



SHIRE OF  
VICTORIA PLAINS

# COUNCIL POLICY MANUAL Part 7

## Community Services

25 May 2022

**Revision History**

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Rationale</b>	<b>Next Due</b>
<b>1.0</b>	25/05/22	Sean Fletcher, GO	Part 2 – Section 7 Implemented by Council	May 2024

# TABLE OF CONTENTS

SECTION 7 COMMUNITY SERVICES.....	2
<u>POLICY 7.1 COMMUNITY HOUSING .....</u>	<u>3</u>
<u>POLICY 7.2 COMMUNITY CAR.....</u>	<u>4</u>
<u>POLICY 7.3 VOLUNTEER POLICY - GENERAL .....</u>	<u>5</u>

# Section 7 – Community Services



## 7.1 Community Housing

Responsible Areas	Administration
Responsible Officer	Manager Finance and Administration
Affected Staff	Customer Service Officers, Principal Building Surveyor

Policy Revoked 25 May 2025.

1. Managing the Shire controlled community/public housing is not a function of Council, but in fact is a function of the CEO.
2. Public housing must be managed in accordance with the Department of Housing's criteria and Joint Venture Housing criteria.
3. Dept of Local Government and Communities considers leasing and rentals to be disposal of land under LG Act s.3.58 as it is a grant of exclusive right for the period agreed.
4. The CEO, under Delegation 3.10 can enter into a lease for periods up to 12 months and less than \$20,000. All leases over 12 months are to be referred to Council for decision.

Delegation 3.10 was amended so that the CEO can enter into appropriate community housing lease agreements without delay. The CEO would also apply the Department of Communities housing criteria.

**Note:** From time to time, guidelines may be available from various organisations and should be consulted:

- Dept of Communities, Housing section
- Community Housing Industry Association

CEO maintains separate criteria for community housing that the Shire has provided in its own right

Office Use Only			
Relevant delegations	3.10		
Initial Council adoption	Date	16 May 2018	Resolution #
Last reviewed	Date	25 May 2022	Resolution #
Next review due	Date	N/A	



## 7.2 Community Car

Responsible Area	Community Services
Responsible Officer	Community Development Officer
Affected Staff	Finance and Administration, Community Development

Policy Revoked 28 February 2020

Office Use Only				
Relevant delegations	N/A			
Initial Council adoption	Date		Resolution #	
Last reviewed	Date	28 February 2020	Resolution #	
Next review due	Date	N/A		



## 7.3 Volunteer Policy - General

Responsible Areas	Community Services
Responsible Officer	Community Development Officer
Affected Staff	All, Contractors

### Objective

To recognise the importance of volunteers when undertaking activities (services, events and management of facilities) on behalf of the Shire of Victoria Plains and to ensure such volunteers are managed effectively and safely.

The separate policies and bush fire operations procedures that exist regarding the management of bush fire brigade volunteers are complemented by the Volunteer Policy - General.

### Scope

The Shire recognises volunteering is an important role within the community and values those volunteers it works with who seek to initiate, deliver and enhance Shire activities offered. Volunteers have the potential to forge a strong bond between the Shire and the community it serves by encouraging:

- Community participation / development;
- Access to resources and information;
- Services responsive to community needs;
- Social interaction.

The Shire recognises that the vital contribution made by volunteers may result in the:

- Development of new services, infrastructure and assets,
- Delivery and augmentation of existing programs, services and activities, and
- Provision of direct links between the Shire and the community.

This policy also recognises the further obligations regarding volunteers:

- Protection of Volunteers From Liability. The Shire recognises that it is necessary for individual voluntary workers to be covered for their public liability exposures should they be negligent and cause loss, and damage and/or injury to a third party. Insurance coverage is maintained for this purpose;
- Committees of Council. The Council may from, from time to time, appoint Committees of Council made up entirely of volunteers. In this situation, the Shire will seek the appropriate insurance coverage for such committees;
- Personal Accident. The Shire applies the requirements regarding personal accident coverage as set out in the LGIS Guide - A Guide to Managing Volunteers in Western Australian Local Government;
- The CEO has developed procedures that compliment this policy based on the LGIS Guide - A Guide to Managing Volunteers in Western Australian Local Government. This includes:



## 7.3 Volunteer Policy - General

- Maintaining a register of volunteers recording the date, start and end times and nature of any work performed for the Shire;
- Completing a documented risk assessment on the site where the work will be performed and on the work to be undertaken. All hazards are identified, assessed and controlled in accordance with the hierarchy of controls;
- Ensuring that volunteers are provided with and wear appropriate protective equipment and clothing;
- Ensuring volunteers are under the direction and supervision, where practicable of a Shire staff member;
- Ensuring volunteers do not attempt to undertake work that is beyond their capabilities;
- Ensuring volunteers hold suitable licenses and qualifications for any work requiring such;
- Ensuring volunteers undergo an induction process that covers the policies and practices of the organisation appropriate to their tasks and duties. The process includes emergency and safety procedures and principles of safe work practice for the tasks required of the volunteers.

Both volunteers and the Shire have rights and responsibilities regarding volunteering. These are outlined in Attachment A to this policy.

### Policy

The Shire of Victoria Plains in recognising the use of volunteers to undertake activities will provide quality volunteer management practices and the allocation of appropriate resources – human, physical and financial.

### Definitions

**Liability** - A liability is a blame assigned to an individual, group of individuals or an organisation for a wrong done to another party e.g. negligence.

**Volunteer** - means a person undertaking activities for the Shire of Victoria Plains of their own will, without payment, that will be of benefit to the community and that compliment but do not replace the activities of paid employees.

**Volunteering** - Is an activity undertaken to be of benefit to the community and the volunteer. The principles of volunteering include:

- Benefits the community and the volunteer;
- Work is unpaid;
- Is always a matter of choice;
- Is not compulsorily undertaken to receive pensions or government allowances;
- Is a legitimate way in which citizens can participate in community activities;
- Is a vehicle to address human, environmental and social needs;
- Is not a substitute for paid work;
- Does not replace nor constitute a threat to the job security of paid workers;
- Respects the rights, dignity and culture of others; and





## 7.3 Volunteer Policy - General

- Promotes human rights and equality.

**Short Term Volunteer** - means a volunteer who provides their time and service for one day or less.

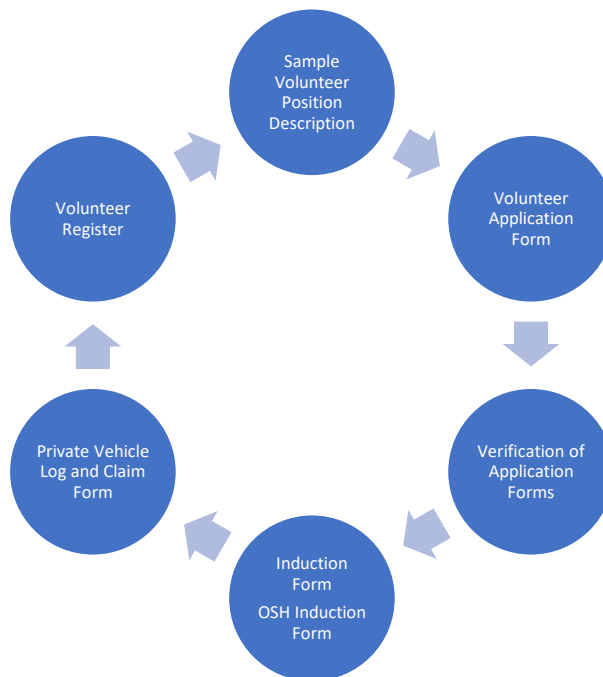
**Long Term Volunteer** - means a volunteer who provides their time and service for activities over an extended period of time.

**Responsible Officer** – means the person that the volunteer or group of volunteers reports to when undertaking volunteer work with the Shire.

**Supervisor** - means a person at Workplace who is appointed to a position that has management/supervisory responsibilities for others.

### Relevant management practices/documents

The documents set out in the SoVP Volunteer Package and maintained by the CEO include:



### Council Policies

#### Administration/Organisation

2.5 Managing Unreasonable Conduct By Members of the Public

#### Fire Control

10.1.7 Use of Shire Plant and Equipment

10.1.16 Roadside Burning

10.1.21 Harvest Bans

10.2.5 Use of Fire Fighting Vehicles and Appliances



## 7.3 Volunteer Policy - General

- 10.3.4 Minimum Training Requirments
- 10.4.1 Safety and Health
- 10.4.2 Safety Clothing and Footwear

### Stakeholder Documents

LGIS – A Guide to Managing Volunteers in Western Australian Local Government.

Shire of Victoria Plains Volunteer Procedures 2021

### Legislation/local law requirements

The legislative framework regarding volunteers consists of the following:

#### **Workers Compensation**

Volunteers are not classified as ‘workers’ under the *Workers Compensation and Injury Management Act 1994 (WA)* and Local Governments do not need to cover volunteers in their Workers Compensation Insurance.

However, the Shire may choose to obtain individual policy arrangements through their insurance provider to cover volunteers for personal accident, illness, legal liability for third party injury and/or damage to third party property.

#### **Occupational Safety and Health**

In accordance with the *Occupational Safety and Health Act 1984 (WA)*, organisations must, as far as reasonably practicable ensure nonemployees, including volunteers, are not harmed as a result of work carried out by them or their employees.

The Shire’s insurer (LGIS) considers reasonable and practicable for a Local Government to undertake the following:

- Ensure volunteer work areas under the control of the Local Government are free of hazards;
- Take action to ensure that volunteers understand their duties and responsibilities;
- Ensure the work of Local Government employees does not impact the health and safety of volunteers;
- Develop policies and procedures governing recruitment, screening, training guides and supervision of volunteers;
- Allocate sufficient staff to the effective management and development of volunteer programs; and
- Communicate and consult with volunteers on occupational safet and health issues.

Also see Common Law “Duty of Care.”

#### **Equal Opportunity**

The Shire has regard for equal opportunity objectives when developing policies and procedures governing recruitment, screening, training and supervision of volunteers.

#### **Civil Liability**



## 7.3 Volunteer Policy - General

The *Civil Liability Act 2002 (WA)* is the foremost piece of legislation covering the various aspects of civil liability in Western Australia. In addition to the *Civil Liability Act 2002 (WA)* the Western Australian legislature deals specifically with liability of volunteers in accordance with the *Volunteers (Protection from Liability) Act 2002* whereby a volunteer does not incur civil liability for anything they do in good faith whilst carrying out volunteer work. Liability in this circumstance transfers to the organisation for which they volunteer.

### Common Law ‘Duty of Care’

The Common Law ‘duty of care’ doctrine imposes an obligation, recognised by law, upon individuals and organisations to avoid conduct fraught with unreasonable risk to others.

The Shire has a common law duty of care to take all reasonable steps to mitigate or avoid causing injury to their volunteers. Risk of injury must be ‘reasonably foreseeable’ and an organisation who fails to recognise a substantial risk of injury to a volunteer, which a reasonable person in the same situation would have realised, breaches that duty.

In considering the actions of a ‘reasonable person’ it is recognised the court takes into account the probability that the harm would occur if care were not taken, its likely seriousness, the burden of taking precautions to avoid the risk and the social utility of the activity that creates the risk of harm.

### NOTES

Office Use Only				
Relevant delegations				
Initial Council adoption	<b>Date</b>	21 February 2021	<b>Resolution #</b>	
Last reviewed	<b>Date</b>	25 May 2022	<b>Resolution #</b>	2205-05
Next review due	<b>Date</b>	May 2024		