inconsistent with the employment relationship, the manager of the Respondent, in consultation with Human Resources, may elect to discipline the Respondent in accordance with the applicable industrial instruments, policies, and management directives.

#### Vexatious or Malicious Complaints



Where a Complainant has deliberately made a vexatious or malicious complaint that Complainant may be subject to disciplinary action, including but not limited to, termination of employment.

Victimisation of Complainant

A Complainant must not be victimised by the Respondent or any other employee of the Shire.

Anyone responsible for victimising a Complainant may be subject to disciplinary action, including but not limited to, termination of employment.

Patterns of unsubstantiated Complaints

Where an abnormally strong pattern of separate unsubstantiated complaints about a given Respondent becomes apparent, the matter may be considered further from a performance management or disciplinary perspective.

EME034		COMMUNICATION	
<b>POLICY OWNER:</b>	Shire of Carnarvon		
<b>DEPARTMENT:</b>	Executive		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>	Code of Conduct for Council Members, Committee Members and Candidates for Election		
<b>LEGISLATION:</b>	<i>Local Government Act 1995 (the Act)</i> Section 2.7 of the Act sets out the role of the Council Section 2.10 of the Act sets out the role of Councillors Section 2.8 of the Act sets out the role of the President Section 5.41 of the Act sets out the functions of the CEO. Code of Conduct for Council Members, Committee Members and Candidates for Election.		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
27/09/2022	Council	Endorsed	FC4/9/22

## EME034 Communication

### OBJECTIVE

The purpose of this policy is to provide a clear protocol for two-way communication between the Council and the administration.

### SCOPE

The Shire President, Council Members and the CEO are leaders in the community and their conduct can impact positively and negatively on the reputation of the Shire.

The administration has respect for the Office of Council Member and values the contribution that they make.

The administration and Council Members acknowledge:

- the separation of powers enshrined in legislation (and the Code of Conduct); and
- the importance of achieving the right balance between provision of timely communication and the critical need for provision of accurate information which, on occasion, takes time to compile; and
- the importance of upholding our organisational values of courage, authenticity, respect, inclusion, humility, passion, excellence, and cohesion in all our communication.

Communication that goes to one Council Member will be sent to all Council Members, except for communication relating to integrity matters, development of Alternative Motions, development of Notices of Motions, personally sensitive information, and individual training.

It is also noted that the role of the President includes liaising with the CEO on the local government's affairs and the performance of its functions which requires heightened communication to achieve.

## DEFINITIONS

N/A

## POLICY STATEMENTS

Effective communication between Council Members and the administration is critical to the success of the entire organisation. Council Members and the administration have a responsibility to communicate effectively. Under section 5.92 of the Act, Council Members may request any information held by the local government that is relevant to the performance by the person of any of his or her functions under the Act or under any other written law.

The communication points for Councillors are:

- The Shire President
- CEO and Executive Managers
- Senior Executive Officer

Distribution of Council and Committee meeting agendas and minutes occurs at the direction of the Chief Executive Officer, by the Senior Executive Officer (Council and Committees). Queries regarding the contents of agenda and minutes should be directed to the Shire President, CEO or the relevant employee responsible for such matters.

All correspondence generated and received by Council Members that relate to the business of Council is subject to the State Records Act 2000, the Freedom of Information Act 1992, and the Shire's Record Keeping Plan, and as such must be retained within the Shire's corporate recordkeeping system.

### Customer Requests

Customer Service forms part of the day-to-day operations of the local government under section 5.41 of the Act. The Shire's Customer Request Management system provides a means for customers to request and report issues associated with the extensive services provided by the Shire to the community.

The Customer Request Management system is linked to the Shire's Records Management system to ensure efficient, effective, and timely responses.

As community leaders and the public face of the local government, Council Members are often a point of contact for members of the public. Members of the public will often reach out to Council Members with issues and requests for services relating to advancing planning or building matters, maintenance of parks and gardens, road works or waste collection. While Council Members have a role representing the collective interests of electors, ratepayers, and residents of the district, acting on behalf of individual customers can put Council Members in a difficult position.



Council Members have responsibilities to abide by the rules of conduct provided for in the Local Government (Model Code of Conduct) Regulations 2021 and which are included in the Shire of Carnarvon Code of Conduct for Council Members, Committee Members and Candidates for Election. There are three clauses of relevance.

- Regulation 18 states that a Council Member must not make improper use of their office to gain directly or indirectly an advantage for the council member or any other person.
- Regulation 19 states 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.
- Regulation 20 states that a Councillor must not 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 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.

Making some types of Customer Requests on behalf of customers could result in a perception by the administration as a direction that must be acted on as a priority and accordingly result in an advantage to the customer.

To avoid legislative breaches, perceived or actual, when approached by members of the community, Councillors should direct the customer to the Customer Request Management system via email – [shire@carnarvon.wa.gov.au](mailto:shire@carnarvon.wa.gov.au) or through the Shire’s website at <https://www.carnarvon.wa.gov.au/Our-Shire/Customer-Feedback-Complaints>

A model response that Council Members may wish to use when contacted by members of the public directly is below:

*“Thank you for email regarding XXXX, the best way to action your issue is to contact the Shire through the Customer Request Management (CRM) system at [shire@carnarvon.wa.gov.au](mailto:shire@carnarvon.wa.gov.au) or through Council’s website at <https://www.carnarvon.wa.gov.au/Our-Shire/Customer-Feedback-Complaints>. This will enable you to track progress on your request. A response will be provided by the Shire in accordance with the Shire’s Customer Service Charter. If you do not receive a response to your satisfaction, please follow up with me.”*

If a customer is not satisfied with the Shire’s services, a Council Member may wish to:

- consult with the Shire President or the CEO and/or
- advise the customer to contact the Ombudsman.

To protect Council Members, Customer Requests received from Council Members on behalf of third parties will be treated like any other request received in the Customer Request Management system. Council Members will not receive any preferential treatment in this regard because such an action would be in conflict with the Shire’s conflict of interest procedures and Code of Conduct.

Council Members are community members and customers too, and Customer Requests received from them will be managed in accordance with the standard customer service request procedure.

### **Weekly Updates**

The CEO issues an informal Weekly Update to Council Members at the end of each week. The purpose of the update is to provide Council Members with administration information that is not necessarily publicly available and provides a mechanism for the administration to communicate information to Council Members informally and regularly.

Weekly Updates communicate to Council Members any hot topics, general staffing information and information about the local government sector that may be of interest. The principle aim is to ensure a “no surprises” environment for Council Members. The updates are kept short and sharp without going into too much detail. Council Members are welcome to request further detail on any topic that is of particular interest or concern.

### **Calendar**

All Council Members have access to an electronic calendar through Outlook. This is the official calendar in performance of their duties and all invitations will be sent via Outlook.

Shire President – all Shire related calendar activities will be updated and managed by the Senior Executive Officer on behalf of the Shire President.

Council Members - all Shire originated calendar requests will be managed by the Senior Executive Officer who will issue invites and update calendars by sending invitations to the relevant Council Members. Council Members are required to accept or decline the meeting invitation to ensure accurate records of attendance can be maintained. Should the Council Member decline, it will indicate that they will be an apology for the meeting or event.

External agencies may send invitations directly to a Council Member for events/meetings that require attendance in an official capacity, but consideration of same should be consistent with the Shire Tickets to/Attendance at Events Policy, and guidance may be obtained via the CEO.

Shire calendars should include only Shire related activities at which Council Members are attending in an official capacity including:

- Committees of Council
- Council Advisory Groups
- External groups of which a Council Member is a Shire representative
- Shire Events.

### **Maintaining Confidentiality/Embargoed information**

Council Members must not promote Shire information to the community that has not already been released or published, or until such time as the Shire President, as spokesperson for the Shire, has had an opportunity to speak.

The CEO, or representative, will advise verbally, or in writing if appropriate, where information is deemed to be confidential in nature or embargoed. Such documents will be clearly marked 'confidential' or embargoed.

Information does not need to be marked confidential for its release to constitute a gain for another person

### Meetings

In accordance with Regulation 14 of the Local Government (Administration) Regulations 1996, Council Members will receive the notice paper and agenda relating to any council or committee meeting from the time that these documents are available for inspection by members of the public. The following conventions shall apply:

- All Council Members will receive electronic versions of Council and Committee agendas and all attachments.
- All Council Members will receive a printed copy of all Council agendas and Committees that they are a member of, including confidential Items.

Council Members are encouraged to opt out of receiving paper copies of agendas.

Where practicable, the agenda for Ordinary Council Meetings will be provided 3 days prior to the Council meeting.

Council, and the administration recognise the importance of accurate and timely advice contained in the agenda and that on occasion, additional information on agenda items may need to be published following publication of the agenda. This shall occur using a header box in the agenda with the associated report published on the Shire's website with the agenda when available.

Late items will be permitted only with the approval of the CEO and the Shire President and in accordance with the Shire of Carnarvon Meeting Procedures Local Law.

In accordance with Regulation 6 of the Local Government (Model Code of Conduct) Regulations 2021 Council Members should ensure they read all papers prior to the meeting.

### Alternative Motions / Amendments

Council Members wishing to propose an Alternative Motion or Amendment to the Officer's recommendation are encouraged to first consult with the CEO. This is to ensure the consequences of the Alternative Motion / Amendment are assessed for compliance.

Council Members are encouraged to distribute Alternative Motions / Amendments prior to the meeting to all other Council Members, Executive and the Senior Executive Officer. Alternative Motions / Amendments that are circulated prior to 1:00pm on the day of the meeting will be printed and tabled for Council Members in Chambers.

### Information regarding agenda reports





Under section 5.41 of the Act, the functions of the CEO include ensuring that advice and information is available to the Council so that informed decisions can be made. The Agenda Briefing session provides an opportunity for Council Members to identify additional information requirements related to agenda reports. Responses to questions that are not answered at the Agenda Briefing will be provided to all Council Members.

Council Members seeking information on agenda reports can also request to meet with the CEO.

## EXPLANATORY NOTES

N/A

CF001		PURCHASING AND PROCUREMENT	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>	27 May 2014	<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>	CF003 - Tenders Criteria Policy CF002 - Regional Price Policy		
<b>LEGISLATION:</b>	s3.57 of LGA, Regulation 11A of Functions & General Regulations Local Government (Functions and General) Regulations 1996 Regulation 11 and Regulation 18(4) Local Government Act 1995 (“the Act”) and the Local Government Act (Functions and General) Regulations 1996 (“the Regulations”). State Records Act 2000 (WA) and associated records management practices and procedures of the Shire of Carnarvon. Relevant legislation, regulations, and requirements consistent with the Shire of Carnarvon’s policies and Code of Conduct State Government’s Buy Local Policy		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## CF001 Purchasing and Procurement

### OBJECTIVES

To provide a clear goods and services purchasing framework to ensure the Shire of Carnarvon delivers purchasing regulatory compliance, value for money, efficiency, transparency and integrity to its service delivery.

### POLICY STATEMENT/S

#### 1. Principles

Shire of Carnarvon purchasing shall:

- (a) adhere to statutory obligations;
- (b) seek value for money to achieve the most advantageous outcome for the Shire;
- (c) be consistent, efficient, effective, and transparent;
- (d) maintain fair and ethical practices;
- (e) declare any conflicts of interest consistent with the Code of Conduct;
- (f) maintain commercial confidentiality;
- (g) be undertaken competitively and impartially; and
- (h) seek to maximise local content.

## 2. Accountability

Shire of Carnarvon authorised requesting and purchasing officers and employees shall be accountable for their purchasing decisions under the provisions of the Code of Conduct.

## 3. Value for Money

Value for money accounts for:

- (a) user requirements;
- (b) quality standards;
- (c) sustainability;
- (d) life cycle costs; and
- (e) service benchmarks.

Specification compliance and total ownership cost of goods and services outweigh obtaining lowest direct purchase price.

Multiple competitive quotations and market testing wherever practicable promotes competition and value for money.

Where higher priced conforming offers are recommended, benefits shall be demonstrable.

Value for money assessment shall consider:

- (a) total ownership cost including but not limited to transaction and acquisition costs, delivery costs, distribution costs, consumables, deployment, maintenance and disposal;
- (b) technical merit in terms of compliance with specifications, contractual conditions and quality assurance mechanisms;
- (c) value adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, after sales service and integration with existing systems; and
- (d) supplier experience, financial viability, longevity and default risk.

## 4. Sustainable Purchasing

The Shire is committed to sustainable purchasing. Where appropriate, specifications shall seek to include goods, services and/or processes that minimise negative environmental and social impacts and embrace Corporate Social Responsibility.

## 5. Purchasing Value

Purchasing value shall:

- (a) be exclusive of Goods and Services Tax (GST);
- (b) be the actual or estimated value over the full contract period; and
- (c) incorporate any approved variation to the scope of the purchase.

## 6. Purchasing Under Established Shire Contracts



Goods and services purchasing under established Shire contracts shall be limited to the Shire contract scope extent.

General trade services contracts (e.g. Electrician, plumbing cleaning etc) shall include a provision that an individual purchase exceeding the regulatory tender threshold shall be subject to an individual public tender process.

## 7. Purchasing Thresholds

Goods and/or services shall be purchased in accordance with the applicable Table 1 purchase threshold unless:

- (a) exempted under the Local Government Act 1995 and associated regulations; or
- (b) purchased from a WALGA Preferred Supplier Panel member; or
- (c) under a current Shire contract for provision of those goods and/or services; or
- (d) exempted under this policy.

Purchasing Value (Excl GST)	Required Purchasing Process
\$0 - \$2,500	Direct purchase from suppliers. No quotation required. Market testing is encouraged.
\$2,501 - \$6,000	Obtain at least one written quotation (includes copies of supplier catalogues or websites). Market testing is encouraged.
\$6,001 - \$25,000	Seek to obtain at least two (2) written quotations from suppliers based upon a brief provided to suppliers outlining specified requirements. Supplier appointment directed by best value for money principle.
\$25,001 - \$75,000	Seek to obtain at least three (3) written quotations from suppliers based upon a brief provided to suppliers outlining specified requirements. Supplier appointment directed by best value for money principle.
\$75,001 - \$249,999	Conduct a formal Request for Quotation (RFQ) process in accordance with the Shire's Request for Quotation procedures. Seek to obtain at least three written RFQ submissions.  Procurement decision shall be based on pre-determined evaluation criteria that assesses value for money considerations.
\$250,000 and above.	Conduct a public Tender process in accordance with the Local Government Act 1995 and associated regulations.  The purchasing decision shall be based on pre-determined evaluation criteria that assesses value for money considerations in accordance with Policy C013 Tender Selection Criteria

### Table 1: Purchasing Thresholds

Purchasing thresholds do not prevent the utilisation of requirements for a higher threshold bracket for a particular procurement when considered beneficial. In that case the purchasing process used shall be in accordance with the higher threshold band requirements.

#### 8. Anti-Avoidance

Two or more contracts or orders for goods and services purchasing shall not be utilised to avoid the Table 1 purchasing threshold requirements.

#### 9. Purchasing Threshold Exemptions

Goods and services in Table 2 shall be exempt from the Table 1 purchasing threshold requirements to the limit and extent nominated in Table 2.

Exempt Goods and/or Service	Exemption Limit and Extent
<i>Live Shows, Artistic Performances, Digital Movies</i>	Exempt up to a maximum of \$250,000 in any one instance where the show, performance or movie is a unique product or service.
<i>Freight</i>	Exempt up to a maximum of \$75,000 in any one instance. Where possible market testing is encouraged.
<i>Travel/Airfares</i>	Exempt up to a maximum of \$25,000 in any one instance. Where possible market testing is encouraged. An equitable approach to purchasing this service from any local travel suppliers shall apply.
<i>Leasing of Property</i>	Exempt up to a maximum of \$75,000 p.a. in any one instance.
<i>Souvenirs and Tourism Merchandise</i>	Exempt up to a maximum of \$25,000 in any one instance where the merchandise is a unique product or service.
<i>Software and other annual subscriptions</i>	No limit. Recurrent subscription costs shall be considered in the initial purchasing value for money assessment.
<i>Insurance Renewals</i>	No limit. Recurrent subscription costs shall be considered in initial purchasing value for money assessment.
<i>Sole Source of Supply</i>	No limit. Sole source of supply validity must be demonstrated, documented, and approved by the authorising officer.

#### 10. Local Purchasing

Purchasing from local suppliers shall be sought where local supply of goods and services is available.

Regional price preference shall be applied to eligible local suppliers in accordance with any Council adopted Regional Price Preference Policy.





## 11. Purchasing Procedures

Purchasing procedures shall be maintained consistent with the operational implementation of this policy. Quotations and Tenders shall be obtained in accordance with the purchasing procedures.

## 12. Purchasing Records

Purchasing activities shall be documented in accordance with the purchasing procedures.

Purchasing documents and records shall be retained in accordance with the State Records Act 2000, Shire records management procedures and Shire purchasing procedures.

CF002		REGIONAL PRICE PREFERENCE POLICY	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	LGA 1995 s. 3.57 LG F&G Reg. 1996 Part 4A – Regional price preference		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

### CF002 Regional Price Preference Policy

#### OBJECTIVES

To maximise the use of competitive local business in the procurement of goods and services and to encourage employment of local people to encourage economic growth within the town and the region.

Note: this policy should be read in conjunction with the following:

- CF001 Purchasing Policy
- CF003 Tender Selection Criteria

#### POLICY STATEMENT/S

This Policy applies to all purchases over \$75,000 (excluding GST) for goods or services under Purchasing Policy (CF001), except for quotations obtained from a supplier under an existing Preferred Supplier Contract of a Pre-Qualified Supplier.

On a case-by-case basis, the policy may be applied to purchases between \$6,000 to \$75,000.

#### Price Preference

A preference will be given to a regional tenderer/ respondent by assessing their tender/ quotation as if the price bids were reduced by:

- 10% (up to a maximum of \$50,000 excluding GST)) for goods and services,
- 5% (up to a maximum price reduction of \$50,000 (excluding GST)) for construction (building);

#### Regional Description

Regional is defined as:

- all business located within the municipal boundaries of the Shire of Carnarvon,
- or in the Gascoyne Region, as defined by the WA Regional Development legislation AND



c. where the local governments of those areas have a reciprocal policy which includes the Shire of Carnarvon.

#### Seeking Regional Price Preference Consideration and Proof of Eligibility

Regional tenderers or respondents to requests for quotations must indicate in writing that they wish the regional price preference to be considered in any one tender or quotation process.

Suitable proof of eligibility must be submitted with the tender or quotation process.

A supplier of goods or services who submits a tender is regarded as being a regional tenderer for the purposes of this Part as defined by the Local Government Functions and General Regulations 1996 part 4a.

#### Application of the Levels of Preference

The prices for goods and services submitted by an eligible business, contractor or supplier as defined in this policy may be either wholly supplied from within the prescribed area as the region or partly supplied from within the prescribed area as the region.

Only those goods or services supplied from within the prescribed area as the region will be included in the discounted calculations that form part of the assessment of a tender or proposal when this policy is in operation. Consideration in an RFQ or Tender Process.

The Regional Price preference is an input into a procurement process only and is a part of a wider process of assessing price and performance under qualitative criteria.

The tender/ quotation process overall will determine what is the best procurement outcome for the Shire of Carnarvon.

CF003		TENDER SELECTION CRITERIA	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	Local Government Act 1995 Sect. 5.98 (2)(a)(b); 5.99A Local Government (Administration) Regulations 1996 Reg 32 Public Service Award 1992		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

### CF003 Tender Selection Criteria

#### OBJECTIVES

To:

- ensure compliance with the Local Government Act, 1995 and the Local Government (Functions and General) Regulations, 1996.
- establish generic assessment criteria for the evaluation of Tenders to streamline and standardise the Request for Tender process.
- ensure that Shire procedures for procurement is transparent and consistent, and results in best-value outcomes considering life-cycle costing, quality, and safety.

This policy should be read in conjunction with the following:

- CF001 Purchasing and Procurement Policy
- CF002 Regional Pricing Policy
- CF003 Tenders Management Policy

#### POLICY STATEMENT/S

##### Introduction

This Policy applies to all tenders determined by Council, or by the CEO under delegated authority.

It is essential that Tender documents are structured to provide all relevant information to potential tenderers and achieve a good Tender submission.

This includes information regarding the Tender process, the draft contract, the scope of works and a pricing schedule. Whilst each scope of works and pricing schedule is unique, the structure of each Tender document will be the same.

A well-structured Tender document will guide the potential tenderer in providing a clear and complete tender submission.

A good Tender submission will be vital for the Panel to evaluate each submission to its full potential. The panel will need to ensure that the evaluation process is efficient and transparent.

Making assumptions about the information and pricing provided by the Tenderers should be avoided.

Furthermore, the Tender document must advise Tenderers about the selection criteria and the weighting of each criterion.

These criteria assist the Panel in evaluating each Submissions. By applying a weighting (in %) to each criteria the Panel can compare the received submissions. This policy sets out the standard criteria to be advised in the Tender Document and used for the tender evaluation.

Standard Tender Selection Criteria

For calling for Request for Tender (RFT) and evaluating tender submissions the following Tender Criteria Categories shall apply, along with weighting and/ or actions:

Compulsory	If Failure to conform the following will apply
Deadlines met	Disqualification
Pricing schedule provided and fully priced against pricing schedule	Disqualification
Critical Assumptions Provided	Disqualification

Qualitative Criteria	Weighting	
	Goods & Services	Infrastructure/ Construction
Relevant Experience	25%	25%
Respondents' Resources	15%	15%
Key Personnel Skills	25%	15%
Demonstrated Understanding	15%	25%

Consideration of Regional Price Preference

A weighting as set out in the Regional Price Preference Policy will be considered, where relevant, in the tender evaluation process.

This will be applied as part of the price evaluation process.

The tenderer must formally seek consideration of the Regional Price Preference Policy in the evaluation process and must provide information as required under that policy.

#### Tender Preparation Guidelines

The Shire shall publish Tender Preparation Guidelines in each Tender to assist prospective tenderers' understanding of the Shire's broad approach for each Compulsory and Quality Section criteria.

These Guidelines will be provided as background information to the tender process but will be subsidiary to any specified requirements.

These Guidelines will be included as Appendix 1 in this policy but may be changed from time to time outside any formal policy review.

#### Estimated Cost Used as Benchmark

All projects requiring a tender will have an independently estimated cost for the tender, obtained as follows:

- a. Goods and Services: inflation adjusted historic expenditure or independently assessed cost
- b. Construction and infrastructure: independently assessed cost

This estimated cost will be used as the benchmark in the tender evaluation process against which pricing performance will be assessed. It will not be published as part of the tender documentation process.

#### Variation from Standard Tender Criteria

The CEO may advise the Council that in a particular situation, variation from the standard tender criteria weighting and/ or categories would be advisable. In such a situation, a report will be prepared for Council and approval will be sought.

The test for variation from the standard criteria will include:

- the project is a one-off and an independently assessed risk profile suggests the need for criteria/ category adjustment, or,
- the project involves delivery of a public art project.

#### Awarding of Contracts

All tenders are to be submitted to the Council for approval except those determined by the CEO, under delegated authority.

A Council resolution will be required for the appointment of the successful tenderer. A letter of Award will be provided to the successful candidate. All other Tenders will be advised of the successful Tenderer and the considered amount.



A successful Tenderer will result in a contract between the Shire of Carnarvon and the successful candidate.

## Appendix One

### Tender Preparation Guidelines

These Guidelines are provided to assist prospective tenderers to understand the information they need to supply in each of the tender Criteria categories.

These are Guidelines only and the formal tender documents will set out a scope of works and pricing schedule.

Full provision of information against the pricing schedule and scope of works information requirements will be a significant input into assessing the tender against these categories.

Compulsory	Considerations
Deadlines met	Was the tender delivered at the correct location before the deadline?
Scope of works addressed	Did the tender address all the scope of works set out in the tender documents? If it did not, did the tenderer explain why not and how the issues are addressed in the tender?
Fully priced against pricing schedule	Is the pricing schedule fully priced, according to the categories set out? Has the tenderer combined categories and pricing in a way that makes it difficult to compare tenders?
Declaration Provided and Signed by Tenderer	<p>Tenderer Tenderer's Declaration</p> <ul style="list-style-type: none"> <li>• By indicating compliance I (The Tenderers Authorised Person) We (The Tenderer) agree that I /We are bound by, and will comply with the Conditions of Tender contained in this Request.</li> <li>• I/We agree that there will be no cost payable by the Principal towards the preparation or submission of this Request irrespective of its outcome.</li> <li>• By submitting this Response, I the person named as the authorised person, confirm my understanding that by lodging a Tender, in accordance with Part 1 of this Request, I understand no physical signature is required on this Declaration; that by lodging this Tender I am automatically providing an electronic signature for this Declaration in accordance with the Commonwealth Electronic Transactions Act, 1999 and any corresponding State legislation. <b>Provide the above information as an Attachment marked 'Tenderer's Declaration'.</b></li> </ul>



<p>Tenderers Profile Provided as Required</p>	<p>Tenderer's Profile</p> <ul style="list-style-type: none"> <li>• Provide the Tenderer's Australian Business Number (ABN) and Registered Entity Name.</li> <li>• Provide details of the Tenderer's person authorised to prepare your response to this Request including full name, position title, postal address, phone number and email address.</li> <li>• Is your organisation acting as a trustee of a trust? If yes, give the name of the trust.</li> </ul> <p><b>Provide the above information as an Attachment marked 'Tenderer Profile'.</b></p>
<p>Statement of Financial Position Provided</p>	<p>Financial Position</p> <ul style="list-style-type: none"> <li>• Is your organisation able to pay all debts in full as and when they fall due? (If no, please provide details)</li> <li>• Does your organisation have any current litigation, claim or judgement because of which you may be liable for \$50,000 or more? (If yes, please provide details)</li> <li>• Will you co-operate with an independent financial assessor during the conduct of financial assessments? (If not please outline your reason why)</li> </ul> <p><b>Provide the above information as an Attachment marked 'Financial Position'</b></p>
<p>Conflict of Interest Statement Provided</p>	<p>Will any actual or potential conflict of interest in the performance of your obligations under the Contract exist if you are awarded the Contract, or are any such conflicts of interest likely to arise during the Contract?</p> <p><b>Provide the above information, if a conflict exists or may exist, as an Attachment marked 'Conflict of Interest'</b></p>
<p>Insurance Details Provided</p>	<p>Insurance Details</p> <p>Please provide your Certificate of Currency for all the insurances as detailed to meeting the requirements of the Request for the following:</p> <ul style="list-style-type: none"> <li>• Motor Vehicle Insurance Insurer; Broker / Policy Number / Value (\$) / Expiry Date</li> <li>• Public and Products Liability</li> </ul>



	<p>Insurance Insurer; Broker / Policy Number / Value (\$) / Expiry Date</p> <ul style="list-style-type: none"> <li>Workers Compensation Insurance Insurer; Broker / Policy Number / Value (\$) / Expiry Date</li> </ul> <p><b>Provide the above information as an Attachment marked 'Insurance Details'.</b></p>
<p>Addenda/ Acknowledgement</p>	<p>Addenda / Acknowledgement</p> <ul style="list-style-type: none"> <li>Tenderers are to acknowledge receipt of any addenda issued and whether you have allowed for any price adjustments resulting in any issued addendum</li> </ul> <p><b>Provide the above information as an Attachment marked 'Addenda Acknowledgement'. Indicate Compliance of Addenda</b></p> <p><b>Acknowledgement – Yes / No</b></p>
<p>Critical Assumptions Provided</p>	<p>Critical Assumptions</p> <p>State any assumptions made that are critical to your company's Proposal, including assumptions relating to pricing and ability to provide the requirements in the manner specified in this Request.</p> <p><b>Provide the above information as an Attachment marked 'Critical Assumptions'</b></p>
<p>Registrations/ Licencing Requirements Provided</p>	<p>Registrations/Licencing Requirements</p> <p>Provide details of the necessary licence requirements to undertake these Services, including person/organisation holding licence, currency of licence, licence number, licencing authority.</p> <p><b>Provide the above information as an Attachment marked 'Registrations/Licencing Requirements'.</b></p>
<p>Pricing Schedule</p>	<p>Pricing</p> <ul style="list-style-type: none"> <li>Check that you have provided pricing information as per the pricing schedule.</li> <li>Complete and upload the Price Schedule in the format provided.</li> </ul>



	<p><b>Provide the above information as an Attachment marked 'Pricing'</b></p>
Code of Conduct Position Provided	<p>Code of Conduct</p> <ul style="list-style-type: none"> <li>• Are you prepared to sign the Shire of Carnarvon's Code of Conduct? The Code of Conduct can be downloaded from the Shire of Carnarvon's web site.</li> <li>• Do you have your own Code of Conduct and does it cover the Shire's provisions. Do you wish to present that as an alternative?</li> </ul> <p><b>Provide the relevant information (Yes/No as it relates to the Shires Code of Conduct) and any information on your own Code of Conduct you wish to present, as Attachment marked Code of Conduct.</b></p>
Statement of OSH/Work Health and Safety Policy Provided	<p>Occupational Safety and Health, Work Health and Safety Policy Provided</p> <p>Does your organisation have a Work policy compliant with State Legislation?</p> <p><b>Provide the relevant information (Yes/No) and the relevant policy as Attachment marked OSH/WHS policy</b></p>
Qualitative Criteria	<p>Considerations</p>
Relevant Experience	<p>Relevant Experience Describe your experience in completing/supplying similar services by providing:</p> <ol style="list-style-type: none"> <li>Details of similar work /services performed;</li> <li>The scope of your company's involvement and outcomes achieved.</li> <li>Whether these services were delivered on time and within budget, and if not, why not?</li> <li>A minimum of two (2) referees.</li> </ol> <p><b>This information is to be provided as an attachment labelled 'Relevant Experience'</b></p>
Respondents' Resources	<p>Respondent's Resources</p> <p>Outline your ability to supply and sustain the tendered/contracted service, including:</p>



	<p>a) The provision of qualified personnel, plant, equipment, and materials, if required; and</p> <p>b) Contingency measures to address interruption of service delivery, including personnel, plant, equipment, and material supplies, if required.</p> <p><b>This information is to be provided as an attachment labelled 'Respondent's Resources'</b></p>
<p>Key Personnel Skills</p>	<p>Key Personnel Skills</p> <p>Detail the personnel to be allocated in providing this Service, including:</p> <p>a) Their role in the performance of the Contract; b) Current curriculum vitae,</p> <p>c) Membership to any professional or business association,</p> <p>d) Qualifications and experience in delivering services of the same or similar nature; and</p> <p>e) Any other information that maybe relevant.</p> <p><b>This information is to be provided as an attachment labelled 'Key Personnel'</b></p>
<p>Demonstrated Understanding</p>	<p>Demonstrated Understanding</p> <p>Detail the process/methodology intended to deliver/achieve the Specification/Scope of Works. Areas to be addressed includes:</p> <p>a) A Service Deliver or Project schedule/timeline (where applicable);</p> <p>b) The process for the delivery of the service including demonstrated understanding of the scope of work; and</p> <p>c) Projected outcomes at staged intervals (if applicable).</p> <p><b>These details are to be provided as an attachment labelled 'Demonstrated Understanding'</b></p>
<p>Price</p>	<p>Considerations</p>
<p>Pricing Performance</p>	<p>Have you provided pricing information against the specific categories set out in the pricing schedule?</p>



	<p>Have you provided any statement of risk around your pricing?</p> <p>Are these true prices which you are confident of achieving or have you assumed that you can return to costs via variations?</p> <p>If you are making that assumption, you need to be clear in your tender document.</p>
Local Supplier	Considerations
Proof of Status as Local Supplier	<p>Have you provided information which shows that you are a local supplier of services?</p> <p>This can include being:</p> <ul style="list-style-type: none"> <li>• A local business</li> <li>• A franchise business owned by a local person Proof of economic benefit must show a measurable community benefit (e.g., spend within Shire, employment)</li> </ul>

CF004		RATE PAYMENT PRIZES AND ELIGIBILITY	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

#### CF004 Rate payment prizes and eligibility

##### OBJECTIVES

To encourage ratepayers to pay the full amount of their assessed rates and charges by the due date.

##### POLICY STATEMENT/S

An annual Rate Incentive Prize/s may be offered by the Council, subject to the following conditions:

- Prizes will be awarded to first, second (and third if applicable) entries drawn at random.
- Only ratepayers with their rate account paid in full by the due date will be eligible.
- One entry per assessment notice (not per ratepayer) is to be entered into the draw.
- Rateable properties which any Elected Member, senior employee or manager has an ownership interest in will be ineligible.
- The Shire reserves the right to decide, in its absolute discretion whether the entry requirements have been fulfilled.
- The Shire may seek sponsorship from local organisations and others for the provision of rate incentive prizes.

CF005		DISPOSAL OF SURPLUS IT AND MINOR ASSETS	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

### CF005 Disposal or surplus IT and minor assets

#### OBJECTIVES

To appropriately dispose of unwanted minor assets with no recognisable value whilst build the capacity of community groups and organisations as a beneficiary.

#### POLICY STATEMENT/S

The Shire will dispose of used computers and other minor assets when determined by the CEO to be obsolete, surplus to requirements and hold no real value to the organisation (as confirmed in writing by the Manager Finance).

The disposal of such assets shall be by offer to a community based or not for profit group(s) and/or registered educational entity(s) within the Shire of Carnarvon at no cost.

The method of disposal process may involve an offer to one or more of the entities at the discretion of the CEO.

In offering an asset(s) to a community entity the CEO will have regard to:

- the demonstrated need,
- proposed use of the minor asset; and
- financial capacity of the requesting entity.

Prior to disposal:

- If applicable, all software or copyright licences shall be removed from a minor asset.
- The recipient is to acknowledge in writing that no liability is accepted by the Shire for the minor asset.

CF006		FINANCIAL HARDSHIP	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	Local Government Act 1995 Local Government (Financial Management) Regulations 1996		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## CF006 Financial hardship

### OBJECTIVES

To give effect to our commitment to support the whole community to meet unprecedented challenges. The Shire of Carnarvon recognises that these unprecedented challenges will result in financial hardship for our ratepayers.

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

### POLICY STATEMENT/S

This policy applies to:

- Outstanding rates and service charges as at the date of adoption of this policy; and
- Rates and service charges levied

It is a reasonable community expectation, as we deal with the effects of the pandemic that those with the capacity to pay rates will continue to do so.

For this reason, the Policy is not intended to provide rate relief to ratepayers who are not able to evidence financial hardship and the statutory provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996 will apply.

#### Payment difficulties, hardship, and vulnerability

Payment difficulties, or short-term financial hardship, occur where a change in a person's circumstances result in an inability to pay a rates or service charge debt.

Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants.



The Shire of Carnarvon recognises the likelihood that COVID19 will increase the occurrence of payment difficulties, financial hardship, and vulnerability in our community.

This policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.

### 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 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 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 Carnarvon of any change in circumstance that jeopardises the agreed payment schedule.

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

### Interest Charges

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

### Deferment of Rates

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

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

### Debt recovery

We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor and if unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the 3rd due payment, then 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 at the end of the financial year, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of the following-financial year.

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

### Review

We will establish a mechanism for review of decisions made under this policy and advise the applicant of their right to seek review and the procedure to be followed.

### Communication and Confidentiality

We will always maintain confidential communications, and we undertake to communicate with a nominated support person or other third party at your request.

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



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

CF007		DEBT COLLECTION	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	Local Government Act 1995 Local Government (Financial Management) Regulations 1996		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## CF007 Debt Collection

### OBJECTIVES

The objective of this policy is to ensure:

- an efficient, effective, and economical approach to debt collection; and
- timely control of overdue accounts and close monitoring aged accounts; and
- reduction in the likely occurrence of unrecoverable debts; and
- consistency and transparency for all debt collection activities.

Council will exercise its debt recovery powers, as outlined in Part 6 of the *Local Government Act 1995*, to reduce the overall debt burden on ratepayers. It will be guided by the principles of:

- Fairness and equity in debt recovery processes;
- Clarity and simplicity;
- Cost effectiveness to ensure the cost of collecting the debt, including staff time, does not outweigh the benefit;
- Transparency by making clear the obligations of its sundry debtors to the processes used by Council in ensuring that they meet their financial obligations;
- Flexibility by responding where necessary to changes in the local economy;
- Compliance with all regulatory obligations; and
- Effective governance and definition of roles and responsibilities.

### POLICY STATEMENT/S

The following guidelines provide direction for the ethical and effective management of the Shire's range of debtors:

1.1 The Shire of Carnarvon's credit terms are as stated on the issued tax invoice.



- (a) Payment is required within fourteen (14) days.
- (b) Where payment has not been received
  - i. Reminder/ Statement is sent after fourteen (14) days after the due date (28 days after the initial invoice)
  - ii. An “Urgent Action” is sent at expiry of the Reminder/ Statement period. This reminder will be accompanied by a phone call which may include an offer of a payment arrangement if the debtor can demonstrate the need for extended terms. Minimum amount of \$300.
  - iii. A “Final Action” is sent at expiry of Urgent Action period, giving a final seven (7) days to pay.
  - iv. Debt still outstanding will be referred to a Debt Collection Agency.

- 1.2 Where payment is not received within twenty eight (28 days) from the date of the initial invoice, interest may be applied on money that remains outstanding. Interest is calculated on the number of days from the due date of payment until the day the payment is received by the Shire of Carnarvon.

Note: Interest (percentage) charged on sundry debtors is the percentage as adopted by Council at the annual budget meeting in accordance with section 6.13(1) of the *Local Government Act 1995*. The rate authorized under section 6.13(1) of the *Local Government Act 1995* is not to exceed the maximum rate of interest as prescribed within regulation 19A of the *Local Government (Financial Management) Regulations 1996*.

- 1.3 A minimum debt equal to or less than \$10.00 is not to be recovered; instead, it will be written off as a doubtful debtor.

## 2.0 Bad Debts – Sundry Debtors

Where a sundry debtor has accounts unpaid for a period exceeding 3 months (90 days), and

- i) The debtor has provided documentary evidence of having filed for Bankruptcy/Insolvency; or
- ii) The debtor has moved and all reasonable attempts to locate the debtor have been unsuccessful;

Then, Council Officers shall prepare a report for the CEO listing the name of the debtor, the description of the debt, the amount outstanding, the period overdue and a reason for write off. Bad debts will be recognized when the sundry debt is seen to be no longer commercially collectable.

CF008		RISK MANAGEMENT	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>	Shire of Carnarvon Hazard Identification Form		
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	CI 17 Local Government (Audit) Regulations 1996		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## CF008 Risk Management

### OBJECTIVES

To ensure there are organisation wide principles, systems and processes that guarantee consistent, efficient, and effective assessment of risk in all planning, decision making and operational processes.

### POLICY STATEMENT/S

#### Risk Management Principles and Framework

The Shire of Carnarvon considers risk management to be an essential management function in its operations and is committed to the principles, framework, and process of managing risk, as outlined in AS/NZS ISO 31000:2018 Guidelines; and AS/NZS ISO 31010:2019 Risk assessment techniques.

The Shire of Carnarvon will manage risks continuously using a process involving the identification, analysis, evaluation, treatment, monitoring, and review of risks.

These measures will be applied to decision making through all levels of the organisation in relation to planning or executing any function, service, or activity, including, but not limited to:

- Strategic planning
- Expenditure of large amounts of money
- New strategies and procedures
- Management of projects, tenders, and proposals
- Introducing significant change, and
- The management of sensitive issues.

#### Risk Management Objectives

The Councils key objectives in relation to risk management include:

- The achievement of organisational goals and objectives,

- The ongoing health and safety of all employees and contractors at the workplace,
- Ensuring public safety within the Council's jurisdiction is not compromised,
- Limited loss or damage to property and other assets; (e) Limited interruption to business continuity,
- Positive public perception of Council and the Shire; and
- Application of equal opportunity principles in the workforce and the community.

#### Responsibilities within the Organisation

The level of responsibility across the organisation for risk management is as follows:

- Executives, managers, and supervisors have the responsibility and accountability for ensuring that all employees manage the risks within their own work areas. Risks should be anticipated, and reasonable protective measures taken.
- All managers will encourage openness and honesty in the reporting and escalation of risks.
- All employees will be encouraged to alert management to the risks that exist within their area, without fear of recrimination.
- All employees will, after appropriate training, adopt the principles of risk management and comply with all policies, procedures and practices relating to risk management.
- All employees and employees will, as required, conduct risk assessments during the performance of their daily duties.
- The level of sophistication of the risk assessment will be commensurate with the scope of the task and the associated level of risk identified.
- Failure by employees to observe reasonable directions from supervisors regarding the management of risks and/or failure of employees to take reasonable care in identifying and treating risks in the workplace may result in disciplinary action.
- It is the responsibility of every department to observe and implement this policy in accordance with procedures and initiatives that are developed by management.
- Council is committed morally and financially to the concept and resourcing of risk management.

#### Monitor and Review

Risk management key performance indicators, relating to both organisational and personal performance will be developed, implemented, and monitored, by the Shire.

#### Notes

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it.

An effect may be positive, negative, or a deviation from the expected.



An objective may be financial, related to health and safety, or defined in other terms.



CF009		LOANS AND BORROWING	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	reg 38 (1) (f) Local Government (Financial Management) Regulations 1996		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## CF009 Loans and borrowing

### OBJECTIVES

To affirm that the preferred policy position of Council is to minimise debt, and should that not be practicable, to set out the circumstances in which Council may consider Borrowings or Other Financial Accommodation to fund the acquisition, renewal, or construction of specified assets and to provide guidance as to the appropriate terms of any such borrowing.

### POLICY STATEMENT/S

Whilst the preferred policy position of the Shire of Carnarvon is to minimise debt (except for Self-Supporting loans), the Shire recognises that the acquisition, renewal, or construction of assets, it may require the prudent use of loan borrowings, debt instruments or other finance or capital raising methods from time to time.

The following principles are to be applied when considering undertaking borrowings or other asset financing:

#### Operating Expenditure

The Shire will not borrow money (other than by way of Excluded Borrowings) to fund operating expenditure.

This type of expenditure should be funded through operating revenue streams such as rates, fees and charges or operating grants.

#### Recurrent Capital Expenditure

The Shire will not borrow money or obtain debt finance (other than by way of Excluded Borrowings) to fund the acquisition, replacement or renewal of assets that is expected to occur on an annual or similar basis at approximately the same level each year i.e., recurrent capital works. Examples of this type of expenditure are road resurfacing, plant replacement, information technology and office equipment acquisitions and replacement.

This type of expenditure shall be funded through operating revenue streams such as rates and fees and charges.

### Borrowing Term

The term of the Borrowing or Other Financial Accommodation shall be set having due regard to the Economic Life of the asset being acquired or constructed.

Should the Shire decide to borrow funds, the term of the borrowing shall generally not be greater than half of the Economic Life of the asset being acquired or constructed.

This is to enable the Shire to use the remaining economic half-life to set sufficient funds aside in a sinking or reserve fund to renew or replace that asset, should that be required, at the end of its Economic Life.

The Shire will not generally borrow funds (other than by way of Excluded Borrowings) to acquire an asset that has an economic life of less than five (5) years.

### Borrowing Ratios

Prior to undertaking any borrowing, the Shire shall assess its capacity to pay, to ensure that the community is not burdened with unnecessary risk.

The Shire will report on its capacity to pay on an annual basis and publish the results in its annual report. When assessing the borrowing ratios, consideration will be given to the economic earnings potential of the asset being acquired or constructed.

Council will consider the debt serviceability ratios.

### Borrowing Considerations

The Council will consider borrowing money for the acquisition or construction of an asset where:

- The asset to be acquired is a new addition to the Shire's asset base or replaces an existing asset with one that is significantly larger and has an economic life of greater than 10 years; or
- All alternative options for undertaking the project without borrowing, have been investigated and proven less advantageous to the Shire; or
- The net income stream and cost savings can be considered from the asset to be acquired or constructed exceeds the cost of borrowing over the life of that asset; or
- Repayments will be met by a third party e.g., self-supporting loans; or
- The index of the cost of acquisition or construction is increasing at a rate that exceeds the cost of borrowing i.e., to "save" for the acquisition or construction will result in the actual cost being greater than the cost of borrowing the money and acquiring or constructing the asset today.



- As a rule, the benefits received (cost savings or income earned) from undertaking the borrowing should be greater, over the life of the borrowing, than the costs of borrowing.
- Proper and detailed analysis of the costs and benefits of the borrowing has been undertaken and documented.

CF010		CORPORATE CREDIT CARDS	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## CF010 Corporate credit cards

### OBJECTIVES

To provide a clear framework to enable the use of corporate transaction cards by Shire employees and provide all cardholders with guidance for correct usage of corporate transaction cards.

### POLICY STATEMENT/S

NOTE – For clarity, elected members are prohibited from using Shire transaction cards as the Local Government Act 1995 does not provide authority for an elected member to incur liabilities on behalf of the local government.

#### Definitions

Cardholder means an employee who has been authorised by the Chief Executive Officer to incur expenditure by means of a transaction card.

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

This Policy has been made by Council, and can only be amended, or revoked by it.

The CEO shall ensure the following practises are observed:

- The corporate transaction cards are kept secure.
- The corporate transaction cards are not to be used for personal expenses under any circumstances.
- All corporate transaction cards payments (included disputed transactions) are to be listed in the Schedule of Accounts and Transaction Card Purchases section of the monthly financial report to Council.
- Where applicable, purchases are to be made in accordance with the Shire of Carnarvon's Purchasing Policy, and associated Procedures.

- Inappropriate purchases, even based on them being operationally related, may be recoverable from the cardholder. The cardholder is required to conclude that purchases are fair and reasonable business expenses.
- Where possible, purchases should be processed through the Purchase Order / Creditor's system
- corporate transaction cards are not to be used for cash withdrawals at any facility
- Cardholders responsibilities, as outlined by the card provider (i.e., the Bank), are met at all times.
- corporate transaction cards limits are not to be exceeded.
- The Cardholder is responsible to pursue and resolve incorrect charges (as due to privacy legislation, only the cardholder can initiate any request for information from the bank).
- All relevant documentation regarding each transaction is retained by the cardholder and transactions are to be acquitted and reconciled monthly as per of the reconciliation procedure. A copy of all the corporate transaction cards statements and a summary thereof (including sufficient information to adequately articulate the purchase details) are to be incorporated as attachments to the signed financial statements submitted each month to Council).
- The use of the corporate transaction cards shall not be tied to any type of reward systems that provides cardholders with any personal benefit or reward.

#### Cardholder Agreement

- the Cardholder Agreement is as determined by the CEO.
- failure to comply with any of these requirements could result in the card being withdrawn from the employee.
- in the event of loss or theft through negligence or failure to comply with this Policy any liability arising may be passed on to the cardholder.

#### Principles for usage – Allowable transactions

a) Transaction card facilities may only be used where –

- the expenditure is directly arising from a Shire operational business activity for which there is an Annual Budget provision,
- the expenditure is in accordance with legislation, the Shire Purchasing Policy, Code of Conduct for Employees and any conditions or limitations applicable to the individual Cardholder,
- the procurement of the required goods or services is impractical or inefficient if undertaken via a purchase order or is not able to be obtained other than by a transaction card,
- supplier surcharges (fees) on transactions are minimised and only allowable where the alternative method of obtaining the supply (i.e., by purchase order) is more onerous, not cost effective or there is no alternative mode of supply,
- hospitality expenditure may only occur when it is in accordance with any Shire Hospitality Policy or is undertaken with the express permission of the Chief Executive Officer,

- official travel, accommodation and related expenses may only occur in accordance with Shire policies and procedures,
- a sufficient record of each transaction is obtained and retained in the local government record.

b) Allowable transaction modes include –

- in-person and over the counter retail purchases,
- telephone or facsimile purchasing,
- mail order purchasing and subscriptions,
- internet purchasing.

#### Principles for usage – Prohibited transactions

a) The Shire prohibits the use of transaction card facilities for –

- cash advances,
- incurring expenses which are personal or private (i.e., any expenditure which is not an approved local government activity),
- making deposits onto the card, whether to offset misuse or otherwise,
- incurring capital expenditure,
- incurring expenditure for goods or services which are subject to a current supplier contract,
- incurring expenses which are not in accordance with legislation, the Shire’s Purchasing Policy, the Annual Budget and / or the conditions or limitations relevant to the individual cardholder,
- apart from approved transaction cards, expenses cannot be incurred for which another transaction card is the approved facility,
- splitting expenditure to avoid compliance with the Purchasing Policy or to negate limits or conditions applicable to the Cardholder; and
- incurring expenses for the primary purpose of obtaining personal advantage through the transaction (i.e., membership or loyalty rewards).

#### Misuse, Misconduct and Fraudulent Use

Any alleged misuse of transaction cards will be investigated and may be subject to disciplinary procedures.

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

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

A cardholder is required to –

- keep the transaction card and access information in a safe manner; protected from improper use or loss.

- only use the transaction card for allowable purposes and not for prohibited purposes.
- obtain, create, and retain local government records that evidence transactions.
- acquit the reconciliation of transaction card usage in the required format and within required timeframes. The onus is on the cardholder to provide sufficient detail for each transaction to avoid any potential perception that a transaction may be of a personal nature.
- return the transaction card to the Shire before termination of employment, inclusive of reconciliation records.
- reimburse the Shire the full value of any unauthorised, prohibited or insufficiently reconciled expenditure.
- comply with all cardholder responsibilities as outlined by the card provider

#### Transaction evidence

a) A sufficient transaction record must include the following minimum information:

- invoice and / or receipt that includes the date, company name, address, ABN, amount, and any GST amount included,
- where an invoice and / or receipt cannot be obtained, the cardholder must provide a signed statement, detailing the nature of the expense and sufficient information to satisfy the requirements above.
- approval of the expense in (ii) above is to be referred to the Chief Executive Officer for a decision.

b) Where a transaction card is used to incur an expense for hospitality, the transaction record must include for the purposes of Fringe Benefits Tax calculations and probity:

- the number of persons entertained,
- the names of any employees in that number; and
- the purpose of providing the entertainment or hospitality.

#### Card Reconciliation Procedures

- card statement accounts will be issued to the relevant cardholder who will, within 7 days, acquit the transactions on the account.
- transactions will be supported by a GST invoice stating the type of goods purchased, amount of goods purchased, and the price paid for the goods. The receipt shall meet the requirements of the Goods and Services Tax Act 1999 to enable a GST rebate to be applied.
- transactions shall be accompanied by a job number for costing purposes.
- should approval of expenses be refused by the CEO recovery of the expense shall be met by the cardholder.
- the cardholder shall sign and date the card statement with supporting documentation attached stating all expenditure is of a business nature.

#### Disputed Transactions

- the Shire is responsible for paying all accounts on the monthly card statement and the bank processes a direct debit from the Shire's operating bank account for such.
- when a Cardholder believes that charges are incorrect, they should first contact the supplier to determine the causes of the discrepancy and if necessary, the Corporate Services Department will notify the bank in writing.
- any amounts in dispute must be highlighted on the copy of the Cardholders statement and a copy of the written notification to the bank attached.

#### Cancelled Cards

Cancellation of a Card may be necessary where the –

- cardholder changes job function within the Shire,
- cardholder terminates employment with the Shire,
- the employment of the Cardholder is terminated,
- card is no longer required,
- cardholder has not adhered to set procedures,
- misuse of the Card; or
- other sufficient reason in the opinion of the CEO.

#### Review of Card Use

All receipts and documentation will be reviewed and any expenses that do not appear to represent fair and reasonable business expenses shall be referred to the Chief Executive Officer for a decision.

#### Procedures for Lost, Stolen and Damaged Cards

- the cardholder must formally advise the Director Corporate Services of the loss or theft without delay.
- the loss or theft of a transaction card must be reported to the card provider as a matter of priority
- advice of a damaged card is to be provided to the Director Corporate Services who will arrange a replacement.

#### Additional Cardholders

The CEO is the primary cardholder for the Shire and may delegate additional cardholders within the Shire's approved total credit limit.

**Total monthly credit card limit is \$20,000.**



CF011		RECOVERY OF RATES	
<b>POLICY OWNER:</b>			
<b>DEPARTMENT:</b>	CORPORATE		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	Local Government Act 6.45 (and others) Regulations		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## CF011 Recovery of rates

### OBJECTIVES

To ensure there is consistency in the advice given to ratepayers about the payment of rates and the recovery of outstanding rates, and any subsequent actions taken by the Shire.

### POLICY STATEMENT/S

#### Payment of Rates by Instalments

Council accepts that there are ratepayers who cannot meet the instalment options as provided under s6.45 of the Local Government Act 1995.

The Shire may accept by application an alternative payment schedule (Henceforth called the "Direct Debit Agreement").

For such an Agreement to be considered an Instalment Arrangement Form is to be completed and returned to the Shire.

The proponent is to specify the frequency of payments with the nominated amount sufficient to fulfil the rates and charges levied within a financial year.

Upon written acceptance of an Agreement by the Shire, written confirmation will be provided to the applicant. This formalises the agreement and will commit the ratepayer to the payment schedule.

Verbal agreements shall not be accepted.

Failure by the applicant to adhere to the payment schedule will result in the issue of a Final Notice for the total amount outstanding.

#### Final Notices

Final Notices will be issued during a period generally not exceeding 30 days after the due date of a notice for payment of rates.

Such notice will be issued when:

- a. No payment has been made,

- b. Insufficient payment to cover the first instalment has been made; or
- c. Where there is no current valid instalment option (i.e., persons who have paid their first instalment option late).

Final Notices will indicate that:

- a. Rates are now in arrears,
- b. Penalty interest is being charged at the rate set by Council; and
- c. Legal action may be taken without further notice, which will add extra costs to the account.

Final Notices will not be sent to registered pensioners.

#### Letter of Demand

Where a Final Notice has been issued:

- Mining Tenements - A Letter of Demand will be issued no later than 30 days after the due date and payment notice to the current owners of any registered lease within the Shire. The notice will provide up to 14 days to respond at which time a summons may be issued without any further notice.
- General and other Property - A Letter of Demand will be issued no later than 30 days after the final notice of current financial year to all owners of property (excluding pensioners) who have failed to make any payment within the financial year, and who have not contacted the Shire to make any special arrangement for payment or have defaulted on an approved payment option.

#### Issue of Summonses

Following issue of Letter of Demand:

- a. Rates remaining unpaid after the expiry date shown on the Letter of Demand will be examined for the purpose of determining whether a summons will be issued.
- b. The Shire may engage a Collection Agent or Solicitor(s) to issue General Procedure Claims to those ratepayers who failed to pay by the date indicated upon the Letter of Demand.
- c. Costs incurred because of the issue of a General Procedure Claim will be applied to the ratepayers 'assessment immediately upon receipt by Council of such costs – refer s6.56 of the Act.
- d. Following issue of a General Procedure Claim, a reasonable offer to discharge a rate account (inclusive of the costs incurred through the issue of the General Procedure Claim) will be accepted.
- e. Where a General Procedure Claim has been issued and remains outstanding, action will be taken to pursue that summons by whatever means necessary to secure satisfaction of the debt.
- f. Legal proceedings will continue until payment of rates and any other outstanding costs are secured. This includes the issue of a Warrant of Execution against goods and land if necessary.
- g. In cases where the owner of a leased or rented property on which rates are outstanding cannot be located, or the owner refuses to settle amounts outstanding, notice will be served on the lessee. The lessee will then under the provisions of s6.60 of the Local Government Act 1995, be required to pay Council any rent due until such time as the amount in arrears has been fully paid



Sale of Property for non-payment of Rates

The Chief Executive Officer has delegated authority to initiate sale of property for non-payment of rates as per subdivision 6 of the Local Government Act 1995, action against land where rates or services charges are unpaid.

CF012		RATES CHARGES	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## CF012 Rates charges

### OBJECTIVES

To provide equitable approaches for ratepayers in settling payment of their rates.

### POLICY STATEMENT/S

In accordance with the Local Government Act 1995, charges relating to rates may be paid using instalments options within a prescribed timeframe. If payments are made outside the required timeframes, penalty interest rates will apply.

Furthermore, if a payment option and/or a payment arrangement are made with the Council then administration charges will apply. The administration charge on Pre-paid Direct Debit arrangements will be a one-off basis where the direct debit continues into the following year.

The following payments options, timeframes, discounts, charges, and interest rates shall apply to all rateable properties

#### Payment Options

Option 1 - One payment in full, consisting of rates and other Charges and due 35 Days following issue of rate notice.

Option 2 – Two Payments (50% each) and due by: 1st Instalment 35 Days following issue of rate notice  
2nd Instalment 98 Days after due date of 1st Instalment.

The Shire must provide an option for four equal instalments and where a ratepayer elects to pay by instalments, an interval of at least 2 months must be given between the second and subsequent instalments.

1st Instalment due 35 Days following issue of rate notice

2nd Instalment due 63 Days after due date of 1st Instalment

3rd Instalment due 63 Days after due date of 2nd Instalment

4th Instalment due 63 Days after due date of 3rd Instalment



### Late Payment Interest

A late payment interest charge is payable on outstanding rates and charges calculated at a rate set in the annual budget.

The late payment interest charge will apply to all current rates and charges remaining unpaid 35 days from the date of issue of the rate notice. Interest will be calculated and updated daily.

Unpaid rates and charges from previous years, i.e., rate arrears, will also attract late payment charges, calculated at the rate set in the annual budget if they remain unpaid.

### Instalments and Arrangements Administration Fees and Interest Charges

The Council may impose administration fees and interest charges for payment of rates and charges by instalments.

Interest charges and administration fees will be at a rate set in the annual budget.

### Direct Debit Option

An administration fee at a rate set in the annual budget will be charged on setting up of this option. Ongoing deductions will not incur any further administration charge in subsequent rating years.

No interest is charged on this option.

CF013		SIGNIFICANT ACCOUNTING POLICIES	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

### CF013 Significant Accounting Policies

#### OBJECTIVES

To provide a framework for the financial management of the Shire that is clear, transparent, consistent and complies with statutory obligations and requisite Australian Accounting Standards.

#### POLICY STATEMENT/S

AAS means the Australian Accounting Standards.

AASB means Australian Accounting Standards Board.

IFRS means International Financial Reporting Standards.

The following significant accounting policies have been adopted by the Shire in the preparation of the Annual Financial Report.

a. Basis of Preparation - The financial report is a general-purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities), other mandatory professional reporting requirements and the Local Government Act 1995 (as amended) and accompanying regulations (as amended). The report has also been prepared on the accrual basis under the convention of historical cost accounting as modified by the accounting treatment relating to the revaluation of financial assets and liabilities at fair value through profit and loss and certain classes of non-current assets.

b. Critical Accounting Estimates - The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income, and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances. The results of this experience and other factors combine to form the basis of making judgements about carrying values of assets and liabilities not readily apparent from other sources. Actual results may differ from these estimates.

c. The Local Government Reporting Entity - All Funds through which the Council controls resources to carry on its functions have been included in the financial statements forming part of this financial report. In the process of reporting on the local government as a single unit, all transactions, and balances between those funds (for example, loans and transfers between Funds) have been eliminated. All monies held in the Trust Fund are excluded from the financial statements, but a separate statement of those monies appears at Note 20 to this financial report.

d. Goods and Services Tax - In accordance with recommended practice, revenues, expenses and assets capitalised are stated net of any GST recoverable. Receivables and payables in the Balance Sheet are stated inclusive of applicable GST.

e. Cash and Cash Equivalents - Cash and cash equivalents in the balance sheet comprise cash at bank and in hand and short-term deposits with an original maturity of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value. For the purposes of the Cash Flow Statement, cash and cash equivalents consist of cash and cash equivalents as defined above, net of outstanding bank overdrafts. Bank overdrafts are included as short-term borrowings in current liabilities on the balance sheet.

f. Trade and Other Receivables - Trade receivables, which generally have 30 - 90-day terms, are recognised initially at fair value and subsequently measured at amortised cost using the effective interest rate method, less any allowance for uncollectible amounts. Collectability of trade receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

g. Inventories - General Inventories are valued at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale. Inventories held from trading are classified as current even if not expected to be realised in the next 12 months

Land Held for Resale - Land purchased for development and/or resale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development and interest incurred on the financing of that land during its development. Interest and holding charges incurred after development is complete are recognised as expenses. Revenue arising from the sale of property is recognised in the Income Statement as at the time of signing a binding contract of sale. Land held for resale is classified as current except where it is held as non-current based on Council's intention to release for sale.

h. Fixed Assets - Initial Recognition - All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed includes the cost of all materials, direct labour and variable and fixed overheads.

Revaluation - Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. For infrastructure and other asset classes where no active market exists, fair value is determined to be the current replacement cost of an asset less, where applicable, accumulated depreciation calculated on a basis to reflect the already consumed or

expired future economic benefits. Those assets carried at a revalued amount, being their fair value at the date of revaluation less any subsequent accumulated depreciation and accumulated impairment losses, are to be revalued with sufficient regularity to ensure the carrying amount does not differ significantly from that determined using fair value at report date.

Land under Roads - Land under roads is excluded from infrastructure in accordance with the transition arrangements available under AASB 1045 and in accordance with legislative requirements.

i. Depreciation of Non-Current Assets - All non-current assets having a limited useful life are separately and systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets. Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period.

Major depreciation periods are:

Buildings 30 to 100 years

Furniture and Equipment 4 to 10 years

Plant and Equipment 5 to 15 years

Sealed roads and streets:

- clearing and earthworks not depreciated

- construction/road base 50 years

- original surfacing and major re-surfacing

- bituminous seals 20 years

- asphalt seals 25 years

Gravel roads

- clearing and earthworks not depreciated

- construction/road base 50 years

- gravel sheet 12 years

Formed roads (unsealed)

- clearing and earthworks not depreciated

- construction/road base 50 years

Footpaths - slab 40 years

Bridges 50 years

Levee System 50 years

Tools 5 years

Water supply piping & drainage systems 75 years

Other Infrastructure Various

(j) Investments and Other Financial Assets

#### Classification

Council classifies its investments in the following categories: financial assets at fair value through profit or loss, loans and receivables, held-to-maturity investments, and available-for-sale financial assets.

The classification depends on the purpose for which the investments were acquired.



Management determines the classification of its investments at initial recognition and, in the case of assets classified as held-to-maturity, re-evaluates this designation at each reporting date.

(i) Financial assets at fair value through profit and loss Financial assets at fair value through profit or loss are financial assets held for trading. A financial asset is classified in this category if acquired principally for the purpose of selling in the short term. Derivatives are classified as held for trading unless they are designated as hedges. Assets in this category are classified as current assets.

(ii) Loans and receivables Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. They are included in current assets, except for those with maturities greater than 12 months after the balance sheet date which are classified as non-current assets. Loans and receivables are included in trade and other receivables in the balance sheet.

(iii) Held-to-maturity investments Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturities that the Council's management has the positive intention and ability to hold to maturity.

If Council were to sell other than an insignificant amount of held-to-maturity financial assets, the whole category would be tainted and reclassified as available-for-sale. Held-to-maturity financial assets are included in non-current assets, except for those with maturities less than 12 months from the reporting date, which are classified as current assets.

(iv) Available-for-sale financial assets Available-for-sale financial assets, comprising principally marketable equity securities, are non-derivatives that are either designated in this category or not classified in any of the other categories.

They are included in non-current assets unless management intends to dispose of the investment within 12 months of the balance sheet date. Investments are designated as available-for-sale if they do not have fixed maturities and fixed or determinable payments and management intends to hold them for the medium to long term.

#### Recognition and de-recognition

Regular purchases and sales of financial assets are recognised on trade-date – the date on which Council commits to purchase or sell the asset. Investments are initially recognised at fair value plus transaction costs for all financial assets not carried at fair value through profit or loss.

Financial assets carried at fair value through profit or loss are initially recognised at fair value and transaction costs are expensed in the income statement.

Financial assets are derecognised when the rights to receive cash flows from the financial assets have expired or have been transferred and Council has transferred substantially all the risks and rewards of ownership.

When securities classified as available-for-sale are sold, the accumulated fair value adjustments recognised in equity are included in the income statement as gains and losses from investment securities.

#### Subsequent measurement

Loans and receivables and held-to-maturity investments are carried at amortised cost using the effective interest method. Available-for-sale financial assets and financial assets at fair value through profit and loss are subsequently carried at fair value.

Gains or losses arising from changes in the fair value of the financial assets at fair value through profit or loss category are presented in the income statement within other income or other expenses in the period in which they arise.

Dividend income from financial assets at fair value through profit and loss is recognised in the income statement as part of revenue from continuing operations when Council's right to receive payments is established.

Changes in the fair value of other monetary and non-monetary securities classified as available-for-sale are recognised in equity.

#### Impairment

Council assesses at each balance date whether there is objective evidence that a financial asset or group of financial assets is impaired. In the case of equity securities classified as available-for-sale, a significant or prolonged decline in the fair value of a security below its cost is considered as an indicator that the securities are impaired.

If any such evidence exists for available-for-sale financial assets, the cumulative loss- measured as the difference between the acquisition cost and the current fair value, less any impairment loss on that financial asset previously recognised in profit or loss – is removed from equity and recognised in the income statement.

Impairment losses recognised in the income statement on equity instruments classified as available-for-sale are not reversed through the income statement.

#### (k) Estimation of Fair Value

The fair value of financial assets and financial liabilities must be estimated for recognition and measurement or for disclosure purposes. The fair value of financial instruments traded in active markets is based on quoted market prices at the balance sheet date.

The fair value of financial instruments that are not traded in an active market is determined using valuation techniques. Council uses a variety of methods and makes assumptions that are based on market conditions existing at each balance date.

These include the use of recent arm's length transactions, reference to other instruments that are substantially the same, discounted cash flow analysis, and option pricing models making maximum use of market inputs and relying as little as possible on entity-specific inputs.

Quoted market prices or dealer quotes for similar instruments are used for long-term debt instruments held.

Other techniques, such as estimated discounted cash flows, are used to determine fair value for the remaining financial instruments. The nominal value less estimated credit adjustments of trade receivables and payables are assumed to approximate their fair values.

The fair value of financial liabilities for disclosure purposes is estimated by discounting the future contractual cash flows at the current market interest rate that is available to the Council for similar financial instruments.

#### (l) Impairment

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

Where such an indication exists, an estimate of the recoverable amount of the asset is made in accordance with AASB 136 'Impairment of Assets' and appropriate adjustments made.

An impairment loss is recognised whenever the carrying amount of an asset or its cash-generating unit exceeds its recoverable amount. Impairment losses are recognised in the Income Statement.

For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.

#### (m) Trade and Other Payables

Trade and other payables are carried at amortised cost. They represent liabilities for goods and services provided to the local government prior to the end of the financial year that are unpaid and arise when the local government becomes obliged to make future payments in respect of the purchase of these goods and services.

The amounts are unsecured and are usually paid within 30 days of recognition.

#### (n) Employee Benefits

The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages, and salaries and are calculated as follows:

- Wages, Salaries, Annual Leave and Long Service Leave (Short-term Benefits) The provision for employees' benefits to wages, salaries, annual leave, and long service leave expected to be settled within 12 months represents the amount the municipality has a present obligation to pay resulting from employees services provided to balance date. The provision has been

calculated at nominal amounts based on remuneration rates the Council expects to pay and includes related on-costs.

- Long Service Leave (Long-term Benefits) The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows. Where Council does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.

#### (o) Interest-bearing Loans and Borrowings

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs.

After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method.

Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

Borrowings are classified as current liabilities unless the Council has an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date.

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction, or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.

#### (p) Provisions

Provisions are recognised when: The council has a present legal or constructive obligation because of past events; it is more likely than not that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated.

Provisions are not recognised for future operating losses. Where there are several similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations.

A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

#### (q) Leases

Leases of fixed assets, where substantially all the risks and benefits incidental to the ownership of the asset, but not legal ownership, are transferred to the company, are classified as finance leases. Finance leases are capitalised recording an asset and a liability equal to the present value of the minimum lease payments, including any guaranteed residual value.

Leased assets are amortised over their estimated useful lives. Lease payments are allocated between the reduction of the lease liability and the lease interest expense for the period. Lease payments under operating leases, where substantially all the risks and benefits remain with the lessor, are charged as expenses in the periods in which they are incurred.

#### (r) Joint Venture

The Shire's interest in a joint venture has been recognised in the financial statements by including its share of any assets, liabilities, revenues, and expenses of the joint venture within the relevant items reported in the Balance Sheet and Income Statement. Information about the joint venture is set out in Note 17.

#### (s) Rates, Grants, Donations and Other Contributions

Rates, grants, donations, and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions.

Control over assets acquired from rates is obtained at the commencement of the rating period or, if earlier, upon receipt of the rates. Where contributions recognised as revenues during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at the reporting date, the nature of and amounts pertaining to those undischarged conditions are disclosed in Note 2(c).

That note also discloses contributions recognised as revenues in a previous reporting period which were obtained in respect of the local government's operation for the current reporting period.

#### (t) Superannuation

The Shire of Carnarvon contributes to the Local Government Superannuation Scheme, the Occupational Superannuation Fund, and other approved and registered superannuation schemes.

Contributions to defined contribution plans are recognised as an expense as they become payable.

Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.



(u) Rounding Off Figures

All figures shown in this annual financial report, other than a rate in the dollar, are rounded to the nearest dollar.

(v) Comparative Figures

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

(w) Current and Non-Current Classification

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled.

The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle.

In the case of liabilities where Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months.

Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for resale where it is held as non-current based on Council's intentions to release for sale.

(x) New Accounting Standards and Interpretations

Australian Accounting Standards and Interpretations that have recently been issued or amended but are not yet effective have not been adopted by the Council.

CF014		INVESTMENTS	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	s6.14 Local Government Act 1995 Trustees Amendment Act 1997 Reg 19 Local Government (Financial Management) Regulations 1996		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## CF014 Investments

### OBJECTIVES

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

### POLICY STATEMENT/S

Authorised Institution - means an Australian registered bank in accordance with the Banking Act. While exercising the power to invest, consideration is to be given in preservation of capital, liquidity, and the return of investment.

Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.

The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of investment.

The investment is expected to achieve a predetermined market average rate of return that considers the council's risk tolerance. Any additional return target set by council will also consider the risk limitation and prudent investment principles.

### Approved Investments

With approvals from Council, investments are limited to:

- State/Commonwealth Government Bonds with a term of maturity not exceeding three years,
- Fixed term deposits placed with an authorised institution for a term not exceeding 12 months,
- Interest bearing deposits placed with an authorised institution

### Prohibited Investments

This Policy prohibits any investment carried out for speculative purposes including the following:

- Derivative based instruments,
- Principle only investments or securities that provide potentially nil or negative cash flow, and
- Stand-alone securities issued that have underlying futures, options, forward contracts, and swaps of any kind,
- The use of leverage (borrowing to invest) of any investment.
- Deposits with any institution other than an authorised institution.
- Deposits for a fixed term of more than 12 months.
- Investment in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory Government.
- Investment in bonds with a term of maturity of more than three years.
- Investment in a foreign currency
- Investment opportunity to be considered by Council

### Risk Management

Investments obtained are to comply with the following three criteria:

#### Overall Portfolio Limits

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any credit rating category:

S&P LONG TERM RATING	S&P SHORT TERM RATING	DIRECT INVESTMENT MAXIMUM
AAA	A-1+	100%
AA	A-1	100%
A	A-2	100%

### Counterparty Credit

Framework The Shire of Carnarvon will invest funds with authorised financial institutions that provide a service to the local community by establishing branches or agencies in the Shire of Carnarvon.

Such institutions must maintain a minimum Standard and Poors rating of A for short term investments.

### Term to Maturity Framework

OVERALL PORTFOLIO TERM TO MATURITY LIMITS	
Portfolio % < 1 Year	100% maximum, 40% minimum
Portfolio % 1-3 Years	60%





### Performance Measurement

Performance benchmarks will be as follows:

INVESTMENT	PERFORMANCE BENCHMARK
Cash	Cash rate
Enhanced/Direct investments	UBSWA Bank Bill Rate
Diversified Funds	CPI + appropriate margin over rolling 3-year periods (depending on composition of fund)

### Report and Review Compliance Requirements

A monthly report will be provided to Council in support of the monthly Statement of Financial Activity. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio and maturity date.

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

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

CF015		PRIVATE WORKS	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Infrastructure Services		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## CF015 Private works

### OBJECTIVES

To provide guidelines on the extent of private works the Shire will undertake.

### POLICY STATEMENT/S

The Shire shall avoid where possible carrying out private works where involvement in such works would place it in competition with private supply.

Where the cost of private works is expected to be less than \$25,000 the CEO may approve the works.

Where the cost of the private works is likely to exceed \$25,000 a report must be submitted to Council for consideration.

Requests for private works are to be submitted on a completed Private Works Request – Authority form.

All costs reasonably attributed to the private works project including plant, labour, and materials (including overheads) are to be charged to the private works project in accordance with Council's Fees and Charges.

This policy does not operate to prevent normal reinstatement works on behalf of Government organisations other than government business enterprises.

### Private Works for Community Groups and Local Sporting Organisations

The CEO may determine applications from community groups and local sporting organisations for in-kind works contributions by the Shire on a case-by-case basis up to a value of \$1,000.

CF016		ASSET MANAGEMENT	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Infrastructure Services		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## CF016 Asset management

### OBJECTIVES

To set guidelines for implementing consistent asset management processes throughout the Shire in support of Council's vision – "the Shire of Carnarvon will remain a wonderful place of endless opportunity, with a pristine environment, where the desert meets the sea".

### POLICY STATEMENT/S

In accordance with the "International Infrastructure Management Manual", the Policy considers an "Asset", by definition, to be: "A physical component of a facility which has value, enables services to be provided, and has an economic life of greater than twelve (12) months."

To ensure adequate provision is made for the long-term maintenance and replacement of assets by:

- Ensuring that Council's services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors, and the environment.
- Safeguarding Council assets including physical assets and employees by implementing appropriate asset management strategies and appropriate financial resources for those assets.
- Creating an environment where all Council employees take an integral part in overall management of Council assets by creating and sustaining an asset management awareness throughout the organisation via training and development.
- Meeting legislative requirements for asset management and continually improving asset management processes and performance.
- Ensuring resources and operational capabilities are identified and responsibility for asset management is allocated.
- Demonstrating transparent and responsible asset management processes that align with demonstrated best practice

The Shire will adhere to the following key principles in implementing its asset management policy:

- A consistent Asset Management Strategy must exist for implementing systematic asset management and appropriate asset management best-practice throughout all departments of Council.
- All relevant legislative requirements together with political, social and economic environments will be taken into account in managing assets.
- Asset management principles will be integrated within existing planning and operational processes.
- Asset Management Plans will be developed for major service and asset categories.
- An inspection regime will be used as part of asset management to ensure agreed service levels are maintained and assist in identifying asset renewal priorities.
- Asset renewals required to meet agreed service levels and identified in adopted asset management plans and long-term financial plans will be fully funded in the annual budget having regard for Council's funding priorities and community consultation in the Strategic Community Plan.
- Service levels agreed through the budget process and defined in adopted asset management plans will be fully funded in the annual budget estimates.
- Asset renewal plans will be prioritised and will be implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.
- Council will prioritise adequate resources to ensure appropriate asset management practices can be undertaken and to undertake the timely maintenance and renewal or upgrade of those assets so that "life cycle" costs are optimised.
- Systematic and cyclic reviews will be applied to all asset classes and will be managed, valued, and depreciated in accordance with appropriate best practice and applicable Australian Standards.
- Future life cycle costs will be reported and considered in all decisions relating to new services and assets and upgrading of existing services and assets.
- Future service levels will be determined in consultation with the community through the Strategic Community Plan.
- Training in asset and financial management will be provided for elected members and relevant employees as the Shire's asset management environment evolves and matures.
- Opportunities for multiple use of assets will be sought.

Asset management will be undertaken in accordance with the objectives and outcomes identified in Council's "Strategic Community Plan", those contained in the "Corporate Business Plan" and informed by Council's "Long Term Financial Plan" including any subsequent reviews or versions of these documents.

Council is responsible for adopting the policy and ensuring that sufficient resources are applied.

The Executive Manager, Infrastructure is responsible for implementing this policy and reporting on the status and effectiveness of asset management.

The Manager, Assets oversees asset management operations and has overall responsibility for administering the Asset Management Strategy including the development and maintenance of asset management plans for the major asset classes.



The Asset Strategy Officer assists the Manager, Assets with administrative and reporting functions, including the preparation of asset management plans and audit requirements.

The Asset Management Working Group (comprised of the CEO, and relevant employees from Infrastructure, Assets, Corporate Services and Building Services) guides asset management planning and implementation and report asset related activities and movements within their departments as they occur

CF017		RELATED PARTIES DISCLOSURES	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	AASB 124 Related Party Disclosures Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Corporations Act 2001		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## CF017 Related Parties Disclosures

### OBJECTIVES

To ensure that the Shire of Carnarvon's financial statements contain disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and transactions.

Potential effects on the financial statements need to be properly identified, recorded in Council's systems, and need to be disclosed in Council's general purpose financial statements in compliance with the AASB 124, the Information Privacy Act 2009 and the Right to Information Act 2009.

### POLICY STATEMENT/S

The purposes of this policy are to:

- Identify all Related Parties,
- Identify Related Party Transactions,
- Highlight the disclosure requirements of all Key Management Personnel and elected members,
- Identify review responsibility,
- Identify Ordinary Citizen Transactions.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not.

For each financial year, the Shire of Carnarvon must make an informed judgement as to who is considered a related party and what transactions need to be considered, when determining if disclosure is required.

Proper procedure is to be followed to enable an informed judgement to be made from the information requested from related parties.

This policy applies to all key management personnel, and elected members.

Local Government (Financial Management) Regulations 1996, Regulation 5A, requires Council to prepare its general financial statements in compliance with the Australian Accounting Standards, this now includes the AASB 124.

### Requirements

- All key management personnel are to complete the Related Party Disclosures – Declaration form,
- All Related Party Transactions must be disclosed,
- Ordinary Citizen Transactions (OCTs) are to be reviewed every year by Management,
- Shire of Carnarvon has a legal obligation to report on Related Party Disclosures annually,
- Disciplinary action may occur for breach of this policy.

### Identification of Related Parties

AASB 124 provides that local governments are to disclose in their Annual Financial reports, related party relationships, transactions, and outstanding balances.

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

KMP are defined as persons having authority and responsibility for planning, directing, and controlling the activities of the entity, directly or indirectly.

For the purposes of determining the application of the standard, the Shire of Carnarvon has identified the following persons as meeting the definition of Related Party:

- An elected member of Council
- Key management personnel being a person employed under s5.36 of the Local Government Act 1995 in the capacity of Chief Executive Officer or Director, senior executive employees and managers.
- Close members of the family of any person listed above, including the person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner.
- Entities that are controlled or jointly controlled by a Elected Member, KMP or their close family members. (Entities include companies, trusts, joint ventures, partnerships, and non-profit associations such as sporting clubs).

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

### Identification of related party transactions

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

To determine whether a related party transaction has occurred, the following transactions or provision of services have been identified as meeting these criteria:

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

Some of the transactions listed above, occur on terms and conditions no different to those applying to the public and have been provided while delivering public service objectives.

These transactions are those that an ordinary citizen would undertake with Council and are referred to as an Ordinary Citizen Transaction (OCT).

Where the Shire of Carnarvon can determine that an OCT was provided at arm's length, and in similar terms and conditions to other members of the public and, that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

### Disclosure Requirements

For the purposes of determining relevant transactions, elected members and key management personnel as identified below, will be required to complete a Related Party Disclosures – Declaration form for submission to financial services.



Ordinary Citizen Transactions (OCTs) Management will put forward a draft resolution every year to Council, declaring that in its opinion, based on the facts and circumstances, the following OCT are unlikely to influence the decisions that users of the Council's financial statements make.

As such no disclosure in the quarterly Related Party Disclosures – Declaration form will be required:

- Paying rates,
- Fines,
- Use of Shire owned facilities such as the Civic Centre, library, aquatic centre, parks, ovals, and other public open spaces (whether charged a fee or not),
- Attending council functions that are open to the public,
- Any valid discounts and fee waivers that are available to the party as an ordinary citizen and is available to any ordinary citizen in the same circumstance; and
- Any service or benefit occurring within normal employee, customer, or supplier relationships and at arm's length.

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

#### All other transactions

For all other transactions listed, elected members and KMP will be required to make a declaration in the Related Party Disclosures – Declaration form.

#### Frequency of disclosures

Elected members and KMP will be required to complete a Related Party Disclosures – Declaration form annually. Disclosures must be made by all elected members immediately prior to any ordinary or extraordinary election. Disclosures must be made immediately prior to the termination of employment of/by a KMP.

#### Confidentiality

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

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

The following persons are permitted to access, use and disclose the information (including personal information) provided in a Related Party Disclosures – Declaration form or contained in a register of related party transactions for the purposes of assessing, reconciling, complying and verifying:

an elected member



- Chief Executive Officer
- Executive Manager of Corporate and Community Services and Manager of Finance being responsible for the preparation of financial reporting
- financial officers within the Shire's unit of administration responsible for the preparation of financial reporting authorised by Management
- members of Council's Audit Committee
- an auditor of Council

### Materiality

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

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

### Register of Related Party Transactions

#### Maintain a Register

Finance employees must maintain and keep up to date a register of related party transactions that captures and records the information specified in the Declaration forms for each existing or potential related party transaction (including ordinary citizen transactions assessed as being material in nature) during a financial year.

#### Contents of Register

The contents of the register of related party transactions must detail for each related party transaction:

- the description of the related party transaction,
- the name of the related party,
- the nature of the related party's relationship with Shire,
- whether the notified related party transaction is existing or potential,
- a description of the transactional documents the subject of the related party transaction,
- the information specified in the Declaration form.

CF018		LEASE AND LICENSING CLASSIFICATIONS	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	s46 Land Administration Act 1997 s3.58 Local Government Act 1995 reg 30 Local Government (Functions & General) Regulations 1996		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/08/2022	Council	Nil	FC7/8/22

## CF018 Lease and licensing classifications

### OBJECTIVES

To enable responsible management of community assets by use of an equitable methodology for calculating lease and licence charges according to their classification.

### POLICY STATEMENT/S

Not-for-Profit Community Groups are defined as groups which are incorporated under the Associations Incorporation Act 1987 and have their primary base of operation located within the Shire of Carnarvon. As such, where appropriate, these organisations will be granted a lease or licence at a subsidised rate in recognition of their perceived benefit to the community and their ability to pay.

Concessions may be provided to community groups and organisations that enter lease or licence arrangements with the Shire of Carnarvon.

This policy applies to the Leasing and Licensing of all real property owned, or under the care, control, and management of the Shire of Carnarvon, including Crown Land.

All Lessees are to have Public Liability Insurance.

### Classifications

#### Tier One - Peppercorn rent \$10/year

Not-for-profit community groups:

- Use approved by Council,
- Lessor pays for lease preparation,
- lessee pays for utilities and general garden maintenance,
- Provides significant community benefit; and
- Has limited revenue-raising ability (net of cost of service) e.g., community play group.



Tier Two rDiscounted rent \$300/year scroo

Not-for-profit sporting

Use approved by Council,

- Lessee pays for lease preparation, utilities, and all maintenance,
- Has revenue raising capacity or receives external funding assistance (e.g., has a Sale of Liquor licence or receives some funding from State Government or from its members).

Tier Three

Commercial leases:

- Market value lease,
- Use approved by Council,
- Lessee pays for lease preparation, utilities, and all maintenance.

Notes

Local Government has a responsibility to provide for the wellbeing of its community, including the provision of community and recreational services and facilities to its community.

It does this through the provision of sports grounds, clubrooms, courts, swimming pools, sports centres, and parks, often in partnership with the community.

A key issue facing local government is ensuring that sport and recreation facilities will meet future needs while being affordable and fit-for-purpose.

CF019		RATES EXEMPTIONS FOR CHARITABLE PURPOSES	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>	23/05/2023	<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>	Application for Rate Exemption		
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	Local Government Act 1995, Charities Act 2013 (Commonwealth)		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
23/05/2023	Council	Nil	FC11/5/23

## CF019 Rates Exemptions for Charitable Purposes

### OBJECTIVES

The purpose of this policy is to identify a process to be followed when an organisation wishes to apply for an exemption of rates pursuant to Section 6.26(2)(g) of the *Local Government Act 1995* (the Act), where it is claimed the land is used exclusively for charitable purposes.

This Policy provides an equitable basis and administrative framework to assess applications for rates exemptions that is compliant with legislation and guided by best practice.

### SCOPE

This policy applies to charitable and not-for-profit organisations that own land within the Shire of Carnarvon and are liable for payment of rates.

### POLICY STATEMENT/S

#### Introduction

Section 6.26(2) of the Act identifies a number of situations where land is not rateable. Most are clearly defined and straightforward to apply. However, Section 6.26(2)(g) is open to some interpretation and therefore, this policy seeks to clearly define under what basis this section of the Act is to be applied by Council.

Council is committed to adhering to the Act and providing support and guidance to applicants who provide assistance to members of the public and as such, a benefit to the community. Claimants are required to evidence their right to an exemption, and demonstrate the land is used exclusively for charitable purposes.

The Act does not define what a charitable purpose is, therefore, the definition under Commonwealth Law must be applied. Under Section 12(1) of the Charities Act 2013, a charitable purpose means any of the following:

- (a) *the purpose of advancing health.*
- (b) *the purpose of advancing education.*
- (c) *the purpose of advancing social or public welfare.*

- (d) *the purpose of advancing religion.*
- (e) *the purpose of advancing culture.*
- (f) *the purpose of promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia.*
- (g) *the purpose of promoting or protecting human rights.*
- (h) *the purpose of advancing the security or safety of Australia or the Australian public.*
- (i) *the purpose of preventing or relieving the suffering of animals.*
- (j) *the purpose of advancing the natural environment.*
- any other purpose beneficial to the general public that may reasonably be regarded as analogous to, or within the spirit of, any of the purposes mentioned in paragraphs (a) to (j).*
- (k) *the purpose of promoting or opposing a change to any matter established by law, policy or practice in the Commonwealth, a State, a Territory or another country, if:*
- (i) *in the case of promoting a change—the change is in furtherance or in aid of one or more of the purposes mentioned in paragraphs (a) to (k).*
- (ii) *in the case of opposing a change—the change is in opposition to, or in hindrance of, one or more of the purposes mentioned in those paragraphs.*

The key considerations when assessing an application for exemption pursuant to Section 6.26(2)(g) of the Act are:

- The use of the land, not the purpose of the applicant.
- The use must come under the provisions of the *Charities Act 2013*.
- The land must be used exclusively for a charitable purpose.
- The land use must be for a public benefit, where the benefit is available to members of the public generally or a particular section of the public.

When considering Australian case law, the proper test for determining whether land is used exclusively for charitable purposes is:

- (a) if land is used for a dual purpose, then it is not used exclusively for charitable purposes although one of the purposes is charitable.
- (b) if the use of the land for a charitable purpose produces a profitable by-product as a mere incident of that use, the exclusiveness of the charitable purpose is not thereby destroyed.

### **Principles**

Rates exemptions are applied in a clear, transparent and equitable way to all eligible claimants, with relevant consideration given to the impact on other ratepayers and the sustainability of the Shire's public finances.

### **Provisions:**

#### **1. Application for a Rates Exemption Under Section 6.26(2)(G) of the Act**

- 1.1. All applications must be made in writing by completing an Application for Rates Exemption Form (Appendix A) and provide any supporting documentation according to the checklist on the application form.
- 1.2. If any information has not been provided or is unclear, the applicant may be required to provide additional information before the application will be assessed.
- 1.3. If the property is leased, a copy of the lease is required with the application to ascertain if the lessee is liable for payment of the rates in the terms of the lease.
- 1.4. Rates and charges must be paid on time until a determination is made. A refund may be made if the application is successful.
- 1.5. Applicants need to provide clear and concise information regarding the nature of their activities to illustrate eligibility for the exemption to facilitate Council's decision making.

#### **2. Making a Determination**

- 2.1. An application will be initially assessed by Shire Officers and if it meets the criteria to be considered for an exemption, a report will be given to the CEO to table as an agenda item for Council at an Ordinary Council Meeting. (At the CEO's discretion applications of a complex nature may be referred for legal advice or for a Council decision.)
- 2.2. The applicant must be a registered charity with Australian Charities and Not-for-profits Commission (ACNC) or an incorporated Not-for-Profit organisation.
- 2.3. The applicant must own the property on which rates are levied or be a tenant liable for payment of the rates under a lease.
- 2.4. The land must be used exclusively for charitable purposes, as defined in the *Charities Act 2013*.
- 2.5. The applicant must not conduct any commercial operation from the property.
- 2.6. The applicant must not hold a liquor licence for the provision of alcohol for sale to the public for profit.
- 2.7. Council may request additional information from an organisation making the application if it considers it necessary to do so in considering the application against this policy.
- 2.8. Information requested under clause 2.7 may include but, is not limited to copies of the Constitution of the organisation, recent financial statements of the organisation and information demonstrating precisely how any land that is subject of the application is used.

#### **3. Grant of Rates Exemptions**

- 3.1. An exemption shall only be granted if the applicant has demonstrated they are eligible under the relevant legislation, by completing the appropriate application form and providing supporting documentation.
- 3.2. Any exemptions granted will be until the expiration of the next triennium when all such current exemptions will next be reviewed.
- 3.3. The decision will be actioned by the officers and a note will be made against the property assessment.
- 3.4. Applicants will be notified in writing of any determination, with correspondence to include details of:
  - the date the exemption applies from.
  - the relevant section of the Act.
  - When next the approval will be reviewed; and,
  - the amount of general rates reversed.
- 3.5. An exemption is only applicable to the rates component of the annual rates and charges. Where exemption from rates is approved, the property will still be subject to the Emergency Services Levy and any other charges.
- 3.6. If the property has been used for the stated purpose as at 1 July of the relevant financial year, the exemption can be applied from that date and a refund given if rates have been paid prior to the determination.
- 3.7. Where the land use has changed during a financial year, any exemption granted is only applicable from the date of the change.
- 3.8. A partial exemption can be applied where only part of a defined lot is used for a charitable purpose.
- 3.9. The granting of an exemption in any year does not guarantee an ongoing exemption.
- 3.10. All exemptions are to be reviewed together every three years. In a few cases exemptions may cease prior to the three yearly review e.g. lease expiry. (Rating records will record such events)

#### 4. Rejected Applications

- 4.1. Where an application is declined, the applicant has options to challenge the determination.
  - 4.1.1. The applicant may object under Section 6.76 of the Act, on the basis that the land or part of the land was not rateable land.
  - 4.1.2. The applicant has the right to appeal a decision made under Section 6.76 to the State Administrative Tribunal (SAT).
  - 4.1.3. An applicant may apply for a concession under Section 6.47 of the Act. Such applications would be considered on a case-by-case basis and determined by





Council.

- 4.2. Where all appeals are not successful, the final option available to the applicant is to apply to the Minister for Local Government, to make a final determination, under Section 6.26(4) of the Act.

**Roles and Responsibilities**

The Chief Executive Officer shall be responsible for overall administration in regard to this policy.

The Deputy CEO shall be responsible for ensuring compliance with this policy.

The Rates Officer shall be responsible for the day-to-day operations of the policy.

**Key Terms/Definitions**

***Charitable Purpose*** – As defined in the *Charities Act 2013*.

ID001		CROSSOVERS	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Infrastructure Services		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually - December
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	s3.1 Local Government Act 1995, cl15(1),15(2) Local Government (Uniform Local Provisions) Regulations 1996		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
13/12/2022	Council	Nil	FC 4/12/22

## ID001 Crossovers

### OBJECTIVES

This policy provides guidelines on the requirements for eligibility of an application for a Council subsidy for the construction of crossovers.

### POLICY STATEMENT/S

Crossover means a vehicular carriageway constructed between a road formation and the front boundary of a property.

Crossover Subsidy is an amount determined by Council in accordance with Local Government (Uniform Local Provisions) Regulations 1996 s15(1), 15(2). The crossover subsidy is payable to property owners for the satisfactory completion of a crossover in accordance with this policy.

A crossover constructed between a carriageway and a front property boundary only may be eligible for a Shire crossover subsidy.

The construction specification, drawing and application to construct a crossover may be obtained from the Shire offices.

The subsidy payable for a crossover shall be to the value determined by Council in accordance with Local Government (Uniform Local Provisions) Regulations 1996 s15(1), 15(2) and as published in Council's Schedule of Fees.

Applications for the subsidy will be considered following submission to Shire Administration of a completed application on the 'APPLICATION FORM – CROSSOVER SUBSIDY'.

Applications will be considered and maybe accepted, amended, or refused. Following determination applicants will be advised accordingly.

Conditions of approval, including any amendments required will be detailed on the approval to proceed.

To be eligible for a crossover subsidy the crossover must be constructed in accordance with the Shire's Construction specification

The subsidy applies to crossover construction between the road carriageway and the front property boundary only.

The subsidy does not apply to repairs, maintenance, or reconstruction of existing crossovers.

A single new crossover to private properties is eligible for a Council subsidy subject to the proponent gaining prior written approval. One Crossover Subsidy is available per property title.

A single (or one one-way in or one one-way out) new crossover to commercial properties is eligible for a Shire subsidy subject to the proponent gaining prior written approval. One Crossover subsidy is available per property title.

Where the approved crossover crosses one of the Shire's cast in-situ concrete footpaths, the footpath shall be reconstructed using concrete to the crossover specification. Any damage caused to the footpath shall be repaired by the applicant at the applicant's expense to the satisfaction of the Chief Executive Officer.

It shall remain the responsibility of the applicant to avoid damage or disturbance to any underground services, during construction and any necessary repairs to such services shall be entirely at the applicant's cost.

If in the opinion of the CEO, or an employee authorised by the CEO, the construction of the crossover has resulted in damage to any of council's assets such as the roadway surface or pavement, kerb, footpath, verges, signage, vegetation or the like, the Shire may order the applicant to effect repairs. If the applicant fails to repair the damage within the time stipulated by the notice, The Shire may do so and all costs, including administrative on costs will be payable by the applicant and maybe deducted from any subsidy.

Should the crossover be required to traverse a drain, the applicant must install culverts as specified on the approval.

To be eligible for the subsidy the crossover works shall be inspected and approved in writing by Shire. The minimum inspections required are:

- immediately prior to pouring concrete (or laying pavers) and
- following completion of the works. The cost of the first each of these two inspections only is met by Council. If additional inspections are required because the works failed to meet the specifications, these will be at cost to the applicant in accordance with Council's schedule of fees and charges.



This policy applies all private property titles within the Shire of Carnarvon that have not previously received a crossover subsidy.

The Shire shall be given not less than 24 hours prior notice of the time for which inspections are requested. The request must be directed to the officer nominated on the approval. Inspections will normally be limited to Council's ordinary business hours.

Note: The crossover subsidy is intended to be an equitable subsidy available as a once only offer to each property title to encourage the construction of suitable crossovers. The application assessment fee is levied to recover the cost of undertaking the assessment of application and the inspections.

It is a non-refundable fee as costs to the Shire to process the application commence immediately the application is accepted. Fees and charges for crossovers are to be in accordance with the adopted Schedule of Rates for the current financial year

ID002		UNSEALED ROADS MAINTENANCE AND RENEWAL POLICY	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Infrastructure Services		
<b>CREATION DATE:</b>	13/02/2023	<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	S3.1 Local Government Act 1995		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
13/02/2023	EMIS	Major Rewrite	28/02/2023

## ID002 Unsealed Roads Maintenance and Renewal Policy

### OBJECTIVES

To provide guidance on the operation, maintenance and renewal of unsealed roads within the Shire of Carnarvon. Many unsealed roads facilitate travel between significant public destinations including destinations that may be outside Shire boundaries. Roads providing access to pastoral stations are also guided by the policy.

### POLICY STATEMENT/S

#### Definitions

*Road Hierarchy – a system of categorising roads according to their function and capacity.*

*Unsealed Road – any road that does not have a sealed (bitumen, asphalt or concrete) running surface.*

*Formed Road – These roads are desirably designed to the appropriate geometric standards and adequate drainage is provided.*

*Unformed Road - These are non-engineered roads that simply consist of a track that is cleared of vegetation.*

*Paved Road - These roads are designed to appropriate geometric standards with adequate drainage provided. A layer of imported granular material, compacted to the required thickness should be provided to support the estimated traffic loads.*

#### General

The ongoing operation and maintenance of unsealed roads is important for providing a safe and sustainable road network.

Unsealed Operation and maintenance work includes but is not limited to:

Routine maintenance - Minor repairs in response to specific pavement, signage or drainage defects.

Maintenance Grading - Grading to maintain unsealed road surface conditions by reducing roughness and improving crossfall shape. May be completed with and without compaction and watering.

Resheeting – Asset renewal works being addition of gravel to the unsealed road surface, compacting and grading that material to maintain surface condition, reinstate crossfall shape and achieve wearing course design thickness.

Rehabilitation - Ripping of pavement, re-compaction and possible stabilisation and resheeting of the surface.

#### Unsealed Roads Funding

Current funding levels are *generally sufficient* for the Shire to carry out minimum Routine Maintenance and Maintenance Grading.

Current funding levels are *insufficient* for the Shire to carry out resheeting and rehabilitation works to the desirable level of asset preservation and improvement. These works will be subject to available funds and specific project funding allocations.

All annual budget allocations of unsealed road maintenance, renewal and upgrade expenditure shall be determined by Council having regard to this policy and the available funding.

#### Shire Road Classification

Unsealed Shire Roads are classified into the following four maintenance categories:

Maintenance Category	Desirable Minimum Maintenance Grades Per Year	Desirable Minimum Resheet Frequency (years)	Comments/Considerations
1	2	10	Highest maintenance standard. Roads in this category typically have the highest traffic volumes and/or highest service level requirement and will carry heavy vehicles. Typically provide a route between significant destinations/attractions/facilities.
2	1	20	Intermediate Maintenance Standard. Roads in this category would typically have low to moderate traffic and/or service level requirements. Will typically provide links

			between local areas and links to regional routes.
3	1	0	Lowest Maintenance Standard. Roads in this category would typically have low volumes of local only traffic and would provide service to a limited number of vehicles.
4	0	0	Road not Maintained and generally a "track." Very low traffic volumes. May be used for fire protection services and limited recreational activities.

The following principles were used to assist in determining a classification of each unsealed road in the Shire inventory:

- Safety takes precedence over convenience.
- All stations will generally have one access maintained to the homestead to a category 2 standard.
- Only public infrastructure will be maintained i.e. not station airstrips, tracks or other accesses.
- That the road network maintenance priorities supports current and potential economic development including but is not limited to the agricultural, mining, and tourism sectors.
- That the Shire will be responsive to opportunities including but not limited to weather, funding, resource sharing, and resource availability and co-location.

The attached policy schedule lists:

- all unsealed roads in the Shire of Carnarvon road inventory;
- the desirable maintenance category classification for each road; and
- any special comments

#### Maintenance Category Amendment

Policy reviews will consider changes to the road network or traffic characteristics that may affect its maintenance category.

Ad hoc requests for amendment of the Maintenance Category for a particular road or roads requires a written request to be submitted to the CEO. Ad hoc requests will be referred to Council for consideration not more than twice in any fiscal year.

Road	Length (metres)	Desirable Maintenance Category	Standard Maintenance Grades Per Year	Comments
ANDREOLI ROAD Total	150	4	0	Not Maintained
BANKSIA WAY Total	220	3	1	Length and construction standard needs to be updated in RAMM Inventory.
BASSETT WAY Total	12	4	0	Not Maintained
BEACH ROAD Total	2,850	3	1	
BEJALING BEACH ROAD Total	4,600	4	0	Not Maintained
BIBBAWARRA ROAD Total	12,878	2	1	Full length
BOOLATHANA ROAD Total	4,550	2	1	Owner maintains at present
BOOLOGOORO ROAD Total	500	2	1	
BORE ROAD Total	656	2	1	
BULLARA - WINNING ROAD Total	29,280	3	1	
BUSH BAY - NEW BEACH ROAD Total	8,395	2	1	
BUSH BAY ROAD Total	31,980	3	1	
CALLAGIDDY - MARRON ROAD Total	102,175	2	1	
CALLAGIDDY ROAD Total	2,450	2	1	
CAPE CUVIER ROAD Total	4,155	4	0	Not Maintained
CARATTI ROAD Total	145	4	0	Not Maintained
CARDABIA ROAD Total	2,055	4	0	Not Maintained
CAVENDISH STREET Total	720	3	1	
COASTAL ACCESS ROAD Total	22,250	4	0	Not Maintained
COLLINS STREET Total	175	4	0	Not Maintained
COORALYA ROAD Total	8,410	2	1	
CRAGGS COURT Total	46	4	0	Not Maintained
DOORAWARRAH ROAD Total	3,680	2	1	
DRUMMOYNE ROAD Total	180	3	1	
DURMANICH ROAD Total	290	4	0	Not Maintained
DWYERS LEAP ROAD Total	570	4	0	Not Maintained
EDAGGEE - WAHROONGA ROAD Total	45,520	2	1	
EDAGGEE STATION ROAD Total	1,425	2	1	



Road	Length (metres)	Desirable Maintenance Category	Standard Maintenance Grades Per Year	Comments
<b>ELLA VALLA - WINDERIE ROAD Total</b>	57,080	3	1	
<b>ELLA VALLA ROAD Total</b>	345	2	1	
<b>FERNANDEZ ROW Total</b>	415	4	0	Not Maintained
<b>FRENCH STREET Total</b>	140	4	0	Not Maintained
<b>GILROYD ROAD Total</b>	1,020	4	0	Maintained by Gascoyne Shire
<b>GLADSTONE ROAD Total</b>	6,885	2	1	
<b>HARBOUR ROAD Total</b>	-	4	0	Not Maintained
<b>HENFRY STREET Total</b>	340	4	0	Not Maintained
<b>HILL SPRINGS ROAD Total</b>	18,820	2	1	
<b>HOLDEN STREET Total</b>	31	4	0	Not Maintained
<b>HUDSON STREET Total</b>	130	4	0	Not Maintained
<b>KADARAM ROAD Total</b>	220	4	0	Not Maintained
<b>KENNEDY RANGE ROAD Total</b>	35,580	4	0	Not Maintained
<b>KOREAN STAR ROAD Total</b>	2,400	4	0	Not Maintained
<b>LAWSON STREET Total</b>	1,480	3	1	
<b>LYNDON - MANGAROON ROAD Total</b>	30,590	1	2	This road is under RUA with Hastings
<b>LYNDON - MAROONAH ROAD Total</b>	41,840	4	0	Not Maintained
<b>LYNDON - TOWERA ROAD Total</b>	20,690	1	2	This section is under RUA with Hastings
<b>LYNDON HSTD ROAD Total</b>	2,315	2	1	
<b>MANBERRY ROAD Total</b>	14,960	2	1	
<b>MARDATHUNA - BINTHALYA ROAD Total</b>	42,515	4	0	Not Maintained
<b>MARDATHUNA ROAD Total</b>	69,580	2	1	
<b>MARGARET ROW Total</b>	1,279	4	0	Not Maintained
<b>MARRON HOMESTEAD ROAD Total</b>	1,080	2	1	
<b>MASSEY BAY DRIVE (TEGGS CHANNEL) Total</b>	920	3	1	
<b>MASSEY BAY ROAD Total</b>	780	3	1	
<b>MAUDS LANDING ROAD Total</b>	3,630	3	1	
<b>MAYWOOD ROAD Total</b>	231	4	0	Not Maintained

Road	Length (metres)	Desirable Maintenance Category	Standard Maintenance Grades Per Year	Comments
MEEDO - PIMBEE ROAD Total	69,295	2	1	Category 2 to Homestead 4 thereafter
MEERAGOOlia ROAD Total	30,665	2	1	Category 2 to Homestead 4 thereafter
MIA MIA ROAD Total	11,425	2	1	
MIABOOLYA ROAD Total	10,080	2	1	
MIDDALYA ROAD Total	400	2	1	
MINILYA - LYNDON ROAD Total	145,490	1	2	
MINILYA ROAD Total	4,660	2	1	
MOOKA ROAD Total	4,100	4	0	Not Maintained
MT SANDIMAN - WILLIAMBURY ROAD Total	55,470	2	1	Category 2 to Williambury 4 thereafter Dampier Pipeline maintain
ONE TREE POINT ROAD Total	4,400	3	1	
OYSTER CREEK ROAD Total	3,470	3	1	
PAARNA VIEW Total	9	4	0	Not Maintained
PARKER STREET Total	135	4	0	Not Maintained
PATEMAN ROAD Total	170	4	0	Not Maintained
PIMBEE ROAD Total	965	4	0	Not Maintained
QUOBBA - GNARALOO ROAD Total	83,040	1	2	
RED BLUFF ROAD Total	7,600	2	1	
RIFLE RANGE ROAD Total	895	4	0	Not Maintained
ROCKY POOL ROAD Total	4,106	3	1	
SANDERSON ROAD Total	400	4	0	Not Maintained
SANDHURST ROAD Total	15	4	0	Not Maintained
SILVER CITY ROAD Total	272	3	1	
SPEEDWAY ROAD (A) Total	2,015	2	1	
SPEEDWAY ROAD (B) Total	660	4	0	Not Maintained
STUART STREET Total	90	4	0	Not Maintained
UENDOO ROAD Total	1,315	4	0	Not Maintained

Road	Length (metres)	Desirable Maintenance Category	Standard Maintenance Grades Per Year	Comments
<b>WAHROONGA - PIMBEE ROAD Total</b>	86,465	<b>1</b>	<b>2</b>	
<b>WAHROONGA ROAD Total</b>	381	<b>2</b>	<b>1</b>	
<b>WANDAGEE ROAD Total</b>	3,610	<b>2</b>	<b>1</b>	
<b>WARROORA EAST ROAD Total</b>	22,020	<b>2</b>	<b>1</b>	
<b>WARROORA NORTH ROAD Total</b>	25,450	<b>2</b>	<b>1</b>	Category 2 to 14 Mile 4 thereafter.
<b>WHISTLING ROCK ROAD Total</b>	4,265	<b>4</b>	<b>0</b>	Not Maintained
<b>WHITLOCK CREEK ROAD Total</b>	1,415	<b>4</b>	<b>0</b>	Not Maintained
<b>WINNING POOL ROAD Total</b>	2,590	<b>4</b>	<b>0</b>	Not Maintained
<b>WOORAMEL ROAD Total</b>	2,310	<b>2</b>	<b>1</b>	
<b>YABURRU LOOP Total</b>	25	<b>4</b>	<b>0</b>	Not Maintained
<b>YALBALGO NORTH ROAD Total</b>	23,270	<b>3</b>	<b>1</b>	
<b>YALBALGO ROAD Total</b>	1,800	<b>3</b>	<b>1</b>	
<b>YARINGA ROAD Total</b>	650	<b>2</b>	<b>1</b>	
<b>GRAND TOTAL</b>	<b>1,261,006m</b>			

ID003		STOCK GRIDS POLICY	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Infrastructure Services		
<b>CREATION DATE:</b>	22 November 2022	<b>REVIEW SCHEDULE:</b>	Annually - December
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>	1.2.10 Gates Across Public Thoroughfares		
<b>RELATED POLICIES:</b>	ID002 Unsealed Roads Maintenance and Renewal Policy		
<b>LEGISLATION:</b>	Local Government Act 1995 Local Government Act (Functions and General) Regulations 1996 Local Government (Uniform Local Provisions) Regulations 1996 Section 55(2) of the Land Administration Act 1997 15 and 26(5) of the Main Roads Act 1930		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
22/11/2022	D. Nielsen	New policy.	<b>FC16/11/22</b>
13/12/2022	Council	Nil	FC 4/12/22

### ID003 Stock grids policy.

#### OBJECTIVE

To provide guidelines ensuring uniform standards are applied to installation, replacement, maintenance, and removal of stock grids on Shire Maintained Roads.

To reduce risks associated with stock grids to road users, the Shire, and landowners.

#### SCOPE

This Policy applies to Stock Grids on Shire Maintained Roads listed in *ID002 Rural Roads Maintenance Policy*.

#### DEFINITIONS

The following definitions apply to this policy –

**Boundary Grid** means a Stock Grid located on a Shire Maintained Road at the common boundary of two adjoining pastoral properties.

**CEO** means the Shire of Carnarvon Chief Executive Officer.

**Commencement Date** means the original commencement date of this policy being 1 January 2023.

**Council** means the collective Council members and President for the Shire of Carnarvon.

**Existing stock grid** means a stock grid in place on a Shire Maintained Road at the Commencement Date.



**Internal Grid** means a stock grid located on a Shire Maintained Road that is not a Boundary Grid.

**Redundant Stock Grid** means a stock grid installed on a Shire Maintained Road at the Commencement Date which does not provide stock proof fencing to both sides of the stock grid to form a viable stock proof paddock.

**Replacement Stock Grid** means a stock grid installed on a Shire road after the Commencement Date which replaces an Existing Stock Grid.

**Stock Grid** means a structure designed to enable motor traffic to pass along a road and prevent the straying of all types of livestock.

**Stock Gate** means a gate structure designed to be always unlocked to enable motor traffic to pass along a road and prevent the straying of all types of livestock.

**Shire Maintained Road** means a road listed in Shire Policy *ID002 Rural Roads Maintenance Policy*.

**Shire** means Shire of Carnarvon.

**Viable Stock Grid** means a stock grid installed on a Shire Maintained Road with stock proof fencing to both sides of the stock grid to form a viable stock proof paddock associated with the Stock Grid.

## POLICY STATEMENTS

### Principles

The Shire is the responsible authority vested with the care, control, and management of roads (except State Roads) in its district under the *Land Administration Act 1997* and the *Main Roads Act 1930*.

Under the *Local Government (Uniform Local Provisions) Regulations 1996*, the Shire may grant permission to a person to install a gate or other device (such as a stock grid) that enables motor traffic to pass across the public thoroughfare and prevents livestock from straying.

The Shire can impose any conditions it thinks fit on the grant of its permission.

To minimise potential hazards to motorists, Council's preference is for no grids or gates to be installed on Shire Maintained Roads.

Council acknowledges however that the fencing of roads adjoining rural properties to control stock is not always practical.

Installation of grids and gates in appropriate locations may be considered and permitted by Council.

Council will only support maintenance and replacement of Viable Stock Grids.

Council will actively seek removal of Redundant Stock Grids from all Shire Maintained Roads.

This policy outlines criteria and processes associated with:

1. Stock grid Standards;
2. Assessing and granting approval for installation of new stock grids;



3. Replacement of Viable Stock Grids;
4. Maintenance of Viable Stock Grids;
5. Removal of Redundant Stock Grids; and
6. Installation of a gate in lieu of a stock grids.

### 1. Stock Grid Construction Standards

All stock grids constructed on Shire Maintained Roads after the Commencement Date shall:

- be installed in accordance with or equivalent to the Main Roads WA standards including provision of hazard and warning signage.
- be a minimum of 8 metres in width unless specifically approved otherwise in writing due to:
  - Very low traffic volumes and applicable on the Shire Maintained Road where the proposed Stock Grid is located – if necessary, traffic counts shall be conducted;
  - If the Stock Grid location is on a Shire maintained Road that terminates at a Station Homestead;
- be capable of handling all stock types;
- have a vehicle capacity rating of not less than 25 Tonnes per axle;
- be Viable Stock Grids.
- Work to install, remove or maintain Stock Grids shall only be carried out by the Shire or its delegated Contractors.

### 2. Installation of a New Stock Grid

Where a new Stock Grid is requested, the cost of supply, delivery and installation of the Stock Grid shall be shared between the Shire and all affected Landowners in accordance with Table 1.

Stock Grid Location	Shire Contribution	Landowner 1 Contribution	Landowner 2 Contribution
Internal Grid	50%	50%	
Boundary Grid	33.3%	33.3%	33.3%

**Table 1: Stock Grid Cost Contribution**

Landowners seeking installation of a new Stock Grid on a Shire Maintained Road shall make application to the CEO. Applications shall:

- a) Be in writing;
- b) Identify the adjoining land and the landowners;
- c) Identify if the stock grid is a Boundary Grid;
- d) Include a plan showing the proposed Stock Grid location;
- e) Include any request for Stock Grid width reduction
- f) Detail consultation with affected neighbours
- g) Confirm acknowledgement of the required cost contribution

- h) Confirm if a Stock Gate would be accepted by the Landowner(s) as an alternative to a Stock Grid;
- i) Confirm acknowledgement that the landowners shall at their own cost, always maintain a functioning stock proof-fence on both sides of the stock grid.

The CEO shall consider the following criteria when determining whether to refuse, approve, or approve subject to conditions, an application for the installation of a new stock grid:

- A functioning stock-proof fence must be in place on both sides of the proposed Stock Grid location prior to any approval being issued;
- The proposed location must be suitable for installation of a Stock Grid in relation to road geometry and geographic features.

The CEO shall approve applications for the installation of a new Stock Grid where applications meet (or may be conditioned to meet) the application and assessment criteria.

New Stock Grid applications which are determined by the CEO that do not meet (or may not be conditioned to meet) the application and assessment criteria shall be referred to Council for decision. The CEO shall prepare a report for council detailing the application and the reasons why the application does not meet the application and assessment criteria under this policy.

### 3. Stock Grid Replacements

Where a stock grid meets the requirements of being a viable Stock Grid, ie. it has viable stock fencing, but is -

- no longer fit for purpose; or
- beyond reasonable economic repair; or
- in a condition that may be a hazard

it may be replaced or removed by the Shire.

The CEO will provide landowners with property abutting the Stock Grid with written notice of the Shire's intention to replace an existing Viable Stock Grid.

Such notice shall:

- a) invite landowners to make an application for retention and replacement of the Stock Grid with a new grid constructed to the standards under this policy; and
- b) invite landowners to approve removal of the Stock Grid if it is no longer required for stock control.

In all cases, written notices shall be followed up with alternate contact methods such as phone, text etc. to ensure landowners are aware of the written notice.



Where a landowner requests retention of an existing stock grid the full cost of replacement is to be met by the Shire.

Where landowners approve the removal of the Stock Grid, removal costs shall be met by the Shire.

#### **4. Maintenance of Viable Stock Grids**

Viable Stock grids will be maintained by the Shire to the Shire's standards and requirements. The cost of maintenance of Viable Stock Grids shall be borne by the Shire.

As a minimum, the Shire shall carry out an annual inspection by a competent person of all Stock Grids on Shire Maintained Roads. A visual and written condition assessment of each Stock Grid shall be made at each inspection and recorded in a register of Stock Grids.

Where maintenance works is required, work orders shall be issued on a risk based priority.

Where maintenance is required because of negligence of any other party, the Shire may seek recovery of those maintenance costs from the negligent party.

#### **5. Removal of Redundant Stock Grids**

Redundant Stock Grids may be identified by the Shire for removal at any time.

The CEO will provide landowners with property abutting the grid with written notice of the Shire's intention to remove a Redundant Stock Grid. Such notice shall invite landowners to make an application for retention of the Stock Grid. In all cases, written notices shall be followed up with alternate contact methods such as phone, text etc. to ensure landowners are aware of the written notice.

If a landowner does not make application to replace or retain a Redundant Stock Grid within 60 days of receiving notice, the Shire may remove the stock grid and reinstate the Shire Maintained Road at its cost.

If a landowner makes a written application for retention of a Redundant Stock Grid within 60 days of receiving notice, that application shall detail their reasons for retention of the Redundant Stock Grid.

A report shall be prepared by the CEO containing details of any matter relevant to the request and shall be provided to Council for consideration of the request to retain the Redundant Stock Grid. In considering a landowner's submission, Council shall consider as a minimum the following, when determining whether to retain or remove a Redundant Stock Grid:

- a) whether the Stock Grid satisfies the construction standards outlined in this policy;
- b) the estimated period of time before a functioning stock-proof fence is in place on both sides of the stock grid;



- c) whether the Stock Grid is a Boundary Grid or internal stock grid;
- d) the current condition of the Redundant Stock Grid and cost of any repairs required; and
- e) the estimated removal and reinstatement cost.

In order to ensure applications to retain redundant grids are well-considered and justified, applications that are not approved by Council will require that the cost of Redundant Stock Grid removal be met by the landowner.

#### **6. Installation of Stock Proof Gates in Lieu of Stock Grids.**

In some circumstances, installation of a Stock Proof Gate in lieu of a new Stock Grid or Replacement Stock Grid may be considered.

In considering such requests the CEO shall consider the following:

- a) Traffic volumes applicable on the Shire Maintained Road where the proposed Stock Gate is located – if necessary, traffic counts shall be conducted;
- b) If the gate location is on a “through” Shire Maintained Road or a Shire maintained Road that terminates at a Station Homestead;
- c) Comments from adjoining or neighbouring landowners.

Landowners shall be responsible for full cost of installation and maintenance of any approved Stock Gate.

The Shire will accept no responsibility for straying stock associated with Stock Gates being left open other than where that is due to the actions or inactions of its employees or contractors.

#### **7. Emergency Arrangements**

In the event of a Stock Grid being an immediate safety hazard, the CEO or their delegate may undertake any action necessary to ensure the safety of road users and stock.

Where such emergency action is likely to result in the straying of livestock the action shall be communicated to the affected Landowner as soon as practical.

#### **8. Stock Grid Contributions**

Stock Grid contributions shall become due and payable from the date of commissioning/recommissioning of the stock grid.

The CEO may enter negotiated terms with the Landowner for payment of Stock Grid contributions.



**EXPLANATORY NOTES**

Requests for replacement or installation of Stock Grids will not exceed budgetary limits determined by Council each financial year in the roads maintenance and construction budgets and all Stock Grid installation, replacement and removal works will be prioritised by risk.

<b>ID004</b>	<b>NAMING OF ROADS, PARKS, PLACES, AND BUILDINGS</b>		
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Infrastructure Services		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually - December
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			

<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	Landgate Policies and Standards for Geographical Naming in Western Australia (V 01:2017) Land Administration Act 1997 Land Information Authority Regulations 2007 Australian Standard AS/NZS 4819:2001 Rural and urban addressing		
<b>DOCUMENT CONTROL</b>			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
13/12/2022	Council	Nil	FC 4/12/22

## **ID004 Naming of roads, parks, places, and buildings**

### **OBJECTIVES**

The purpose of this Policy is to assist Council to appropriately deal with and assess proposals to name a Shire Road or Shire Asset.

### **POLICY STATEMENT/S**

Shire Asset - any park, garden, reserve, memorial, sporting ground or building or other infrastructure asset owned or under the care, control, or management of the Shire of Carnarvon.

Shire Road - any Road or variation of Road, including street, place, boulevard, etc

### Naming Considerations

Council may consider naming a Shire Asset in honour of persons considered to be pioneers, persons who have made an outstanding humanitarian contribution or who, in the opinion of the Council, are worthy of such an honour. This may also be in acknowledgment of events of historical, environmental, or cultural significance or collective community action.

Where personal names are used, the person commemorated should preferably be recognised in memorium.

To facilitate ease of geographical identification and identification of purpose, where possible a locality name and purpose should be associated with the naming of a Shire Asset, even when it is determined that an honorary name will be applied.

In general terms, naming should use the form, spelling and style of contemporary Australian English or a recognised Australian Aboriginal language local to the area of the feature.

Where applicable and always in the first instance, naming guidelines as set out in Policies and Standards for Geographic Naming in Western Australia will be adhered to. The Shire must apply to Landgate for the naming of Shire Roads.

Renaming will only occur in an extraordinary case or where a name is no longer deemed appropriate.

The use of Aboriginal names and words for naming features are a way of recognising the different enduring cultural and language groups.

Names originating from an Australian Aboriginal language local to the area must be written in a standard recognised format and their use shall be endorsed by the recognised local community. Evidence of this endorsement must be included with the naming proposal.

A proposal to name a significant Shire Asset can be put forward to Council for consideration by:

- an elected member by way of a notice of motion,
- an employee via a report to Council,
- a member of the public via a submission to the CEO; or
- users of a facility via a submission to the CEO.

Any proposal to name a significant Shire Asset will include:

- details of the proposed Shire Asset to be named,
- proposed name; and
- justification for the proposal.

Through its consideration Council may endorse the name or determine that the proposal requires further community consultation, subject to policy statement below:

#### Criteria for Assessment for Personal Recognition

A request to name a Shire Asset after a person shall be assessed against the following criteria:

- whether the person being honoured has been instrumental in the development of the Shire asset or activities to be undertaken or contributed in a significant way to the Shire asset,
- the views of the community with respect to honouring the person or event after which the Shire asset is proposed to be named,
- the length of residency of the person proposed. For the purposes of guidance, residency of ten (10) years or more in a relevant location is likely to qualify a person for further consideration,
- the contribution made by the person to the local community through areas such as education, representation on Council or another level of government, volunteering, association with local sporting or service club or through business development.

A significant contribution could include:

- two (2) or more terms of office on the local government Council,
- twenty (20) or more years association with a local community, sporting, or service club,
- action by an individual to protect, restore, enhance, or maintain an area that produces substantial long-term improvements for the community of area; or
- evidence of works undertaken being of a pioneering nature for the benefit of the community



<b>ID005</b>	<b>MEMORIALS IN ROAD RESERVES, PARKS, FORESHORES ETC</b>		
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Infrastructure Services		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually - December
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
<b>DOCUMENT CONTROL</b>			

DATE REVIEWED:	REVIEWED BY:	CHANGES (IF ANY):	ENDORSED BY COUNCIL:
August 2022	Council	Nil	FC 7/8/22
13/12/2022	Council	Nil	FC 4/12/22

## ID005 Memorials in road reserves, parks, foreshores etc

### OBJECTIVES

The objective of this Policy is to:

- Provide guidance in relation to the use of public open space in the placement of memorials, monuments, plaques, and the planting of commemorative trees.
- Ensure that applications for memorials, monuments, plaques, and trees are managed on a consistent basis and in accordance with the Council's strategic direction and corporate policies

### POLICY STATEMENT/S

This Policy applies to the placement of memorials, plaques, and monuments as well as the planting of commemorative trees in Shire of Carnarvon owned/managed parks, reserves, public open space and streetscapes.

This Policy does not apply to operations of cemeteries. All items instated in accordance with this policy become Shire assets and are therefore owned and under the care, control, and management of the Shire.

The policy applies to memorials, monuments, plaques, and commemorative trees, where the naming is intended to commemorate a (deceased) person, organisation, or significant event. It also includes the placement of such items for community driven projects, where the intent of the project is to raise awareness of a particular community issue.

Requests to recognise a living person/individual does not fall within the scope of this policy.

An artwork or other feature intended primarily to enhance open space and not designed as a commemorative piece, is not considered a memorial for the purpose of this policy.

The Shire of Carnarvon recognises that members of the community may wish to use public open space to commemorate a person, group of people or event through a memorial, which adds to the value of the wellbeing of the community.

For the Shire to ensure its public open spaces continue to serve their intended purpose and are not transformed into places of mourning, and that its asset management practices are not impacted negatively, subjects for plaques, monuments, memorials, and commemorative trees in public open space are limited to the criteria and requirements outlined in this policy.

#### Applications and Base Criteria

Each application will be assessed on its individual merit and must first meet one or more of the following base criteria:

- An individual or association that has contributed significantly to the cultural, political, or social aspects of the Shire of Carnarvon. Individual nominees are to be deceased, and demonstrate:



- They were a local community member,
- Left a tangible legacy to the community that has resonance with the broader public,
- Placement benefits the community in acknowledging the deceased.
  - An event or occasion to be commemorated:
- Anniversary or event must be unique and highly significant to the history and development of the Shire of Carnarvon; and State of Western Australia and/or Australia
- Reference to historical, social, or culturally significant events must be highly significant to a particular site within the Shire of Carnarvon.
  - Awareness campaign:
    - Where the intent of a plaque or memorial item is to raise awareness of a particular community issue, the applicant must demonstrate the relevance of the issue to the local community. Further to the base criteria, applications for items outlined in this policy must be received in writing to the Shire.
      - All applications relevant to memorialising an individual are to be presented to Council for consideration and approval/refusal.
      - Applications for monuments that meet conditions within this policy are to be presented to Council for consideration and approval/refusal.
      - All other applications that meet conditions within this policy for memorials, plaques and trees are to be presented to the CEO for consideration and approval/refusal via an internal recommendation process.
      - Community requests for infrastructure items such as park benches, picnic tables and plaques, where these are related to heightening the awareness and understanding of a particular community matter need to demonstrate the campaigns relevance to the local Shire of Carnarvon community. These applications are to be presented to the CEO for consideration and approval/refusal via an internal recommendation process.

The outcome of applications are to be confirmed with the applicant/s following the relevant process.

### Applicant Requirements

All applications must meet the following requirements:

- Commitment to fund the requested memorial item (plaque, memorial, monument, or tree),
- Must bear a relationship with the open space setting proposed and be consistent with any approved masterplans for the site,
- Must not detract from the aesthetic value of the identified location.

### Plaque

The Shire will specify the size and design of the plaque.

This will be determined in accordance with the type of furniture or structure (such as raised plinth or stone) on which it will be placed.

Further to the above Memorials Criteria, monuments must also meet the following criteria:

- An individual Nominee should have made a highly significant contribution to the shared community history in the Shire of Carnarvon that is also significant at a State, National or International level.
- An individual Nominee must have achieved at a high level and contributed over and above what might be reasonably expected through paid employment, or their voluntary contribution to the community and should stand out from others who may have also made a valuable contribution.

The Shire will commission any approved monument request.

#### Park furniture

All furniture that is to be installed and/or on which Memorial plaques are to be placed, is at the discretion of the Shire and subject to the conditions of this Policy.

#### Tree selection

The type of tree to be planted is at the discretion of the Shire.

The Shire will have final approval of the exact location of the tree and installation details.

Memorial trees may be identified by a commemorative plaque or other identification at the discretion of the Shire. The appropriate Shire park, reserve, public open space, or streetscape for the placement of the memorial is to be determined by the Shire in consultation with the applicant.

#### Cost

Applicants must meet the cost of the purchase and installation of furniture, monuments, plaques (inclusive of any required structure for mounting purposes) and trees.

Costs are to be determined on a case-by-case basis.

Applicants will be advised of the costs prior to the application being presented for approval/refusal purposes. Applicants can advise at this stage if they do not wish to proceed with the application.

Costs are to be paid in full before the Shire will undertake the purchase of the memorial.

#### Life of the furniture/plaque/ tree/monument Memorials and plaques have a finite life.

The Shire envisages that infrastructure such as seating/plaques will be located at the site for a period of not less than 10 years from the date of installation.

Should a piece of memorial park furniture be vandalised beyond repair, it will be deemed to be at the end of its useful life and the Shire will use reasonable endeavours to contact the applicant/next of kin to inform them of this.





The Shire reserves the right to remove a memorial if it falls into a state of disrepair or to remove a memorial. Shire will use reasonable endeavours to contact the applicant/next of kin to inform them of this.

The Shire will use reasonable endeavours to contact the applicant/next of kin. In the case of a tree, the memorial will be for the life of the tree.

There will be no right to renewal and should the tree die; the applicant/next of kin will need to lodge a new application for a new memorial tree.

Monuments approved and commissioned in line with this policy will be deemed an asset of the Shire of Carnarvon and managed in accordance with associated practices.

#### Memorial Register

The relevant registers are to be updated where a memorial, plaque, monument, or tree is approved.

This may include asset databases and the memorial register.

CD001		CCTV DATA MANAGEMENT	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually - December
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>	Memorandum of Understanding – 4A0133.17 ICT162329S		
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
August 2022	Council	Nil	FC 7/8/22
13/12/2022	Council	Nil	FC 4/12/22

## CD001 CCTV Data Management

### OBJECTIVES

To establish functional categorisation of CCTV's and protocols for the management of recorded data, relating to the release and viewing of recorded footage.

### POLICY STATEMENT/S

CCTV System - Is a system that comprises of Closed-Circuit Television (CCTV) cameras, information stores, connections and applications for storage, retrieval and viewing of information.

#### Surveillance Purpose

There are five categories of CCTV cameras that the Shire of Carnarvon implements.

- Public Area Permanent (Fixed)
- Public Area Portable (Temporary)
- Vehicle-based (Mobile)
- Buildings and Assets Permanent (Fixed)
- Service/Employee Areas Permanent (Fixed)

#### Release or Viewing of Recorded Footage and Still Photographs to WA Police

The release or viewing of recorded footage and still photographs to the WA Police is permitted subject to the terms and conditions contained within the MOU between the Shire and the WA Police. It is also a requirement for the CEO to be informed whenever footage is released.

#### Memorandum of Understanding (MOU)

A Memorandum of Understanding (MOU) between the Shire of Carnarvon and WA Police exists to establish the principles, protocols, roles, and responsibilities regarding the access to viewing, release and copying of recorded footage and still photographs

CD002		MARKET TRADERS AT THE WOOLSHED	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually - December
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	s2.7(2)(b) of the Local Government Act, 1995.		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
August 2022	Council	Nil	FC 7/8/22
13/12/2022	Council	Nil	FC 4/12/22

## CD002 Market traders at The Woolshed

### OBJECTIVES

To identify a location plan for Gascoyne Growers Markets Inc. traders whilst encouraging products sold at the markets to have a focus on the Gascoyne.

### POLICY STATEMENT/S

Gascoyne Growers Markets Inc. stalls - means that area provided on the Policy Plan that specifically identifies the location of the stalls where only horticultural/agricultural products and seafood as approved Gascoyne Growers Markets Inc. will be sold at the markets.

Policy Plan - means the indicative area identified on Attachment 1 to this Policy where the Gascoyne Growers Markets Inc. stalls are approved to be established along with the shared “drop off” area.

### Background

For many years, the Woolshed has been used and promoted as a ‘farmers market’ through the Gascoyne Growers Markets Inc.

Whilst this has been successful, the Shire and the Gascoyne Growers Markets Inc. seek to ensure that local products and producers remain the focus of the markets. In addition, there is a strong desire to use the markets as a venue to promote innovation within local industries, and positive, healthy lifestyles for the community of Carnarvon.

Whole or value-added primary products derived from the Gascoyne only may be sold from stalls identified on the Policy Plan as Gascoyne Growers Markets Inc. area.

Should the area of the Woolshed forecourt not be required by the Gascoyne Growers Markets Inc. stalls on market day, the Gascoyne Growers Markets Inc. will advise the Manager of the Carnarvon Visitor Centre not less than 24 hours before of the markets commence that those sites can be made available for other stall holders.



For non- Gascoyne Growers Markets Inc. stalls, the Carnarvon Visitor Centre will encourage those stall holders to promote the sale of Gascoyne related products.

CD003		AUSTRALIA DAY AWARDS	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually - December
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>	Delegation 1038 - Awards Committee – Nomination of Persons and Organisations for Awards and Honours		
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
August 2022	Council	Nil	FC 7/8/22
13/12/2022	Council	Nil	FC 4/12/22

## CD003 Australia Day awards

### OBJECTIVES

To ensure that there is a clear process available in guiding decision-making in relation to Australia Day Awards.

### POLICY STATEMENT/S

The Shire will make the following awards each year at the formal Australia Day ceremony:

- Premier's Australia Day Active Citizenship Awards
- Premier's Australia Day Active Citizenship Award for a person under 25 years
- Premier's Australia Day Active Citizenship Award for a community group or event
- Locally initiated awards formally approved from time to time by the Council

The nomination process and criteria to be used in selecting award recipients will be:

1. As set out for the WA Premier's Active Citizenship Awards by the Australia Day Council of WA,
2. For locally initiated awards, as approved by the Council.

The Shire of Carnarvon Awards Committee will review nominations against the relevant criteria set for the Premier's Australia Day Awards and any locally initiated awards and make recommendations to Council in a timely manner.

The Council will then consider and approve final awards under each category.

### Note

Australia Day is held annually on the 26th of January and each local government holds a formal ceremony as part of the celebrations.



The Premier’s Australia Day Active Citizenship Awards eligibility and criteria are set by the WA State Government however, the selection process is carried out under the auspices of the local government.

CD004		COMMUNITY GROWTH FUND	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually - December
<b>RELATED PROCEDURES:</b>	CS006A – CGF Guidelines		
<b>RELATED FORMS:</b>	CS006B – CGF Small Assistance Donations Form CS006C – CGF Community Support Grants Form CS006D – CGF Major Project Support Grant Form CS006E – CGF Grant Acquittal Form		
<b>RELATED DELEGATIONS:</b>	Community Growth Fund Committee		
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	Local Government Act 1995 Local Government (Functions and General) Regulations 1996		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
27/09/2022	Community & Cultural Services Manager	Removal of delegation and update to timeframes	FC4/9/22
13/12/2022	Community & Cultural Services Manager	Changes as presented to Council.	FC 4/12/22

## CD004 Community Growth Fund

### OBJECTIVES

The purpose of the Community Growth Fund Policy is to establish an application process and criteria for the allocation of grants to ensure a fair, equitable and transparent process and framework for the distribution of funds allocated through the budget process. This policy outlines the eligibility requirements for those organisations seeking financial assistance through the Shire.

This policy applies to the provision of grants, sponsorship (cash or in-kind) and donations allocated by the Shire of Carnarvon through its Community Growth Fund Policy to support community organisations that make a positive contribution to the sustainable development of this region's social, cultural, economic, sporting, and environmental lifestyle.

### POLICY STATEMENT/S

#### 1. Background and Context

This policy is designed to meet statutory requirements and to demonstrate Council's commitment to supporting organisations/clubs in the Shire by providing financial and/or in-kind assistance to activities that build community capacity, encourage participation, and make a positive and ongoing contribution to the shire.

Council will provide grants only when it is satisfied that the:

- The grant is appropriate, being aware of other Council priorities and available resources.
- The applicant meets the eligibility criteria set out in this policy and the supporting guidelines for the specific funding program.
- The grant will be used for a purpose that provides community benefit.
- The grant will meet a community and/or social need in the community.

## 2. Definitions

Applicant	The organisation/group who will be implementing the proposed program, project, or activity.
Council/Shire	Shire of Carnarvon
Event	This means an event, project, service (including sponsorship), facility or other activity for which assistance through grant funding is sought.
Grant	The sum of money/in-kind support given to community organisations for an event/project/service.
Grant limit	The maximum amount excluding GST in monetary value and/or in-kind support may be requested depending on the category.
Incorporated Organisation	An organisation who status is registered with the Office of Fair Trading and operates within the scope of the Associations Incorporation Act 1981 and Associations Incorporation Regulation 1999.
In-Kind Contribution	A donation of goods and services, time, or expertise, rather than cash or appreciated property.
Not-For-Profit Organisation	An organisation that is not operating for the profit or gain of its members.

## 3. Roles and Responsibilities

The Chief Executive Officer and the Executive Leadership Team are responsible for ensuring this policy is understood and adhered to by Council staff, the Shire President and Councillors.

The Community Growth Funds Committee consisting of Elected Members is responsible for evaluating applications, and Council staff will prepare recommendations for Council approval.

## 4. Policy

### a. Eligibility Criteria

*Major Project Support Grant*





A community organisation will be eligible to receive a grant from Council under this category if the organisation demonstrates the following:

- The project, event or activity contributes significantly to the regional profile and/or economic benefit of the Shire.
- The project, event or activity aligns with an activity in the Shire’s Community Strategic Plan.
- The organisation/group resides and operates, and the event is carried out in the Shire of Carnarvon boundaries.
- Have acquitted any previous Shire of Carnarvon grant satisfactorily and supplied evidence of funding acknowledgement.
- Be free of debt with the Shire of Carnarvon.
- Be an incorporated ‘not-for-profit’ organisation and hold a current Association Constitution.
- Have relevant public liability insurance cover (applicable to large-scale events).
- Uses the grant funds for a purpose that Council considers providing a community benefit. This includes spending the grant funds with Carnarvon businesses.
- Demonstrate a clear need for Shire financial support and show that other avenues of financial support have been explored.
- Demonstrates good organisational governance.
- Submit the organisation’s most current financial statement.
- Submit a detailed budget for the program, project and/or activity.

#### 4.1.2 Eligibility Criteria

##### *Community Support Grant (up to \$5,000)*

A community organisation will be eligible to receive a grant from Council under this category if the organisation demonstrates the following:

- The project is a specific community event/activity or community program that demonstrates a social, economic, educational, recreational or art and cultural benefit to the Shire of Carnarvon community.
- The event/activity or community program aligns with an activity in the Shire’s Community Strategic Plan.
- The organisation/group reside and operate, and the event is carried out in Shire of Carnarvon boundaries.
- Have acquitted any previous Shire of Carnarvon grant satisfactorily and supplied evidence of funding acknowledgement..
- Be free of debt with Shire of Carnarvon.
- Organisations can apply for financial assistance towards payment of Shire of Carnarvon rates.
- Be an incorporated ‘not-for-profit’ organisation and hold a current Association Constitution.
- Have relevant public liability insurance cover.
- Uses the grant funds for a purpose that Council considers providing a community benefit. This includes spending the grant funds with Carnarvon businesses.
- Demonstrate a clear need for financial support and show that other avenues of financial support have been explored.
- Demonstrates good organisational governance

- Submit the organisation's most current financial statement.
- Submit a detailed budget for the program, project and/or activity.

#### 4.1.3 Eligibility Criteria

##### *Small Assistance Donation (up to \$1,000)*

The organisation or member is requested to demonstrate the following:

- Small financial contribution to an event, activity, service or endeavour for not-for-profit or benevolent organisations.
- Applicants reside and operate in the Shire of Carnarvon boundaries.
- Have acquitted any previous Shire of Carnarvon grant satisfactorily and supplied evidence of funding acknowledgement.
- Demonstrate a clear need for support (cash or in-kind).
- Demonstrates good organisational governance
- Uses the grant funds for a purpose that Council considers providing a community benefit.
- Submit a budget for the requested activity.

#### 4.1.4 Ineligible Items

##### *Items/requests ineligible for funding*

The following are ineligible for funding under the Community Growth Fund categories:

- Private, commercial or political ventures or activities.
- Ongoing salaries/wages for staff.
- Retrospective funding – programs, projects and/or activities that have commenced or completed prior to grant outcomes.
- Programs, projects and/or activities that do not benefit or involve the Carnarvon community.
- Payment of debt.
- Items/programs that are the core business of a Government Department, tourism, or economic development organisations.
- Items of equipment or other expenditure that are personal or of personal gain.
- Assets that the Council believe carry an unacceptable risk of those assets being damaged, lost, causing injury, or quickly losing value.
- Freight, merchandise, prizes, and raffles (unless demonstrated essential to program, project, or activity).

### 5. Selection Criteria

- All eligibility and selection criteria must be met (essential).
- The level of assistance available is limited by Council's budget allocation and its priorities. No application can be guaranteed funding, nor can any application be guaranteed to receive the full amount requested.
- The grants program aims to provide limited financial assistance in relation to the development of the program, project, and/or activity, and is not intended to be relied upon as a primary

source of funding. Council encourages co-funding from other sources and reserves the right to partially fund a grant application.

- Community Growth Fund applications are assessed by the Community Growth Funds Committee on an assessment matrix and eligibility criteria for the particular category.
- Incomplete or late applications outside the allocated round period will not be accepted.
- previously approved grants through the Community Growth Fund that have not been acquitted will result in future grant applications being declined for consideration.
- Each organisation will be eligible once per financial year.

## 6. How Are Applications Assessed?

- The Community Growth Funds Committee consists of Elected Members that evaluates applications and Council staff prepares recommendations for Council approval.
- The high demand for funding under the Shire of Carnarvon’s Community Growth Fund will mean that not all grant applications can be approved. Although an application may meet the assessment criteria and the ability to align with the Shire’s Strategic Community Plan is essential.
- Community Growth Funds Committee on an assessment matrix and eligibility criteria for the particular category will assess all funding submissions. This is done by a 0-4 scoring method as listed below:

0	Conflicts with eligibility criteria
1	Not Demonstrated
2	Partially demonstrated
3	Sufficiently demonstrated
4	Exceedingly Demonstrated

- All applications will receive written notification of the outcome of their application. Successful applications may also be acknowledged as part of the Council’s publications.

## 7. Submission Timeframes

Submissions will be considered quarterly at the Community Growth Funds Committee Meeting. Applications outside scheduled rounds will not be accepted.

Round	Opening Date	Closing Date	Applicants notified of the outcome
1	1 January	12 February	Following the decision of subsequent Council Meeting after closing date
2	1 July	12 August	
3	1 October	12 November	

## 8. Grant Categories

Category	Grant Description	Maximum (Cash or In-Kind)
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Major Project Support Grant	Major Projects Support Grant supports a project or event which has economic and/or cultural importance to the community and is recognisable as being specific to and for the betterment of the Shire of Carnarvon.	\$10,000
Community Support Grant	Grants are offered under this category to support organisations and the planning and development of local community events and/or activities that will assist in building community capacity and promoting community cohesion.	\$5,000
Small Assistance Donation	Small financial contribution to an event, activity, service or endeavour for not-for-profit or benevolent organisations.	\$1,000

## 9. Acknowledgement Requirements

Recipients of the Shire of Carnarvon Community Growth Fund are required to acknowledge Council's contribution to the activity that is being funded.

Should any of the following be implemented as part of a program/activity, Shire of Carnarvon's logo and the words 'Proudly Supported by Shire of Carnarvon' should be implemented relating to the associated event, program, or activity.

- Press/media releases
- Social Media communications
- Promotional materials
- Media advertising and signage
- Acknowledgement in speeches

## 10. Accountability and Reporting

Council is required to evaluate the Community Growth Fund Policy regularly to ensure it is relevant and responsive to the community's needs.

Recipients will be required to:

- Accept the Funding Agreement, including terms and conditions as stated;
- Not commence the proposal until the Funding Agreement has been accepted;

- Issue the Shire with a Tax Invoice to request the release of the payments in line with the Funding Agreement;
- Use grant funds solely for the approved purpose;
- Acknowledge the Shire for its contribution towards to proposal. This includes, but is not limited to, advertising, promotion, media releases, use of Shire banners etc. Approval is required to use the Shire's logo;
- Provide an Acquittal by the date stipulated in the Funding Agreement, ensuring the following is provided:
  - Evidence of acknowledgement of the Shire's contribution;
  - Evidence of outcomes achieved as a result of the funded project/activity;
  - Financial Statement detailing all income and expenditure related to the proposal;
  - Evidence of invoices/receipts showing the expenditure of the Shire's funding on approved items.
- Any unspent funds, funds not accounted for, or funds used for ineligible items must be returned to the Shire of Carnarvon.

## 11. Acquittal Process

After a funded program, project and/or activity, an acquittal report is required. Acquittals are required 12 weeks from the date of program, project and/or activity completion. Should a community grant remain unacquitted, the grant recipient will be ineligible to apply for future Community Growth Fund grants until such acquittal is received.

Acquittal includes the following requirements:

- Project summary
- A brief description of the project, program, or activity, including any variations from the initial application form
- Direct/indirect benefits to the Shire of Carnarvon
- Copies of invoices
- Proof of payment (invoices/receipts)
- Support material (press clippings, photographs, social media activity, etc.)
- Program, project and/or activity results – reach, economic, demographics etc.

## 12. EXPLANATORY NOTES:

N/A

CD005		LETTERS OF SUPPORT	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually - December
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
August 2022	Council	Nil	FC 7/8/22
13/12/2022	Council	Nil	FC 4/12/22

## CD005 Letters of support

### OBJECTIVES

Council recognises the important roles that community groups, not-for-profit organisations and service providers perform in our region to promote social cohesion, economic development, and recreational opportunities.

This policy is to ensure the Shire manages requests for letters of support for grant applications in an efficient, effective, transparent, and accountable manner. This policy is to:

- Ensure there is a standard and set process used when providing letters of support; and
- Ensure that letters of support align to Council's strategic priorities and values.

### POLICY STATEMENT/S

Council receives requests for letters of support from individuals, community groups, businesses, sporting clubs and not for profit organisations on a regular basis.

Letters of support mainly relate to community groups, organisations and sporting clubs applying for grants. Providing support for programs, projects and events within the Shire of Carnarvon can be critical for securing funding.

Some grant applications may involve capital works, which has the potential to impact Council's asset register, maintenance works, long term financial plan and budgets.

The Shire will assess all requests for letters of support in a fair, equitable and reasonable manner, applying the following conditions:

- The grant application must have a clear community or economic benefit to the Shire of Carnarvon, an identified need for the project and clear evidence of community support.
- The application must be in line with Councils strategic direction as set out in the Strategic Community Plan.

- There are no current or future costs to be incurred by Council.
- Council will be indemnified from any future obligations in continuing events or projects that have been initiated by community groups or other third parties if Council determines there is no ongoing community benefit.
- The project must be consistent with the Council's objective to adopt sound asset management frameworks and strategies (Corporate Business Plan as updated from time to time)

Letters of support will not be provided if –

- The Shire is applying for grant funding from the same funding body, and it is considered that the application will be in direct competition with Council's application.
- Council operates a program similar or the same as that of the application.
- The objectives of the application or request do not fit with Council's strategic priorities as set out in the Strategic Community Plan.
- There is an expectation to continue the event/project beyond reasonable timeframes.

#### Process

Requests for letters of support must:

- Be submitted in writing to the CEO, Shire of Carnarvon, PO Box 459, Carnarvon WA 6701 or by email to the Senior Executive Officer – [shire@carnarvon.wa.gov.au](mailto:shire@carnarvon.wa.gov.au)
- Include an informative description of the project, of no more than one page,
- Include the drafted letter of support covering the points required to be addressed.

CD006		EXTERNAL GRANTS – PROCUREMENT AND GRANTS	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually - December
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	State Records Act 2000		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
August 2022	Council	Nil	FC 7/8/22
13/12/2022	Council	Nil	FC 4/12/22

## CD006 External grants – procurement and grants

### OBJECTIVES

To provide parameters around procurement, compliance, and management of external grant funding (funds coming into the Shire).

### POLICY STATEMENT/S

This Policy applies to the application process, acceptance, and ongoing administration of an external grant.

#### Introduction

External grant funding can provide a means for the Shire to fund responsibilities that general rate revenue may not be able to fund. Grant funding is generally seen as an attractive form of funding but there can be negative consequences. There is risk involved in not meeting all the grant requirements along with potentially committing the Shire to ongoing operational/maintenance requirements.

A financial contribution from Council is often required. The source of the Council contribution should be identified before applying for funding. Projects and programs to be funded by grants must be consistent with the Shire's strategic priorities set out in the Strategic Community Plan.

The simple availability of funding is not a sufficient reason to pursue an external grant.

The Shire needs to have appropriate processes and procedures to maximise benefits and minimise risks.

This policy needs to be read in conjunction with Integrated Planning and Reporting (Planning) Policy, and Purchasing Policy.

#### Principles

- Grant funding produces an outcome that is aligned with the Shire's strategic objectives set out in the Strategic Community Plan, the Corporate Business Plan and Long-Term Financial Plan.



- The benefits of receiving the grant should outweigh the costs to the Shire, including whole of life costs.
- Effective administration of the grant must be able to be undertaken.

### Provisions

### Strategic Fit

The Shire of Carnarvon will actively scan the external grant funding environment to:

- identify grant sources which are consistent with identified strategic direction,
- identify grant sources which may in part be relevant to strategic direction but have some provisions which may be inconsistent or be in some tension with identified direction,
- identify assumptions which would be built into the long-term financial planning and strategic planning processes and the level of robustness; (d) identify trends or emerging changes to external grants funding parameters which may have an impact on proposed programs or projects.

Where a potential grant source under the above is identified, the CEO and ELT will review the risks and benefits of pursuing that funding path and decide on whether it wishes to seek the relevant funding, after consideration of strategic and long-term benefit.

The Council will be provided with information on the trends identified above as part of budget and review cycles. Where grant funds are identified, an item will be put to the Council to review the risks and benefits of accepting the grant funding and decide on whether it wishes to accept the relevant funding, after consideration of strategic and long-term benefit.

Where the commitment of Council funds is no more than \$5,000 the acceptance of the grant funds can be at the discretion of the CEO.

Where changing trends in grants funding or cessation of a grant could have an impact on the Shire's financial position in the long term this must be reported as part of the Integrated Planning and Reporting review cycle.

### Analysis of Potential Grants

Any analysis on whether to proceed with an application for funding will:

- consider whether there needs to be matching funding by the Shire and/or in-kind costs,
- assess current resource allocation and capacity (financial, human resources etc.) and the capacity to manage the program or project over time,
- assess ongoing maintenance and asset renewal impacts to the Shire,
- identify associated procurement requirements,
- identify whether feasibility and design stages for a significant capital project have been completed,

- consider audit and other associated close out costs.

Overall, a cost/benefit analysis must ensure the benefits to the Shire outweigh the costs.

The terms and conditions of the grant must be fully understood and must be achievable.

#### Decision to Proceed and Accept Grant Funds

Where a project has been identified in the Corporate Business Plan and the Long-Term Financial Plan as proceeding if external funding is available and that funding has come available, a report will be prepared for Council which:

- sets out the funding analysis as required by this Policy,
- identifies whether the timing of the project is now achievable and what, if any, other projects need to be modified or pushed out to accommodate the project if funding is granted,
- provides a recommendation as to whether funding should be accepted.

The Chief Executive Officer must approve all external grant application documentation.

Where possible external funding has been identified outside the Corporate Business Plan and the Long-Term Financial plan a formal Council resolution will be required to apply for the funding.

The report to council will need to specify all information as required under this Policy and a clear description of the long-term benefits for the Shire and/ or Community.

#### Grant Administration

A project plan and timeline will be established to ensure the grant is administered effectively and is compliant.

Where applicable, a new cost code should be established in the financial system to capture grant related income and expenditure. This should include a process to easily identify allowable and non-allowable costs.

The acquittal of the grant must be undertaken according to requirements to minimise risk of funds needing to be returned for non-compliance.

Records of all grant applications must be retained in compliance with the State Records Act 2000 (WA) and Shire procedures as they relate to record keeping.

CD007		CARNARVON MOBILE TRADING	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually - December
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	s.2.7(2)(b) Local Government Act 1995 Shire of Carnarvon Local Law - Hawkers, Traders & Stall holders		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
August 2022	Council	Nil	FC 7/8/22
13/12/2022	Council	Nil	FC 4/12/22

## CD007 Carnarvon mobile trading

### OBJECTIVES

To:

- avoid the creation of adverse traffic, pedestrian, and general public safety conditions, particularly on routes where the dominant function is the safe movement of vehicular traffic.
- regulate the level and intensity of vendor activities on road reserves and private land accessible to the public to ensure that the site is retained primarily for its purpose (community/traffic use, parking, and commercial activities).
- accommodate appropriate vendor activities to provide services that enhance the visitor/resident experience.
- ensure that the parking of vehicles (or erection of other equipment) will not adversely affect the public amenity and the characteristic streetscape of the area and the street carparks, and private commercial areas.

### POLICY STATEMENT/S

The purpose of this policy is to regulate the issuing of licences relating for the operation of mobile traders in in Carnarvon Shire except for Coral Bay.

This is a local planning policy prepared under the Local Government Act 1995 s2.7(2)(b) and the Local Government Act Local Laws 1998 “Hawkers, Traders and Stall Holders”.

#### General

Itinerant vendors are to move on when all customers at a particular location have been satisfied.

Public liability insurance cover of \$20 million is required where an activity occurs on local government managed land.

The local government may seek contribution towards the upgrading and/or construction of a site used by a mobile vendor.

A mobile trading licence shall only be issued to the specific applicant and is not transferable to any other person or to any other land parcel.

Activities may require additional approvals/permits under the applicable health standards. 6. If an additional approval/permit is required then the mobile trading licence shall only remain valid while the additional approval/permit remains current and valid.

On the expiration or earlier termination of the additional approval/permit, the mobile trading licence shall cease to be valid.

This policy does not apply to the following:

- A 'produce stall' within private property,
- Where a vendor is part of an event, carnival, market, fete, or the like,
- Where the activity is a one-off occurrence such as an opening or open day for a business/premises; and
- Community health mobile clinics and other government/community like uses.

#### Application requirements

Applications must be accompanied by:

- Details of goods/merchandise and or services to be offered,
- Details of vehicle intended to be used for trading including a photograph(s) of the vehicle (such vehicle may be subject to assessment to determine its suitability for the purpose proposed),
- For mobile vendors, specific details of area(s) or route (including site plans),
- Times, days, and dates sought and
- Evidence of public liability insurance.

Where the land is NOT under the care, control and management of the local government, the written consent of the Crown via the Department of Lands or vesting Authority or Management Authority is required prior to processing the application.

Where the land is privately owned, the written consent of the landowner is required prior to processing the application.

#### Schedule of declared trading locations

The Schedule of Declared Trading Locations has been created to identify various locations within the district as being worthy of encouraging or allowing mobile trading within certain parameters due to the needs of the area and the benefit that mobile trading can bring to the public place.

The Schedule is at the end of this policy and should be interpreted in the light of the declared benefit that is provided for each item.

A place will only be approved if it:

- Is located within a place identified in the Schedule of Declared Trading Locations,
  - Is readily and safely accessible to customers,
  - Provides adequate parking for customers,
  - Does not present a traffic hazard or danger to the public,
  - Has adequate rubbish disposal facilities,
  - Does not breach any regulatory or signposted car parking restrictions,
  - Takes place where the goods displayed, and the gathering of customers will not impede pedestrians or vehicle movements or cause conflict with other activities; and
  - Will not interfere with access to other facilities and/or businesses (including occupying car parking areas to the detriment of the public).
- Trading in road reserves will not be supported unless the site has a formal parking area (such as parking bays, a car park or rest area).
- Itinerant vendors are generally not appropriate on roads with speed limits greater than 70km/hr.
- Based on experience of the impacts of previous/similar activities (within or outside the Shire), the fragile nature of certain areas, and/or the dominant public use of certain areas, the local government is of the view that activities should not be supported in certain areas and also that a restriction on the number of certain activities in certain areas should be prescribed.
- These restrictions (if any) are attached to this policy and area based on knowledge and experience at this time and may be amended from time to time by the local government as further knowledge and experience is accumulated.

Approval periods for mobile vendors are generally restricted to:

- No more than 4 hours in any one location each day.
- A maximum period of 12 months shall be approved for each licence.

### Definitions

Mobile means working in one place for a short period of time.

Public Place includes a road or place which the public are allowed to use, whether the road or place is on private property.



Vendor means someone who promotes, exchanges, or hires goods or services for money. Itinerant Vendor means a person who travels along a road looking for customers and who sells, hires, or provides a product or service from a vehicle which is parked temporarily to customers who stop the vendor or come to the vendor while the vehicle is so parked.

Note

The main difference between an itinerant vendor and a mobile vendor is that a mobile vendor can solicit business from a parked location whereas an itinerant vendor stops to serve waiting customers (an ice cream van is an itinerant vendor whereas a vehicle parked selling preprepared food or produce is a mobile vendor).

CD008		CONSUMPTION OF ALCOHOL ON SHIRE OWNED AND MANAGED PROPERTIES	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually - December
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
August 2022	Council	Nil	FC 7/8/22
13/12/2022	Council	Nil	FC 4/12/22

### CD008 Consumption of alcohol on Shire owned and managed properties

#### OBJECTIVES

To provide guidance with respect to considering applications to consume alcohol on Shire premises.

#### POLICY STATEMENT/S

It is illegal:

- For any person to consume alcohol on unlicensed premises (e.g., a Shire facility) without the consent of the owner or authority in control of those premises; and
- to sell alcohol from a Council premises without first obtaining a licence from the Department of Racing, Gaming and Liquor or the Carnarvon Court House to licence the premise (e.g., at a function or party).

The applicant is responsible for:

- Obtaining any required approvals associated with the selling of alcohol under the Liquor Licensing Act (1988) and complying with any associated conditions,
- Ensuring that any person/s selling or providing alcohol must hold a valid Responsible Service of Alcohol (RSA) certificate (if applicable),
- The care of property and the wellbeing of people using the area within the specified time,
- Controlling any antisocial behaviour by people attending the function,
- Ensuring that non-alcoholic drinks are available to all persons at the event or function,
- Ensuring that food is available to patrons as required under this policy; and

- Producing the approval from the Shire of Carnarvon and appropriate licence from Department of Racing, Gaming and Liquor (if applicable) on request to a Shire of Carnarvon employee or Police Officer.

### Note

Consent given by the Shire of Carnarvon is just that and does not replace the requirement to apply for the necessary Liquor Licence from the Department of Racing, Gaming and Liquor or the Carnarvon Court House.

### Definition

Function means a gathering, occasion, or event (including a sporting contest, show, exhibition, trade or other fair, or reception) at which it is proposed that liquor be sold or supplied to those present.

### Processes

The timeframe required for the licensing authority to process the application before the commencement of the event depends on the number of people anticipated to attend.

The Chief Executive Officer may only issue an exemption should employees have the capacity to process the application and/or be due to extenuating circumstances (e.g., wake etc.).

Where alcohol is being sold or provided as part of a ticket, an Occasional Liquor Licence is required to be obtained. The applicant must apply directly to the Department of Racing Gaming and Liquor (not the Carnarvon Court House) when the number of patrons attending the event or function exceeds 200 persons.

The Chief Executive Officer may provide consent for the consumption of alcohol for a maximum time limit of:

- Two (2) hours with no food being required,
- Two (2) to five (5) hours subject to sufficient food being made available for free or for purchase or being made available through purchase of a ticket,
- Five (5) to eight (8) hours subject to:
  - Sufficient food being available for purchase throughout the duration of the alcohol consumption or sale period; and/or
  - Free finger food is to be provided; or
  - A main meal is provided at no cost to the guest and/or as part of a ticket sale
- Free potable drinking water is to be always provided during the event or function. One (1) station must be provided per two hundred (200) patrons and a station within each restricted area.



- Once consent to consume alcohol on a Council premises has been approved, the Shire of Carnarvon is to provide notification to the WA Police with the details of the consent (who consent been issued to, the event/function and associated date, time, and location).
- Consumption of alcohol must cease by 11:30pm for any given event or function. The event or function must cease by midnight and the premises must be cleaned and vacated by 1:00am.
- Prior to gaining the Shire's consent for the sale or service of alcohol at an event or function, the organiser must agree with the following provisions – Certification:
  - Any person/s selling or providing alcohol must hold a valid Responsible Service of Alcohol (RSA) certificate (if applicable).
  - All security/crowd control personnel are required to be licenced operators (if applicable).

These persons must attend all times during the event.

- Security / Crowd Control
  - Provide information in relation to how the crowd will be managed and controlled at the event or function (e.g., the practices to be used).
- Enclosures
  - The designated area for the sale and associated consumption of alcohol at an event must be fully enclosed by a fence or other barrier approved by the local government. All emergency exits must be signed, and the exits and entrances must be manned by at least one Crowd Controller (if applicable)
- An application will not be considered if the proposal is likely to have a significant potential impact upon the amenity of an area or affect neighbouring properties. A significant potential impact includes circumstances in which if the application were granted:
  - Undue offence, annoyance, disturbance, or inconvenience to persons who reside or work in the vicinity, or to persons in or travelling to or from an existing or proposed place of public worship, hospital, childcare premises, or school, would be likely to occur; or
  - The amenity, quiet or good order of the locality in which the premises or the proposed premises are, or are to be, situated would in some other manner be lessened.
- The Shire reserves the right to close the venue, property, or public place at any time an officer of the Shire (or at the direction of police), deems that the safety or security of the facility or persons within or in the precinct of the facility may be compromised. In such case there will be no refund of hiring fees unless the hirer can show that such action causing closure did not come about as an act of the hirer or any patron of the hirer.

Bond provisions or fees may also apply for any littering or damage to the Shire's property.

CD009		COMMUNITY ENGAGEMENT	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Annually - December
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	Local Planning Scheme Shire of Carnarvon Community Engagement Framework and Procedures Guide Shire of Carnarvon Strategic Community Plan		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
August 2022	Council	Nil	FC 7/8/22
13/12/2022	Council	Nil	FC 4/12/22

## CD009 Community engagement

### OBJECTIVES

To outline the Shire of Carnarvon's commitment to build a two-way communication process between Council and the community and to engage all people through appropriate, effective, and inclusive practices.

This Policy is to guide the process of community and stakeholder engagement across the organisation to support all decision-making and build relationships and capacity within the community.

The objectives of the Policy are to:

- provide the community with a clear understanding of the Shire's commitment to all community and stakeholder engagement processes it undertakes,
- apply good Governance to the process by facilitating open and honest communication with stakeholders and community,
- inform and make aware of Council decisions and community input,
- permit informed decision-making to positively achieve and improve quality of life for the community in the Shire of Carnarvon.

### POLICY STATEMENT/S

This Policy applies to the whole organization

The Community Engagement Policy should be applied in conjunction with the Shire's community engagement framework and procedures guide to develop an engagement plan at the scoping phase of any of the following:

- addressing a community issue



- a project or initiative
- a change in service delivery
- delivery of an activity; or
- infrastructural works or projects The community must be engaged in all matters that affect them, including but not limited to:
  - Legislative requirement Where required under the Local Government Act 1995, Planning and Development Act 2005 and Local Planning Scheme or other relevant legislation
  - Shire vision and strategic directions Future long-term planning for the Shire such as the Integrated Reporting and planning process, strategic community plan and other relevant plans.
  - Site specific Matters about a particular site, such as extraordinary development and disposal of Shire land
  - Facilities and services Development, review or improvement of a facility, infrastructure, and services
  - Key issues/major projects Of such a size that they impact on large areas of the Shire, including emergency situations.

Community Engagement is the responsibility of all Elected Members, employees, and contractors.

Community Engagement is the responsibility of all Council service areas, teams, and employees as appropriate to their role and function.

To ensure the effective application of community engagement across the Shire, a 'Community Engagement; Framework and Procedures' guide has been developed to provide guidance for Council and its employees.

The Community Engagement Policy is built upon a set of commitments that guide the scoping, planning, implementation, and evaluation of community engagement processes undertaken by Council.

These commitments are built upon the core values identified by the International Association for Public Participation (IAP2) and should be applied in the development of the engagement plan identifying how it fits on the IAP2 spectrum as displayed below:

Council commits to.

- Being open and transparent about the decision-making process and the challenges and opportunities to be met,
- seeking to involve those community members potentially affected by, or interested in, a decision as early as possible in the decision-making process,



- ensuring the purpose of our engagement with the public is clear and relevant, and that the level of engagement is appropriate to the decision being made (not over or under engaging),
- ensuring that the methods used are well suited to generate highly effective and inclusive community engagement from a broad section of the community,
- providing information that is clear, easy to understand and accessible to community,
- incorporating the community’s views into the decision-making process to the agreed level of participation and reporting back to the community how their input was considered and how it influenced the decision; and g) evaluating our community engagement processes to continually improve our approach to community engagement.

#### Notes

Good governance is based on a belief that those impacted by a decision may have important contributions to make in a decision-making process.

In planning a community engagement process, Council will determine at which levels they will engage and what corresponding commitment they will make to the community and/or stakeholders.

This decision is likely to impact the nature and methods of engagement, the final decision rests with Council. Council decision-making processes are influenced by several factors such as financial and resource considerations, political directives, and environmental and social concerns.

As such if a difference occurs between the level of engagement and Council’s final decision, the reasons will be clearly stated.

CD010		PROPERTY FENCES	
<b>POLICY OWNER:</b>	Shire of Carnarvon		
<b>DEPARTMENT:</b>	Executive		
<b>CREATION DATE:</b>	22/02/2022	<b>REVIEW SCHEDULE:</b>	Annually - December
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>	5016		
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	Local Government Act 1995, s.2.7(2)(b) – Council’s function in determining policies The Dividing Fences Act 1961 Local Government (Miscellaneous Provisions) Act 1960 Planning and Development (Local Planning Schemes) Regulations 2015 Planning and Development Act 2015 State Planning Policy 7.3		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
22/02/2022	Council	Endorsed	FC4/9/22
13/12/2022	Council	Nil	FC 4/12/22

## CD0010 Property Fences

### OBJECTIVE

The objectives of the policy are:

- 1) To prescribe what is a ‘sufficient fence’ for the purposes of the Dividing Fences Act.
- 2) To provide guidance on the style, height and location of fencing;
- 3) Minimise adverse impacts that undesirable fences can have on the streetscape and neighbourhood amenity.

### SCOPE

In accordance with Section 10 of the *Building Act 2011*, a Building Permit is required for the construction of all fences within the Carnarvon and Coral Bay townsites. As the townsites are located within Wind Region D, structural plans are required detailing the footings and connections for the proposed fence and must be signed off by a practicing structural engineer to confirm they are of sufficient strength for the towns Wind Region.

The design of front residential fences is controlled through State Planning Policy 7.3. The Policy relates to the “R Codes” - the Residential Design Codes of Western Australia (2015) which were

prepared under section 26 of the *Planning and Development Act 2005* by the Western Australian Planning Commission.

The *Dividing Fences Act (1961)* provides a process for neighbours to agree on the fence that divides their properties, and to share the cost of construction and maintenance. The Act also provides for the courts the ability to deal with disputes that may arise over dividing fences.

## DEFINITIONS

**Commercial Lot** means a lot where a commercial use is or may be permitted under the local planning scheme; and is or will be the predominant use of the lot.

**Dangerous** (in relation to any fence) means:

- an electrified fence other than a fence in respect of that which has been given approval by the local government;
- a fence containing barbed wire other than a fence erected and maintained in accordance with this policy;
- a fence containing exposed broken glass, asbestos fibre, razor wire or any other potentially harmful projection or material;
- a fence (or part of a fence) which is likely to collapse or fall for any reason whatsoever.

**Dividing Fence** means a fence that separates the land of different owners whether the fence is on the common boundary of adjoining lands or on a line other than the common boundary.

**Fence** is any barrier, railing, wall or other upright structure intended to enclose an area of land, irrespective of material content, located on or near a common boundary of adjoining land or on a line other than the common boundary, and includes a front fence to a property but does not include any privacy screen, trellis or the like.

**Height** (in relation to the fence) means the vertical distance between the top of the fence at any point and the ground level immediately below. If the ground levels are not the same on each side of the fence, the height is measured from the higher ground level.

**Industrial Lot** means a lot where an industrial use is or may be permitted under the local planning scheme; and is or will be the predominant use of the lot.

**Primary Street** means unless otherwise designated by the local government, the sole or principal public road that provides access to the major entry (front door) to the dwelling or building.

**Residential Lot** means a lot where a residential use is or may be permitted under the local planning scheme; and is or will be the predominant use of the lot.

**Rural Lot** means a lot where a rural use is or may be permitted under the local planning scheme; and is or will be the predominant use of the lot.

**Rural Residential Lot** means a lot where a rural residential use is or may be permitted under the local planning scheme; and is or will be the predominant use of the lot.

**Street setback** means the horizontal distance between the street boundary and a building, measured at right angles (90 degrees) to the street boundary.

**Sufficient Fence** means a fence prescribed by the local government or a fence of any standard agreed upon by adjoining owners provided that it does not fall below the standard prescribed by the local government.

**Visually Permeable** has the meaning given in the R-Codes.

## POLICY STATEMENTS

### 1) Front Fences

a) Under State Planning Policy 7.3 a fence (including gate) within the front setback of a property (including front boundaries) can be constructed to no more than 1200mm if solid and must be visually permeable between 1200mm and 1800mm.

b) However, within 1.5m of where the driveway intersects with the property boundary, the maximum height for a solid fence or gate is 750mm. This maintains sight lines for and of vehicles entering and exiting the property. If the gate is to be constructed entirely out of a visually permeable design such as a pool or garrison fencing, then the full height of 1800mm is permitted.

c) Although the above requirements can be varied in some instances, they must be justifiable and may be subject to additional approvals.

### 2) Sufficient Fences

#### Residential properties

A sufficient dividing fence for a Residential Lot:

I. may be constructed of timber pickets, corrugated fibre reinforced pressed cement, metal sheeting, brick, stone or concrete.

II. should be a maximum height of 1.8m or 2.1m where it is visually permeable above 1.8m.

#### Commercial and industrial properties

A sufficient dividing fence for a Commercial or an Industrial Lot:

I. may be constructed of galvanized or PVC coated rail-less link mesh, chain mesh, steel mesh, fibre reinforced cement sheet, metal sheeting, timber, brick, stone or concrete.

II. should be a maximum height of 2m on top of which there may be 3 strands of barbed wire to a maximum height of 2.4m.

#### Rural properties

I. A sufficient dividing fence for a Rural Lot is a fence of post and wire construction to prevent stock from passing through and may be electrified.

II. A sufficient dividing fence for a Rural Residential Lot is a fence constructed in accordance with either clause 2) a) or 2) c).

#### Dividing fence between residential and non-residential properties

Where a fence is erected on or near the boundary between:

I. a residential lot and either a commercial, industrial, rural or rural residential lot a sufficient fence is a dividing fence constructed in accordance with the specifications for a residential lot.

II. a commercial lot or an industrial lot and a rural or rural residential lot, a sufficient fence is a dividing fence constructed in accordance with the specifications for a commercial or an industrial lot.

### 3) Barbed Wire Fences

a) An owner or occupier of a residential lot shall not erect or affix, to any fence on such a lot, any barbed wire or any other material with spiked or jagged projections, unless the prior written approval of the local government has been obtained.

b) An owner or occupier of a commercial lot or an industrial lot shall not erect or affix, on any fence bounding that lot, any barbed wire or other materials with spiked or jagged projections unless the wire or materials are a minimum of 2m above ground level.

c) If the posts which carry the barbed wire or other material are angled towards the outside of the lot bounded by the fence, the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach over the boundary.

**4) Electrified Fence** a) Other than on a rural or rural residential lot, an owner or occupier shall not erect an electrified fence without first obtaining the approval of the local government.

**5) Razor Wire Fence** a) An owner or occupier shall not erect a fence constructed wholly or partly of razor wire fence without first obtaining the approval of the local government.

b) A razor wire fence should not be located within 3m of the boundary of the lot and should be at least 2m above ground level.

### 6) Fencing in the Primary Street Setback

a) Dividing fences that are located in the primary street setback area should be a maximum solid height of 1.2m for a length of at least 1.5m (refer to Figure 1).

b) Where a dividing fence, that is located in the primary street setback area, is within 1.5m of a vehicle access point then the fence should be no higher than 0.75m in accordance with clause 5.2.5, C5 of the R-Codes (refer to Figure 2).

- Where this cannot be achieved an application for development approval is required and will be assessed against the performance criteria of the R-Codes.

c) Where a dividing fence, that is located in the primary street setback area, adjoins a dividing fence that is not located in the primary street setback area (e.g. a side fence adjoins a rear fence), then the fence may be constructed in accordance with clause 1) a) provided there is no vehicle access point within 1.5m (refer to Figure 3).

d) Unobstructed sight lines are to be provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, rights-of-way, communal streets, crossovers, and footpaths in accordance with clause 5.2.5, P5 of the R-Codes (refer to Figure 4).





Figure 1.

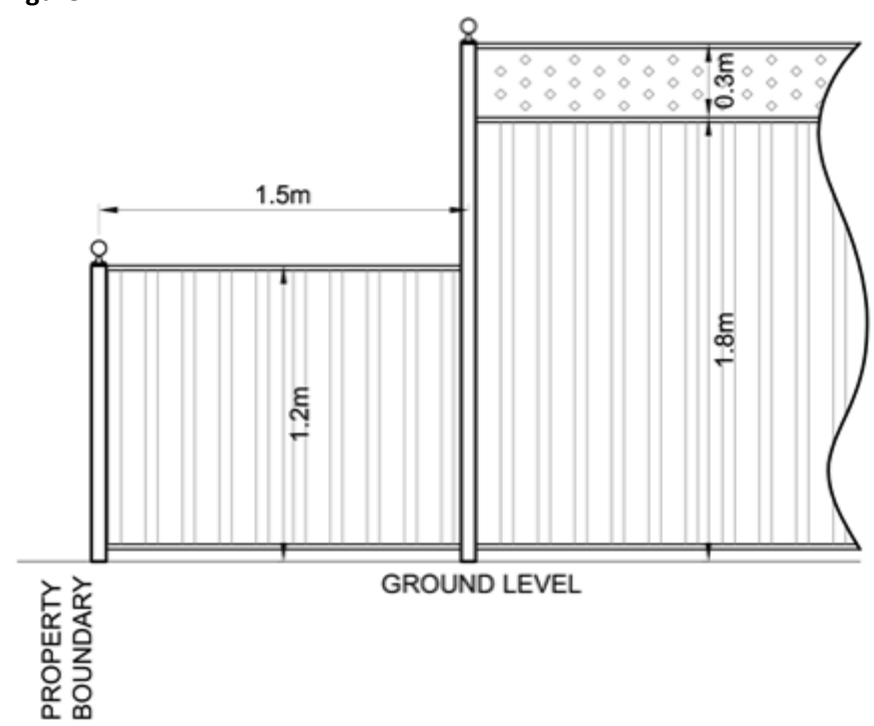


Figure 2.

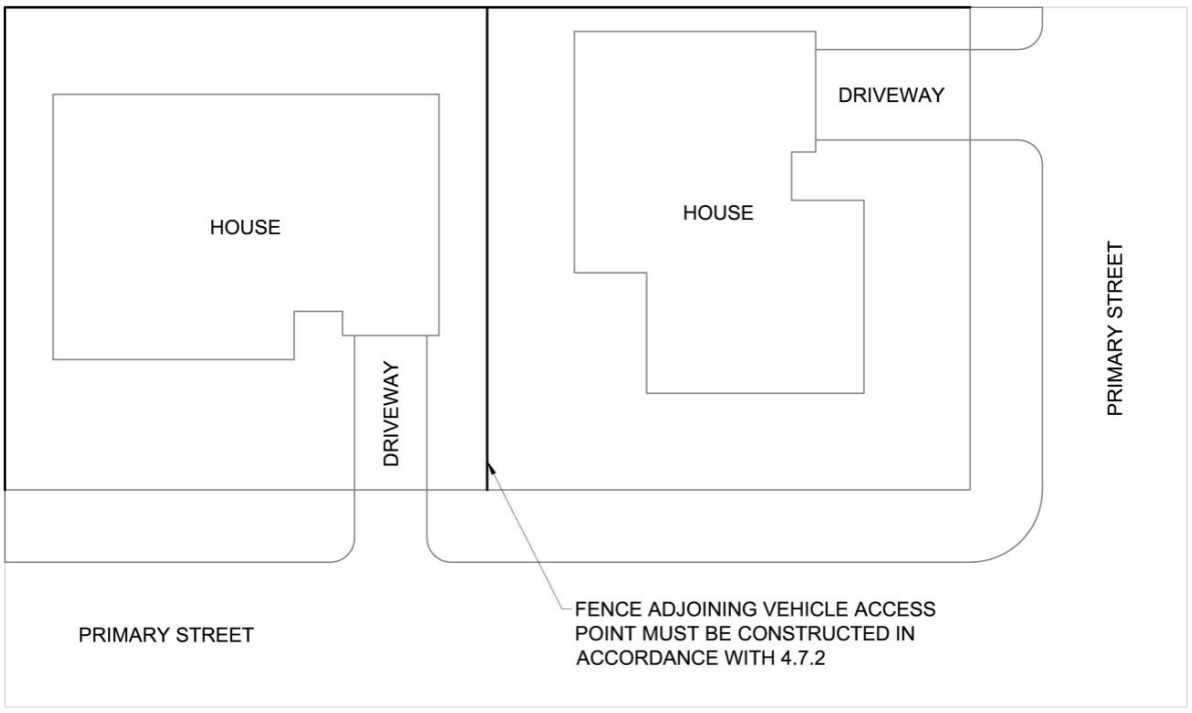


Figure 3.

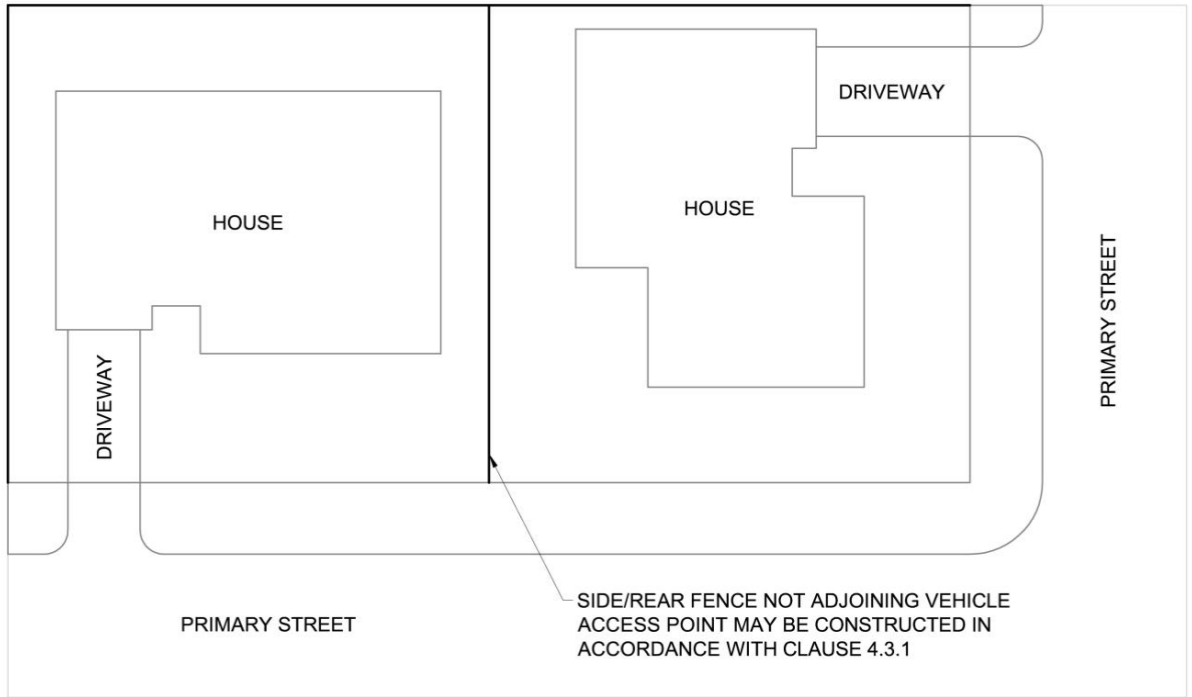
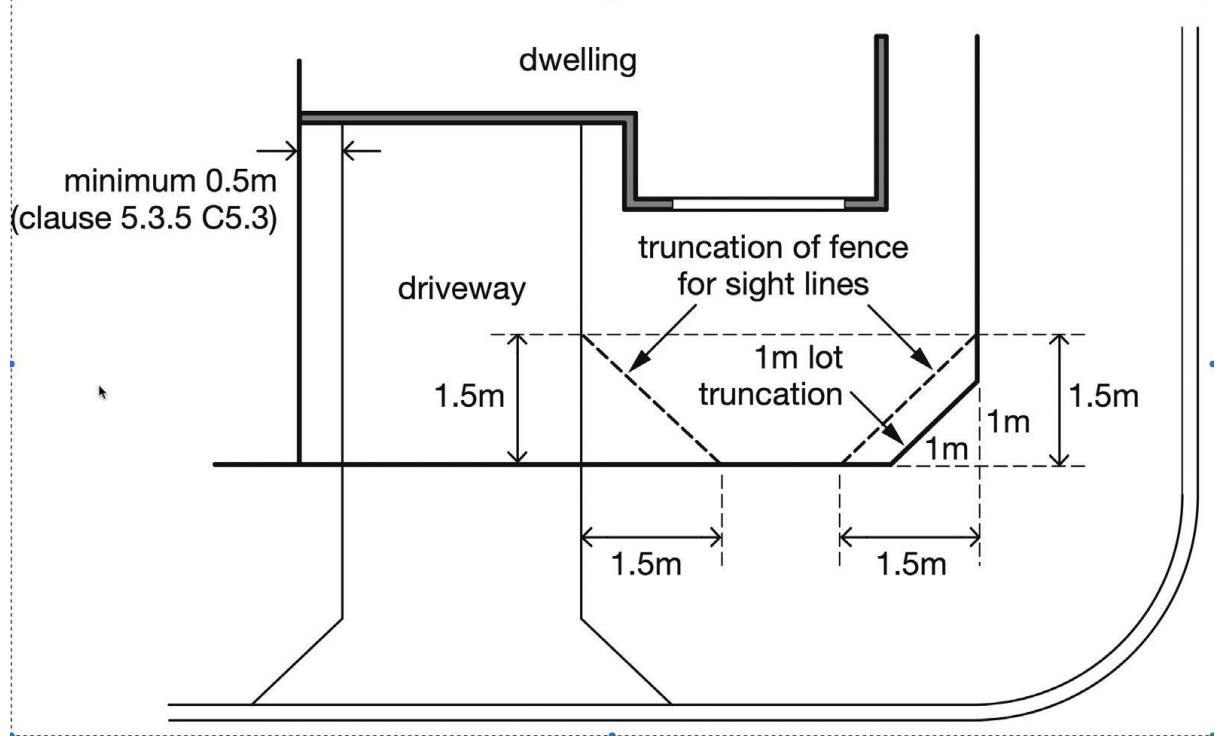


Figure 4.





## EXPLANATORY NOTES

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015*. It may be cited as the *Property Fences local planning policy*.

The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area. In making a determination under the Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme.

- Local Government Act 1995, s.2.7(2)(b) – Council’s function in determining policies
- The Dividing Fences Act 1961
- Local Government (Miscellaneous Provisions) Act 1960
- Planning and Development (Local Planning Schemes) Regulations 2015
- State Planning Policy 7.3 - Residential Design Codes.

CD011		INCOMING CORPORATE PARTNERSHIPS	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	Quarterly
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>	s5.126, 5.127, 5.128 Local Government Act 1995 Local Government (Administration) Regulations 1996 Part 10		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY COUNCIL:</b>
28.03.2023		New Policy	FC 5/3/23

## CD0011 Incoming Corporate Partnerships

### OBJECTIVES

The objective of this policy is:

- to form effective partnerships and sponsorships with the corporate/not-for-profit sector and community groups that generates revenue or in-kind support to deliver initiatives that benefit the broader community, the Shire and corporate/not-for-profit or community group partners; and
- to establish a framework and processes for managing partnerships that is clear, equitable, consistent and transparent.

### POLICY SCOPE

The policy concerns partnership relationships created with the purpose of delivering a project, program, service or facility and provides the right to associate the partner's name, products or services with the initiative, in return for negotiated and specific benefits such as cash or in-kind support or promotional opportunities. It involves a negotiated exchange and should result in tangible, material and mutual compensation for the principal parties to the arrangement. Partnerships can take the form of cash and/or in-kind support.

It applies to the Shire President, all Elected Members and all employees of the Shire of Carnarvon.

### POLICY STATEMENT

In seeking to deliver Shire approved initiatives in the most effective and efficient way to the Community, the Shire will pursue partnership and sponsorship opportunities with businesses, organisations and community groups. All partnerships and sponsorships will be investigated, developed, implemented and managed guided by the following principles:

## Principles

### Alignment

- The Shire will only consider engaging with and continuing engagement with organisations that support and align with the values, objectives and vision for the Shire of Carnarvon.

### Benefit

- Any partnerships should have a net result of building and strengthening relationships with all tiers of our community.
- Any partnerships should reduce the cost of community initiatives and events to our ratepayers to ensure they are delivered in the most cost effective and efficient manner.
- Any partnerships should be relevant to our community, deliver on community aspirations and complement other community events or initiatives.

### Probity

- A partnership and sponsorship agreement should not impose or imply conditions that would limit, or appear to limit, the Shire's ability to carry out its functions fully and impartially. In particular, they should not present a conflict of interest (or perception of a conflict of interest) in the Shire's compliance with, and exercise of, its legislative obligations under the Local Government Act or any other legislation.
- All partnerships will align with Shire procurement policies and the Shire of Carnarvon's Elected Member and Staff Codes of Conduct. Conflicts arising from personal relationships or financial arrangements of staff involved in sponsorship assessment, approval or administration will be managed in accordance with the conflict-of-interest provisions of the Shire's Code of Conduct.
- No employee may seek or receive a personal benefit or be perceived to receive a personal benefit from a sponsorship. Any contribution from the sponsor must be received by the Shire, not directly to an individual, and must be seen to benefit the Shire, not an individual. All Shire employees receiving products, goods or services as mementoes or tokens of appreciation from sponsors, will disclose the receipt of such items in accordance with Shire policies and the Shire Code of Conduct. Shire employees and Elected Members must declare an interest if a closely associated person and/or any businesses they may own, control or are in any way associated with, are negotiating and/or entering into sponsorship arrangements with the Shire.
- Any partnerships and sponsorship arrangements undertaken should not replace a service required by law nor inhibit the Shire's ability to ensure that events, programs and services are accessible and appropriate to all groups in the community.
- Sponsorship of Shire activities/infrastructure/roles will not involve explicit endorsement of the sponsor or the sponsor's products/services.

### Risk Assessment and Tension between Principles

- These are general principles and will need to be assessed on case-by-case basis in a manner partially detailed in the policy below. Sometimes there may exist tension between principles or uncertainty regarding facts that will require deliberation and careful justification and consideration.
- Any deviation from these principles should be based on retaining the intent of the principle. For example, although receiving sponsorship from people or organisations which are, or may

be, subject to regulation or inspection by the Shire during the life of the sponsorship is not recommended, adhering to this principle can unduly limit the Shire's partnership prospects. In such a case the Shire should develop alternative strategies to ensure it can carry out its regulatory or inspection responsibilities in relation to sponsors in an open, fair, accountable and impartial manner.

## REALISING THE PRINCIPLES

These principles will be implemented in the following ways in partnerships:

### 1. The Process for acquiring Partnerships.

Incoming sponsorship can be sourced by:

- An open call invitation for sponsorship (either general or for a specific purpose and either through a tender process or non-structured process).
- Unsolicited approaches for sponsorship from sponsors (organisations approach the Shire for either general or for a specific sponsorship).
- A targeted approach to specific sponsors (approaching specific organisations with offers for specific sponsorship).

Approval to source incoming sponsorship by any of these methods is at the discretion of the business unit Managers in consultation with the CEO.

### 2. The Process for assessing suitability of Partnerships.

Regardless of the method of approach the Shire will only consider engaging with and continuing partnering with organisations that support its values. In practice this means that a two-stage process will be used to assess a potential sponsors and sponsorships:

#### 2.1. Assessment of The Partner.

Certain organisations and individuals engage and activities and hold beliefs that are incompatible with the Shire's values. These include but are not limited to:

#### 2.2. Assessing the Partnership Proposal.

To be eligible, partnerships proposals must be:

- In the Shire's current Corporate Business Plan;
- In the Shire's current Long Term Financial Plan as approved by Council;
- Identified as meeting a strategic/important community need or aspiration in the current Strategic Community Plan, including the proposed 'Big Ideas' or 'Additional Areas'.

The following types of activities are acceptable and open to sponsorship/partnership:

- Community and Shire events. These are events organised by Council, local groups or organisations for the community.
- Shire programming and initiatives. These are ongoing or one-off activities and programs focused on a particular purpose.
- Shire buildings and physical infrastructure. These might be permanent (eg. play equipment, benches, bricks, airport buildings) or temporary (street treatments, plantings, pop-ups)

### 2.3. Assessing Internal and External Partnership Conflicts.

External - Where an existing partnership or grant conflicts with, or prohibits the association with, a potential sponsor (eg. alcohol or fast food) then an agreement cannot be entered into. When this is possible, but unspecified a discussion with existing partners should be undertaken to assess if the new partnership could be a concern. Where a potential sponsor presents the possibility of limiting access to future sponsorships or grants that have greater value to the Shire the value of this will need to be negotiated with the CEO before approval.

Internal - Potential conflicts of interest/perceived conflicts of interest for staff and Elected Members in a proposed partnership would not be unusual in a smaller local government. During the assessment process a list of such conflicts should be created and assessed for seriousness. Potential strategies to manage these conflicts can also be proposed.

### 2.4. Approval Authority.

Once a partnership proposal has been assembled the following authorities will approve the proposal depending on alignment with Shire values, risk and financial value of partnership.

#### Financial value of Partnership

Agreements must be approved by relevant Shire officers or Council as per below:

\$500 - \$2,000	Relevant Manager to approve.
\$2,001 - \$10,000	Relevant Executive Manager to approve.
\$10,001 and above	Council to approve

#### Alignment with Shire values

If a partnership is not directly related to the Shire's current Corporate Business Plan and Long-Term Financial Plan, approval must be given by the Executive Leadership Team with justification for their decision.

#### Risk

The primary risk of sponsorship for the Shire is around reputational damage. Depending on the how likely and how significant the risk of the good name of the Shire being bought into disrepute different authorisations are required.

Agreements with different levels of risk require approval as below:

Low (low likelihood, low significance)	Relevant Manager to approve.
Moderate (low to medium likelihood, medium to high significance)	Relevant Executive Manager to approve.
High (medium to high likelihood, high significance)	CEO to approve.
Extreme (medium to high likelihood, critical significance)	Council to approve.





Following approval and signing of the sponsorship agreement details of the approved sponsorship agreement will be made publicly available, including the forms of recognition and benefits offered to the sponsor.

**3. Partnership Agreements**

All Partners will be provided with a formal agreement clearly outlining roles and responsibilities, commitments and benefits. Agreements cannot be altered without the agreement of both the Shire and the Partner. The agreement will contain the following sections:

**3.1. Description of Partnership Contribution type and nature**

In the interests of equity and transparency in all partnerships, benefits will be clearly outlined in the agreement which is signed by both parties. The final mix of what Partners receive from the Shire will be decided in negotiation with them, and will differ – depending on the partnership activities. It is up to the Shire officer producing the agreement to liaise with the party on a list of benefits that will be both mutually beneficial to both parties and apply appropriate recognition. These will be listed in the agreement as:

Description of Benefits to be provided by the Shire

The primary benefit provided by the Shire is recognition of the contribution of the sponsor. All sponsors are encouraged to discuss their preferred options for recognition based on their organisation’s own objectives. Benefits will vary depending on the initiative and program that is being sponsored. Examples of benefits and recognition include, but are not limited to:

- Brand awareness in form of recognition in relevant marketing material and publicity associated with partnership. (i.e. social media and Shire website, print and digital advertising, relevant marketing collateral).
- Partnership promoted through media release and photo opportunity with Shire or Council representative.
- Logo inclusion in relevant partnership-related materials including promotion, banners/signage at any sponsored event/activity.
- Entry/tickets to sponsored event/activity.
- Naming rights for whole or portion of event/activity.
- Verbally acknowledge partner at any related activities.
- Opportunity to officially open or partake in the event/activity.

To assist sponsors examples of benefits that may align, but are not limited, to dollar values include:

\$0-\$5,000	Brand awareness in form of recognition in relevant marketing material and publicity associated with partnership. (i.e. social media and Shire website, print and digital advertising, relevant marketing collateral). Logo inclusion in relevant partnership-related materials including promotion, banners/signage at any sponsored event/activity.
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\$5,000- \$10,000	Partnership promoted through media release and photo opportunity with Shire or Council representative. Entry/tickets to sponsored event/activity. Naming rights for whole or portion of event/activity. Opportunity to officially open or partake in the event/activity.
Over \$10,000	All benefits used as negotiated.

- **Description of Benefits to be provided by Partner**

The type of contribution from the sponsor may be cash or in-kind. In-kind means the provision or receipt of goods or services to support or enhance an initiative at a reduced rate or free of charge.

### 3.2. Performance criteria

A list of actions and timing that show compliance with the agreement.

### 3.3. Term of Sponsorship

Length of time stating when the sponsorship begins and ends.

### 3.4. Standard Terms

A list of standard terms such as:

- Definitions.
- Insurances.
- Exclusivity.
- Scope of agreement.

### 3.5. Dispute mechanisms and review

A description of the process for review and potential discontinuation of the sponsorship.

All existing Partners will be made aware of any new partners in a project, event or activity prior to the signing of the final agreement.

## 4. Process for Reviewing suitability of Partnerships.

The Shire reserves the right to review and suspend/alter/discontinue the partnership relationship at any time. A review will be triggered by any change to any of the criteria for partnership listed above. This includes any action by individuals associated with the partner organisation or action by the partner organisation that brings the good name of the Shire into disrepute. The details of such a process will be included in the Partnership Agreement.

CD012		CHILD SAFE AWARENESS POLICY	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>	20/06/2023	<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>	<ul style="list-style-type: none"> <li>· Employee Code of Conduct</li> <li>· Information Technology Policy</li> <li>· Record Keeping Policy</li> <li>· Strategic Community Plan</li> <li>· Working with Children Checks Policy</li> </ul>		
<b>LEGISLATION:</b>	<ul style="list-style-type: none"> <li>· Child Care Services Act 2007</li> <li>· Children and Community Services Act 2004</li> <li>· Civil Liability Act 2002 · Corruption, Crime and Misconduct Act 2003</li> <li>· Equal Opportunity Act 1984</li> <li>· Freedom of Information Act 1997</li> <li>· Local Government Act 1995</li> <li>· National Principles for Child Safety Organisations</li> <li>· Parliamentary Commissioner Act 1971</li> <li>· Public Interest Disclosure Act 2003</li> <li>· Public Sector Management Act 1994</li> <li>· United Nations Convention on the Rights of the Child (CRC)</li> <li>· Work Health and Safety Act 2020</li> <li>· Working with Children (Criminal Record Checking) Act 2004</li> </ul>		
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY CEO:</b>
26/04/2023	DCEO	Creation	OCM 126/04/23

## CD0012 Child Safe Awareness Policy

### OBJECTIVE

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

### SCOPE

The safety and wellbeing of children is everyone's responsibility. This Child Safe Awareness policy applies to all, employees, volunteers, trainees, work experience students, interns, and anyone else who undertakes work on behalf of the Shire of Carnarvon, regardless of their work related to children or young people. It applies to occupants of Shire of Carnarvon facilities and venues, including visitors, contractors and suppliers.

### DEFINITIONS

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

**Child/Children:** Means a person under 18 years of age, and in the absence of positive evidence as to age, means a person who appears to be under 18 years of age. Child Safe Organisation: is defined in the Royal Commission Final Report as one that:

- creates an environment where children's safety and wellbeing are at the centre of thought, values, and actions
- places emphasis on genuine engagement with and valuing of children and young people
- creates conditions that reduce the likelihood of harm to children and young people
- creates conditions that increase the likelihood of identifying any harm, and
- responds to any concerns, disclosures, allegations, or suspicions of harm. Note: in the context of local governments, this would involve referring concerns to the

Department of Communities or WA Police to respond as appropriate. Implementation of the National Principles for Child Safe Organisations give effect to the above.

**Child safe:** For the purpose of this policy, child safe means protecting the rights of children and young people to be safe by taking actions that can help prevent harm and abuse. Harm: Harm, in relation to a child, means any detrimental effect of a significant nature on the child's wellbeing, whether caused by a single act, omission or circumstance; or a series or combination of acts, omissions or circumstances.

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

## POLICY STATEMENTS

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

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

This Child Safe Awareness policy has been developed in response to recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse and recognises that Shire of Carnarvon is uniquely placed within the local community to demonstrate leadership by supporting

organisations to be child safe and to protect children and young people from harm and/or abuse. Shire of Carnarvon will promote the safety and wellbeing of children across the community.

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

### **POLICY PRINCIPLES**

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

### **POLICY FUNCTIONS**

Shire of Carnarvon will ensure the following functions of this policy are resourced and assigned to the relevant officers for implementation.

- Developing a process to deliver child safe messages (for example at Shire of Carnarvon venues, grounds and facilities or events).
- Connecting and supporting local community groups, organisations, and stakeholders to child safe resources (including culturally safe and inclusive resources).

### **RESPONISBILITIES**

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



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

Shire of Carnarvon will determine which roles across the organisation will directly support the implementation of the Child Safe Awareness policy.

### EXPLANATORY NOTES

N/A

CD013		COMPLIANCE POLICY	
<b>POLICY OWNER:</b>	Council		
<b>DEPARTMENT:</b>	Office of the CEO		
<b>CREATION DATE:</b>	26/04/2023	<b>REVIEW SCHEDULE:</b>	Annually
<b>RELATED PROCEDURES:</b>			
<b>RELATED FORMS:</b>			
<b>RELATED DELEGATIONS:</b>			
<b>RELATED POLICIES:</b>			
<b>LEGISLATION:</b>			
DOCUMENT CONTROL			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>ENDORSED BY CEO:</b>
26/04/2023	DCEO	Creation	OCM 126/04/23

### CD0013 Compliance Policy

#### OBJECTIVE

To state the Shire of Carnarvon’s objectives and principles, that will guide the implementation of enforcement action to ensure consistency and good governance.

The Shire of Carnarvon is responsible for administering a wide range of legislation providing for the safety, health and amenity of the community. This Policy serves to inform the community of the Shire’s position in relation to compliance and enforcement of legislation, including the circumstances which will be taken into account when assessing different compliance and enforcement options. The policy will provide for consistency in decision making and provide for good governance; in particular it will support a fair, transparent and consistent approach to implementing enforcement action in matters of non-compliance.

#### SCOPE

The policy applies to all compliance and enforcement action where the Shire has a regulatory responsibility under Western Australian legislation, including the:

- Local Government Act 1995;
- Health Act 1911;
- Food Act 2008;
- Building Act 2011;
- Planning and Development Act 2005;
- Caravan Parks and Camping Grounds Act 1995;
- Environmental Protection Act 1986; and all subsidiary legislation.

The Policy applies to all land administered by the Shire of Carnarvon.

## DEFINITIONS

<i>compliance</i>	refers to a corporation or person meeting or taking steps to comply with relevant laws and regulations.
<i>enforcement</i>	means a range of procedures and actions taken by the Shire to ensure that a person or organisation complies with their statutory obligations.
<i>non-compliance</i>	means a breach of the legislation administered by the Shire of Carnarvon
<i>prosecution</i>	means the institution and conduct of legal proceedings against a person or corporation, as defined in Law, for alleged unlawful activity.
<i>public Interest</i>	means the interests of the community as a whole, or a group within the community or individuals.
<i>trivial</i>	an allegation made without real grounds, of insignificant value or importance.

## POLICY STATEMENTS

### 1. Principles of Enforcement

The Shire will carry out its enforcement related work with due regard to the following principles.

#### 1.1 Graduated and Proportionate

The Shire's actions will be scaled to the seriousness of the non-compliance. Prosecution will generally be used as a last resort, or for serious offences. The Shire's financial resources are finite and will not be used to pursue cases that are trivial or not in the public interest.

#### 1.2 Consistency

The Shire will take a similar approach in similar cases to achieve similar outcomes. While decisions on enforcement require the use of professional judgement and discretion to assess varying circumstances, the Shire will follow standard operating procedures to ensure fair, equitable and unbiased treatment in every case.

#### 1.3 Accountable and Transparent

The Shire will be open and transparent about the manner in which it undertakes enforcement activities. When remedial action is needed the Shire will explain clearly why the action is necessary, identify the action required to achieve compliance and the timeframe for completing that action. Timeframes set for achieving compliance will be reasonable and may take into consideration individual circumstances.

#### 1.4 Natural Justice



The Shire will follow the principles of natural justice in every investigation by properly and genuinely considering all relevant submissions and evidence in each case, and by ensuring all parties to the matter have the right to be heard.

## 2 Compliance Approach to Implementing Regulatory Responsibility

The Shire will adopt the following approach to ensure appropriate implementation of its regulatory responsibilities:

- a. Respond to all regulatory complaints received having regard for Council Policies.
- b. Adopt a proactive approach to identifying and investigating non-compliance by implementing an annual compliance strategy.
- c. Refer matters to external agencies, where appropriate, when the allegation falls outside the Shire's jurisdiction.
- d. Annually review its compliance and enforcement activities and incorporate lessons learned into policy, operating procedures and broader compliance tools.

## 3 Responding to Regulatory Complaints

All complaints concerning unlawful activity that are within the Shire's jurisdiction will be investigated except in the following circumstances where discretion may be used:

- a. The allegation is trivial.
- b. The complaint has been made primarily as a result of a neighbourhood dispute.
- c. The Shire is not the appropriate authority to investigate the matter.
- d. Where the complainant is anonymous, unless the matter is considered to be a significant risk to public health, public safety or the environment or a significant impact on the amenity of a locality and there is sufficient information in the complaint to enable an investigation to be undertaken.

## 4 Enforcement Approach

4.2 Where an investigation has been undertaken and it is considered that sufficient evidence exists to determine non-compliance, the Shire will take the most appropriate enforcement action based on the specific circumstances of each case. The decision to take enforcement action and the type of action taken will be at the discretion of the Shire and will be made having due regard to this Policy.

4.3 Key considerations when making this determination will include:

- a. The type of offence (first, second, third);
- b. Voluntary action by the offender to remedy the non-compliance;
- c. Cooperation given to the Shire by the offender and willingness to commit to remedial actions;
- d. Failure to comply with informal requests, lawful directions or notices given by the Shire;

- e. The seriousness of the incident having regard to the potential impacts on the community, amenity, the environment and the impacts on people;
- f. Issues of public concern, including the need for specific and general deterrence;
- g. Legal precedents and statutory time limits;
- h. The public interest.

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

- a. The individual or entity has made good the non-compliance;
- b. Having considered the nature of the non-compliance, an educative approach to preventing the matter from re-occurring is considered most appropriate;
- c. There is insufficient evidence to prove non-compliance after reasonable attempts have been made by the Shire to investigate the matter;
- d. The matter is considered trivial in nature or would be an unreasonable use of the Shire's resources;
- e. The matter falls outside the Shire's legal area of authority;
- f. Having regard for the legal capacity of the alleged offender, it is determined that an alternative approach to achieving compliance is more appropriate.

## 5. Acting in Default of Notices, Orders and Directions

5.1 Where under legislation it is authorised to do so, the Shire may enter on to private land to carry out works in a situation where the owner, occupier or person has failed to commence or complete remedial works specified in a written notice, and the non-compliance with the Notice has been verified beyond reasonable doubt.

5.2 The Shire may undertake works on private property where:

- a. There is a significant risk to a person's health, to public safety, the natural environment or local amenity as a result of the continued non-compliance with the Notice;
- b. The person upon whom the Notice has been issued has significant health issues that are considered to be preventing the person from complying with the notice; or
- c. The works required to be undertaken are minor and the estimated costs associated with completing the remedial works are minimal.

5.3 Should works be undertaken by the Shire on private property as a result of non-compliance with a Notice, this action does not preclude the Shire from commencing legal action for non-compliance with the Notice.

5.4 The Shire will seek to recover its fair and reasonable costs in all cases as a result of undertaking works on private land.



## 6. Action concerning Premises prescribed under the Environmental Protection Regulations 1987 and licensed or registered under the Environmental Protection Act 1986

6.1 The Shire will not investigate allegations of pollution incidents from prescribed premises as defined by the Environmental Protection Regulations 1987. These premises are regulated by the Department of Water and Environment Regulation (DWER). On receiving an allegation of pollution relating to such premises, the Shire will advise the complainant to refer the matter directly to the DWER, via the pollution watch online portal <https://www.der.wa.gov.au/your-environment/reporting-pollution> or via phone on 1300 784 782 (24 hours).

6.2 The Shire may investigate matters related to prescribed premises that concern non-compliance with the Health Act 1911, Building Act 2011 and Planning and Development Act 2005, except where the matter is regulated by the DWER under the Environmental Protection Act 1986.