POLICY MANUAL

Amended 11 October 2016

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DIVISION 1 – ADMINISTRATION

1.1 Council Meetings

The Council shall meet on the third Wednesday of each month commencing at 2.00pm unless specifically resolved otherwise by Council to allow for other circumstances.

Adopted 16/04/14

1.2 Committees

The following core committees shall be operated by Council if resolved as necessary at the first meeting after each local government election or as required by legislation.

Works Committee – is to contain up to nine elected members plus the CEO and Works Manager as non voting members.

Audit Committee – Must contain at least three Council members and up to two "other" members and the majority of members of the committee must be Council members.

Amended & Adopted 11/11/2015

1.3 Committee Functions

The Works Committee when operating shall have powers of recommendation to full Council only and shall make recommendations in regard to the planning, development and maintenance of the following:

i. Transport Services
ii. Other Property and Services

1.4 Agendas

The closing date for items to be included in the Agenda for the Ordinary Meetings of Council is the Friday twelve (12) days prior to the date of the meeting.

The Agenda is to be made available to the public prior to the meeting and agendas are to be delivered to Councillors via electronic or hard copy means by no later than the Friday prior to the meeting date.

Amended & Adopted 11/11/2015

1.5 Minutes

Draft copies of the minutes of all full Ordinary Meetings of Council are to be made available free of charge to:

- Ex Councillors for 12 months after the date of retirement if requested in writing.
- Progress Associations within the Shire of Victoria Plains.
- Newspapers and radio stations operating within the area.
- Local Politicians both State and Federal.
- In libraries operating throughout the Shire of Victoria Plains.
- Officer in Charge – Wongan Hills Police Station.
- On the Shire of Victoria Plains website.

1.6 Freeman of the Shire

Guidelines for Appointment:

- The award of Freeman is intended to recognise outstanding Community Service over a significant period of time and in a diversity of activities within the Shire of Victoria Plains (The 'Shire').

- The award would not usually be presented for excellence of service in only one activity.
- The award of Freeman is to be seen as independent of any other award.
- The award is to be recognised as the highest honor that the Local Community, through its Council can confer on one of its citizens. The award will therefore be conferred sparingly and should only be conferred where there is a great assurance of public approval.
- It is not seen as desirable that the Award of Freeman be presented to a sitting member of Council.

1.7 Local Preference Policy

All purchases of goods and sale of material and services will be made locally "i.e. within the Shire of Victoria Plains" if possible when making minor purchases i.e. "up to $2,000 in value" and if the price differential above the best price obtainable outside the district does not exceed 15%

On major contracts i.e. above $2,000 in value "Council is to clearly indicate its preference to use local contractors and sub-contractors and will accept a price of not more than 5% above the best price obtainable outside the district and subject to issues of availability, expertise and equipment availability and other relevant issues being considered".

1.8 Media Releases

- The Shire President and the Chief Executive Officer are authorised to make media releases or act as spokesperson for the Shire of Victoria Plains.
- Councillors and Senior Staff are permitted to make media releases or act as spokespersons for the Shire of Victoria Plains only with the approval of the President or Chief Executive Officer.
- Shire staff are to regularly keep ratepayers informed of Shire activities via the local newsletter and Shire page in the Central Midlands Advocate.

1.9 Use of Social Media for Publicity

1.9.1 Objective

The use of social media is growing rapidly and this Policy is designed to prepare the Shire of Victoria Plains ("the Shire") for participation in social media in a positive manner as a means of marketing and promoting the Shire of Victoria Plains services and its activities.

The purpose of this policy is to provide guidelines for the use of social media, in particular Facebook and Twitter, and to outline the Shires position in relation to the use of social media by its employees, whether in an official or private capacity.

1.9.2 Policy Statement

The Shire of Victoria Plains embraces the use of social media for the promotion, development and delivery of its services, and to facilitate communication with residents. However, the Shire recognises that there are risks and challenges associated with the use of these platforms.

Social media is the term used for internet-based tools for sharing and discussing information among people. It refers to user-generated information, opinion and other content shared over open digital networks.

Social media may include (although is not limited to):

- Social networking sites (for example Facebook, MySpace, LinkedIn).
- Video and photo sharing websites (for example Flickr, YouTube, Instagram).
- Blogs, including corporate blogs and personal blogs.
- Blogs hosted by media outlets (for example "comments" or "your say" features on news websites).
- Micro-blogging (for example Twitter).
- Wikis and online collaborations (for example Wikipedia).
- Forums, discussion boards and groups (for example Google groups, Whirlpool).
- Vod and podcasting.
- Online multiplayer gaming platforms (for example World of Warcraft, Second Life).
- Instant messaging (including SMS).
- Geo-spatial tagging (for example Foursquare, Facebook 'Places' feature).
- Social Book Marking (for example Pinterest).

Social media also includes all other emerging electronic/digital communication applications. In this instance the Shire is focusing its attention on Facebook and Twitter, however that does not rule out future extension of social media for the purposes of communication.

1.9.3 Official Use of Social Media

Official use refers to communication carried out from one of the Shires own social media channels (such as the Shire of Victoria Plains Facebook page), or when an employee posts on an external channel as an authorised Shire representative (for example, when answering a question posted on a public forum).

<u>Who is authorised to Comment</u>

Before engaging in social media activity as a representative of the Shire, employees must become authorised to comment. Employees may not comment unless authorised to be a representative spokesperson of the Shire. To be authorised to comment or be an authorised spokesperson, employees must have the explicit approval of the CEO.

<u>Authorised Officers must:</u>

- Be open about their relationship with the Shire and that they are representing the Shire in a professional capacity.
- Post information that is accurate, fair and thorough.
- Refer to another Officer to check information before it is posted.
- Be professional, relevant and responsive.
- Ensure all content matches the quality standards of the Shire.
- Ensure they are not the first to make an announcement, unless authorised to do so.
- Avoid any type of controversial topics and allow the CEO to inform the community via the approved channels.

- Comment only on their areas of expertise and experience.
- Ensure any errors are corrected as soon as they are discovered.
- Be polite and respectful in all comments.
- Abide by Facebook and Twitter's own terms of use.

Authorised Officers must not:

- Post material that is discriminatory in any way, obscene or offensive, defamatory, overtly sexual or explicit, or describing violent events or behaviours.
- Make threats.
- Refer to or encourage the use of illegal drugs.
- Refer to or encourage illegal behaviours (including the violation of current Australian copyright laws).
- Post comments that are harassing or hateful to an organisation or person, including the Shire of Victoria Plains, our employees, Councillors, stakeholders, associates and suppliers.
- Discuss Local Government Elections and candidates.
- Post spam, repetitive and non-relevant material.
- Post selling or advertising by commercial enterprises.
- Post material that relates to religious, political or cultural beliefs.
- Make comments not topically related to the particular social medium being commented on.
- Comment or post any material that might otherwise cause damage to the Shires reputation or bring it into disrepute.

The above criteria will also be expected from users of the service, and if this is not adhered to then such posts will be removed and they will be blocked from posting on the Shires social media platforms.

The Shire of Victoria Plains Facebook pages will include the following statement about the social media policy:

> *'The Shire has created this account as a way to advise its residents of Council decisions, events and happenings within the Shire. However, questions or complaints must be directed to 08 9628 7004 or reception@victoriaplains.wa.gov.au. The Shire reserves the right to delete posts that contain: vulgar language; personal attacks of any kind; comments or content that promotes, fosters or perpetuates discrimination on the basis of race, colour, age, religion, gender, marital status etc; spam or links to other sites clearly off topic; advocate illegal activity; or promote particular commercial services, products or political organisations.'*

Responding to Posts

The *CDO, EA or CSO* will act as Administrators for the page. At their discretion not every comment / post will receive a response. Any comments or posts that require a response will be replied to quickly. If the issue is complex the comment will be acknowledged and redirected to the most appropriate officer to respond.

Responses will be made during normal business hours.

If a comment or post requires a formal response they will be directed to put their comment / query in writing using the postal address.

The Act of Liking a Post

The act of the Shire 'following' or 'liking' an individual person, group, organisation, business, event or location through the social media platforms does not indicate the Council or the Shire endorses the views, products, services or activities pertaining to the 'followed' or 'liked' group, business or entity. We are not necessarily directly affiliated with and do not endorse any advertisement that may appear when viewing our page, unless stated otherwise.

1.9.4 Personal Use of Social Media

This policy covers all communications via social media sites made by an employee of the Shire, whether during work hours on a work computer, or during work hours on a personal electronic device, or outside work hours on a personal electronic device. It does not intend to stop employee's personal use of social media, however the policy does apply to personal social media when the employee chooses to identify themselves as an employee of the Shire, or makes reference to the Shire, its services, the Council or other Shire staff.

Employees are personally responsible for content published by them on any social media platform. Employees should not rely on a site's security settings to guarantee privacy. Comments or photos posted on one site could potentially be used on others under the terms and conditions of many social media platforms.

Employees should be aware of and understand the potential risks and damage to the Shire that can occur, either directly or indirectly, from their personal use of social media and should comply with this policy to ensure that the risk is minimised.

To avoid breaching this policy employees must:

- Only disclose and discuss publicly available information.
- Ensure that all content published is accurate and not misleading and complies with all relevant Shire policies and other government requirements.
- Expressly state that stated views are personal and are not representative of the Shire.
- Behave politely and respectfully.
- Abide by the terms of use for using the social media platform or website, and adhere to legislation including copyright, privacy, defamation, contempt of court, discrimination, harassment and any other applicable laws.

Employees must not:

- Post material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright, constitutes a contempt of court, discloses other people's personal information, breaches a Court suppression order, or is otherwise unlawful.
- Imply that they are authorised to speak as a representative of the Shire, nor give the impression that the views expressed are those of the Shire.
- Use the identity or likeness of another employee, contractor or member of Council.
- Use their Shire email address or any Shire logo or insignia, which may give the impression of official support or endorsement of their personal comment.
- Use or disclose any confidential information or personal information obtained in their capacity as an employee or contractor of the Shire.

- Post material that is, or might be construed as, threatening, harassing, bullying or discriminatory towards another employee, Councillor or contractor of the Shire.
- Comment or post any material that might otherwise cause damage to the Shires reputation, commercial interests or bring the Shire into disrepute.

Compliance

Depending on the circumstances, non-compliance with this policy may constitute a breach of employment contract, misconduct under the Shires Code of Conduct, sexual harassment, discrimination, or some other contravention of the law. Failure to comply with the policy may result in disciplinary action and, in more serious cases, may result in termination of employment.

The Shire reserves the right to remove any material that contravenes this policy from its own social media platforms.

Identifying Inappropriate Use

Where an employee becomes aware of inappropriate or unlawful on-line content that relates to the Shire, or content that may otherwise have been published in breach of this policy, the situation and circumstances should be reported immediately to the Chief Executive Officer for assessment.

Adopted 19/11/14

DIVISION 2 – WORKS AND PLANT

2.1 Roads and Reserves for Roads

2.1.1 Crossovers

For both town and rural properties where a culvert is essential to provide access from a property to a public road, only one culvert of adequate length as determined by the Works Manager is to be supplied free of charge. The cost of all other culverts, or any additional length is to be met by the landholder.

2.1.2 Crossovers – Urban Areas

1) A standard crossing as referred to by Regulation 15 of the Uniform Local provisions Regulations comprises either:
   a) A 150mm compacted and water bound gravel driveway sealed with one coat of bitumen emulsion and topped with blue metal or metal dust,
   b) 100mm reinforced concrete over a compacted sub base,
   c) Brick paving, or
   d) Other as approved by Council.

2) The minimum width of the standard crossing shall be 3.0 metres for residences, 4.0 metres for commercial, 4.5 metres for light industrial, 6.0 metres for heavy industrial and 7.5 metres for service stations each with a 1.5 metre radius “fishtail” onto the kerb line.
3) The gradient shall be positive 2% for the first 1.5 metres from the kerb line, then not exceed plus or minus 2% to the property line.
4) Where not defined the specifications shall conform to Standard Vehicle Crossover specifications as approved by the Works Manager.
5) The Shire of Victoria Plains will bear 50% of the cost of a standard crossing either in cash or work provided of a standard crossing to a landholding or property for the first such crossing only.
6) Where Shire staff are to construct the crossover and except where credit arrangements are approved by the Chief Executive Officer prepayment by the ratepayers of their 50% contribution is required.
7) Where a ratepayer elects to construct greater than the crossover as defined in (1) and (2) the Shires contribution shall not exceed 50% of the crossing as defined in those paragraphs.
8) A budget allocation be made in each year to allow Shires contribution to crossovers.
9) The Shire will comply with requests for crossovers on a first come, first served basis within budget provisions.

2.1.3 Pipelines beneath Roads

The Chief Executive Officer in conjunction with the Works Manager is authorised to approve at their discretion applications received in relation to “Pipes and pipelines beneath Roads and Footpaths” Local Law requirements. Pipes or pipelines shall be laid in accordance with the Local Law and either through an existing culvert or within sleeves of appropriate diameter. Such sleeves to be of heavy-duty polythene, PVC or galvanized water pipe. (PVC storm water or drainage pipe is specifically excluded).

Threaded joiners are to be provided on both sides of the culvert to facilitate culvert maintenance. The farmer or landholder involved shall accept in writing, responsibility to maintain the culvert pipe clear of any obstructions.

2.1.4 Deep Drainage of Salt Effected Land

1) Any landholder requiring a culvert to provide for continuing drains for deep drainage of salt affected areas will accept the full cost of the works including earthworks, piping and headwalls.
2) If after consultation with the Works Manager and the landholder requiring drainage works, it is agreed that the proposed works will benefit the drainage of the road or verges the costs will be cost shared with the Shire of Victoria Plains.
3) Any deep drainage or drainage to reduce or stop the effects of salinity should be approved by the Commissioner for Soil and Land Conservation and must be accompanied by a 'notice of intent to drain' in the prescribed form.

2.1.5 Use of Heavy Vehicle Combinations on Local Roads

The Chief Executive Officer in conjunction with the Works Manager is authorised to give the Shires agreement to applications to operate applicable heavy vehicle combinations on local roads subject to:

The Shire of Victoria Plains approves the use of the following vehicles on listed local roads (see Permitted Road Table) in the Shire of Victoria Plains subject to compliance with Restricted Access Vehicle Permits issued by Main Roads WA and Shire conditions listed in the road table:-

VEHICLES PERMITTED:

Rigid Trucks to 12.5 metres
Rigid Trucks towing Pig Trailers to 20 metres
Prime Mover with Semi Trailer to 19 metres
Prime Mover with Semi Trailer towing Pig Trailer to 20 metres
Rigid Trucks towing Dog Trailers to 25 metres
Prime Mover with Semi Trailer towing Pig Trailer to 27.5 metres
B Doubles to 27.5 metres
Prime Mover towing two Semi Trailers to 27.5 metres

SPECIAL CONDITIONS:
It is the responsibility of the permit holder to familiarise themselves with permit conditions as issued by Main Roads WA and the Shire of Victoria Plains.

Permitted Road Table:-

Behanging South Road (max speed 60kph)	Behanging North Road (Between Wongan Hills Calingiri Rd and Carani East Rd only, not to be used as a through route, proof of access is required - max speed 60kph)
Benaring Road (max speed 60kph)	Big Springs Road (max speed 60kph)
Bin Road (max speed 40koh)	Bindoon Moora Road (Between Wannamal West Rd and Padbury St Moora)

Blood Road (max speed 60kph)	Bolgart East Road (no operation during school bus hours)
Bolgart West Road	Bulligan Road (max speed 60kph)
Bull Road (Max speed 60kph) LV A	Calcarra East Road LV B
Calcarra West Road (max speed 60kph)	Calingiri Goomalling Road
Calingiri New Norcia Road	Calingiri West Road (forms part of Wongan Hills-Calingiri Road network)
Campbell Street (max speed 40kph)	Carani East Road (not to be used as a through route, proof of access is required - max speed 60kph)
Carani West Road (not to be used as a through route, proof of access is required - max speed 70kph) LV A	Catabody Road (not to be used as a through route, proof of access is required)
Catabody West Road (Calingiri New Norcia Rd 1.6km to farm only - max speed 60kph)	Clarke Road (max speed 60kph)
Corondine Road (not to be used as a through route, proof of access is required - max speed 60kph)	Duggan Road (max speed 60kph)
Edmonds Road (max speed 60kph	Emmanuel Street (max speed 60kph)
Erickson Road (max speed 60kph) LV A	
Fordham Road LV B	Gillingarra New Norcia Road (max speed 60kph)
Gillingarra Glentromie Road	Gillingarra Road (max speed 60kph)
Glentromie Yerecoin Road	Golf Course Road (Between Toodyay Bindi Rd & Woods Rd only - max speed 60kph)
Goudge Road (max speed 60kph)	Great Northern Highway
Hawkins Road	Howard Road LV A
Konnongorring West Road	Longman Road (no operation by RAV's when visibly wet)
Martin Road (between Yerecoin South East Rd and Carani East Rd only, not to be used as a through route, proof of access is required)	Meston Road
Mogumber West Road	Mogumber Yarrawindah Road
Motoning Road (max speed 60kph) LV A	Newdale Road
Nicholas Street (max speed 60kph)	O'Dea Place (max speed 40kph)
Old Telegraph South Road	Old Plains Road
Poincare Street (max speed 60kph)	Parker Road (not to be used as a through route, proof of access is required, max speed 60kph, between Wongan Hills Calingiri Road and Goudge Road only)
Skilling Road (Between Glentromie-Yerecoin Rd & Salt Rd only, max speed 60kph) LV A	Pither Road

Somers Street (from Toodyay Bindi Rd to Poincare St, max speed 60kph)	Smith Street (max speed 60kph)
Sykes Road (max speed 60kph)	Sudholz Road (max speed 60kph) LV A
Thompson Road	Toodyay Bindi Bindi Road (Toodyay shire boundary to Wongan Hills Calingiri Road/Wongan Hills Calingiri Road to Moora shire boundary)
Waddington Wongan Hills Road (Wongan shire boundary to Toodyay Bindi Bindi Road/Toodyay Bindi Bindi Road to Great Northern Highway)	Wirrilda Road
Wongan Hills Calingiri Road	Woods Road (not to be used as a through route, proof of access is required, between Carani East Rd and Yerecoin South East Rd only)
Wyening East Road (max speed 60kph) LV A	Wyening West Road (max speed 60kph) LV A
Yenart Road	Yerecoin South East Road

Through traffic passing through the Shire of Victoria Plains of the vehicle categories described are only permitted to utilise the following roads:

Main Roads (as per conditions allowed by the Commissioner of Main Roads) being:-

- New Norcia Calingiri Road
- Calingiri Goomalling Road
- Wongan Hills Calingiri Road
- Calingiri West Road
- Bindoon Moora Road
- Great Northern Highway

Local Roads:

- Mogumber West Road
- Mogumber Yarrawindah Road
- Wongan Hills Waddington Road
- Toodyay Bindi Bindi Road

When traffic of the vehicle categories as described above are utilised for the servicing of primary producers or businesses within the Shire of Victoria Plains, approval is granted for the use of listed local roads within the Shire subject to those vehicles involved taking the shortest possible route to and from the properties involved and the operator being able to provide documentation as proof of access if challenged by an authorised person.

GENERAL CONDITIONS:

Operators wishing to vary the conditions as detailed in this policy must contact Main Roads WA for approval prior to road access.

1) Local Government conditions will vary according to the road network, topography and traffic.

2) Other:

   a) Gravel roads affected by rain may be closed forthwith. **It is the responsibility of the operator to contact the Local Authority for advice if heavy rains have fallen in the area.**
   b) School buses operate on most local authority roads. Operators are required to avoid gravel roads in the Shire of Victoria Plains between the hours of 7am – 9am and 3pm – 5pm pm on school days.
   c) Operators must at all times show all courtesy to school buses and local traffic.
   d) Speed limits for permit vehicles are:
      i. Unsealed open road 60 km / hour;
      ii. Built up areas 50 km / hour or 10 km below the designated speed limit whichever is the lesser; or
      iii. As outlined by Main Roads WA.
   e) Council may review its policy and add or remove roads from the permitted roads table as they see fit subject to endorsement by the Commissioner of Main Roads.
   f) Local Road Permits will be issued on a twelve month approval basis and approval and conditions may be reviewed annually.
   g) It is the responsibility of the permit holder to renew their permit/s with the Local Authority prior to their expiry.
   h) All heavy vehicle operators using Shire roads should ensure that they have a CB Radio to make contact with school bus operators at all times.

2.1.6 Boundary Road Maintenance

The Shire of Victoria Plains accepts the full responsibility for the maintenance and construction on the 10.3km of the Gabalong West Road which is a boundary road and the Shire of Moora accept full responsibility for maintenance and construction on the 5km of Gabalong East Road which is a boundary road.

The Shire of Victoria Plains agrees to maintain the following roads or portion of roads (as shown in Councils Road Inventory), which have a common boundary with the Shire of Wongan Ballidu.

- Sudholz Road
- Sandplain Road
- Duggan road
- Martin Road

2.1.7 Clearance of Roadsides for fencelines and services

In respect to clearance of roadsides of vegetation for fencelines and services Shire policy is:

a) Clearance of native vegetation along roadsides for fencelines and services should be kept to a minimum.
b) Proposals to clear roadside vegetation to install a new or replacement fence should be submitted to Council for consideration.
c) Generally Council will not permit clearance for fencelines of greater than one (1) metre outside of the property boundary. Landholders are encouraged to

set back fencelines inside their property boundary to avoid damage to roadside vegetation.

d) No firebreaks will be permitted outside their property boundary.
e) Council will encourage, where possible, new or replacement services being located on cleared land to avoid damage to native vegetation.

NOTE: All clearing must be within Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

2.1.8 Spraying of Road Verges

The Shire approves of farmers spraying road verges outside their boundary for wild oats, wild radish and other declared plants subject to compliance with the following standards:

a) Spraying programme to be co-ordinated by the local LCDC.
b) Full details of the spraying to be provided and be approved by Council prior to commencement including:
    i) Chemicals to be used
    ii) Names of those participating
    iii) Date of proposed spraying
    iv) Location of proposed spraying
    v) Evidence of support by relevant LCDC
c) All persons carrying out the work having access to adequate first aid supplies, having and wearing red safety vests whilst they are doing the work, having and using suitable protective clothing and equipment, provision of temporary road signage indicating “Spraying in Progress” or similar, provision of material data safety sheets for all chemicals used and a copy given to the user of the chemicals, provisions to ensure that the users understand and follow the directions as per the material data safety sheet and the Shire to make reimbursement to the LCDC for chemical costs only on submission by the LCDC of chemicals used.

2.1.9 Traffic Signs

Council accepts the delegation of responsibility from Main Roads WA relating to the erection, establishment and display of any traffic signs and traffic control signals in respect to construction and maintenance of roads within the Shire of Victoria Plains. This does not include roads not under the Shires control.

2.2 Works and Plant

2.2.1 Plant Repairs

Wherever practicable, repairs to Shire plant are to be carried out by Local tradesmen in the Shire.

2.2.2 Use of Equipment by Employees

Plant and Equipment can be made available for use by employees for works on their own private properties with the written consent of the Chief Executive Officer. Minor items such as lawn mowers, edgers, cement mixers etc may be used with approval of the Works Manager subject to the use being to maintain Shire properties or private property in the case of those employees owning their own homes.

Amended & Adopted 16/04/14

2.2.3 Garaging of Shire Plant

Wherever possible Shire vehicles and plant when at the depot, are to be kept under cover.

2.2.4 Fire Extinguishers on Shire Plant

All Shire vehicles and plant are to be equipped with appropriate fire extinguishers.

2.2.5 Used Grader Blades

Used grader blades are to be made available to local residents on first come first served basis at an appropriate cost.

2.2.6 Smoking in Shire Plant and Vehicles

Smoking is prohibited in all items of Shire plant and vehicles.

2.2.7 Vehicle Replacement Programme

Motor cars and utilities will be replaced at 30,000 kilometers or any other time with the approval of the CEO to optimise whole of life costs in the shire budget.

Amended & Adopted 16/04/14

2.3 Private Works

2.3.1 Restrictions on use of plant for private works

The Shire will refrain from hiring out small equipment such as welders, jackhammers, concrete mixer, kango rotary hammer, plate compactor, vibrating roller and chainsaws.

The Shires grader shall not be used for ripping out stumps.

Shire plant shall be available for private works hire subject to the operation of the machine being by Shire operators, prior inspection and approval of the job by the Shires Works Manager and if the cost of the works exceeds $5,000 prepayment of at least 50% of the account by the user.

All private works are to be charged at cost plus 15% plus GST if applicable.

2.3.2 Aircraft Landing Strips

Grading of aircraft landing strips for landowners will require written confirmation of acceptance of any responsibility for the strip by the owner.

2.3.3 Grading Farm Roads

Landholders are invited to make written requests for the regular grading of farm access roads while the grader is working on local roads in the vicinity. This will serve to alleviate the costs of transport if the grader is in the area.

2.3.4 Private Works for Non Profit Community and Sporting Groups

Shire plant will be made available for non profit community and sporting groups when such a usage does not interfere with Shire programs and subject to approval by the Works Manager under the following conditions:-

a) The organisation is to make satisfactory payment arrangements for Shire operators on all plant.
b) Costs of fuel only will be charged to the organisation.

c) The organisation is a local group to the Shire of Victoria Plains.
d) Satisfactory arrangements are made with the Shires Works Manager.

2.4 Works General

2.4.1 Gravel Supply Agreements

Where gravel use is negotiated with land holders from private property a gravel supply agreement is to be entered into with the land holder outlining the estimated area, amount of gravel to be extracted and the rate of compensation which shall be set by Council when preparing the budget. Gravel supply books must be used to record the amount of gravel extracted from each pit. Gravel pits are to be leveled and reinstated at the end of their useful life to the satisfaction of the land holder.

Amended & Adopted 16/04/14

NOTE: Council reserves the right to enforce its rights to extract gravel by legal means if arrangements cannot be made with landholders.

2.4.2 Use of Herbicides for spraying of weeds

To reduce the areas needed to be mowed or slashed suitable herbicides shall be used where practicable to restrict weed growth on street verges and adjacent to roads and footpaths and on vacant land in and adjacent to town sites, sporting facilities and reserves.

2.4.3 Sale of Surplus Materials

Surplus footpath slabs shall be made available for sale to individuals and organisations for a fee set by Council annually when preparing the budget.

2.4.4 Notice of Intention to Perform Work - Telstra

To reduce the volume of paper work being received from Telstra with regard to Notices of Intention to Perform Works, Council requires only the following notification for works undertaken within the Shire of Victoria Plains:

a) Telstra's standard Notice of Intention, with at least 10 clear days notice prior to the work commencing,
b) Reasonable scaled plans showing street names/road names, offsets and general depth of the services,
c) Notice to the Works Manager 48 hours prior to commencing work on site and
d) No notification is needed where works are confined to drawing cable through existing pipe where no excavation is needed and the impact on the environment is minimal.

2.4.5 Resumption of Land for road deviations

In the case of resumptions not exceeding one (1) hectare in area, the Chief Executive Officer in conjunction with the Works Manager is authorised to negotiate compensation.

2.4.6 Community Vehicle Policy

STATEMENT OF INTENT
A policy to outline the conditions under which a community vehicle ("vehicle") is used by eligible residents ("residents") of the Shire of Victoria Plains ("the Shire") and the obligations of the Shire, volunteer drivers ("driver(s)") and residents who utilise the vehicle.

RESPONSIBILITY FOR EXPENSES
The Shire will pay all taxes, insurance premiums, running costs, maintenance and repair expenses associated with the running of the vehicle and the cost of obtaining a Police clearance for volunteer drivers.

OWNERSHIP OF VEHICLE
At all times, the vehicle remains the property of the Shire.

ELIGIBLE RESIDENTS
Includes all Seniors who are residents of the Shire of Victoria Plains, who require transportation for (in order of priority);-
- medical appointments, or
- personal reasons,

And
- the resident is unable to drive their own vehicle due to medical reasons, or
- does not have a drivers licence, or
- does not have their own vehicle, or
- does not have a friend or relative with a vehicle to drive them.

VOLUNTEER DRIVERS
Volunteer drivers must be registered with the Shire and must have a current WA drivers "C" class licence and a national Police clearance (to be obtained and renewed annually at the Shire's cost). The Shire will maintain a register of drivers and they will be listed as "volunteers" under the relevant Shire insurance policies.

BOOKING PROCEDURE
Residents requiring transportation utilising the vehicle should contact the Shire administration office to book the use of the vehicle. A minimum of 24 hours notice is preferable.

Shire administration staff will:-
- contact registered volunteer drivers and, book a driver for the required day and time and advise the resident once a driver is confirmed (or otherwise), and
- check that the vehicle is available when required and if available, book the vehicle for required day and time, and
- calculate the distance (from first resident pick up, to furthest destination, returning to final resident drop off) and advise the amount payable (refer Cost of Use).

COST OF USE
A per kilometre rate will be charged to resident(s) for use of the vehicle, regardless of the number of passengers.

The resident booking the vehicle will be responsible for payment of the cost of use and payment is to be made in full prior to the journey commencement.

The Shire will subsidise the cost of the vehicle and the per kilometre rate applicable will be included in the annual Fees & Charges set by Council.

Volunteer drivers may use the vehicle free of charge for personal use of up to 50km during the course of transporting resident(s).

A Shire employee will inspect the vehicle immediately upon return and record the distance travelled (refer Return of Vehicle). If the actual distance travelled exceeds the paid distance by more than 10% (excluding the volunteer driver free allowance), additional charges may apply.

FUEL & OIL
A fuel card will be allocated to the vehicle and volunteer drivers will have access to the PIN. The fuel card will be available for fuel and oil purchases only and must remain with the vehicle.

MAINTENANCE OF THE VEHICLE
Volunteer drivers and residents utilising the vehicle must:

- take good care of the vehicle;
- ensure that any required maintenance and servicing, particularly in accordance with warranty requirements, is advised to the Shire;
- ensure that the provisions of any insurance policy relating to the vehicle are observed;
- not allow the vehicle to be driven by anyone other than a volunteer driver that is registered with the the Shire;
- not fit any accessories to the vehicle;
- pay all parking and traffic infringement penalties relating to use of the vehicle;
- ensure that the vehicle is securely locked when left unattended and that any alarm system fitted to the vehicle is turned on;
- ensure that the vehicle is available for use by Shire employees when required;
- drive and use the vehicle only for the purpose for which it is intended;
- ensure that the vehicle is returned to the the Shire for garaging when not in use;
- immediately report any accidents involving the vehicle to their immediate supervisor and when required by law, to the police;
- immediately inform the CEO (or DCEO or Works Manager) of any damage to the vehicle; and
- keep the vehicle clean and in good order.

SAFETY
The volunteer driver's obligations with respect to safely using the vehicle are:

- to ensure that the first aid kit provided with the vehicle is kept fully stocked and that items in that kit which have a 'use by' date are replaced after that date;
- not to drive the vehicle if the volunteer driver is taking any medication that may adversely affect the driver's ability to drive or where the driver is intoxicated through alcohol consumption or illegal drug use; and
- to obey all relevant road rules. If a driver is involved in any accident as a result of medications use, intoxication, unlawful drug taking, negligence or recklessness, the driver will be responsible for paying any excess on the insurance and any other amount not covered by the insurance.

LICENCE
Drivers must maintain a current WA "C" class drivers' licence. A driver must not drive the vehicle if their licence is suspended or cancelled.

RETURN & INSPECTION OF VEHICLE
Drivers must return the vehicle to the Shire depot upon completion of each journey.

A Shire employee will inspect the vehicle immediately upon return and record the distance travelled, along with any damage and/or maintenance issues and confirm return of the fuel card.

BREACH OF POLICY
A breach of this policy may lead to a driver and/or resident being disqualified from using the vehicle.

Adopted 21/09/16

DIVISION 3 – BUILDING CONTROLS

3.1 Building Control

3.1.1 Delegations to the Shires Building Surveyor

The Chief Executive Officer delegates the authority and power to the Building Surveyor to approve or refuse on behalf of Council, applications for permits relating to Buildings under the provisions of Building Act 2011:

a) Discretion in respect to any matter related to Part XV – Buildings of the Local Government (Miscellaneous Provisions) Act 1960.
b) Relocated Housing – Authority to calculate building fees for re-located housing on the basis of new building construction costs. The transport and erection of second hand buildings is permitted within the Shire of Victoria Plains subject to compliance with Town Planning Scheme Policy No. 1 “Moveable Buildings”.

Amended & Adopted 16/04/14

3.1.2 Temporary Living Accommodation for Home Builders

Persons intending to build their own homes, either unassisted or by using the help of contractors, will be permitted to live on their land in structures approved by the Building Surveyor or in approved caravans under any conditions set by the Building Surveyor.

Such permission shall not be granted until such time as a Building licence and Development Application have been approved and may be revoked at any time if conditions are not met. Permission shall be revoked:

a) When the home is completed,
b) When the expiration of twelve months from the date of issue of the building licence, or
c) When any breach of the conditions of the licence or approvals granted.

3.1.3 Moveable Buildings

SHIRE OF VICTORIA PLAINS
LOCAL PLANNING SCHEME No 5 (DISTRICT SCHEME)

The Shire of Victoria Plains under and by virtue of the provisions and powers conferred upon it in that behalf by Local Planning Scheme No 5, more particularly Clause 8.6, hereby adopts the following Policy.

LOCAL PLANNING SCHEME POLICY No 1 - MOVEABLE BUILDINGS

1 DEFINITIONS

A PERMANENT building is generally not designed to be moved and includes the following:

a) ***“Site Built”*** structures built on location as new permanent structures. They are of traditional appearance with pitched rooves and typical house layout, designed to accommodate families.

b) ***"Relocated"*** dwellings are structures that have previously been constructed as new permanent structures elsewhere. The structures that are relocated are not necessarily designed to be relocated.

A MOVEABLE building is generally any structure designed for ease of transporting from one location to another. There are three basic types as follows:

a) ***"Transportable"*** structures are those designed and constructed at a location other than where they are intended to be established. For example dwellings fabricated in Perth, transported in sections to the building site, and assembled on location.

b) ***"Donga Type"*** structures are those usually designed to provide for workforce accommodation in small individual units. The structures are generally those (such as ATCO, Western Portables or Durabuilt units) with skid mountings, metal sandwich panel and flat roof design. These portable modular structures are also used for other purposes.

c) ***"Containers"*** These structures, although considered 'buildings' by definition under the Building Code of Australia, are solely constructed to transport other goods. They are not in themselves designed, nor suitable, for storage of goods in an urban environment. A container includes 'seatainers' and other large vessels designed to carry, and be carried on specifically designed vehicles or transporters.

2 BACKGROUND

The use and reuse of moveable buildings is common. The downside of this trend is that the building stock may be second-hand, may contain undesirable materials like asbestos, and may be visually out of harmony with existing buildings in the locality. Many other Councils are not permitting buildings within their districts which contain asbestos. Without the appropriate controls the Shire of Victoria Plains could become a 'dumping ground' for such structures.

To ensure that Council has the opportunity to consider such proposals, all applications for moveable buildings, as defined above, shall require the Shires Planning Consent prior to the issue of a Building Licence.

The Council has delegated authority to its Building Surveyor to determine Applications for Planning Consent for all applications for ***transportable*** and ***relocated*** dwellings in zones of the Scheme where dwellings are permitted.

3 POLICY

3.1 *Council Policy on Moveable Buildings*

a) All applications for moveable buildings, as defined above, shall require the Councils Planning Consent prior to the issue of a Building Licence. Generally the Council is not in favour of the use of moveable buildings, especially in the townsite areas, however the Council will consider each application on its merits.

b) The Council shall not permit the establishment, occupation or erection of ***donga type*** structures for residential purposes within a Townsite Boundary in a Scheme Zoned Area.

c) The Council will only permit ***donga type*** structures for uses other than residential use where it considers the use or establishment of the structure will not be in conflict with the objectives of this policy.

d) The Council will only permit ***site built*** and ***relocated*** structures where it is satisfied that the standard and quality of building can satisfactorily be integrated into a residential area, and that the buildings do not contain unacceptable materials.

e) The Council will not permit the storing or use of a ***'container'***, as defined above, within a townsite area, other than in the areas zoned 'Industrial'. The Council considers the appearance, scale, and materials of these structures to be inappropriate for use in an urban environment, and are therefore in conflict with the objectives of the Scheme.

f) The Council may give special consideration for the use of ***'containers'*** outside the townsite areas of the Shire. In these circumstances the Council will need to be satisfied that there is no viable alternative to the use of these structures, and that the location of the ***'containers'*** will not detract from the amenity of the locality.

3.2 *Measures to ensure Compliance with Planning Consent*

When an application for Planning Consent for a Moveable Building is considered by the Council, or the Building Surveyor, that consent may be granted subject to conditions requiring the applicant, or owner, to:

a) Have the building inspected by the building surveyor at the applicants cost to determine the suitability of the building for relocation.

b) Have all materials containing asbestos removed from the building prior to removal from the site.

c) Lodge a bond or bank guarantee with the Council. The bond or bank guarantee will provide the security for the completion of the moveable building to a standard acceptable to the Council.

d) Specify matters which require attention and the manner in which work is required to be completed in order to satisfy standards acceptable to the Council.

e) Obtain a special building licence of a specified duration.

4 OBJECTIVES OF POLICY

a) To maintain high amenity standards of buildings, especially within the residential areas in the Townsites of the Shire.

b) To ensure that the visual aesthetics of residential areas are not compromised by the introduction of relocated or moveable buildings that are generally out of character with the predominant housing style in the locality.

c) To ensure that the relocated or moveable buildings, established within the Shire, do not use materials considered by the Council to be unacceptable (e.g. asbestos).

d) To prevent the introduction of housing, or other use structures, that are designed to be used on a temporary or short stay basis and that may detract from the standards already established in the residential areas of the Townsites.

e) To protect the visual amenity of the urban environment by not permitting the establishment, storage or use of ***'containers'*** within the non-industrial areas of the townsite.

Adopted 16/12/03
Amended & Adopted 16/07/14

3.1.4 Outbuildings

SHIRE OF VICTORIA PLAINS
LOCAL PLANNING SCHEME No 5 (DISTRICT SCHEME)

This policy provides direction and guidance on the area and height of outbuildings that the Council will permit within the Residential areas of the Shire of Victoria Plains. The policy provides the basis for determining applications for outbuildings that do not meet the Acceptable Development Criteria of the Residential Design Codes (2002).

LOCAL PLANNING SCHEME POLICY No 2 - OUTBUILDINGS

OBJECTIVES

- To provide some flexibility in the requirements for outbuildings in residential areas.
- To ensure that the provisions of the Residential Design Codes (2002) are appropriately addressed.
- To improve customer service standards through the timely processing of planning and building applications for outbuildings.

1. DEFINITIONS

a) **Outbuilding** is an enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling.

b) **Carport** is a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side and being without a door unless that door is visually permeable.

c) **Garage** is any roofed structure, other than a carport, designed to accommodate one or more motor vehicles.

Note: All definitions extracted from the Residential Design Codes (2002).

2. STATUTORY POWERS

This policy is made pursuant to Clause 2.6.2 of the Residential Design Codes.

In accordance with the provisions of the Residential Design Codes (Clause 3.10.1 – Outbuildings), where an outbuilding exceeds an area of 60m^2 (or 10% of the site area, whichever is the lesser) or has a wall height greater than 2.4m or a ridge height greater than 4.2m, Councils approval should be sought under the performance criteria.

The performance criteria relative to outbuildings (Clause 3.10.1) states:

> *"Outbuildings that do not detract from the streetscape or the visual amenity of the residents or neighbouring properties."*

Clause 3.2.7 of the Residential Design Codes states that buildings are to comply with any local planning policy made under the Scheme in respect of the design of carports and garages, including the colour, scale, materials and roof pitch of buildings. This policy is made subject to this clause and provides design requirements for carports and garages, however it does not interfere with any other requirement of the Residential Design Codes relating to carports and garages.

This policy does not alter or change in any way the acceptable development criteria of the Residential Design Codes (2002).

3. POLICY STATEMENT

CARPORTS AND GARAGES

1. All garages and carports shall not exceed a floor area of 40m^2, a wall height of 3.0m or a ridge height of 4.5m.

2. Council may consider applications for carports and garages that exceed the size limitations defined in Part 1, where the following criteria may be achieved:
   a) The garage or carport is attached to and forms part of the adjoining dwelling.
   b) The garage or carport is situated under the roof line of the adjoining dwelling.
   c) The garage or carport is located to the rear of an existing dwelling and can not be viewed from the street.
   d) The garage or carport will not have an impact on the streetscape or amenity of the area.
   e) The garage or carport complies with any design guidelines adopted by Council.

3. All carports and garages shall be constructed of materials that match or complement the dwelling on the site.

4. The use of zincalume wall cladding in garages and carports will not be supported.

OUTBUILDINGS

1. An outbuilding within a Residential area shall be deemed as meeting the performance criteria of Clause 3.10.1 of the Residential Design Codes where the following area and height requirements can be achieved:

Residential Density Code of Property	Permitted Area of Outbuilding	Permitted Wall Height	Permitted Ridge Height
R10	$80m^2$	3.0m	4.5m
R12.5	$80m^2$	3.0m	4.5m

2. Any proposed outbuilding that does not meet the requirements specified in Part 5 shall be referred to Council for determination, following consultation with all landowners adjoining the subject property.

3. The adjoining landowners shall be provided a copy of the proposed plans for the outbuilding, including the elevations of the structure. The adjoining owners will be provided 21 days to lodge a written submission to the Council and if no submission is received, it shall be assumed that they have no objection to the oversized outbuilding.

4. This policy does not exempt compliance with all other requirements of the Residential Design Codes (2002) and any other policy of Council.

5. The construction of an outbuilding on a Residential property that does not have an existing dwelling will not be supported.

6. All outbuildings must be located behind the existing dwelling on a property.

7. Unless necessary to meet heritage guidelines, the use of zincalume wall cladding will not be permitted in the Residential zones for outbuildings exceeding $40m^2$ in area and with a wall height greater than 2.4m.

8. The wall and roofing materials used in the outbuilding should match or complement the existing dwelling on the property.

Adopted 18/3/08
Amended & Adopted 16/07/14

DIVISION 4 – HEALTH

4.1 Health Controls

4.1.1 Delegations to Councils Health Surveyor

The Chief Executive Officer delegates the authority and power to the Environmental Health Officer to:

a) Issue certificates of approval relating to the maximum number of people permitted in a public building.
b) Issue any notice or direction pursuant to the Health Act when it is considered that the urgency of the issue involved requires immediate action.

4.1.2 Rave Parties, Concerts and Large Public Events

Prior to consideration of any application for large or unusual events proposed to be held in a Townsite or area of the Shire, Council may require that public submissions be invited on the proposal and that organisers of the event be available to hold a public briefing meeting for the community.

DIVISION 5 – PLANNING

5.1 Subdivision – Conditional Applicable

5.1.1 Subdivision Approvals should address the following issues:

a) Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road to a local road system and such subdivisional road being constructed, sealed, kerbed and drained and the subdividers cost to the specifications and satisfaction of the Shire of Victoria Plains.
b) Street corners within the subdivision being truncated to the standard truncation of 8.5 metres.
c) The cul de sac heads being designed to the satisfaction and specifications of the Shire of Victoria Plains.
d) The land being filled and/or drained at the subdividers cost to the specifications and satisfaction of the Shire of Victoria Plains.
e) The land being graded and stabilized at the subdividers cost to the specification and satisfaction of the Shire of Victoria Plains.
f) Certification from Western Power that financial and other requirements have been satisfied for the provision of underground power to the lots, provision of padamount sites and easements as may be required by Western Power being transferred free of cost to Western Power, with the location of the sites being to the satisfaction of the Shire of Victoria Plains.
g) Certification from Western Power that financial and other requirements have been satisfied for the provision of street lighting within the subdivision.
h) Certification from Fire and Emergency Services Authority of WA that adequate arrangements have been made in relation to fire hydrants.
i) Certification from the Water Corporation of WA that arrangements have been made so that connection to an adequate water service will be available to lots in the subdivision.
j) That a suitable effluent disposal system is in place.
k) Underground power and provision of street lighting be a condition on all future subdivisions.

5.1.2 Injurious Affection

The following procedure is adopted for dealing with claims for compensation for injurious affection under Local Planning Schemes:

a) The claim to be acknowledged.
b) Legal opinion to be sought regarding the legality of the claim.
c) If the claim is valid, values be obtained and an offer without prejudice for compensation be made to the applicant.
d) Where the offer is not acceptable under the relevant clause no further action be taken.
e) Where it is considered that the claim is not legal, the Shire will advise the applicant it rejects the claim and takes no further action unless the applicant seeks arbitration.

5.1.3 Home Occupations

a) Council requires written application in the standard form to operate industrial or commercial ventures from a residential property.
b) Each application shall be treated on its merits with special consideration to:
   i. inconvenience and disturbance to neighbours

ii. reasons for non use of appropriately zoned areas
iii. the general desirability of the proposed occupation
iv. retailing aspects
v. transport aspects (deliveries, additional traffic etc)
vi. construction/manufacture or repairs from home
vii. customer and commercial vehicle parking
viii. visibility of activity
ix. noise and air pollution

c) Council shall require the provisions of the Local Planning Scheme in respect to "Home Occupations" to be fully complied with, together with any conditions Council may resolve.
d) Each approval shall be for a period of twelve (12) months ending 30 June and may be cancelled at the completion of twelve (12) or renewed at Councils absolute discretion. There shall be an application fee for new licenses plus an annual charge to be determined in Councils fees at budget time.
e) The Building Surveyor shall conduct regular inspections at least annually of any approved premises to ensure the conditions of the permission have not altered or been breached.
f) Any advertising of approved licenses must include the licence number.

5.1.4 Developers Costs

Any Developer shall be required to meet the direct costs plus normal loading for any consultant fees or other fees applicable for any proposed Local Planning Development or scheme amendment.

DIVISION 6 – FINANCE

6.1 Budgets and Rating

6.1.1 Budget Preparation

a) Preparation of draft budgets inclusive of all items requested by Council during the preceding year shall be the responsibility of Shire staff.
b) A draft budget shall be prepared and presented to a meeting of Council for consideration by no later than the first week in July of the financial year for consideration.
c) The budget should under normal circumstances be adopted by Council no later than the end of July in any year.

6.1.2 Budget Submissions

All organisations and individuals that have made submissions for consideration by Council in its budget deliberations shall be advised of the outcome of the submission as soon as practicable after adoption of the budget.

6.1.3 Budget Adherence

Adherence to the budget following adoption is the responsibility of senior staff. Any items exceeding budget or considered that are outside budget allocations must be approved by full Council.

6.1.4 Unpaid Rates – Procedure for Collection

The following procedure shall apply for the collection of unpaid rates:

a) Final notices to be issued within one (1) month of the expiration of the discount period.
b) Advice of legal action to be taken for recovery will be forwarded to outstanding debtors for rates in the first week of December.
c) Legal action to be commenced following the imposition of penalties for outstanding rates.
d) All requests for deferment of payment of rates and legal action due to financial hardship must be in writing to the CEO.
e) All alternative payment plans for outstanding rates must where possible ensure rates are paid in full in the financial year to which they relate.

Amended & Adopted 16/04/14

6.2 Investments and Borrowing

6.2.1 Investment of Surplus Funds

That the Finance and Administration Manager is authorised to invest funds surplus to the immediate operating needs of the Shire of Victoria Plains and shall be responsible to ensure that investments are made to maximise the benefit to the Council.

All investments shall be at call/short dated term deposits (maximum term of 6 months) with the Bendigo Bank Calingiri Agency. The Finance and Administration Manager shall report to each Ordinary meeting of Council details in respect to investments made, interest rates and terms applicable.

Amended & Adopted 16/04/14

6.2.2 Borrowings

When a decision has been made to borrow funds for a Council activity either in budget deliberation or by a decision of the Council the Finance and Administration Manager shall obtain quotes from Treasury Corporation and recommend to Council the acceptance of the most suitable quote.

6.2.3 Self-Supporting Loans

Council may, at its discretion, agree to raise self-supporting loans on behalf of Incorporated Local Organisations. Such agreement will be subject to:

a) The applicant meeting all costs relevant to the raising of the loan with the exception of administrative charges.
b) The applicant meeting any costs involved in preparing agreements, lease or other documents required.
c) Prior to Council granting approval the applicant will be required to provide suitable details of current and future financial viability.

6.3 Reserve Accounts

6.3.1 Long Service Leave Reserve

A Long Service Leave Reserve shall be maintained. The purpose of the account is to pay Long Service Leave entitlements to the Shires current employees and for claims of past employees who have transferred to other LGOs. The account shall be maintained by budget transfer allocations as approved by Council with the aim of the account to hold sufficient funds to meet the Shires Long Service Leave Liability at any given time.

Amended & Adopted 16/04/14

6.3.2 Plant Reserve

A Plant Reserve Account shall be maintained. Monies held in the account are to be used to assist in funding the replacement of plant. The account will be maintained by transfer of funds from budget allocations as approved by Council.

Amended & Adopted 16/04/14

6.3.3 Housing Reserve

A Housing Reserve will be maintained. Monies held in the account are to assist in funding the purchase, construction and renovation of staff housing. The account will be maintained by transfer of funds from budget allocations as approved by Council.

Amended & Adopted 16/04/14

6.3.4 Sewerage Reserve

A Sewerage reserve shall be maintained. Monies held in the account are to fund future major repairs, maintenance or upgrading of the sewerage systems in Calingiri and Yerecoin. The account was made up of excess funds collected over and above sewerage scheme expenditure in specified area rates collected in the Calingiri town site and the account will be maintained by transfer of funds from budget allocations as approved by Council.

Amended & Adopted 16/04/14

6.3.5 Refuse Site Reserve

A refuse Site Reserve will be maintained. Monies in the account are to fund future refuse disposal facilities as required throughout the Shire and may include transfer stations, land fill or contributions to a regional waste facility. The account will be maintained by transfer of funds from budget allocations as approved by Council.

Amended & Adopted 16/04/14

6.3.6 Building Maintenance Reserve

A Building Maintenance Reserve will be maintained. Monies in the account are to fund future long term maintenance of shire buildings. The account will be maintained by transfer of funds from budget allocations as approved by Council.

Amended & Adopted 16/04/14

6.3.7 Infrastructure Reserve

An Infrastructure Reserve will be maintained. Monies in the account are to fund future infrastructure developments to ensure long term Shire sustainability. The account will be maintained by transfer of funds from budget allocations as approved by Council.

Amended & Adopted 16/04/14

6.3.8 Gymnasium Equipment Reserve

A Gymnasium Reserve will be maintained. Monies in the account are to fund future purchases and replacement of gymnasium equipment. The account will be maintained by transfer of funds from budget allocations as approved by Council.

Amended & Adopted 16/04/14

6.3.9 Interest on Reserve Accounts

Interest earned on reserve funds shall be applied to the reserve from where the interest was earned.

Amended & Adopted 16/04/14

6.4 Financial Reporting

6.4.1 Responsible Employee

The Responsible Employee as defined under the Local Government (Financial Management) Regulations 1996 shall be the Manager of Finance and Administration/Deputy Chief Executive Officer.

6.5 General

6.5.1 Operation of Bank Account

Two signatories be required for the operation of the Shires bank accounts from the following:

a) All Councillors and the Chief Executive Officer and Deputy Chief Executive Officer/Finance and Administration Manager.
b) The Chief Executive Officer and in their absence the Deputy Chief Executive Officer/Finance and Administration Manager are authorised to allow all creditors to be paid according to their trading terms and for payments to be endorsed by Council after payment rather than approved by Council prior to payment.
c) All payments whether made prior to the meeting or not shall be presented to Council for endorsement of payment.

6.5.2 Subsidies Public Halls

Council will subsidise organisations responsible for the management and maintenance of public halls in the Shire of Victoria Plains as follows:

a) Up to 100% of the costs of electricity and insurance incurred for the hall subject to the presentation of receipted accounts.

6.5.3 Financial Assistance – Community Bodies

The following procedure shall apply for all community bodies seeking Council funding support for projects in any financial year:

a) Application shall be made not later than 31st March in the year preceding the commencement of the following financial year i.e. 1st July to 30th June,
b) Applications must include full details of the proposal and include accurate assessments of cost and the anticipated outcomes,
c) Applications must include details of the organisations contribution in cash and in kind to the project and the amount sought from Council,
d) Applications must be accompanied by an up to date statement of the financial position of the organization and usage of any facility to be upgraded including the average annual amount of fees received in the preceding 3 years,
e) Works cannot be commenced in anticipation of a shire subsidy being provided without the approval of Council to commence prior to funding consideration,
f) Council will consider all applications received and allocate budget funding of up to a total of $50,000 per annum on a priority basis,
g) Funding provided will in normal circumstances not exceed two-thirds (2/3) of the total cost of the project however projects to rectify items that are a safety hazard to users of the facility may be 100% funded. The (1/3) contribution, where required, from the community body may include in kind works allocated on the following basis; unskilled labour is calculated at $25 per hour and skilled labour (qualified trades people) at $40 per hour,
h) Council is under no obligation to fund or subsidise any project and each application will be considered on its merits,
i) Where a funded project is not commenced during the financial year that funding is allocated a new application must be made for the next year or funding will be deemed to have lapsed. Unspent Funding is not automatically rolled forward. Any groups that regularly have unspent funds may not be considered for future funding rounds,
j) The Shires Community Development Officer must be consulted as a part of the application process.

6.5.4 Project Management Shire Funded Community Projects

This policy applies to all community projects over $20,000 funded or partly funded by shire funds approved by Council which are to be implemented in accord with a set objective, a cost parameter and timeframe within the Victoria Plains Shire boundaries.

A project can be broadly defined as a series of tasks over a specified timeframe to achieve a pre determined goal or set of outcomes within a specified cost parameter.

There is a need for the Shire to be flexible, efficient and competitive in the delivery of projects for its constituents, to predetermined outcomes, within cost and time constraint parameters. To endeavor to achieve best available standard, the following aspects are to be undertaken, documented and authorised by the CEO:

a) Allocation of a single Project Manager employed by the Shire
b) Appropriate project concept formulation and approvals
c) Relevance of the project to the Shires Community Strategic Plan
d) Identification of any risks or opportunities for improvement that may arise during or as a consequence of the project
e) Accurate cost estimation and budget provision for the project
f) Stipulated monitoring and reporting milestones
g) Completion of a written Project plan including risk, communication, procurement and cost allocation
h) Appropriate project control mechanisms to be in place

The Project Manager appointed by the Shire is to have relevant qualifications or experience in project management.

Adopted 16/04/14

6.5.4 Donations and Grants

The Shire will include an amount in the budget each year for the purpose of donation to relevant charities or appeals and other bodies. Each application shall be presented to Council for consideration and preference will be given to local organisations that are operating within the Shire of Victoria Plains.

6.5.5 Purchase of Property, Plant and Equipment

a) Where the purchase of Property, Plant or Equipment is put forward for consideration outside of budget allocations, full details of the proposal must be submitted to Council for approval prior to any action to purchase being considered.
b) Council delegates authority to the Chief Executive Officer to changeover light vehicles in accordance with Council policy without reference to Council provided that purchases are made in accordance with Councils Purchasing and Tendering Policy and subject to the net changeover cost being within budget allocations. All other items of plant purchased shall be put before the Works Committee for recommendation to full Council.
c) All purchases shall be in accordance with Councils adopted Purchasing and Tender policy.

PURCHASING & TENDERING POLICY

Objective:
To provide clear guidelines to the Council and its officers for procuring goods or services through Direct Purchasing where the value (excluding GST) is expected to be less than $150,000 and where the value is expected to be $150,000 or more through Public Tender. This policy is intended to provide a framework within legislative requirements and to further complement statutory requirements.

Policy:
The scope of this policy includes the procurement of goods or services pursuant to Section 3.57 of the Local Government Act 1995, and Part 4, 11(1) of the Local Government (Functions and General) Regulations 1996 as amended from 1st October 2015 where the value of the procurement is, or is expected to be, more than $150,000 (excluding GST) and not exempted under Regulation.

The Chief Executive Officer will undertake to ensure that compliance with legislative requirements is maintained and that procedures implemented are capable of withstanding scrutiny and provide appropriate transparency of the Shires practices toward the procurement of goods or services.

The Chief Executive Officer will undertake to put in place competent practices to ensure best value for money, best practice in management, transparency, probity, environmental performance, and that appropriately qualified staff and resources, together with training, are provided in support of these practices.

Why do we need a Purchasing Policy?
The Shire of Victoria Plains is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:

a) Provides the Shire with a more effective way of purchasing goods and services.
b) Ensures that purchasing transactions are carried out in a fair and equitable manner.
c) Strengthens integrity and confidence in the purchasing system.
d) Ensures that the Shire receives value for money in its purchasing.
e) Ensures that the Shire considers the environmental impact of the procurement process across the life cycle of goods and services.
f) Ensures the Shire is compliant with all regulatory obligations.
g) Promotes effective governance and definition of roles and responsibilities.
h) Upholds respect from the public and industry for the Shires purchasing practices that withstands probity.

Ethics & Integrity
All officers and employees of the Shire of Victoria Plains shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Local Government.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

a) full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
b) all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shires policies and code of conduct;
c) purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
d) all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
e) any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
f) any information provided to the Shire by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

Value for Money

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

An assessment of the best value for money outcome for any purchasing should consider:

a) All relevant whole-of-life costs and benefits, whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
b) The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality.
c) Financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history).
d) A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

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

Sustainable Procurement

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

The Shire of Victoria Plains is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Local Government's sustainability objectives.

Practically, sustainable procurement means the Shire shall endeavour at all times to identify and procure products and services that:

a) Have been determined as necessary.
b) Demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling.
c) Demonstrate environmental best practice in water efficiency.
d) Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage.
e) Products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.

f) For motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range, contract conditions and work requirements.
g) For new buildings and refurbishments – where available use renewable energy and technologies.

Authority to Order
The purchase of goods and services can be broken down into two main categories of expenditure, these being Capital Expenditure and Operating Expenditure.

Capital expenditure is expenditure carried out for the purchase of goods that have a useful life of not less than one year and that will be capitalised as non-current assets in the year of acquisition and depreciated over the useful life of the asset taking cognisance of any residual value of the asset at time of disposal.

Notwithstanding the above capital expenditure will only be regarded as such where the purchase price of the asset is equal to or greater than $1,000.

Operating Expenditure is any expenditure carried out in the performance of the Shires operations and does not comply with the requirements for Capital expenditure.

Purchasing Limitations
For the purchase of Goods and Services the following authority levels are to apply:

Petty Cash purchases – maximum individual value of $75.

Advertising – Executive Secretary – not exceeding an order value of $1,000.

Printing and Stationery – Executive Secretary – not exceeding an order value of $1,000.

Fire Services Supplies and equipment – Executive Secretary – up to the value of $1,000.

Other office consumables – Executive Secretary – not exceeding an order value of $500.

Building Maintenance Supplies – Building Maintenance Officer – not exceeding an order value of $1,000. (Does not include tools and equipment)

Depot Consumables – Depot Supervisor – not exceeding an order value of $1,000.

Gardening Supplies – Gardener – not exceeding an order value of $1,000. (Does not include tools and equipment).

Fuel, Oils and Lubricants – Depot Supervisor – not exceeding an order value of $15,000.

All capital expenditure is to be authorised by the CEO or appropriate Manager.

All other operating expenditure is to be authorised by the CEO or appropriate Manager.

There are three categories of procurement valuation (excluding GST) which are as follows:-

a) Less than $5,000 – one verbal quotation is required.
b) Between $5,000 and $19,999 – minimum of 2 verbal or written quotations are required.
c) Between $20,000 and $149,999 – at least three written quotations are required.

a) <u>Less than $5,000</u>

Where the value of procurement of goods or services does not exceed $5,000, one verbal quotation is required to be obtained, however it is recommended to use professional discretion and occasionally undertake market testing to ensure best value is maintained. For the purchase of simple low value, low risk goods and services or "petty cash" type purchases, accountability is basically proof of purchase by way of a receipt.

b) <u>Between $5,000 and $19,999</u>

This category is for the procurement of goods or services where the value of such procurement ranges between $5,000 and $19,999. At least two verbal quotes are required (but where it is not practical, eg due to limited suppliers, it must be noted in the process).

The Chief Executive Officer may, at his discretion, waive the requirements to obtain two quotes providing that written, justifiable reasons for such waiver are provided by the officer responsible, and file noted accordingly.

c) <u>Between $20,000 and $149,999</u>

For the procurement of goods or services where the value exceeds $20,000 but is less than $149,999, it is required to obtain at least three written quotes (but where it is not practical, eg due to limited suppliers, it must be noted in the process).

The Chief Executive Officer may, at his discretion, waive the requirements to obtain three written quotes providing that written justifiable reasons for such waiver are provided by the officer responsible and file noted accordingly.

Evaluation of quotes must be undertaken at least by a group of two persons. For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as value for money, sustainability, stock availability, accreditation, time for completion or delivery, warranty conditions, state of the art technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

d) <u>Notes</u>

- The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any audit and/or record keeping requirements.
- Where practicable, file notes for verbal quotes are recommended.
- As far as practicable, the price should not be the only criterion for selection of a quote.
- When requesting quotes from a business it is to be made clear that only the original quote will be considered. Under no circumstances are officers to engage in bartering activities playing one business off against the other.

- Officers are to be diligent and professional in their approach to purchasing focusing on the best possible alternative for the Shire. Purchasing from friends, relatives etc are not allowed without the direct approval of the CEO.
- Reference to be made to the Local Preferences Policy 1.7, where:
  - "…if possible when making minor purchases i.e. up to $2,000.00 in value and if the price differential above the best price obtainable outside the district does not exceed 15%..."
  - "On major contracts i.e. above $2,000.00 in value, Council is to clearly indicate its preference to use local contractors and sub-contractors and will accept a price of not more than 5% above the best price obtainable outside the district and subject to issues of availability, expertise and equipment availability and other relevant issues being considered".

Note: The general principles relating to written quotations are;

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

The Local Government Purchasing and Tender Guide produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.

Budget Provisions

Officers cannot issue orders for any goods or services unless the Council budget makes provision for that expenditure.

Where no budget allowance has been made then expenditure would be unauthorised and must go before Council for approval. Full details of the purchase proposal and reasoning must be submitted to Council prior to any action to purchase being considered.

Council delegates authority to the Chief Executive Officer to changeover light vehicles in accordance with Council policy without reference to Council provided that where applicable tenders are called in accordance with Tender Regulations and subject to the net changeover cost being within budget allocations. All other items of plant purchased shall be put before the full Council.

Placement of Orders
With the exception of Petty Cash purchases, utilities and insurances all purchases are to have a duly raised purchase order which is to contain a description of the purchase, quantity per item, unit cost, purchase price per line item and GST component. The purchase order is to have the total purchase price annotated on it also.

Purchases of goods and services other than for petty cash can **only** be made against suppliers who can quote an Australian Business Number (ABN).

Procedure for the procurement of goods or services through Public Tendering

Regulatory Compliance

Tender Exemption
In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

a) An emergency situation as defined by the Local Government Act 1995;
b) The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government; When using a tender exempt panel of pre-qualified suppliers (WALGA preferred Supply contract) the shire must utilise a request for quotation process through eQuotes or in writing direct with the supplier.
c) The purchase is under auction which has been authorised by Council;
d) The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
e) Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

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

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

Anti-Avoidance
The Local Government shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of $150,000, thereby avoiding the need to publicly tender.

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

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

For Requests with a total estimated (ex GST) price of:

a) Between $40,000 and $149,999, the panel must contain a minimum of 2 members; and
b) $150,000 and above, the panel must contain a minimum of 3 members.

Advertising Tenders

Tenders are to be advertised in a state wide publication e.g. "The West Australian" newspaper, Local Government Tenders section, preferably on a Wednesday or Saturday.

The tender must remain open for at least 14 days after the date the tender is advertised. Care must be taken to ensure that 14 **full** days are provided as a minimum.

The notice must include:

a) A brief description of the goods or services required.
b) Information as to where and how tenders may be submitted.
c) The date and time after which tenders cannot be submitted.
d) Particulars identifying a person from who more detailed information as to tendering may be obtained.
e) Detailed information shall include:
    i. such information as the local government decides should be disclosed to those interested in submitting a tender;
    ii. detailed specifications of the goods or services required;
    iii. the criteria for deciding which tender should be accepted;
    iv. whether or not the local government has decided to submit a tender; and
    v. whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

Issuing Tender Documentation

Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.

This is essential if clarification, addendums or further communication is required prior to the close of tenders. All potential tenderers must have equal access to this information in order for the Local Government not to compromise its Duty to be Fair.

Tender Deadline

A tender that is not received in full in the required format by the advertised Tender Deadline shall be rejected.

Opening of Tenders

No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the Tender Deadline.

Tenders are to be opened in the presence of the Chief Executive Officer's delegated nominee and preferably at least one other Shire Officer. The details of all tenders received and opened shall be recorded in the Tender Register.

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

The Tenderer's Offer form, Price Schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two Local Government Officers present at the opening of tenders.

No Tenders Received
Where the Local Government has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

a) A sufficient number of quotations are obtained.
b) The process follows the guidelines for seeking quotations between $40,000 & $149,999 (listed above).
c) The specification for goods and/or services remains unchanged.
d) Purchasing is arranged within 6 months of the closing date of the lapsed tender.

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

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

Minor Variation
If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Local Government and tenderer have entered into a Contract, a minor variation may be made by the Local Government.
A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

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

a) The name of the successful tenderer
b) The total value of consideration of the winning offer

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

Records Management
All records associated with the tender process or a direct purchase process must be recorded and retained.

For a tender process this includes:
a) Tender documentation
b) Internal documentation
c) Evaluation documentation
d) Enquiry and response documentation
e) Notification and award documentation

For a direct purchasing process this includes:
a) Quotation documentation
b) Internal documentation
c) Order forms and requisitions

Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Local Government's internal records management policy.

Amended & Adopted 17/02/2016

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

The objectives for introducing the Corporate Card are:

a) To allow the Shires suppliers to receive speedier payments to reduce paperwork for both the Shire and its suppliers;
b) To reduce the number of enquiries concerning unpaid accounts;
c) To facilitate productivity gains to the various departments of the Shire
d) To reduce requirements to obtain petty-cash and to reduce the possibility of cash theft
e) To take advantage of discounts being offered for early payment
f) To make use of internet based purchases

It is not intended that cards be used to bypass the current system of ordering goods and services by Purchase Order

Definitions
a) "Credit Card" – a plastic card having a unique identification for each card holder (including a magnetic stripe for storing certain information), who enables goods to be obtained on credit from merchants (i.e. businesses or traders) which accept the card.
b) "Corporate Business Account" – each card is allocated an 'account' by the card company in which is recorded all transactions by the card holder. With the corporate/business card, each of these accounts is a subset of the Municipal Account.
c) "Corporate Business Card" – a card on which liability for charges attached to the corporation for which the card holder works rather than to the individual card holder.
d) "Card Company (or card issuer)" – the company (in this case 'Bendigo Bank') issuing the Corporate Business Card which pays the merchant and provides credit on the transactions.

e) "Cardholder" – the person in the organisation to whom the Corporate Business Card is issued. The card is embossed with the person's name and bears his/her signature.
f) "Merchant (or trader)" – any person, business or organisation accepting the corporate card in payment for goods or services.
g) "Credit Limit" – the limit, determined by the Chief Executive Officer, on the total value of transactions (payments/purchases) on each Corporate Business Card in each billing period.
h) "Billing Period" – the cycle with the card company for payment of charges on all the department cards, the arrangement with Bendigo Bank provides for immediate settlement from the statement date.
i) "Authorised Officers" – Authorised Officers for the purpose of this policy shall be the Chief Executive Officer, Deputy Chief Executive Officer/Finance and Administration Manager and the Works and Services Manager.

Goods and Services for which the Credit Card can be used

a) The Corporate Business Card can be used to procure goods and services up to the value of financial limits (see below) approved by the Chief Executive Officer, Deputy Chief Executive Officer/Finance and Administration Manager and the Works and Services Manager to which expenditure is authorised and provided for in the Councils budget.

The following exception applies:

a) The card cannot be used to draw cash
b) Situations in which the Corporate Business Card may be used are:
   i. If payment to suppliers for goods or services to the local government that require speedy payment.
   ii. Payment is for hospitality being for meals and beverages, accommodation, sundry expenses associated with Shire business.

The Chief Executive Officer, Deputy Chief Executive Officer/Finance and Administration Manager and the Works and Services Manager are to have regard to the Local Government Act 1995 and Councils policies adopted from time to time.

Establishment Arrangements

The Deputy Chief Executive Officer/Finance and Administration Manager will be responsible for arranging the issue of the Corporate Business Card on request of the Chief Executive Officer.

Responsibilities Finance Section

The following will be the responsibility of Accounting Services:

a) Arrange the issue of the Corporate Business Card.
b) Act as liaison point for the Bendigo Bank.
c) Arrange for the Corporate Business Card Cardholder to be advised of their responsibilities and that guidelines are issued before issue of the card.
d) Ensure the original Cardholder Agreement is retained in a secure place and that a copy is provided to the Cardholder.
e) Provide written notice of any changes made to a Cardholder's billing limits and transaction limits. The original of the notice will be kept with the original Cardholder Agreement and copies provided to the Cardholder.

f) Arbitrate (if necessary) on any disputes occurring with the Bendigo Bank statement.
g) Reconcile the Cardholder's sale dockets against the billing statement.

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

a) Ensure invoices are processed as a matter of urgency and ensure payment of the relevant account by the due date by forwarding dockets, invoices to finance section.
b) Monitor adherence to the policies and procedures in relation to the card and ensure financial limits are adhered to.
c) When using the Corporate Business Card the Cardholder must ensure that the merchant records a full and proper description of the goods purchased on the sales docket (i.e. description likes "goods" are not acceptable). Similarly, where purchases of goods are not made over the counter (e.g. by telephone) Cardholders need to record purchase details on a substitute docket.
d) Allocate job numbers and appropriate costing details, relative to the expenditure and sign accordingly and return to the Accounts Payable Clerk for processing of account.

Return of Card
The Authorised Officer must return the Corporate Business Card to the Finance and Administration Manager/Deputy Chief Executive Officer immediately:

a) If the officer resigns or is instructed to relinquish the card,
b) Whereas the Finance and Administration Manager/Deputy Chief Executive Officer, will arrange for the destruction of the Corporate Business Card and closure of that account until a new person has been appointed.

Disagreements
If the Cardholder disagrees with any transaction on the billing statement the Cardholder must advise Finance Section. The Finance and Administration Manager/Deputy Chief Executive Officer is to be informed on any disputes.

Acknowledgements
a) Before the Cardholder receives the Corporate Business Card each is required to acknowledge in writing (Cardholder Agreement) that they will comply with the directions and usage of the Corporate Business Card.
b) Cardholders will collect the Corporate Business Card from Finance Section and will be required to sign when receiving the Corporate Business Card.
c) If the Cardholder loses a sales docket a substitute sales docket should be completed with the notation that it is a duplicate and that the original was lost. Purchases without appropriate documentation will need to be fully explained by the Officer by way of memo to the Finance and Administration Manager/Deputy Chief Executive Officer.
d) Before proceeding on any extended leave, Cardholders must ensure all sales dockets are forwarded to Finance Section for processing.
e) The Corporate Business Card is issued to the authorised officer and cannot be used by another officer.
f) The Cardholder must immediately report loss or theft of the Corporate Business Card to the Bendigo Bank and the Finance and Administration Manager.

Purchasing of Goods in Person
The Cardholder is to present the Corporate Business Card at the time of purchase and ensure that the following information is placed on the tax invoice:

a) A brief description of the goods, e.g. nails, PVC fittings, not various or goods.
b) Name of supplier/merchant is legibly quoted on the docket.
c) The exact value of the transaction.
d) Date of purchase of goods and/or service.
e) The Cardholder signs the docket at the time of purchase.

Goods and Services Tax (GST)
The GST will be payable on all items purchased where applicable.

Authorised Users
The credit limit for the Bendigo Bank Corporate Credit Card account is $20,000 and this comprises of Corporate Credit Cards for the following officers:

Chief Executive Officer, Deputy Chief Executive Officer/Finance and Administration Manager and the Works and Services Manager.

Entertainment Expenses – Fringe Benefits Tax Definitions – Australian Taxation Office

a) Entertainment expenses are expenses incurred in respect of food, drink or recreation.
b) Recreation includes amusement, sport or similar leisure time pursuits (tickets to sporting events).
c) Food or drinks, business lunches, cocktail parties, provision of alcohol, morning and afternoon teas provided without alcohol does not attract Fringe Benefits Tax (FBT).
d) Accommodation or travel expenses are also entertainment expenses if they are incurred in connection with food, drink or recreation expenses.

Tax-Exempt Body (Shire of Victoria Plains)
An employer is a “tax exempt body” if the employer’s income is either:

a) Wholly exempt from income tax (e.g. a local government body, or a club which earns income from members only).

Amended & Adopted 16/04/14

DIVISION 7 – LEGAL

7.1 Legal Advice

The Chief Executive Officer is authorised to obtain from Councils Solicitors, such legal advice and opinion as is deemed by the Chief Executive Officer to be necessary to enable to proper legal administration of Councils business.

7.2 Legal Proceedings and Prosecutions

1) No action shall be taken to institute legal proceedings or prosecution unless by specific resolution of Council or by specific delegation.

   NOTE: For the purpose of paragraph (1) the issue of a modified penalty under a local law or Regulation or where uniform guidelines are already in place shall not be deemed to be legal proceedings.

2) Where in the opinion of the relevant officer it will not be in the interest of the Council to include the names and personal details of persons who are subject to recommendation for prosecution such details may be omitted other than necessary to describe the place and nature of the offence.

7.3 Valuation of Property

The Chief Executive Officer is directed to obtain from the Valuer Generals Office or a sworn Valuer duly appointed by notice in the Government Gazette, the value of any land or property being the subject of a report or submission to Council involving negotiations for the purchase or sale thereof for Local Government Purposes. Provided always that costs are included in the budget provisions.

7.4 Legal Representation Costs Indemnification

1) *Introduction*

   This Policy is designed to protect the interests of Council members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the Local Government may assist the individual in meeting reasonable expenses and any liabilities in relation to those proceedings.

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

2) *General Principles*

   a) The Local Government may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the Local Government or otherwise in bad faith.

   b) The Local Government may provide such assistance in the following types of legal proceedings-

      i. proceedings brought by members and employees to enable them to carry out their Local Government functions, eg. where a member or employee seeks a restraining order against a person using threatening behaviour),

ii. proceedings brought against members or employees (this could be in relation to a decision of Council or an employee which aggrieved another person (e.g. refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (e.g. defending defamation actions), and
iii. statutory or other inquiries of members or employees is justified.

c) The Local Government will not support any defamation actions seeking the payment of damages for individual members or employees in regard to comments or criticisms leveled at their conduct in their respective roles. Members or employees are not precluded, however, from taking their own private action. Further, the Local Government may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.
d) The legal services being the subject of assistance under this policy will usually be provided by the Local Government's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors approved by the Local Government.

3) Applications for Financial Assistance

a) Subject to item (e), decisions as to financial assistance under this policy are to be made by the Council.
b) A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.
c) An application to the Council is to be accompanied by an assessment of the request and with a recommendation, which has been prepared by, or on behalf of, the Chief Executive Officer.
d) A member or employee requesting financial support for legal services, or any other person who might have a financial interest provisions of the Local Government Act 1995.
e) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the Chief Executive Officer may give an authorisation to the value of $5,000 provided that the power to make such an authorisation has been delegated to the Chief Executive Officer in writing under Section 5.42 of the Local Government Act.
f) Where it is the Chief Executive Officer who is seeking urgent financial support for legal services the Council shall deal with the application.

4) Repayment of Assistance

a) Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be offset against any moneys paid or payable by the Local Government.
b) Assistance will be withdrawn where the Council determines, upon legal advice that a person acted unreasonably, illegally, dishonestly, against the interests of the Local Government or otherwise in bad faith; or where information from the person is shown to have been false or misleading.
c) Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The Local Government may take action to recover any such moneys in a court of competent jurisdiction.

DIVISION 8 – STAFF

8.1 Staff Matters

8.1.1 Senior Staff

In accordance with Section 5.37 (1) of the Local Government Act Senior Employees shall be the Chief Executive Officer, Deputy Chief Executive Officer/Finance and Administration Manager, Manager of Works and Community Services Manager.

8.1.2 Appointment of Staff

The selection, appointment or dismissal of all staff shall be in accordance with the Local Government Act and be the responsibility of the Chief Executive Officer, with the exception of Senior Staff where the Chief Executive Officer is to inform the Council of each proposal to employ or dismiss a senior employee and the Council may accept or reject the Chief Executive Officer's recommendation in accordance with Section 5.37(2) of the Local Government Act. At least two Council members are to be included on the selection panel for all senior staff appointments.

Amended & Adopted 16/04/14

8.1.3 New Positions

No new staff positions or major restructure of existing positions shall be carried out or created without prior approval of Council.

8.1.4 Relocation Expenses

a) The Shire will, subject to the requirements of the relevant employee either:
   i. Reimburse relocation expenses of staff appointed on the following basis:
      - After twelve (12) months service 50% of the relocation costs.
      - After two (2) years of service the balance of relocation costs or:-

b) If the employee seeks to have the relocation costs paid up front by the Shire to avoid financial hardship then the employee shall agree in writing to:-
   i. If leaving the employment of the Shire prior to completion of twelve (12) months service – the full amount of the relocation costs.
   ii. If leaving the employment of the Shire prior to the completion of two (2) years service 50% of the total relocation costs.
   iii. If leaving the employment of the Shire after 2 years service no refund shall be applicable.

NOTE: The Shire of Victoria Plains reserves the right to make alternative arrangements for contracted employees.

8.1.5 Interview Expenses

The Shire will reimburse travel costs for applicants attending interviews subject to prior agreement with candidates and on the following basis:-

a) If the applicant is traveling by car, an amount equal to the kilometres from the current place of residence of the applicant to the place of interview and return at the rate applicable under the Local Government Officers (WA) Award to a maximum of $800.
b) If air travel is appropriate and available an amount equal to a single economy return class airfare from the current place of residence of the applicant to Perth.

c) If any other form of travel is appropriate the actual costs to and from the place of residence of the applicant to the place of interview.

8.1.6 Long Service Leave

a) The Chief Executive Officer may authorise the taking of long service leave by employees in not more than three consecutive periods subject to the leave being taken in full by a period of two (2) years from the due date of leave falling due.
b) Employees are required to take Long Service Leave within a period of not more than twelve (12) months from the due date unless formal approval is provided by the Shire to defer leave for a longer period.

As a general rule however leave is to be taken as soon as practicable after it falls due.

8.1.7 Annual Leave

Annual Leave is to be taken in the year in which it becomes due unless approval is granted by the Chief Executive Officer for deferral.

As a general rule, employees shall not be permitted to accrue more than six (6) weeks annual leave.

8.1.8 Rostered Days Off

Where employees are accruing Rostered Days Off they shall be taken on the due day or at a time suitable to the Supervising Officer and the Staff Member as soon as practicable after they fall due.

No employee is entitled to accrue more than five (5) rostered days off at any one time.

8.1.9 Conditions of Employment

A performance appraisal and review of conditions of employment shall be carried out in April of each year and any applicable changes to conditions shall apply from the 1st of July of that year for all staff except those employed under contract arrangements whereas the applicable date shall be determined by the contract arrangements. The review shall include amongst other things:-

a) Salary Levels
b) Over Award Payments
c) Housing Rental/Concessions
d) Private Use of Vehicles

8.1.10 Staff Training

a) The Shire will encourage staff members to pursue a recognized course of study relevant to their positions.

b) Where training has been recognized as required during the performance appraisal procedures and allocation has been made in the budget the arrangement for training will be at the discretion of the Chief Executive Officer. (Sec 8.1.21)

8.1.11 Superannuation

The Shire contribution to staff Superannuation shall be the Superannuation Guarantee plus an additional contribution to a maximum of 5%. This additional contribution is subject to the employee contributing a minimum of 5%. Variation to this policy shall be considered during review of the conditions of employment.

Amended & Adopted 16/04/14

8.1.12 Staff – Other Employment

Approval for staff to engage in remunerated positions outside of normal working hours is subject to there being no conflict of duties and approval by the Chief Executive Officer.

8.1.13 Uniforms/Protective Clothing

In order for the Shire of Victoria Plains to meet their duty of care responsibility to employees, a policy has been developed with the aim of:

a) Protecting employees from ultra-violet light damage.
b) Protecting employees from physical injury, such as cuts and abrasions.
c) As far as it is practicable, ensuring that the clothing makes people easy to see when working on or near roads, on and around buildings, parks, access-ways and mobile equipment.
d) Complying with the Occupational Safety and Health Act and Australian Standards.
e) Providing clothing which will be comfortable and acceptable to the majority of employees.
f) Promoting a team spirit and personal pride in the employees with respect to their appearance.

Wearing

Where uniforms are provided:

a) Uniforms are only to be worn whilst on Shire business, en-route to and from work or on other approved Shire business.
b) Whilst wearing Shire uniforms all staff are representing the Shire and are expected to behave in a manner befitting the Shire.
c) Employees must ensure that the Shire logo is visible when being worn and the uniform is presented in a neat and tidy manner.

Care and Replacement

Employees must ensure:

a) That items are kept in good condition. Cleaning and repair of dirty or damaged items is the responsibility of the employee.
b) If any item becomes damaged beyond repair due to fair wear and tear, it must be returned to the Shire for disposal, at which time a replacement item will be approved for purchase by the relevant manager.

Disposal of items after cessation of employment

When an employee who has been provided with a uniform ceases employment they must return all Shire supplied items. If the uniforms are not returned an invoice will be raised to the individual for the replacement value.

High Visibility Clothing

Because of the requirement for Shire workers to be easily seen by vehicle users and other machinery, workers must wear high visibility clothing of some description while working outside of the office environment (outside).

Compulsory Wearing of Shire issue Clothing

The wearing of Shire clothing / uniform is compulsory for all staff

a) Staff must wear the Shire supplied clothing and PPE at all times when undertaking paid work for the Shire of Victoria Plains.
b) Staff attending training or conferences may wear clothing suitable for that purpose.

Standard Issue for Outdoor Staff

a) 4 x Long Sleeve Hi-Vis shirts with collar made from UPF 50+ material including embroidered Shire logo and name badges;
b) 4 x Trousers made from UPF 50+ material;
c) A sun protective hat that shades the face, head, ears and neck and is made from UPF 50+ material and that is broad brimmed, bucket or legionnaire style;
d) Attachable brims and neck flaps when wearing a hard hat;
e) Sunglasses that are close fitting wrap around style and have an Eye Protection Factor (EPF) of 9 or 10 or meet Australian Standards.

Exceptions to the Standard Clothing and Equipment issued by the Shire

a) Some staff or staff positions may require the issue of clothing and/or Personal Protective Equipment that is considered non-standard issue. Changes to the schedule may only be made with the approval of the Chief Executive Officer;
b) Application for exception to the standard issue Personal Safety Equipment may be made on medical grounds and must be supported by a medical certificate. The Shire of Victoria Plains may ask for an updated medical certificate to be provided at appropriate time intervals.
c) Windcheaters and jackets will be provided every two (2) years or (4) years respectively.
d) All other necessary safety and protective gear is to be supplied as needed.

Conditions of Supply

That the initial uniform for new outside staff be:-

- 4 x long sleeve shirts
- 4 x trousers
- 1 x pair of boots
- 1 x jacket
- 2 x pair of safety glasses
- 1 x wide brim hat
- Sun screen and lip balm
- Wet weather gear, including wet boots
- 1 x 5L water cooler

Office Staff
Office Staff will be issued with their choice of uniforms from the Pacific Brands Corporate Wardrobe as follows:-

- On completion of a probationary period – subsidy to the value of $600 excluding GST per person
- Subsequent Issues - $400 excluding GST per year
- Permanent part-time staff shall be subsidized on a pro-rata basis applicable to the amount of hours worked
- Casual staff shall not be subsidised

Amended & Adopted 18/02/2015

8.1.14 Equal Opportunity Policy Statement

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

8.1.15 Sexual Harassment Policy

a) The Shire strongly supports the concept that every employee, Councillor and member of the public employed or engaged in business with the Shire, has a right to do so in an environment which is free from sexual harassment and the Shire is committed to providing such an environment.
b) The Shire considers sexual harassment to be an unacceptable form of behaviour, which will not be tolerated and recognises that sexual harassment is unlawful.
c) Sexual harassment is any conduct of a sexual nature and/or sexist nature (whether physical, verbal or non verbal) which is unwelcome and unsolicited and rejection of which may disadvantage a person in their employment or their life in general. The following examples may constitute sexual harassment when they are considered offensive to an employee Councillor or member of the general public.

i. Deliberate and unnecessary physical conduct such as patting, pinching, fondling, kissing, brushing against, touching;
ii. Subtle or explicit demands for sexual activities or molestation;
iii. Intrusive enquiries into a person's private life;
iv. Uninvited and unwelcome jokes that have a sexual and/or sexist undertone;
v. Unsolicited leers and gestures of a sexual nature and the display within the workplace of sexually offensive material.

d) The Shire recognises that sexual harassment can undermine health, performance and self esteem of individuals and has the potential to create a hostile and intimidating environment. The Shire is therefore committed to any action which ensures the absence of sexual harassment in the workplace including training of the workforce and specific training for officers identified to deal with complaints. Appropriate discipline will be taken against any individual found to be engaging in such conduct.
e) Any complaints of sexual harassment made against another person associated with the Shire will be viewed seriously, treated confidentially and thoroughly investigated by appropriately trained persons.
f) Any person making a claim of sexual harassment will be protected at all times. No transferring of staff or face to face meetings between the complainant and the person whose behaviour has been found to be unwelcome will occur without prior consent of both parties.
g) An employee whose health or work performance has been proven to be affected by sexual harassment will not have their employment status or conditions disadvantaged in any way.
h) A Complaint/Grievance Procedure contained within the Shires Induction Manual should be strictly adhered to.

8.1.16 Medical Examinations

All permanent employees are required to agree to a pre employment medical examination by a Medical Practitioner of their choice whose appointment will be paid for by the Shire of Victoria Plains. Results will be confidential to the immediate Supervisor and the Chief Executive Officer. A copy will be retained in the employee's personal file.

Amended & Adopted 16/04/14

8.1.17 Probationary Period

All positions within the Shires permanent workforce will be subject to a probationary period of three (3) months or any other period the Chief Executive Officer, or (Council in the employment of the Chief Executive Officer), deems appropriate.

8.1.18 Paid Leave for Voluntary Service

a) All staff who are bona fide members of volunteer emergency service groups, such as Fire Brigade, State Emergency Services, Ambulance etc who are required for emergency service to those groups during working hours shall be released and paid for time absent by the Shire up to the total of ordinary time usually worked during that day or the period of the emergency but will not include time in excess of ordinary working hours, weekend or public holidays.
b) For the purpose of this policy ordinary time shall be the time ordinarily worked on the days the employee may be absent including any standard overtime arrangements.

8.1.19 Smoking in the Workplace

The Shire of Victoria Plains workplace is a smoke free area and no employee is permitted to smoke in Shire buildings, vehicles or other plant.

8.1.20 Conference and Seminar Attendance

a) Requests for authority for senior staff to attend Conferences and Seminars outside of that classified as Staff Training shall wherever practicable be brought before Council for consideration.
b) Council shall, by resolution, authorise the attendance of staff as considered appropriate.
c) Contracted staff attendance at Conferences and Seminars will be as per their individual employment contracts.
d) Where authority is granted under this clause for the attendance of Senior Staff or staff contracts include authorisation for attendance under certain contracts conditions, all reasonable expenses relating to accommodation, nomination, meals and other reasonable expenses incurred will be met by the Shire subject to presentation of documented evidence for the expense.
e) Where it is considered appropriate for a staff member to be accompanied by another person when attending any function where attendance has been authorised by Council, the Shire will meet the expenses applicable to that person with approval of full Council.

Amended & Adopted 16/04/14

8.1.21 Staff Training – Costs applicable

Where staff request authority to attend staff training approval may be granted by the Chief Executive Officer having regard to the following:

a) The relevance of the training to the staff member,
b) The cost of the training,
c) Budget allocation for training provided,
d) Obligations of performance appraisals completed,
e) Any other relevant factors

Where training is approved, the Shire will pay all reasonable expenses relating to costs of the training, accommodation, travel, meals and other reasonable expenses incurred subject to presentation of documentary evidence of the expense.

Amended & Adopted 16/04/14

8.1.22 Staff Safety and Health Policy

The Shire of Victoria Plains regards the development and implementation of best practice Occupational Safety and Health systems as a common objective for the CEO, Managers, Supervisors, Team Leaders, Employees, Contractors and Volunteers.

The Policy of the Shire of Victoria Plains is to ensure that every employee works in an environment where every effort is made to prevent accidents, injury and disruption to employees' health from foreseeable work hazards.

The employer acknowledges a duty of care to:

a) Provide and maintaining a safe working environment.

b) Providing adequate training, instruction and supervision to enable employees to perform their work safely and effectively.
c) Investigating all actual and potentially injurious occurrences in order to identify and control the cause to reduce the level of risk in the workplace
d) Comply with AS/NZS 4801-2001 Occupational Health and Safety Management Systems audit requirements.
e) Compliance with current Occupational Safety and Health Act 1984, and Regulations 1996, relevant Australian Standards including AS/NZS ISO 31000:2009 Risk Management – Principles and Guidelines, relative Codes of Practice and Guidance Notes.

Employees have a duty of care to:

a) Working with care for their own safety and that of other employees, contractors, volunteers and public who may be affected by their acts or omissions.
b) Reporting hazards, accidents, incidents and near misses to their supervisor.
c) Co-operating positively in the fulfilment of the obligations placed on their employer.
d) Assisting in the reporting and investigation of any accidents with the objective of introducing and reviewing controls to prevent re-occurrence.

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

Amended & Adopted 18/06/2014

8.1.23 Gratuities and Redundancy Payments

Gratuities

A gratuity may be paid to an employee at the sole discretion of the Shire upon the employee's retirement or the employees beneficiaries following the employee's death.

The gratuity may be paid in accordance with the following conditions:

a) After a minimum of ten years service.
b) An amount maximum equivalent to one months salary at the level of salary applicable to the employee at the date of retirement for each year of service.
c) The Shire may, in special circumstances at their discretion, determine that benefits additional to those prescribed in this Policy may be paid however details of those additional benefits and/or payments shall be published in accordance with Section 5.50 (2) of the Local Government Act 1995.

Redundancies

a) In respect to redundancies resulting from internal restructuring, external restructuring e.g. amalgamations, boundary changes etc:
   i. Negotiations and Payments shall be in accordance with the Redundancy Payments, Severance Payments, introduction of change or any other provisions of the relevant award or if Schedule 2.1 Clause 11 (4) of the Local Government Act applies in accordance with that Section.

b) In recognition of the provisions of the above schedule no payment or benefit made to an employee under any provision shall exceed the equivalent of 2 years salary at the time of completion of negotiations.

Gifts

a) The Shire may present a gift to an employee whose service with the Shire is finalising.
b) The value of the gift shall not exceed $1,500.
c) Council may determine that a gift of greater value is to be made, however in those circumstances the Council shall publish the intent in accordance with Section 5.50 (2) of the Local Government Act 1995;
d) A gift can include a gift of money, a gift which is non-monetary but of value, a gift in kind, the payment of an inadequate financial consideration or the receipt of a discount, financial or other contribution to travel, the provision of a service for no consideration or a firm promise or agreement to give a gift at some future time.

General

a) No severance or redundancy payments shall be less than payments or benefits provided for in accordance with:

    i. Any Federal or State Award or industrial agreement application to the employee.
    ii. Any applicable provisions with the employee contract or employment.
    iii. Any applicable award or order made by a Federal or State industrial tribunal arising from the circumstances of that employee being specifically brought before that tribunal, subject to any right of appeal.
    iv. Where the Council so agrees, any recommendation made by Federal or State Industrial Commissions arising from the circumstances of that employee being specifically brought before that Commission.

8.1.24 Fitness for Work

The use of drugs or alcohol can have adverse effects upon the workplace, the safety of others, the integrity of the Shire, the well being of employees and their families and the ability of the Shires duty of care to provide a safe workplace.

The Shire is responsible for the safety of ALL employees in the workplace, therefore it is expected that employees will be free of the effects of illicit drugs and alcohol while undertaking the duties of their positions. It is expected that employees will present themselves for work in a fit state so that assigned duties and work activities can be performed, without impairment caused by the use of or after effects of alcohol, illicit drugs, non-prescriptive or prescriptive medication or any other substance.

Any employees use of illicit drugs, unlawful manufacture, purchase, offers to purchase or sell, transfer, distribute, consume or be in possession of illicit drugs in the workplace is strictly prohibited by the Shire.

The Shire reserves the right to conduct searches for drugs including but not limiting searches of desks, vehicles, packages which are on Shire property or a Shire facility. Any drugs found as a result of such a search will be confiscated and the occupant or user of the object found will be subject to disciplinary action up to and including termination and will be reported to the Police.

The Shire also reserves the right to (testing).

The OHS Act 1984 Section 19 states:

Employers are to ensure the health, safety and welfare at work of their employees and visitors.

The OHS Act 1984 Section 20 also imposes the following obligation on employees:

Employees are to take reasonable care of the health and safety of others and to cooperate with employers to comply with occupational health and safety requirements.

Objective
To provide a work environment in which the safety and optimum performance of staff is not adversely affected by the use of alcohol or other drugs.

To assist any employee to overcome any form of abuse of either drugs or alcohol.

Interpretation
Employee - for the purposes of this policy where the word employee is used it shall be taken to mean but not be limited to the following:

a) Staff directly employed by the Shire.
b) Contractors / sub-contractors and any of their employees whilst engaged on work with the Shire.
c) Shire consultants or their employees whilst on Shire work.
d) Agents whilst acting on behalf of the Shire.

Intent of Policy
To prescribe a set of conditions of employment that if complied with will ensure that no employee or other person is put at risk by an employee acting under the influence of alcohol or other drugs whether prescribed or not.

Ensure that people who are dependent upon alcohol or other drugs, whether prescribed or not, are not discriminated against for having to take prescribed medication or for seeking assistance to overcome a dependency, and that any advice, requests for assistance or subsequent support be provided with confidentiality maintained.

To support the Shire of Victoria Plains responsibility for and commitment towards ensuring a safe and healthy workplace by outlining expectations and requirements for creating and maintaining such an environment.

Confidentiality
Confidentiality is fundamental in any discussion with an employee in relation to health matters and the use or misuse of alcohol and drugs. In order to protect the privacy of individuals the practices to be followed are listed below:

a) Conversations relating to work performance, conduct or the use or misuse of alcohol or other drugs must be conducted in private.

b) All information regarding an employee's health status, counselling or treatment must be treated as confidential.
c) Employees may wish their manager to liaise with their counsellor or physician. In this case, employees must give their permission in writing for information to be disclosed. The only information that may be disclosed in such circumstances is work-related, in order to support effective management of work performance or conduct and the reintegration of the employee into the workplace.

References

a) Occupational Health and Safety Act 1984
b) Occupational Health and Safety Regulations 1996
c) AS 4308 – 2001 – Procedures for the collection, detection and quantitation of drug abuse in urine
d) Poisons Act 1964
e) WorkSafe Guidance notes

Work Sponsored Functions – Alcohol Consumption

There may be occasions where alcohol may be included as part of an approved work function or other recognised work event whether on Shire premises or not. It is expected that whilst attending such functions, employees will continue to behave in a sensible and responsible manner with due care for their own and other people's safety and well being. Failure to behave in a sensible and responsible manner with due care, or failure to follow any directions from management with regard to consumption of alcohol may result in disciplinary action.

Employees if consuming alcohol at such a function are expected to comply with the legal drink/driving limitations or make alternate arrangements to travel home.

At such functions the Shire will ensure that:

a) adequate food, low and non-alcoholic drinks are available
b) time limits will be set for the function
c) a 'responsible person' (not drinking alcohol) will be appointed for each function

Roles and Responsibilities

It is the responsibility of Managers and Supervisors to identify any concerns with an individual's immediate ability to perform their job and to take appropriate steps as required. It is the Managers and Supervisors responsibility to modify the employee's duties or define alternate duties when advised of prescriptive medication which may cause impairment to activities undertaken in the employee's current job.

It is the employee's responsibility to advise their Manager or Supervisor if they are taking any prescribed drug or medication which may affect their ability to perform their work. The employees should consult with their physician or pharmacist to determine if the medication may cause impairment to the performance of the activities undertaken in their job.

Employees are not to present themselves for work if they have consumed alcohol or other drugs (other than prescribed medication) which will affect their ability to work safely.

Assistance and Rehabilitation
The Shire recognises that substance dependency can exist and be successfully treated therefore the Shire also encourages employees to assume ownership of gaining control of such dependencies.

Employees who voluntarily request assistance will be treated with respect and confidentiality. Full participation in appropriate treatment programs is expected. (Rehabilitation or employee assistance programs for drug and alcohol issues are used because of concerns about job safety and not to identify symptoms of alcoholism or drug abuse.)

For its part in meeting the objectives of this policy, the Shire will provide appropriate education, information, counselling and instruction necessary to have employees understand the risks associated with the use and abuse of alcohol and other drugs at work. The Shire will also facilitate rehabilitation programs where appropriate.

Identifying the Impairment
In determining 'reasonable cause' for suspecting if an employee is intoxicated or if their ability to work is impaired by reason of intoxication, the following criteria (observed behaviours) can be used:

a) Smell of alcohol or drugs on breath
b) Glassy eyes
c) Slurred speech
d) Face abnormally flushed
e) Unusually loud or argumentative
f) Unsteady gate or unusual body movements
g) Deterioration of job performance
h) Discarded drug evidence in workplace or plant

If an employee arrives at the workplace and there is reasonable cause to suspect that the employee may be under the influence of alcohol or drugs, the Supervisor or Manager must be advised immediately and the Supervisor/Manager is to immediately remove the person from the work environment pending further investigation.

Approaching an Employee
The following procedure will apply if an employee is suspected by their Supervisor or Manager of being under the influence of alcohol or drugs at any stage of the work day (including on commencement or after any break) or is displaying behaviours which indicate they have an impairment to perform their duties safely.

1. Fitness for Work
The Shire of Victoria Plains recognises there are many factors that have the potential to affect a person's ability to concentrate or function appropriately whilst at work. This risk could adversely affect the safety and health of the direct employee, other employees or members of the public. This procedure outlines guidelines and expectations of the Shire of Victoria Plains to control the incidence of risk of injury or accident as a result of an employee being unfit for work. Employees found to be under the influence of/or suffering from the adverse effects of drugs, alcohol or any other substance whilst at work will be disciplined appropriately. Serious offences will result in instant dismissal. Third offences will also result in instant dismissal.

1.1 Alcohol

Being under the influence of alcohol will not be permitted whilst working on the premises or property of the Shire of Victoria Plains.

Employees will be given the opportunity to self test for alcohol prior to commencement of work to determine their fitness for work.

If an employee refuses a breath or blood alcohol test then instant dismissal may follow.

If the employee is over the legal limit to drive, alternative transport will be required.

Employees who commence work whilst under the influence of alcohol including, working under the adverse effects of alcohol, will be stood down from their duties and taken for an alcohol test. If an alcohol level is deemed to be 0.05 and over, employees will be sent home without pay for the remainder of the day. As the employee will be over the legal limit to drive, alternative transport will be required.

If the blood alcohol level is under 0.05, employees will be prohibited to operate Shire machinery, plant or equipment until an alcohol content of 0 is reached. Sedentary duties will be offered until then.

All persons in charge of Shire vehicles may be breathalysed prior to operating a vehicle to assure compliance with the provisions of the Road Traffic Act 1974.

The unauthorised possession or consumption of alcohol at the workplace will result in disciplinary action in accordance with section 5 of this policy.

2. Drugs and Prescription Medication

2.1. Illicit Drugs and Other Substances

Illicit drugs and other substances are strictly prohibited by the Shire of Victoria Plains. Being under the influence of, suffering adverse effects of, in possession of, or found to be cultivating, selling or supplying drugs or other substances whilst on the Shire of Victoria Plains property or premise will result in disciplinary action and possibly instant dismissal.

If suspected of the above, an employee must undergo a drug screen paid by the Shire of Victoria Plains.

Refusal to undertake a drug screen may result in instant dismissal.

If the drug screen proves positive results on the first offence, the employee will receive a written warning.

If an employee is found to give a positive result on the second offence, they will receive a second written warning. On the second offence, the employee must agree to be submitted for consequent drug testing every fortnight or at random for a two month period. The employee will be instantly dismissed if a subsequent test is undertaken with a positive result.

Any third offence will also result in instant dismissal.

2.2 Prescription and Other Medication

It is an employee's responsibility to inform their supervisor of any medication that they are taking that may affect their ability to perform. It is also a requirement of employees to advise their supervisor of any adverse effects that may occur whilst taking such medication, including the amount of times at which the medication is taken per day. This information is to be recorded on their personnel file for reference in the event of an emergency. It is also necessary for the employer to record any known allergic reactions to any medication an employee may have (i.e. penicillin.)

Any prescription and other medication must be used in accordance with medical advice. Any non-prescription or other medication must be used in accordance with the manufacturers' recommendations.

Failure to follow these requirements will result in disciplinary action, or instant dismissal.

All information provided by the employee will be dealt with in a strictly confidential but sensitive manner in order to achieve a suitable outcome for both parties.

3. Fatigue

Fatigue can be the result of many different situations. Due to this, this procedure will directly reflect the implications of fatigue through the following external triggers (but are not limited to):

a) Lack of sleep
b) Voluntary Work
c) External work commitments
d) Medical Issues

In the interest of safety and health it is important that employees remain alert and function at full capacity whilst at work. When affected by fatigue, actions may be impaired through lack of concentration and poor judgement, therefore increasing the potential to cause injury or harm to themselves, personnel or members of the public.

It is the Shire of Victoria Plains policy to provide a safe place of work for its employees. It is an employee's responsibility to report to their supervisors any other work commitments or voluntary commitments outside of their employment with the Shire of Victoria Plains. Depending on the circumstances, the Shire of Victoria Plains may agree to come to a compromise with the employee to ensure there is equilibrium between regular hours worked at the Shire, sleep / rest and additional hours worked elsewhere (including paid and voluntary work). If this agreement is reneged by the employee, disciplinary action will result.

If deprivation of sleep is the cause of fatigue due to other external circumstances, a drug and alcohol screen will be required. If positive, disciplinary action will result.

In circumstances where the employee is unfit to remain at work as to the judgement of their employer, the employee will be stood down from work without pay for the remainder of the day.

4. Employee Assistance Programme (EAP)

The Shire of Victoria Plains understands employees may be experiencing difficulties external to work that may influence their behaviour and health whilst at work. To assist with the recovery of the employee, the Shire of Victoria Plains has in place a confidential employee assistance program. For the purpose of this procedure, this program may be offered to first offence employees otherwise this program will be offered on the second affirmed screening. The Shire of Victoria Plains will offer a total of 3 counselling sessions, if further sessions are required; approval is to be deemed by the CEO.

If an EAP is offered as a result of a first offence and the employee declines the offer, they risk the consequence of instant dismissal on second offence.

Employees who have not failed to meet the guidelines of this procedure and feel an EAP would benefit them due to personal circumstances may utilise these services on ratification of the CEO. Such employees do not contravene the guidelines of this procedure if they volunteer for the EAP service.

5. Disciplinary Action

The Shire of Victoria Plains understands If this policy or procedure is in anyway contravened by an employee the following will result.

5.1 General Guidelines

Any employee who tests positive to an alcohol breath screen or urine screen will be stood down from their work and will not be permitted to resume work until such time as they have proven they are fit for work through subsequent testing. Any person who is found to be significantly fatigued will also be stood down from work without pay until such time as they have proven they are fit for work.

5.2 First Offence

a) The employee will be immediately suspended from duty without pay if found unfit to work.
b) The employee will not be permitted to return to work until they have been tested again and proved negative for all prescribed substances.
c) The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
d) The employee will be counselled by their supervisor that will focus on:
    i. The unacceptability of the employee's behaviour.
    ii. The risk that such behaviour creates for the safety of the individual and other employees or members of the public.
    iii. The employee's responsibility to demonstrate that the problem is being effectively addressed.
    iv. That any future breach of the policy will result in second offence or instant dismissal.
e) The employee will be formally offered the opportunity to contact a professional counsellor. The decision to undertake counselling or other treatment for alcohol or other drug or substance problem is the responsibility of the employee and can not be made mandatory. However, refusal to accept counselling will result in instant dismissal on second offence. The Shire of Victoria Plains will insist that the employee provide satisfactory evidence that the effect of work performance and / or safety has been addressed before they are permitted to return to work.

5.3 Second Offence

a) The employee will be immediately suspended from duty without pay if found unfit for work.
b) The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
c) The employee will not be permitted to return to work until they have been tested again and proved negative for all prescribed substances.
d) The employee will be counselled by their supervisor that will focus on:
   i. The unacceptability of the employee's behaviour.
   ii. The risk that such behaviour creates for the safety of the individual and other employees or members of the public.
   iii. The employee's responsibility to demonstrate that the problem is being effectively addressed.
   iv. That any future breach of the policy will result in second offence or instant dismissal.
e) Counselling will be offered if counselling was not used in the first offence.
f) The employee will be instantly dismissed without notice if found to decline the offer to an EAP on second offence.
g) The employee will be submitted fortnightly for alcohol and / or drug screening for the period of two months paid by the Shire of Victoria Plains. If tests confirm positive, instant dismissal will follow. If the employee refuses to comply, instant dismissal will follow.

5.4 Third Offence

a) The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
b) The employee will be immediately dismissed from duty without notice.

5.5 Instant Dismissal

The following are guidelines to circumstances that will result in dismissal without notice:

a) Any attempt to falsify the drug and alcohol screen.
b) Cultivating, selling or supplying drugs and / or other substances.
c) Unauthorised consumption of illicit drugs or alcohol whilst on the work site or during the working period.
d) Unlawful behaviour.

Amended & Adopted 16/04/14

8.2 Staff Housing

8.2.1 Standards

Shire Housing should be upgraded or built to meet the following minimum specifications:

- All windows to be aluminium fitted with a dead lock system.
- A patio area of approximately 30m2 is to be provided at the rear of the premises with fluorescent lighting installed.
- Fences to be 1.8m high at the rear. Wing fences and gates to be provided to fence the front of the property from the rear.
- Double garage or carport to be provided.
- Ceiling fans plus facility for installation of remote air conditioning or wall mounted evaporative air conditioner to be provided with 15 amp power available.
- Television aerial to be provided.
- Minimum Holland blinds to be provided to all windows. Vertical blinds over sliding double doors. Curtain rods to be provided to facilitate installation of curtains by tenants.
- Carpets to be provided in living room and bedrooms. Vinyl to be provided to kitchen/dining rooms.
- Security screen doors to be provided to external access doors.

8.2.2 Conditions of Tenancy - Staff Housing – Availability

Staff Housing will be provided for those staff employed under contract of service that includes housing as part of the package i.e. Chief Executive Officer, Finance and Administration Manager/Deputy Chief Executive Officer and Works Manager. In respect to other staff every effort will be made to provide housing when required subject to availability and budget constraints.

8.2.3 Staff Housing – Tenancy

Where staff have been allocated housing for rental the Tenancy will be on the following basis and in accordance with the amended Residential tenancies Act..

Tenancy details including rental, provision of utilities and other details will be negotiated individually with the tenant and be the subject of a signed tenancy agreement clearly outlining the relevant responsibilities of the “tenant” and the “owner”.

Shire will provide the following items for all Shire owned housing:

- Floor coverings and window treatments.
- Cleaning of carpets prior to occupancy.
- Water subsidy to a maximum of the full 400 kilolitres each year subject to individual negotiation.
- Double garage or Carport.
- Reticulation system for lawned areas.

Where a new house is provided for tenancy by an employee, the Shire will accept responsibility for basic landscaping of garden areas including lawn and easy care garden areas at Shire expense if required by the Tenant. If the Tenant chooses to accept responsibility for establishing a suitable landscaping program, the Shire of Victoria Plains will accept payment for establishment of lawn and long term planting of shrubs or trees but not labour costs.

Amended & Adopted 16/04/14

8.2.4 Electricity Accounts

All electricity connections for Shire Housing shall be maintained in the name of the Shire to allow for continuation of service. Where applicable funds from Tenants will be by payroll deduction and authorised by the tenant at the time of occupancy.

8.2.5 Maintenance of Staff Housing

The opportunity will be given for staff occupying Shire housing to provide a list of needs associated with housing during March of each year with the Shires Building Maintenance Officer. During March / April an inspection of Shire buildings including housing will be completed and a schedule of works including estimated costs will be provided for budget consideration.

A contingency amount for maintenance of $1,000 per house will be allowed in the budget for items of an urgent nature, which may arise eg. replacement of water heating, during a budget period.

8.2.6 Housing Bonds and Tenancy Agreements

All staff occupying Shire housing shall be required to provide a bond equal to four weeks rental or if no rental is charged an amount equal to four weeks rent calculated at $150 per week, i.e. $600. In the event of payment of the bond creating financial hardship for the Tenant, arrangements may be made for payroll deduction over a period of time.

All Staff occupying Shire housing shall complete a signed Tenancy Agreement outlining clearly the arrangements of the tenancy and the obligations of the Tenant and the Owner.

8.2.7 Rental Charges

Charges for rental for Shire properties will be negotiated individually for tenants with a normal rental being valued at the area's current market value per week for all housing when valued for salary packaging.

8.3 Shire Motor Vehicles

8.3.1 Staff Private Usage of Shire Motor Vehicles

8.3.1.1 Statement of Intent

A policy to outline the conditions under which a vehicle is used by employees of the shire and the obligations of employees who have been provided with a vehicle, other than contracted senior employees whose private use of shire vehicles is identified in their individual contract of employment.

8.3.1.2 Responsibility for Expenses

If the Shire provides an employee with a motor vehicle, the employee is entitled to use it for work related purposes. Personal use (that is, non work-related use) of the vehicle is not permitted, with the exception that direct travel between the employee's home and the employee's place of work is permitted. The Shire will pay all taxes, insurance premiums, running costs, maintenance and repair expenses associated with the running of the vehicle.

Unless negotiated at the time of employment personal use outside of direct travel to and from the place of work is not permitted without the prior permission of the CEO and must be paid for at the rate of $0.50 per kilometre or any other amount as may be determined from time to time to recover all operating costs of the vehicle excluding depreciation.

8.3.1.3 Ownership of Vehicle

At all times, the vehicle remains the property of the Shire.

8.3.1.4 Maintaining Vehicles

An employee who is provided with a vehicle must:

a) Take good care of the vehicle.
b) Ensure that it is properly and responsibly maintained and serviced particularly in accordance with warranty requirements.
c) Ensure that the provisions of any insurance policy relating to the vehicle are observed.
d) Not allow the vehicle to be driven by anyone other than the employee. Written permission must be obtained from the CEO for any other person to use the vehicle.
e) Not fit any accessories to the vehicle without prior written approval from the CEO.
f) Pay all parking and traffic infringement penalties relating to use of the vehicle.
g) Ensure that the vehicle is securely locked when left unattended and that any alarm system fitted to the vehicle is turned on.
h) Ensure that the vehicle is available for use by other employees when required.
i) Drive and use the vehicle only for the purpose for which it is intended;
j) Ensure that the vehicle is properly garaged when not in use.
k) Immediately report any accidents involving the vehicle to their immediate supervisor and when required by law, to the police.
l) Immediately inform their immediate supervisor of any damage to the vehicle.
m) Keep the vehicle clean and in good order.

8.3.1.5 Use of the Vehicle While on Leave

While on authorised leave, the vehicle must not be used by the employee. If directed to do so by the shire, the employee must return the vehicle to the Shires premises prior to the commencement of the leave.

8.3.1.6 Safety

The employee's obligations with respect to safely using Shires vehicle are:

a) To ensure that the first aid kit provided with the vehicle is kept fully stocked and that items in that kit which have a 'use by' date are replaced after that date.
b) To not drive the vehicle if the employee is taking any medication that may adversely affect the employee's ability to drive or where the employee is intoxicated through alcohol consumption or illegal drug use.
c) To obey all relevant road rules. If an employee is involved in any accident as a result of medications use, intoxication, unlawful drug taking, negligence or recklessness, the employee will be responsible for paying any excess on the insurance and any other amount not covered by the insurance.

8.3.1.7 Licence

Employees must maintain a current drivers' licence. An employee must notify their supervisor immediately if their licence is suspended or cancelled. If it is a requirement of an employee's employment to drive a motor vehicle, the suspension or cancellation of the employee's licence will end the employment.

8.3.1.8 Return and Inspection of Vehicle

Employees must return the vehicle when the employment is terminated, or at any other time as the Shire may direct. The Shire considers the provision of a motor vehicle as a significant privilege. Accordingly, the Shire reserves the right to withdraw use of the motor vehicle for any employee who is in breach of this Policy. Such breach may also result in other disciplinary action, including, but not limited to, termination of employment. Additionally, the Shire may inspect the motor vehicle at any time and install a GPS tracking device in the vehicle at any time without notice.

8.3.1.9 Breach of Policy

A breach of this policy may lead to disciplinary action including, but not limited to, termination of employment.

Amended & Adopted 19/11/14

8.4 Calingiri Community Gym

8.4.1 Use of Calingiri Community Gym by Staff and Elected Members

That all staff and elected members of the Shire of Victoria Plains are offered free non-transferable membership to the Community Gym in Calingiri and that their spouses and other family members are eligible for family membership at the discounted rate as if the staff or elected member was a fully paid up gym member.

Adopted 15/05/2012

DIVISION 9 – MEMBERS

9.1 Councillors Expenses

9.1.1 Members Meeting Expenses

Councillors shall be paid for travel, meeting expenses and communications (telephone, fax and internet) at a rate set by Council annually.

Payments will be made on a quarterly basis for all allowances. Motor vehicle allowance claims are to be submitted at least quarterly and any claim not submitted within twelve months of the expense being incurred will be forfeited.

Amended & Adopted 16/04/14

9.1.2 Members Travel Costs

9.1.2.1 Travel Costs

The Shire of Victoria Plains will provide reimbursement to Councillors for travel costs incurred to and from their home for the following purposes only:

a) To any Council or Committee Meeting regardless of whether or not they are a member.
b) To any community meeting as an authorised delegate.
c) To a meeting of an organisation to which they have been appointed as Councils delegate.

The cost of travel to any conference or other function that they have been authorised by Council to attend.

Recoups for reimbursements are processed quarterly on the form provided and Councillors will be required to complete a travel form monthly to receive refunds. Forms will be audited by officers for confirmation and compliance with Councils policy.

Claims for elected member expenses not made within 12 months of being incurred will be forfeited.

Amended & Adopted 16/04/14

9.1.2.2 Private Motor Vehicle

Where a motor vehicle is used, reimbursement of travelling expense is calculated on a rate per kilometre payable at the rate applicable to employees in accordance with the Local Government Interim (Western Australia) Award 2011.

9.1.2.3 Taxi Costs

Where a taxi is used, the reimbursement is made in full.

9.1.3 Councillor Training

That all Councillors complete the 3 units of WALGA elected member training (being Understanding Local Government, Serving on Council and Decision Making at Board Level) within 12 months of the date of this policy implementation or within 12 months of being elected. All costs are to be met from the Shire budget.

Amended & Adopted 16/04/14

9.1.4 Conference, Seminar and Training Course Attendance

a) Invitations to invite Councillors to nominate delegates to conferences, meetings and similar type occasions shall wherever practicable be brought before Council for consideration.
b) Any Councillor who wishes to represent Council at such an event shall request nomination at that meeting.
c) Council shall decide by resolution to nominate such representatives as Council may consider appropriate.
d) Where authorisation to attend has been granted by Council all reasonable expenses relating to accommodation, nomination, meals and other reasonable expenses incurred will be met by Council subject to presentation of documented evidence of expense.
e) Where it is considered appropriate for a councillor to be accompanied by another person when attending any function where attendance has been authorised by Council, Council will meet the expenses applicable to that person with approval of full Council.

9.2 Meetings of Council

9.2.1 Questions - Notice

To allow staff to adequately research queries, Councillors should give twenty four hours clear notice of questions which require research and to which they require answers at a particular meeting.

9.2.2 Motions to be written

Wherever possible motions are to be typed and projected on to the screen in the Council Chambers and agreed to by the mover and seconder prior to being put or if they cannot be projected onto the screen motions should be written and signed by the mover and seconder. Councillors are responsible to ensure that any motion prior to being put reflects accurately what is required.

Amended & Adopted 16/04/14

9.2.3 Council Meetings

Councillors shall have regard to “Standing Orders” applicable to Council meetings and the adopted “Code of Conduct” and the Rules of Conduct Regulations 2007 in their behaviour at Council meetings.

9.3 Members - Other

9.3.1 Title of Councillor or President

No Councillor is to use their title to in any way imply Councils support, approval, opposition or any other opinion or point of view.

9.3.2 Councillors Induction Material

All Councillors are to be issued with a Councillors Handbook and other information relevant to the position at induction. On retirement all information received is to be returned to the Chief Executive Officer.

9.3.3 Council Representatives

a) All Council representatives wherever possible shall be serving members of Council.

b) Upon ceasing to be a member of Council the representative shall immediately cease to be a member of the relevant committee unless specifically requested to continue as a Council representative.
c) Council representatives representing Council on committees shall at all times represent Council positions, not their personal position on an issue.

9.3.4 Council Chamber

The Council Chambers shall not be used as a venue for meetings for other groups unless approved by the President as exempt from this provision or unless specifically authorised by the President. In the absence of suitable meeting venues for staff meetings, or public meetings with staff, staff are entitled to use the Council Chambers with approval of the Chief Executive Officer.

9.3.5 Executive Function Tests

When any new service or facility is proposed, the Chief Executive Officer or Senior Staff members proposing the service or facility is required to submit sufficient information to enable Council to make an informed decision in exercising its discretion under Section 3.18(3) of the Local Government Act. Where a proposal may be challenged under one or more of the provisions of that section, the Chief Executive Officer shall be authorised to seek submissions from the community.

9.3.6 Instrument of Delegation

a) When powers and duties are delegated by the Council to a committee in accordance with the requirements of the Local Government Act an instrument of delegation be executed by the President and Chief Executive Officer.
b) When powers and duties are delegated by the Council to the Chief Executive Officer the instrument of delegation shall be signed by the President and the Deputy President.

9.3.7 Local Laws

The Council shall make, publicise and review its Local laws according to the guidelines below.

a) That Local Law making powers be used sparingly and after applying the following tests:
   i. Can Council achieve the objectives without making a law
   ii. Has Council the will and resources to enforce the law
   iii. Will practical benefits result from the law

b) That Local Laws be worded as simply as possible.

c) That where Local laws are site specific e.g. laws relating to a town hall, a copy of the laws be posted at the site concerned or an abbreviated version of same stating:
   i. Offences and penalties
   ii. That a full copy of the law can be inspected at the Shire Office

d) That where regulation or licensing of an activity, premise or animal is required the opportunity be taken to issue a leaflet advising of the Local Law.

e) That the President consider making the exercise of legislative powers by the Local Government a component of the President's annual report as a means of identifying distinct problems and steps Council has taken to combat them.

9.3.8 Local Elected Government Elected Members Recordkeeping Policy

The purpose of this policy is to:

1. Ensure that Councillors create and keep proper and adequate records of the activities and decisions made during the course of their official duties for Council;
2. To ensure good governance; and
3. Ensure that the Shire of Victoria Plains complies with the State Records Act 2000 and associated State Records Commission Policies.

Scope of this policy
This policy has been developed to assist Councillors in meeting their recordkeeping responsibilities in accordance with the State Records Act 2000, and associated State Records Commission Policies.
Shire of Victoria Plains employees should refer to the Record Keeping Plan for guidance.

Definitions
In this policy, unless the contrary otherwise requires – "Government record" means a record created or received by –

a. A government organisation; or
b. A government organisation employee in the course of the employee's work for the organisation,

But does not include an exempt record - "Parliamentary record" means a record created or received by –
a. A parliamentary department; or
b. A person in the course of the person's work for the department, whether the person is employed under a contract of service or is engaged under a contract for services or otherwise;

"Record" means any record of information however recorded and includes:

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

"State record" means –

a. A parliamentary record; or
b. A government record.

Which records should be captured?

Examples of records that should be captured include (but are not limited to):

a. communications from ratepayers;
b. complaints and compliments;
c. correspondence concerning corporate matters;
d. submissions, petitions and lobbying;
e. information for Council's interest relating to local government business activity and functions;
f. telephone, meetings and other verbal conversations between an elected member and another party regarding local government projects or business activities;
g. work diaries containing information that may be significant to the conduct of the elected member on behalf of the local government;
h. Presentations and speeches delivered as part of an elected member's official duties.
i. Records which are created, sent or received by Councillors when they are not discharging the functions of Council are not considered to be State records for the purposes of the State Records Act 2000.

Examples of records that do not need to be captured include (but are not limited to):

a. duplicate copies of Council meeting agenda items, minutes and working papers;
b. draft documents or working papers which are already captured by the local government;
c. publications such as newsletters, circulars and journals;
d. invitations to community events where an elected member is not representing Council or the local government;
e. telephone, meetings and other verbal conversations which convey routine information only or do not relate to local government business or functions;
f. electioneering or party political information;
g. Personal records not related to an elected member's official duties.

Legislative context
Public offices are bound by the State Records Act 2000 ("the Act"), which establishes rules for recordkeeping in Western Australian Government. Councils are identified as public offices under the Act [Schedule 1, (12)].

When discharging the functions of Council, Councillors are subjected to the State Records Act 2000 when they create or receive State records.

The State Records Commission Policy relating to Councillor Records is:
"In relation to the recordkeeping requirements of local government, elected members' records must be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision making processes of Council and Committees of Council.

This requirement should be met through the creation and retention of records of meetings of Council and Committees of Council of local government and other communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business.

Local governments must ensure that appropriate practices are established to facilitate the ease of capture and management of elected members' records up to and including the decision making processes of Council."

Application of this policy
All Councillors are required to comply with this policy in their conduct of official business for Council. Official business includes business relevant to the performance of the function and duties of the office of Councillor. This policy applies to records in all formats, including electronic records.

Creation and capture of records
Councillors should create and capture proper and accurate records of any significant business undertaken in the course of their official duties for Council. Significant business includes (but is not limited to):

a. providing advice, instructions or recommendations;
b. drafts of documents for Council containing significant annotations or submitted for comment or approval by others; and
c. correspondence received and/or sent relating to their work undertaken for Council.

The Shire of Victoria Plains is responsible for:

a. creating and capturing records of Council and Committee meetings; and
b. capturing any State records it sends to or receives from Councillors regarding Council business.

Capture of records into the records system

Email
Where Councillors send or receive emails, and the emails are considered to be State records, Councillors are required to forward electronic copies to the Shire of Victoria Plains Executive Assistant at: ea@victoriaplains.wa.gov.au

The subject of the email should say "Elected Members' State record".

Faxes and hard copy records
All incoming mail for Councillors received by the Shire administration with no privacy markings will be opened by records staff. Mail considered to be a State record will be recorded into the Shire's recordkeeping system before being forwarded to the Councillor.

Mail with privacy markings will be forwarded to the Councillor unopened. It is the Councillor's responsibility to return any mail that is considered to be a State Record and requires registration in the Shire of Victoria Plains recordkeeping system.

Where a Councillor receives a letter or fax at their personal address, and the document is a State record, the Councillor is to provide the original or an annotated copy to the Shire of Victoria Plains Administration within ten working days. If the original document is supplied, the Shire Administration will copy the document for the Councillor. If a Councillor retains copies of any records once the originals have been forwarded for registration, these should be retained only whilst needed for current Council business. The routine destruction of duplicate records is permitted under the General Disposal Authority for Local Government.

Notes created by Councillors, which relate to the Councillor's decision making function, or which may affect the decision making function (such as meetings with Developers/Residents, phone conversation notes, notes made at Council and Committee meetings), are State records. These records are required to be provided to the Shire of Victoria Plains Administration within ten working days.

Disposal of records

Documents that are duplicate State records (e.g. agendas and minutes with no notes added by the Councillor) may be destroyed as the Councillor wishes. Documents that are not public documents should be destroyed either by pulping or shredding of the documents. If the Councillor has the facilities available, they may dispose of the records themselves otherwise, the records can be given to the Shire of Victoria Plains Administration for destruction.

Adopted 18/05/2016

9.3.9 Formal Communication Policy

The purpose of this policy is to establish a process of communication between Elected Members and Employees of the Shire of Victoria Plains and for the access to information by Elected Members to ensure:

- Consistency of information to Council.
- Accuracy of information to Council.
- Transparency of dealings between Councillors and staff.
- No undue pressure is placed on management and staff when Councillors request information at short notice, especially during busy periods.

Definitions

CEO
Means the Chief Executive Officer of the Shire of Victoria Plains, or the person appointed to act in that capacity.

Correspondence

Means all forms of written correspondence:

- Facsimile
- Letter
- Email
- Memorandum
- Works request
- Forms
- SMS text messages

It should be noted that in some instances, particularly in relation to complaints, matters should be formally brought to the attention of the CEO in letter form and be signed and dated by the Councillor.

Senior Employee
Means the Chief Executive Officer, Deputy Chief Executive Officer and/or the Works and Services Manager, or the person appointed to act in that capacity.

Service Delivery
Means a specific occurrence or instance of work, of a minor and general nature, that has already been carried out.

Staff
Means all employees of the Shire of Victoria Plains who are not the CEO or Senior Employees.

POLICY

Communication

1. Elected members may contact the Chief Executive Officer or the Deputy Chief Executive Officer (in the absence of the CEO) via telephone to informally discuss Shire or Council business.

2. In line with the Shire of Victoria Plains Code of Conduct, under no circumstances, should Elected Members contact staff via their personal mobile phone to make a complaint or enquiry.

3. Complaints or comments in relation to staff members are to be directed to the Chief Executive Officer, who will require any complaints to be in writing.

4. Information forwarded via email of a confidential nature, shall be directed to the CEO at ceo@victoriaplains.wa.gov.au. Under no circumstances should any emails relating to formal or confidential Council business be forwarded to staff without the express permission of the CEO.

5. All written correspondence from Elected Members shall be forwarded to the CEO in the first instance.
6. Any Elected Member who wishes to raise a grievance in relation to the Code of Conduct, the Local Government Act, Regulations, or any matter of Council business, shall first raise the matter with the CEO and/or the Shire President and/or the Deputy Shire President.

It should be noted that this does not override the requirements of the Corruption and Crime Commission of Western Australia.

Issues which are referred to the CCC will remain confidential.

7. All correspondence received directly by an Elected Member, from a member of public, is to be forwarded to the CEO within ten working days in line with the Shire of Victoria Plains Policy – Local Government Elected Members Recordkeeping Policy.

   When an Elected Member forwards correspondence from a member of the public, staff will arrange a response, if required.

   A copy of the response will be forwarded to the Elected Member for their information. In meeting objectives of this policy, it is appropriated that Shire staff respond to all correspondence on related Council or Shire matters.

8. Elected Members, in acknowledging their role is one of leadership, also acknowledge that they have no capacity to speak with staff individually, with the exception of the CEO and the Deputy CEO, on matters of Shire or Council business.

9. Elected Members in acknowledging the everyday pressures placed on the CEO and Senior Staff, will where ever possible, make appointments in advance to meet with the CEO or the Deputy CEO and state the nature of the request for a meeting.

10. All communications between Councillors that raise particular issues or items for debate shall be forwarded to all Councillors, without exception. This ensures all Councillors are aware of current issues and have the opportunity to express views where considered appropriate.

Ordinary Council Meetings

1. Matters requiring considerations at an Ordinary Council Meeting should be submitted to the Chief Executive Officer via email or facsimile. Once received, the Chief Executive Officer will arrange for the matter to be researched and included on the agenda of the next appropriate Council meeting. Should it be considered more appropriate that the matter be dealt with administratively, the Councillor will be contacted and advised of this and the matter will not be placed on the agenda.

Access to Information

1. Elected Members have information access rights that are additional to those given to the general public. Elected Members can access the following information held by a local government:

   - All written contracts of the local government
   - All documents relating to written contracts proposed to be entered into by the local government
   - any information that is relevant to their functions

2. Elected Members can have access to any information held by the local government that is relevant to the performance of his or her function under the Local Government Act (s5.92 (1) Local Government Act 1995). Access arrangements should be made through the Chief Executive Officer.

3. Access to information will be in accordance with requirements under the Local Government Act 1995, and Freedom of Information Legislation.

4. Members will not use confidential information to gain advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation (Regulation 7 Local government (Rules of Conduct) Regulations 2007).

Adopted 16/03/2016

DIVISION 10 – FIRE CONTROL

10.1 Fire Organisations

10.1.1 Establishment of Bushfire Brigades

Council shall establish and maintain Bushfire Brigades in accordance with the Bush Fire Act in order to provide adequate protection of those areas of the Municipality within the Bushfire district.

10.1.2 Bushfire Advisory Committee

Council will form a Bushfire Advisory Committee to administer Councils policies on matters relating to bushfire prevention, control and extinguishment as provided for by the Bush Fires Act.

The Committee shall have powers to advise Council by providing recommendations in respect to the powers above. The Bushfire Advisory Committee shall consist of:

- The Chief Bushfire Control Officer (who shall be chairman of the Committee).
- The Deputy Chief Bushfire Control Officer (who shall be Deputy Chairman of the committee).
- Two representatives from each of the Bushfire Brigades of the Shire of Victoria Plains.
- A Councillor as a Shire representative.
- The Chief Executive Officer or their nominee who shall act as the administration/secretary to the committee.

The Annual General Meeting of the Committee will be held in September of each year where all appointments will be confirmed.

A quorum for meetings shall comprise one more than half of the designated Committee.

Minutes of the Bushfire Advisory Committee meetings shall be presented to the next meeting of the Council held after the Bushfire Advisory Committee Meeting.

Meetings will be held in the first week of September and March in each year.

10.1.3 Bushfire Control Officers

A Bushfire Control Officer is a person who has been appointed to that position by the Shire. Such appointment is to be advertised at least once in a newspaper circulating in the district. They are voluntary officers who give their time in furthering the aims of fire prevention and control within the Shire of Victoria Plains.

Bushfire control Officers have powers as prescribed by the Bush Fires Act and are not liable for any damage, loss or injury caused as a result of the exercise in good faith of their powers.

Outline of Duties:-

a) Attend Bush Fire Advisory Committee Meetings and participate in the formulation of Control Policies as required.
b) Inspect firebreaks and ensure standards set are met by the various landholders in the relevant Brigade area.
c) Issue permits as required for the burning of bush.
d) Issue permits for other fires such as clover burning permits and ensure any special conditions are met.
e) Issue permits for protective burning during prohibited burning times and ensure special conditions are met and permits endorsed as required.
f) Prevent bushfires and protect life and property in the outbreak of fire.
g) Take steps for legal action against any person committing an offence under the Act by report to the Chief Executive Officer of the Shire.

10.1.4 Clearing Fires

It is the responsibility of the person lighting a clearing fire to ensure that adequate equipment is available for the protection of their property and neighbouring property. Shire Fire Units should remain at their normal station.

10.1.5 Protected Burning Fires – Suspension of Requirements

The suspension of the need for permits during the restricted burning times does not alter the requirement of advice to neighbours of intention to burn.

10.1.6 Hazard Reduction Operations

All hazard reduction operations undertaken by Bushfire Brigades shall be authorised by the Shire of Victoria Plains.

10.1.7 Use of Shire Plant and Equipment

The Shire President, Deputy Shire President, Chief Executive Officer or the Works Manager are authorised upon request by an authorised Bushfire Control Officer in charge of a fire, to call out and authorise the use of Shire Plant and Equipment other than plant used exclusively for fire fighting or local control. If authorised the operators of that equipment have discretion as to the extent of that use with particular regard to safety and machine capabilities. The use of Shire Plant and Equipment outside of the district for fire fighting purposes is subject to the conditions of the preceding paragraph.

10.1.8 Emergency Equipment Hire

A Bushfire Control Officer when in charge of a fire is authorised to expend Shire funds to a limit of $1,000 for hire of emergency equipment. Funds in excess of that amount can only be authorised by the Chief Executive Officer.

10.1.9 Infringement Notices and Legal Action

Only persons authorised by the Shire of Victoria Plains are authorised to take legal action against offenders under the Bush Fires Act.

10.1.10 Firebreaks

Notice is to be given by no later than the 30th September in each year to all owners and occupiers of land within the Shire of Victoria Plains of the requirements for that year. If the order has not been complied with by the 15th of October in each year an order to comply may be served on the owner or

occupier and compulsory breaks may be installed at the owner expense. The Chief Executive Officer shall be authorised to approve or reject applications for extensions of time to provide firebreaks. Bushfire Control Officers are authorised to approve or reject applications for firebreaks in alternative positions.

10.1.11 Fire Reports

Bushfire Control Officers who have been in control of a fire outbreak shall submit fire reports on the forms provided by the Shire within 48 hours of the fire being controlled to the Chief Executive Officer.
The report shall include recommendations relating to investigation and or prosecution.

10.1.12 Prohibited and Restricted Burning Times

The Restricted Burning Times within the Shire of Victoria Plains are:

- 1st March to 31st March, and
- 1st October to 31st October.

The Prohibited Burning Times within the Shire of Victoria Plains are:

- 1st November to 28th February

Variations to the prohibited and restricted burning times can only be authorised by the Chief Bushfire Control Officer and the Shire President. Such variations are to be advertised.

Gazetted 19/05/06

10.1.13 Harvesting on Sundays and Public Holidays

Within the Shire of Victoria Plains harvesting is prohibited on Christmas Day, Boxing Day and New Years Day. On all other days unless a harvest ban has been imposed harvesting is permitted.

10.1.14 Burning on Sundays and Public Holidays

During Prohibited and Restricted Burning times burning on Sundays and Public Holidays is prohibited.

10.1.15 Burning of Rye Grass and Lupins

Burning of rye grass and lupins during prohibited burning times for avoidance of disease and death of stock are subject to special conditions and are to be referred to the Shire Office.

10.1.16 Roadside Burning

The Works Manager, the Chief Executive Officer and the relevant Bushfire Control Officers jointly are authorised to grant permission for the burning of roadsides (other than Main Roads) subject to:
a) such burning to be only for weed and vermin control

10.1.17 Burning of Railway Reserves

The Chief Executive Officer is authorised to arrange suspension of the Prohibited Burning Times for the purpose of burning rail reserves.

10.1.18 Fire Control Point

The Control Point established by a Bushfire Control Officer in charge of a fire is to be identified wherever possible by means of an amber flashing light.

10.1.19 Insurance

The Shire of Victoria Plains will obtain and keep current relevant insurance policies for fire fighters and equipment pursuant to the Bush Fires Act.

10.1.20 Subdivisions

A condition for approval for all sub divisions within the Shire of Victoria Plains will be that a contribution is made to assist the act of fire fighting either in equipment, plant, water supply or other.

Monies obtained shall be placed in a Trust Fund and controlled by the Shire administration.

10.1.21 Harvest Bans

The power to impose Harvesting and Movement of Vehicles bans throughout the Shire or parts of the Shire shall be the responsibility of the Chief Bushfire Control Officer and the Deputy Chief Bushfire Control Officer who shall liaise with the Chief Executive Officer or the Deputy Chief Executive Officer for the imposition of the bans and the broadcast on UHF Channel 3 of the details of the ban to all Bushfire Control Officers. Daily broadcasts of the current status of bans at 10.00am and 3.00pm shall be provided by the Shire office.

Imposing and lifting of bans shall also be carried out by SMS Text Messaging to persons who submit their mobile phone numbers to the Chief Executive Officer.

10.1.22 Fire Channel

Channel 3 on the UHF CB or Channel 140 on the WAERN two-way radios shall be the Shire of Victoria Plains fire channel. Fire Control Officers only are authorised to change the channel when required for fire control purposes.

Amended & Adopted 16/04/14

10.1.23 Chaining Stubble

A separate mobile fire-fighting unit is to be made available at all times when harvesting, chaining, raking stubbles, straw baling and associated allied activities. It should comprise a tank filled with a minimum capacity of 400 litres, a powered pump and hose.

10.2 Fire fighting Vehicles and Equipment

10.2.1 Provision of Vehicles and Equipment

The Shire of Victoria Plains shall provide and maintain fire fighting appliances and equipment pursuant to its powers under the Bush Fires Act and ESL budget allowances.

10.2.2 Housing of Fire Fighting Vehicles

Shire fire fighting appliances will be stationed at Calingiri, Bolgart, Yerecoin, New Norcia and Gillingarra. Appliances allocated to Bushfire Brigades will be stationed at Brigade Headquarters or other locations nominated in writing and

agreed by the Shire. No appliance shall be removed from its location without the specific authorisation of the Brigade Captain or nominee being advised and authorising the proposed location change.

Brigade Captains shall be responsible to keep the Shire informed of the operational status and location of shire appliances.

10.2.3 Maintenance of Vehicles and Equipment

Maintenance and repair of all Shire owned appliances and equipment will be the responsibility of the Works Manager. All repairs and maintenance will be carried out either under his direct supervision or with his knowledge and consent. All replacement parts or equipment will be purchased on official Shire Order forms.

Brigade Captains are responsible to report to the Works Manager to:

a) Ensure that Brigade appliances are checked on a regular basis and maintained.
b) Ensure that the battery, tyres, water, oil and fuel are checked regularly.

10.2.4 Drivers of Shire Fire fighting Vehicles

The driver of any Shire fire fighting appliance must hold a current licence of the class appropriate for the appliance being driven and be either:

a) A Shire employee
b) A registered member of a Bushfire Brigade, or
c) Any person authorised by the Bushfire Advisory Committee or a Fire Control Officer to do so

The driver is responsible to observe the provisions of the Road Traffic Code, in particular those rules applying to emergency vehicles.

10.2.5 Use of Fire fighting Vehicles and Appliances

Shire fire fighting appliances and vehicles shall be used for fire fighting and Shire purposes only.

10.2.6 Tools and Equipment

Standard equipment for Shire fire fighting appliances shall be as per DFES guidelines for new appliances.

Amended & Adopted 16/04/14

10.2.7 Communications

An efficient two-way radio network will be established for fire fighting communications. Each Brigade unit will be fitted with a VHF dual low band radio connected to the WAERN Radio Network. Brigades are authorised to install CB UHF two way radios into Shire fire fighting vehicles subject to the radios being duplexing non scanning radios.

10.3 Training of Fire fighters

10.3.1 Recognition of Training

The Shire of Victoria Plains recognises:-

a) That fire fighters must be properly trained to perform their tasks in a safe and efficient manner

b) That responsibilities differ at various levels in the fire organisation and accordingly the level of skills required varies also
c) That a basic level of skill is required for all fire fighters

10.3.2 Training Programmes

The Shire will encourage officers and members of Brigades to participate in the training programs offered by the relevant authorities.

10.3.3 Insurance

The Shire will ensure that appropriate insurance policies/relevant extensions are held to cover volunteers whilst training.

10.3.4 Minimum Training Requirements

The Shire expects its Bushfire Officers and Brigade Members to be trained at a level consistent with rank and role within the bushfire organisation. Training minimum standards for fire fighters are Modules 1 to 5 of the current fire fighters course.

10.4 Safety and Health for Volunteer Fire fighters

10.4.1 Safety and Health

The Shire recognises the extremely valuable contribution to the community by bushfire volunteers. It is the policy of the Shire to ensure that bushfire volunteers are provided with safe working equipment, the safest works system practical and to minimise the frequency of accidents and injury. Council recognises that both the Shire and Bushfire volunteers have a responsibility for safety and health. Council acknowledges that the occupational risks relevant in fire fighting and emergency duties undertaken by bushfire volunteers are significant and the possibility of serious injury is high. Strict adherence to safety guidelines and procedures in these circumstances is not always possible, however it is the intention of Council to develop and implement safety and training policies to minimise the occurrence of injury to bushfire volunteers, both on the fire ground and in the performance of all other duties.

Shire responsibilities:-

All practical efforts will be made to:
a) Instruct bushfire volunteers in safe working practices
b) Ensure that brigade equipment is in safe working order
c) Encourage the use of proper protective clothing and equipment appropriate to the task
d) Ensure that volunteers have ready access to first aid facilities
e) Investigate accidents and possible safety and health risks and take appropriate remedial action
f) Provide a mechanism for joint shire/Bush Fire Board/Volunteer consultation on safety matters
g) Review the effectiveness of bushfire volunteer training, safety and health policies as necessary

Volunteer Responsibilities:

a) To maintain a reasonable standard of physical fitness,
b) To acquaint themselves with safe working procedures,

c) To identify safety and health hazards and report these for remedial action,
d) To observe safe working practises and avoid unnecessary risks, and to accept responsibility for their own safety,
e) To ensure that at all times they dress appropriately for fire fighting and make proper use of personal protective equipment wherever necessary or required to do so.

10.4.2 Safety Clothing and Footwear

The Shire requires fire fighters to wear protective clothing as recommended by the Australia Assembly of Fire Authorities.

DIVISION 11 – GENERAL

11.1 Elections

11.1.1 Signs for Election Advertising

a) Candidates for Federal, State and Local Government Elections are not permitted to display election signs of a size greater than 1m² in the Shire of Victoria Plains
b) Signs must not be displayed more than sixty (60) days prior to the election
c) Signs must be removed within seven (7) days after the election

11.2 Australian Citizenship Receptions

Arrangements for the presentation of Australian Citizenship Certificates shall be at the discretion of the Shire President.

11.3 Permits and Licenses

11.3.1 Explosive Licenses

The Chief Executive Officer is authorised to issue approvals for the use of explosives within the district without reference to Council.

11.3.2 Renewal of Permits and Licenses

If initially approved by Council, the Chief Executive Officer and the Environmental Health Officer are authorised to renew the following permits and licenses without reference to Council, provided the circumstances surrounding the issue of the original licenses have not been substantially altered.

a) Gate Permits
b) Offensive Trade Licenses
c) Itinerant Food Vendors Licenses
d) Hawkers Licenses
e) Extractive Industry Licenses
f) Lodging House Licenses
g) Motel Registrations
h) Caravan park Registrations
i) Holiday Accommodation Licenses

Council is to be advised of action taken under this authorisation.

11.4 The Shire Crest

The Shire Crest may be used on letterheads, envelopes and other Shire material as and when it is considered appropriate by the Chief Executive Officer.

Use by Shire community groups is approved subject to:

- The group being a non profit organisation based within the Shire of Victoria Plains
- Subject to written application to the Chief Executive Officer
- The removal of the word “Shire” from the logo

11.5 Shire Property

11.5.1 Calingiri Recreation Hall

Hire of chairs and trestles to be arranged through the Shire Office with the undertaking that hire fees received are passed on to the Calingiri Progress Association. (See Item 7.1.3 Minute Book Page 220 16 March 1981 Agreement with Progress Association).

Plastic chairs and tables from the Calingiri Recreation hall are to be made available (on application) to the Calingiri Sports Club but not to any other organisation without the special permission of the Shire. The use of tables may be authorised by the Chief Executive Officer.

Hall stage segments can be made available for use by other organisations outside of the Calingiri Hall with approval of the Chief Executive Officer.

The Food Warmer is to be made available to the Calingiri Sports Club in accordance with a reciprocal agreement whereby the Club is made available to the Shire for official functions and hall furnishings are generally available to the Club.

The Food Warmer and Furniture at the hall are generally not available for use by organisations other than the Calingiri Sports Club outside of the hall.

11.5.2 Calingiri Recreation Hall - Hire

a) The contract of usage is through the Shire of Victoria Plains.
b) Hirers are to pay fees as set by Council from time to time.
c) Hirers are responsible for cleaning the hall after use. In the event of a hirer failing to leave the hall in a clean condition, the Shires cleaner will clean the hall and the cost of the cleaning will be deducted from the bond as charged to the hirer.
d) The bond will be refunded to the hirer or advice from the cleaner that the hall was left in a satisfactory condition.
e) The hirer may elect to leave the bond deposited with the Shire when usage is on a regular basis.
f) If liquor is being made available at a function in the hall the hirer must present the relevant licence required and obtain written approval from the Chief Executive Officer for the consumption of liquor.
g) When different hirers hire different parts of the hall at the same time, co-operation in the use of the kitchen is required.
h) Hirers are required to have the hall vacated and locked within one hour of the conclusion of the function.
i) The meeting room and kitchen are available free of charge to Child Health Services every 3rd Thursday of the month.

11.5.3 Mogumber Hall - Hire

a) The contract of usage is through the Mogumber Progress Association.
b) Hirers are to pay fees as set by Council from time to time.
c) Hirers are responsible for cleaning the hall after use. In the event of a hirer failing to leave the hall in a clean condition, the Association's cleaner will

clean the hall and the cost of the cleaning will be deducted from the bond as charged to the hirer.

d) The bond will be refunded to the hirer or advice from the cleaner that the hall was left in a satisfactory condition.
e) The hirer may elect to leave the bond deposited with the Mogumber Progress Association when usage is on a regular basis.
f) If liquor is being made available at a function in the hall the hirer must present the relevant licence required and obtain written approval from the Mogumber Progress Association for the consumption of liquor.
g) When different hirers hire different parts of the hall at the same time, co-operation in the use of the kitchen is required.
h) Hirers are required to have the hall vacated and locked within one hour of the conclusion of the function.

11.5.4 Bolgart Hall - Hire

a) The contract of usage is through the Bolgart Progress Association.
b) Hirers are to pay fees as set by Council from time to time.
c) Hirers are responsible for cleaning the hall after use. In the event of a hirer failing to leave the hall in a clean condition, the Association's cleaner will clean the hall and the cost of the cleaning will be deducted from the bond as charged to the hirer.
d) The bond will be refunded to the hirer or advice from the cleaner that the hall was left in a satisfactory condition.
e) The hirer may elect to leave the bond deposited with the Bolgart Progress Association when usage is on a regular basis.
f) If liquor is being made available at a function in the hall the hirer must present the relevant licence required and obtain written approval from the Bolgart Progress Association for the consumption of liquor.
g) When different hirers hire different parts of the hall at the same time, co-operation in the use of the kitchen is required.
h) Hirers are required to have the hall vacated and locked within one hour of the conclusion of the function.

11.5.5 Bolgart Hall Toilets

On the understanding that the toilets at the rear of the Bolgart Hall will be available for public use, the Shire will accept responsibility for the costs of maintenance including cleaners wages.

Amended & Adopted 16/04/14

11.5.6 Yerecoin Hall Toilets

On the understanding that the toilets at the rear of the Yerecoin Hall will be available for public use, the Shire will accept responsibility for the costs of maintenance including cleaners wages.

Amended & Adopted 16/04/14

11.5.7 Smoking in Shire Buildings

Smoking is not permitted in Shire Buildings.

11.5.8 Consumption of Liquor

Application is to be made in writing for approval to consume liquor in Shire buildings and approval shall be at the discretion of the Chief Executive Officer. Where a Shire building is managed by a local community organisation the

application will be subject to approval of that Management Committee for determination.

11.6 Shire Reserves

11.6.1 Tree Planting on Public Land

The Chief Executive Officer is authorised to arrange for the supply of up to 100 trees, to be planted on public land by public organisations subject to the submission of a plan detailing the submission.

11.6.2 Picking of Wildflowers

Picking of Wildflowers on reserves and roads vested in the Shire will only be approved by a resolution of full Council.

11.6.3 Leasing of Reserves

Council will generally decline applications for the lease of reserves vested in the Shire however each application will be considered by Council and determined on merit.

Where an application is received and approved to lease a Shire reserve, the following shall form the basis for the agreement:

a) Lease to be a maximum of 21 years,
b) Annual rental to be $1 payable on demand,
c) The lessee shall not be entitled to carry out any additions or alterations to any buildings, structures or improvements on the land without the prior written consent of Council.
d) All buildings, structures and improvements on the land shall remain the property of the Shire.
e) The lessee shall comply with all Acts of Parliament, Orders, Regulations, and Local Laws etc that apply to that land.
f) The lessee shall at all times, keep the land, buildings, structures and improvements on the reserve maintained in a clean and tidy condition (reasonable wear and tear excepted) and comply with any lawful requirements of the Council regarding repairs and maintenance to be carried out.
g) The lessee shall permit, at all reasonable times, the lessor or his/her officers, agents or other authorised persons access to the reserve for the purpose of viewing the state or order of the land, buildings, structures or improvements applicable.
h) The lessee shall indemnify the Council against all claims which may be made for damages or otherwise in respect to any loss, damage, death or injury caused by or in the cause of or arising out of the use of the reserve, structures buildings or improvements.
i) Either party may terminate the lease by 30 days written notice to the other party.
j) The lessee shall not assign, sublet or part with possession of the resource or buildings, structures or improvements without the consent of the lessor.
k) The lessee will be responsible to meet all costs in relation to preparation and stamping of the lease documents.

11.6.4 Fencing of Land adjoining Shire controlled land

The Shire will normally except in accord with the requirements of the Dividing Fences Act, not contribute financially to the fencing of land, which adjoins Shire controlled land (e.g. Reserves, public access ways, and road reserves).

Fencing of drainage reserves that are required to be fenced will be carried out as part of the cost of subdivision.

11.6.5 Charges for Utilities and Services

It shall be the responsibility of an organisation using a reserve vested in the Shire to meet all charges and costs associated with utilities and services used by that organisation unless specific agreements with alternative arrangements are in place.

11.6.6 Inspection of Land Vested in Council

The Works Manager is to carry out an annual inspection of land vested in the Shire with particular attention to issues of public safety.

11.6.7 Exploration Drilling on Road Reserves

Applications to undertake exploration drilling on road reserves within the Shire will only be approved if the company involved agrees to the following common list of conditions.

a) Xxxxx Resources will indemnify the Council against any action being taken which may arise as a result of the activities being undertaken by Xxxxx Resources on the road reserves.
b) Drilling will be conducted as per the plan provided in the application for permission to drill.
c) Xxxxx Resources will at all times minimise damage to roadside vegetation and will move the hole location in preference to clearing. Xxxxx Resources will meet the cost of re-establishment should it be determined that excessive clearing has taken place.
d) Xxxxx Resources recognises that damage to the road running surface is unacceptable and will take all measures necessary to ensure that no damage occurs as a result of Xxxxx Resources operations.
e) However, should any damage occur Xxxxx Resources will reimburse the Council for the reasonable cost of repairs.
f) Xxxxx Resources and its contractors will not intentionally damage any fences adjoining the roadway and will make good any accidental damage that may occur as a result of its operations.
g) ‘Road works in progress’ warning signs are to be placed beside the road 200m ahead and behind the operating rig.
h) Xxxxx Resources holds all of the necessary indemnity and insurances required by the Shire and be sighted by the shire.
i) Xxxxx Resources will ascertain the location of all public services prior to commencement of drilling.
j) Xxxxx Resources will ensure that there are no polluted discharges from the work site and that all discharges are released slowly to avoid erosion and scouring.

k) Any occurrence of water is to be routinely logged and will be notified to the Shire. As well all significant materials such as laterite gravels, limestones and granites will be logged and reported to the Shire.
l) Xxxxx Resources will provide the Shire with at least three (3) days notice prior to the commencement of works and a timetable for those works.
m) Xxxxx Resources is aware of the need to manage dieback risk and all vehicles will be cleaned down prior to the start of the program and at the end of the program.
n) Prior to the commencement of works Xxxxx Resources will obtain consent from the Minister for Mines, as per standard processes.

11.7 Regional Natural Resources Identification Kit

Council has approved the housing of the Regional Natural Resources Identification Kit held by the Mogumber LCDC at the Mogumber Library.

Council authorises the use of the library by the Committee for up to 2 hours once a week in spring and once a month thereafter to maintain the collection, subject to the approval of the librarian and to use being outside normal library hours.

11.8 Property

It is Councils preferred option to own freehold sites for staff housing, depots and similar properties.

11.9 Water Ex Standpipes

Water may only be taken from standpipes at Bolgart, Calingiri and Yerecoin in accordance with agreements signed with the Water Corporation for domestic and emergency purposes and notices shall be displayed on the standpipes to this effect.

11.10 Calingiri and Bolgart Cemeteries

The Calingiri and Bolgart Cemeteries are not to be segregated into religious denominations.

11.11 Town Beautification

Council will support Town Beautification through the provision of the services of the shires gardener. Town Progress Associations should submit any plans for town beautification by the 31st March each year to enable allocation in the annual budget for the gardener's time and any materials for the project. Town beautification items carried out by the shire gardener will not be considered as a community budget request and will be funded from the shire budget.

Amended & Adopted 16/04/14

11.12 Calingiri Ambulance

Council agrees that fuel be made available to the Victoria Plains Sub Centre, St Johns Ambulance for the Calingiri Ambulance. Such fuel may be drawn from the Shire bowser at the depot and charged to the Sub Centre at cost price.

11.13 Victoria Plains Small Community Grants Program

Council will set aside $5,000 in the annual budget each year, over and above individual budget requests, to assist community groups, community members and to support small community projects. Each person or group will be entitled to a

maximum of $500 per annum from this program and grants approved under this policy are to be reported to Council at the next ordinary Council meeting.

11.14 Street Lighting

All lights in Yerecoin townsite are, when required to be replaced, replaced with street lights that meet the specifications of Aeroscreen fittings are requested by the Chiro Astronomical Observatory. All streetlights in town installed or replaced after September 1992 are to be of the Aeroscreen Luminaire type.

Streetlights in Calingiri, Bolgart and Yerecoin are to operate from dusk to dawn.

11.15 Street Appeals

The Chief Executive Officer shall be designated indefinite authority to authorise street appeals.

DIVISION 12 - CODE OF CONDUCT

PREAMBLE

The Code of Conduct provides Council Members, Committee Members and staff in Local Government with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner, the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments.

The Code is complementary to the principles adopted in the Local Government Act and regulations which incorporates four fundamental aims to result in:

(a) better decision-making by local governments;
(b) greater community participation in the decisions and affairs of local governments;
(c) greater accountability of local governments to their communities; and
(d) more efficient and effective local government.

The Code provides a guide and a basis of expectations for Council Members, Committee Members and staff. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

STATUTORY ENVIRONMENT

The Code of Conduct observes statutory requirements of the Local Government Act 1995 (S 5.103 – Codes of Conduct) and Local Government (Administration) Regulations 1996 (Regs 34B and 34C).

RULES OF CONDUCT

Council Members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the Local Government Act 1995 and Local Government (Rules of Conduct) Regulations 2007.

1. ROLES

1.1 Role of a Council Members

The primary role of a Council Member is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Local Government will be the focus of the Council Member's public life.

The Role of Council Members as set out in S 2.10 of the Local Government Act 1995 follows:

"A Councillor —

a) Represents the interests of electors, ratepayers and residents of the district;
b) provides leadership and guidance to the community in the district;
c) facilitates communication between the community and the council;
d) participates in the local government's decision-making processes at council and committee meetings; and
e) performs such other functions as are given to a Councillor by this Act or any other written law."

A Council Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives. In fulfilling the various roles, Council Members activities will focus on:

a) Achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
b) achieving sound financial management and accountability in relation to the Local Government's finances;
c) ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
d) working with other governments and organisations to achieve benefits for the community at both a local and regional level; and
e) having an awareness of the statutory obligations imposed on Council Members and on Local Governments.

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

1.2 Role of Staff

The role of staff is determined by the functions of the CEO as set out in S 5.41 of the Local Government Act 1995 : -

"The CEO's functions are to —

a) Advise the council in relation to the functions of a local government under this Act and other written laws;
b) ensure that advice and information is available to the council so that informed decisions can be made;
c) cause council decisions to be implemented;
d) manage the day to day operations of the local government;
e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;
f) speak on behalf of the local government if the mayor or president agrees;
g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to S 5.37(2) in relation to senior employees);
h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO."

1.3 Role of Council

The Role of the Council is in accordance with S 2.7 of the Local Government Act 1995 :

"(1) The council —

a) directs and controls the local government's affairs; and
b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to —

a) oversee the allocation of the local government's finances and resources; and
b) determine the local government's policies."

1.4 Relationships between Council Members and Staff

An effective Councillor will work as part of the Shire team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Council Members and staff have a mutual respect and co-operate with each other to achieve the Shires corporate goals and implement the Councils strategies. To achieve that position, Council Members need to observe their statutory obligations which include, but are not limited to, the following:

a) accept that their role is a leadership, not a management or administrative one;

b) acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;

c) refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility

2. CONFLICT AND DISCLOSURE OF INTEREST

2.1 Conflict of Interest

a) Council Members, Committee Members and staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.

b) Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.

c) Council Members, Committee Members and staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government area or which may otherwise be in conflict with the Councils functions (other than purchasing the principal place of residence).

d) Council Members, Committee Members and staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.

e) Staff will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti- discriminatory legislation.

2.2 Financial Interest

Council Members, Committee Members and staff will adopt the principles of disclosure of financial interest as contained within the Local Government Act.

2.3 Disclosure of Interest

Definition :
In this clause, and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996 -
"interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

(a) A person who is an employee and who has an interest in any matter to be discussed at a council or committee meeting attended by the person is required to disclose the nature of the interest -
   i. in a written notice given to the CEO before the meeting; or
   ii. at the meeting immediately before the matter is discussed.

(b) A person who is an employee and who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the person is required to disclose the nature of any interest the person has in the matter –
   i. in a written notice given to the CEO before the meeting; or
   ii. at the time the advice is given.

(c) A requirement described under items (a) and (b) exclude an interest referred to in S 5.60 of the Local Government Act 1995.

(d) A person is excused from a requirement made under items (a) or (b) to disclose the nature of an interest if -
   i. the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
   ii. the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.

(e) If a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of items (a) or (b), then -
   i. before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
   ii. immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.

(f) If -
   i. to comply with a requirement made under item (a), the nature of a
   ii. person's interest in a matter is disclosed at a meeting; or
   iii. a disclosure is made as described in item (d)(ii) at a meeting; or
   iv. to comply with a requirement made under item (e)(ii), a notice disclosing the nature of a person's interest in a matter is brought to the attention of the persons present at a meeting, the nature of the interest is to be recorded in the minutes of the meeting.

3. PERSONAL BENEFIT

3.1 Use of Confidential Information

Council Members, Committee Members and staff will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm or detriment to any person or organisation.

3.2 Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

3.3 Improper or Undue Influence

Council Members and staff will not take advantage of their position to improperly influence other Council Members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

3.4 Gifts

Definitions :
In this clause, and in accordance with Regulation 34B of the Local Government (Administration) Regulations 1996 -
"activity involving a local government discretion" means an activity -
(a) that cannot be undertaken without an authorisation from the local government; or
(b) by way of a commercial dealing with the local government;
"gift" has the meaning given to that term in S 5.82(4) except that it does not include -
(a) a gift from a relative as defined in S 5.74(1); or
(b) a gift that must be disclosed under Regulation 30B of the Local Government (Elections) Regulations 1997; or
(c) a gift from a statutory authority, government instrumentality or non-profit association for professional training;
"notifiable gift", in relation to a person who is an employee, means -
(a) a gift worth between $50 and $300; or
(b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between $50 and $300;
"prohibited gift", in relation to a person who is an employee, means -
(a) a gift worth $300 or more; or
(b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth $300 or more.

(a) A person who is an employee is to refrain from accepting a prohibited gift from a person who -
   i. is undertaking or seeking to undertake an activity involving a local government discretion; or
   ii. it is reasonable to believe is intending to undertake an activity involving a local government discretion.

(b) A person who is an employee and who accepts a notifiable gift from a person who-
   i. is undertaking or seeking to undertake an activity involving a local government discretion; or
   ii. it is reasonable to believe is intending to undertake an activity involving a local government discretion, notify the CEO, in accordance with item (c) and within 10 days of accepting the gift, of the acceptance.

(c) The notification of the acceptance of a notifiable gift must be in writing and include-
   i. the name of the person who gave the gift; and
   ii. the date on which the gift was accepted; and
   iii. a description, and the estimated value, of the gift; and
   iv. the nature of the relationship between the person who is an employee and the person who gave the gift; and
   v. if the gift is a notifiable gift under paragraph (b) of the definition of "notifiable gift" (whether or not it is also a notifiable gift under paragraph (a) of that definition) –
      1. a description; and
      2. the estimated value; and
      3. the date of acceptance,

      of each other gift accepted within the 6 month period.

(d) The CEO is to maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under item (c).

(e) This clause does not apply to gifts received from a relative (as defined in S 5.74(1) of the Local Government Act) or an electoral gift (to which other disclosure provisions apply).

(f) This clause does not prevent the acceptance of a gift on behalf of the local government in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the CEO, entered into the Register of Notifiable Gifts and used or retained exclusively for the benefit of the local government.

4. CONDUCT OF COUNCIL MEMBERS, COMMITTEE MEMBERS AND STAFF

4.1 Personal Behaviour

(a) Council Members, Committee Members and staff will:

   i. act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
   ii. perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
   iii. act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
   iv. make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
   v. always act in accordance with their obligation of fidelity to the Local Government.

(b) Council Members will represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

4.2 Honesty and Integrity

Council Members, Committee Members and staff will:

(a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;

(b) bring to the notice of the Mayor/President any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee to the Chief Executive Officer.

(c) be frank and honest in their official dealing with each other.

4.3 Performance of Duties

(a) While on duty, staff will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.

(b) Council Members and Committee Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Council Members and Committee Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

4.4 Compliance with Lawful Orders

(a) Council Members, Committee Members and staff will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution can not be achieved, with the Chief Executive Officer.

(b) Council Members, Committee Members and staff will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

4.5 Administrative and Management Practices

Council Members, Committee Members and staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

4.6 Corporate Obligations

a) Standard of Dress - Council Members, Committee Members and staff are expected to comply with neat and responsible dress standards at all times. Accordingly :

i. Council Members and Committee Members will dress in a manner appropriate to their position, in particular when attending meetings or representing the Local Government in an official capacity.

ii. Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual staff.

b) Communication and Public Relations

i. All aspects of communication by staff (including verbal, written or personal), involving Local Government's activities should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.

ii. As a representative of the community, Council Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Council Members should acknowledge that:

- as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
- information of a confidential nature ought not be communicated until it is no longer treated as confidential;
- information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
- information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

iii. Committee Members accept and acknowledge it is their responsibility to observe any direction the Local Government may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.

4.7 Appointments to Committees

As part of their representative role, Council Members are often asked to represent the Council on external organisations. It is important that Council Members:

a) clearly understand the basis of their appointment; and

b) provide regular reports on the activities of the organisation.

5. DEALING WITH COUNCIL PROPERTY

5.1 Use of Local Government Resources

Council Members and staff will:

a) be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;

b) use the Local Government resources entrusted to them effectively and economically in the course of their duties; and

c) not use the Local Government's resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

5.2 Travelling and Sustenance Expenses

Council Members, Committee Members and staff will only claim or accept travelling and sustenance expenses arising out of travel-related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy and the provisions of the Local Government Act.

5.3 Access to Information

a) Staff will ensure that Council Members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities.

b) Council Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.