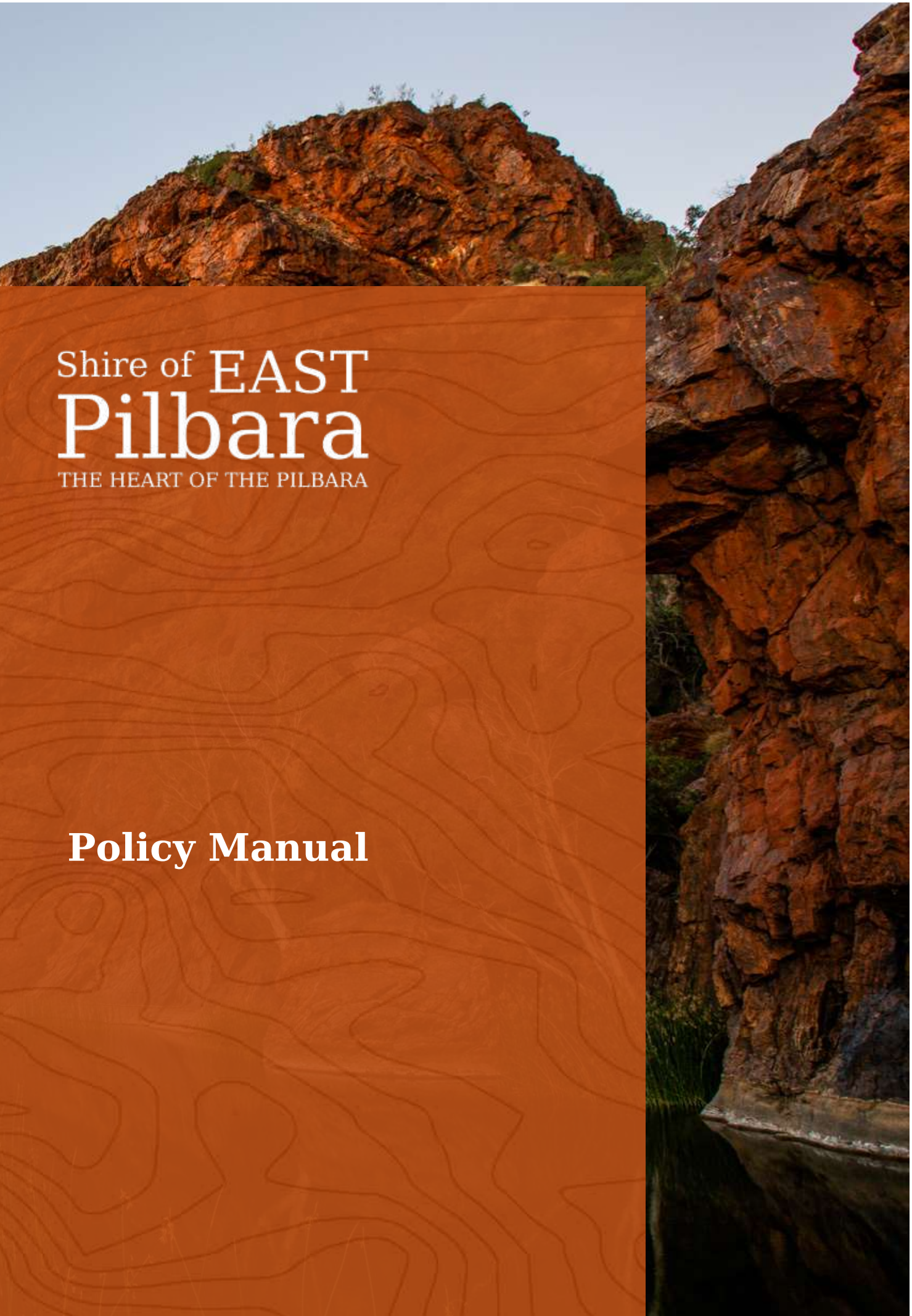


Shire of EAST Pilbara

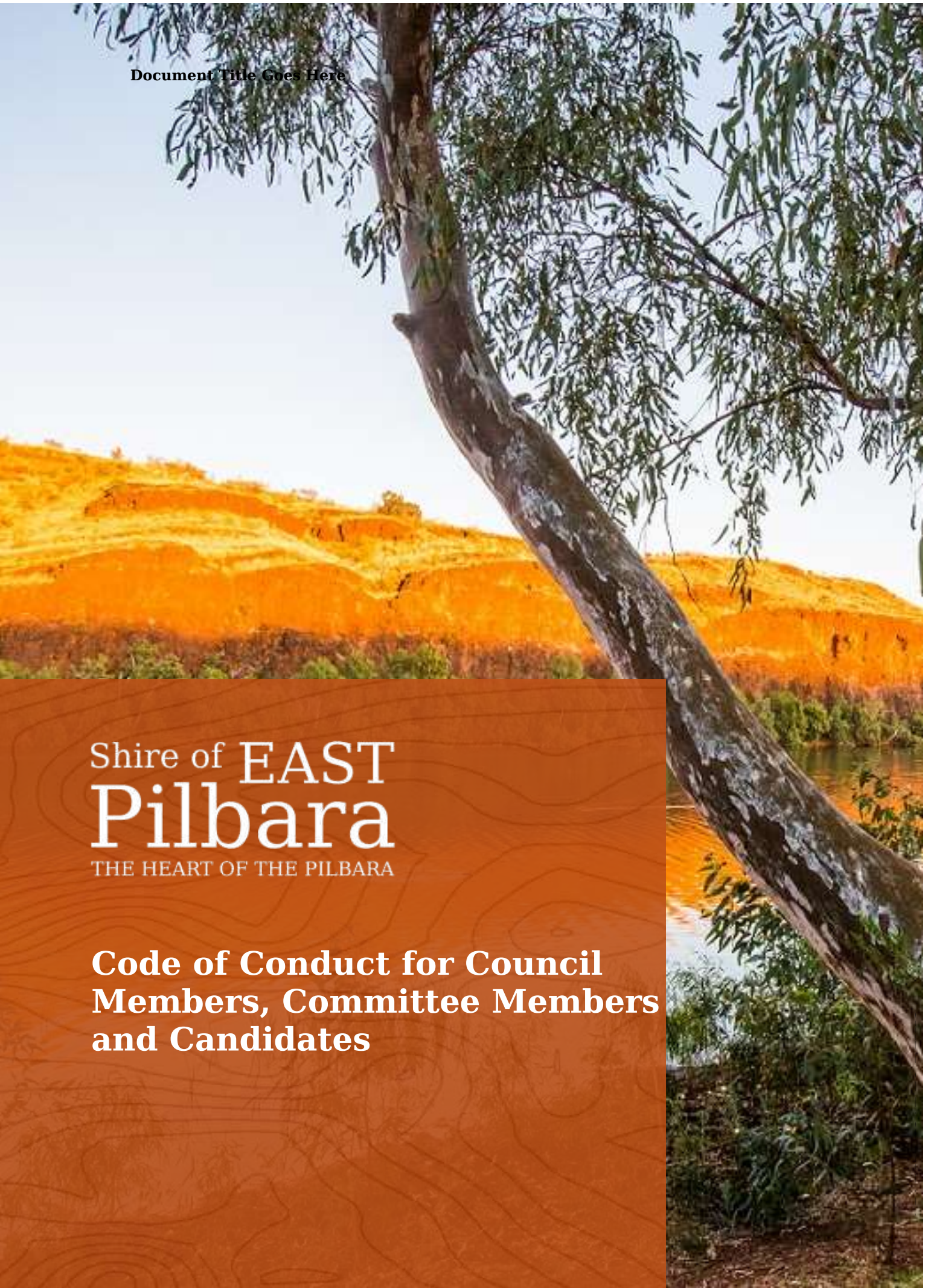
THE HEART OF THE PILBARA

Policy Manual

SHIRE OF EAST PILBARA

Document Control Register

Version	Date	Policy	Action	Resolution No.
1.0	27/10/2023	Procurement and Tender Procedures Policy	Amendment	2023/156
2.0	24/11/2023	Council Members' Professional Development and Training Policy	Amendment	2023/168
3.0	23/2/2024	Council Member Travel Policy	New Policy	2024/08
		Council Member Allowances and Expenses Policy	Amendment	2024/08
4.0	22/3/2024	Attendance at Events Policy	Review	2024/26
		Council Member Communication with Shire Officers	New Policy	2024/27



Shire of EAST Pilbara

THE HEART OF THE PILBARA

Code of Conduct for Council Members, Committee Members and Candidates

References	*Local Government Act 1995* section 5.103 and *Local Government (Model Code of Conduct) Regulations 2021*		
Related Documents	• Policy 1.11 Dress Standard for Council Chambers • Policy 1.7 Councillor Allowances & Expenses • Policy 4.13 Social Media Policy • Public Interest Disclosure Guidelines		
Date Adopted by Council			
Review/Amendment Date	24 June 2011	Item No	9.2.2
Review/Amendment Date	22 June 2012	Item No	9.2.4
Review/Amendment Date	28 June 2013	Item No	9.2.10
Review/Amendment Date	27 June 2014	Item No	9.2.4
Review/Amendment Date	23 October 2015	Item No	10.1.6
Review/Amendment Date	24 June 2016	Item No	9.2.6
Review/Amendment Date	30 June 2017	Item No	9.2.8
Review/Amendment Date	29 June 2018	Item No:	9.2.5
Review/Amendment Date	26 June 2020	Item No:	9.1.3
Review/Amendment Date	3 February 2021	N/A	Model CoC as gazetted
Review/Amendment Date	26 March 2021	Item No.	9.1.4
Review/Amendment Date	25 March 2022	Item No.	11.1.3
Review/Amendment Date	24 November 2023	Item No.	12.1.1
Next Review	2023		

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Division 1 — Preliminary provisions

1. Citation

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

2. Terms used

(1) In this code —

Act means the *Local Government Act 1995*;

candidate means a candidate for election as a council member;

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

publish includes to publish on a social media platform.

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

Division 2 — General principles

3. Overview of Division

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

4. Personal integrity

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

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

(c) act lawfully; and

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

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

(2) A council member or committee member should —

(a) act in accordance with the trust placed in council members and committee members; and

(b) participate in decision-making in an honest, fair, impartial and timely manner; and

(c) actively seek out and engage in training and development opportunities to improve the performance of their role; and

(d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

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

(a) treat others with respect, courtesy and fairness; and

(b) respect and value diversity in the community.

(2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. Accountability

A council member or committee member should —

(a) base decisions on relevant and factually correct information; and

(b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and

(c) read all agenda papers given to them in relation to council or committee meetings; and

(d) be open and accountable to, and represent, the community in the district.

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

(a) requirements relating to the behaviour of council members, committee members and candidates; and

(b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

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

(a) must ensure that their use of social media and other forms of communication complies with this code; and

(b) must only publish material that is factually correct.

(2) A council member or committee member —

(a) must not be impaired by alcohol or drugs in the performance of their official duties; and

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

9. Relationship with others

A council member, committee member or candidate —

(a) must not bully or harass another person in any way; and

(b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and

(c) must not use offensive or derogatory language when referring to another person; and

(d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and

(e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

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

(a) must not act in an abusive or threatening manner towards another person; and

(b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and

(c) must not repeatedly disrupt the meeting; and

(d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and

(e) must comply with any direction given by the person presiding at the meeting; and

(f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

(1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.

(2) A complaint must be made —

(a) in writing in the form approved by the local government; and

(b) to a person authorised under subclause (3); and

(c) within 1 month after the occurrence of the alleged breach.

(3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

12. Dealing with complaint

(1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.

(2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.

(3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.

(4) If the local government makes a finding that the alleged breach has occurred, the local government may —

(a) take no further action; or

(b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

(5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.

(6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —

(a) engage in mediation;

(b) undertake counselling;

(c) undertake training;

(d) take other action the local government considers appropriate.

(7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —

(a) its finding and the reasons for its finding; and

(b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

(1) The local government must dismiss a complaint if it is satisfied that —

(a) the behaviour to which the complaint relates occurred at a council or committee meeting; and

(b) either —

(i) the behaviour was dealt with by the person presiding at the meeting; or

(ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.

(2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

14. Withdrawal of complaint

(1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.

(2) The withdrawal of a complaint must be —

(a) in writing; and

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

15. Other provisions about complaints

(1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.

(2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

Division 4 — Rules of conduct

Notes for this Division:

1. Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.

2. A minor breach is dealt with by a standards panel under section 5.110 of the Act.

16. Overview of Division

(1) This Division sets out rules of conduct for council members and candidates.

(2) A reference in this Division to a council member includes a council member when acting as a committee member.

17. Misuse of local government resources

(1) In this clause —

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

resources of a local government includes —

(a) local government property; and

(b) services provided, or paid for, by a local government.

(2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

(1) A council member must not make improper use of their office —

(a) to gain, directly or indirectly, an advantage for the council member or any other person; or

(b) to cause detriment to the local government or any other person.

(2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

19. Prohibition against involvement in administration

(1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.

(2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

(1) In this clause —

local government employee means a person —

(a) employed by a local government under section 5.36(1) of the Act; or

(b) engaged by a local government under a contract for services.

(2) A council member or candidate must not —

(a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or

(b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or

(c) act in an abusive or threatening manner towards a local government employee.

(3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

(4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —

(a) make a statement that a local government employee is incompetent or dishonest; or

(b) use an offensive or objectionable expression when referring to a local government employee.

(5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

21. Disclosure of information

(1) In this clause —

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

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

document includes a part of a document;

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

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

(a) derived from a confidential document; or

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

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

(a) at a closed meeting; or

(b) to the extent specified by the council and subject to such other conditions as the council determines; or

(c) that is already in the public domain; or

(d) to an officer of the Department; or

(e) to the Minister; or

(f) to a legal practitioner for the purpose of obtaining legal advice; or

(g) if the disclosure is required or permitted by law.

22. Disclosure of interests

(1) In this clause —

interest —

(a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and

(b) includes an interest arising from kinship, friendship or membership of an association.

(2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —

(a) in a written notice given to the CEO before the meeting; or

(b) at the meeting immediately before the matter is discussed.

(3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.

(4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —

(a) that they had an interest in the matter; or

(b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.

(5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —

(a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and

(b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.

(6) Subclause (7) applies in relation to an interest if —

(a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or

(b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.

(7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

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

1.1 Award of the Title "Honorary Freeman of the Shire of East Pilbara"

Objective

To provide a policy on the awarding of the title "Honorary Freeman of the Shire of East Pilbara", including how, why and whom it should be awarded.

Policy

From time to time, the Shire of East Pilbara may wish to recognise members of the community who demonstrate an outstanding commitment and contribution to the Shire.

Recognition may include award of the title "Honorary Freeman of the Shire of East Pilbara", provided that the relevant circumstances meet the criteria of this policy.

This honour will only be awarded on rare and exceptional occasions. A maximum of four living persons will be entitled to bear the title of "Honorary Freeman of the Shire of East Pilbara" at any one time.

Selection Criteria

Residency Eligibility

Nominees should have lived within the Shire of East Pilbara for a significant number of years (significant would usually mean at least 20 years) and have had a long and close association and identification with the Shire.

Service

The nominee should have given extensive and distinguished service to the community that goes beyond local government service (ie, service to other community organisations and groups) in a largely voluntary capacity.

The nominee must have made an outstanding contribution to the Shire of East Pilbara, such that their contribution can be seen to stand above the contributions made by most other people.

Outcomes

The nominee's community endeavour will have demonstrable benefits to both the community of the Shire of East Pilbara and the wider community of WA.

Specific Achievements

The nominee's specific achievement/s must be of a nature that would encourage the Shire to nominate that person for an honour under the Australian honours system.

Nomination Procedure

Nominations must be made in the strictest confidence, without the nominee's knowledge.

Any resident or elector of the Shire of East Pilbara may initiate a nomination, but each nomination must be sponsored by an elected member.

Nominations must be made in writing to the Chief Executive Officer (CEO). The nomination will then be submitted by the CEO as a confidential report for consideration at an ordinary meeting of Council.

Entitlements

Any person declared an Honorary Freeman of the Shire may designate him/herself "Honorary Freeman of the Shire of East Pilbara".

The award shall be made at a small ceremony, which may take place at a Council meeting.

The recipient shall be awarded a plaque and a lapel pin to commemorate the occasion and shall be included on the invitation list for all subsequent civic events and functions.

Implementation

The Office of the CEO will be responsible for undertaking the commissioning of commemorative plaques and lapel pins and for ensuring that Honorary Freemen are invited to civic events and functions.

Authorisation Details

Authorised by:	Council		
Minute No:	201819/101		
Date:	25 January 2019	**Item No.**	9.1.4
Review/Amendment Date		**Item No**	
Next Review			
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

1.2 Bereavement Recognition

Objective

To ensure proper and appropriate recognition of deceased persons closely associated with the Shire of East Pilbara and/or its history.

Scope

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

This policy applies to all Shire of East Pilbara residents and ratepayers, as well as other persons closely associated with the Shire (including Shire of East Pilbara staff).

The policy ensures that persons who have been closely associated with the Shire and/or its history are appropriately acknowledged and recognised for their contribution to the district.

Entitlement to Recognition

The following persons will be entitled to recognition in accordance with this policy:

- Freemen of the Shire of East Pilbara;
- Members of the immediate family of Freemen;
- Current State and Federal MPs whose electorate includes the Shire of East Pilbara;
- Current and former Elected Members of the Shire of East Pilbara;
- Members of the immediate family of current Elected Members;
- Former Shire Clerks and Chief Executive Officers;
- Shire of East Pilbara staff who are currently employed by the Shire at the time of their passing; and
- Other persons as agreed by the Shire President and Chief Executive Officer.

Form of Recognition

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

   Recognition for all persons referenced under the Entitlement to Recognition section of this policy (with the exception of immediate family members) will generally take the following form:

   a. Placement of an appropriate notice, on behalf of the district, in the Deaths section of *The West Australian*;

b. Forwarding of an official Shire of East Pilbara condolence card to the immediate family (if known) on behalf of Councillors and staff;

c. A floral tribute at the funeral or memorial service if considered acceptable by the family; and

d. Where considered appropriate by the Shire President and Chief Executive Officer, making arrangements for an Elected Member/s and/or senior staff member/s to represent the Shire at the funeral or memorial service. (Refer to Council Policy 1.6 Councillor Allowances and Expenses).

2. Recognition for immediate family members as specified under this policy will be in the form of:

a. Forwarding an official Shire of East Pilbara condolence card to the Freeman or Elected Member concerned; and

b. Where considered appropriate by the Shire President and Chief Executive Officer, making arrangements for an Elected Member/s and/or senior staff member/s to represent the Shire at the funeral or memorial service.

3. Nothing in this policy limits the ability for a different form of recognition to be made if considered appropriate by the Shire President and Chief Executive Officer.

Note: Where an Elected Member or staff member has a personal connection to the deceased, then that individual will have the prerogative to attend the funeral on their own behalf.

Implementation of Policy:

1. The Executive Assistant to the Chief Executive Officer will be responsible for making appropriate arrangements in accordance with this policy.

2. Advice with respect to the passing away of persons entitled to recognition under this policy should be forwarded through to the Chief Executive Officer as soon as possible.

3. The Chief Executive Officer will notify Elected Members and staff, as appropriate.

Timing of Recognition

Funeral etiquette dictates that formal recognition should occur either at the time of death or at the funeral or memorial service.

In circumstances where the Shire is not notified of a death until after the funeral or memorial service has taken place, then a condolence card or personal note of condolence may still be forwarded to the immediate family, if considered appropriate by the Shire President and Chief Executive Officer.

Authorisation Details

Authorised by:	Council		
Date:	23 November 2018	**Item No.**	9.1.3
Review/Amendment Date	26 June 2020	**Item No**	9.1.5
Next Review			
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

1.3 Council Meetings – Dates and Times

Objective

To establish what dates and times that Council Meetings will normally be held.

Policy

Council meetings will normally be held on the fourth Friday of each month commencing at 12:30pm. Times and dates shall be subject to alteration in accordance with the *Local Government (Administration) Regulations 1996*. A dress standard applies to all persons attending a Council Meeting.

Committee meetings will be held subject to resolution of Council from time to time in respect to title, responsibilities, dates and times, and such authorisations of committees are to be included in Council's Delegations Manual.

Authorisation Details

Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date	29 June 2018	**Item No.**	9.2.4
Review/Amendment Date	27 August 2021	**Item No.**	9.2.2
Next Review			
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

1.4 Council Member Allowances & Expenses

1. Objective

To provide clear guidance on the allowances and expenses that are payable to Shire of East Pilbara Council Members, the circumstances in which allowances are paid and expenses covered, and to ensure that all payments are made in accordance with the *Local Government Act 1995* ("the Act") and the most recent determination from the Salaries and Allowances Tribunal (SAT).

2. Definitions

Costs means an expense incurred up to the maximum limit determined by the SAT.

Determination means the Local Government Chief Executive Officers and Elected Members Determination in force at the time

District means the District of East Pilbara

Event means an event held in accordance with Council's Attendance at Events Policy (1.10)

ICT means Information and Communication Technology

Meeting means a meeting of the Council or any of its committees; a General or Special meeting of Electors; or a meeting of an external body to which the Councillor has been appointed by Council

Official business means activities authorised by Council or the Chief Executive Officer, which includes but is not limited to, advocacy, meetings with stakeholders, and activities that promote the work of the Shire

Policy means the Council Member Allowances and Expenses Policy

SAT means the Salaries and Allowances Tribunal

The Act means the *Local Government Act 1995*

The Regulations means the *Local Government (Administration) Regulations 1996*

Work includes First Nations cultural business

3. Fees and Allowances

Meeting fees and allowances are determined by the SAT. Council may set fees and allowances for its Council Members within the range determined by the SAT.

Annual Meeting Attendance Fees

Council Members will be paid an annual meeting attendance fee, within the range set by the Salaries and Allowances Tribunal. That fee will be determined by Council as part of the Annual Budget.

Presidential and Deputy Presidential Allowances

The Shire President and Deputy Shire President will be paid an annual meeting attendance fee, within the range set by the Salaries and Allowances Tribunal. That fee will be determined by Council as part of the Annual Budget.

Information and Communication Technology (ICT) Allowance

Council Members will be paid an annual ICT allowance, within the range set by the Salaries and Allowances Tribunal, as determined by Council as part of the Annual Budget. The ICT allowance is paid in lieu of reimbursement for any and all ICT expenses.

For the avoidance of doubt, ICT expenses to be covered by this allowance include those that relate to information and communications technology (including but not limited to equipment, hardware (including smart phones, laptops, PCs and devices), call charges and internet service provider fees, consumables, electricity and data, etc). The ICT allowance is paid in addition to any ICT equipment provided by the Shire, which remains the property of the Shire and must be returned to the Shire when the Council Member leaves office.

Payment of Meeting Fees and Allowances

All meeting fees and allowances are be paid monthly in arrears.

4. Reimbursement of Expenses – Travel

The Shire will make all travel bookings for approved Meetings and Events. It is the responsibility of each Councillor to provide prior notice to the Shire of any accommodation or travel bookings they require to attend Meetings or Events.

Councillors will also be responsible for the acquittal of their travel – to confirm it was undertaken.

The Chief Executive Officer is authorised to develop Travel Booking and Travel Acquittal Forms, to be completed by Councillors for this purpose.

Council and committee meetings

In accordance with Regulation 31(1)(b) of the Regulations, Council Members will be reimbursed for travel expenses incurred with respect to the actual cost of travelling from their usual place of residence or work to attend:

- Council meetings; or
- Council committee meetings, for which they are a member or deputy member deputising for an absent member.

Other meetings

In accordance with regulation 32(1) of the Regulations and the Determination, Council Members may be reimbursed for the actual cost of travelling from their usual place of residence or work to attend a Meeting or Event.

Usual place of residence or work

A Council Member may have the actual cost of travel from their usual place of residence or work to and from a Meeting or Event reimbursed in accordance with the Determination and this Policy.

Where the Council Member lives outside the local government district, actual travel costs will be reimbursed from the Council Member's usual place of residence or work and back up to 100 kilometres each way, in accordance with the Determination, from the Council Member's place of residence or work to and from the meeting. Where the distance travelled is more than 100 kilometres, the reimbursement

will be calculated on the distance from the outer boundary the adjoining local government district to the meeting and back to that boundary.

Advice of any changes in a Councillor's place of residence or work should be provided to the Shire.

Extent of travel related expenses reimbursement

Where a private motor vehicle is used, reimbursement of travelling expenses is calculated for the shortest distance between the origin and destination in accordance with the Determination.

If the shortest possible route uses gravel roads, and the roads conditions are unsafe or unfavourable (due to adverse weather for instance), the Council Member may take a longer route via the bitumen roads, and will be reimbursed for the actual kilometres travelled to the extent permitted by the Determination.

Commercial air travel

Where a Councillor resides or works outside of the District but within Western Australia, the Shire will meet the costs of a return economy airfare to travel from their home or place of work to attend a Meeting, where this is the most practical and economical means of travel. The Shire will not meet the costs of partners or family members to accompany the Councillor.

The Shire will meet the costs of commercial travel for Councillors travelling on approved business of the Council, including but not limited to training, advocacy and other meetings and events as approved by the Chief Executive Officer.

All commercial travel will be booked by the Shire. It is the responsibility of Councillors to complete the necessary travel booking form and acquit the travel upon its completion.

Frequent flyer points are not to be accrued when travelling on the official business of Council.

Travel by charter plane

The Shire will meet the cost of travel by air charter by Council Members subject to approval by the Chief Executive Officer in exceptional circumstances, where no practical alternative is in place or where it is unsafe to travel by any other means, and attendance at the meeting by electronic means is not possible or appropriate.

Accommodation, meals and incidentals

Accommodation will be arranged and paid for by the Shire if the Councillor is required to travel for the following purposes:

- Attendance at an approved Meeting or Event
- Attendance at approved training, advocacy and other meetings and events as approved by the Chief Executive Officer; and
- Where the Councillor has travelled by road in excess of 100km to attend an approved Meeting or Event. For travel in excess of five (5) hours by road, accommodation at an intermediate stop where available, will be arranged and paid for by the Shire on request.

Incidental expenses will not be covered by the Shire.

Meals and catering

The Shire will provide catering for Council and Council committee meetings to suit the time of day and length of meeting. A Council meal may be provided for Council meetings for all Council Members and Executive staff.

The cost of alcoholic beverages will be met by the Shire when consumed with a meal, and only at the discretion of the Chief Executive Officer or Shire President.

5. Reimbursement of Expenses – Child Care

Council Members will be reimbursed for child care costs incurred with respect to their attendance at a Meeting or Event.

Council Members will be reimbursed either the actual cost per hour or $30 per hour, whichever is the lesser amount, in accordance with the Determination.

Receipts for expenses or the provision of a Statutory Declaration must be provided for reimbursement.

6. Provision of Equipment

Electronic Equipment

Council Members will be provided the use of a Shire of East Pilbara owned tablet, iPad or laptop.

Equipment will be configured to allow access to the internet, email account and Councillor Portal for access to Council Papers. In addition, tablets will have the option of cellular data access, for which Council Members will need to purchase a cellular data plan from the ICT allowance.

Use of the tablet device shall be in accordance with the Shire of East Pilbara "Councillor Tablet Usage Guidelines."

All Shire provided equipment must be returned to the Shire prior to the Council Member leaving office.

Corporate Uniform

The Shire will provide on request Council Members with corporate uniform items up to a value each year determined in the Annual Budget.

Council Members provided with a corporate uniform are expected to wear the uniform at all Meetings and Events.

Council Members are responsible for any repairs, alterations and cleaning of supplied uniforms.

Councils will also be provided with a Shire of East Pilbara name badge.

Consumables

The following items will be provided to Councillors upon request:

- 2 x reams of paper, per annum; and
- 250 personalised business cards.

Restrictions on use of Shire resources

Shire supplied resources, including but not limited to electronic equipment, @eastpilbara email accounts, letterhead/stationery, business cards, equipment, and consumables must not be used for any person, business related or election related activities in accordance with the Shire of East Pilbara Code of Conduct for Council Members, Committee Members and Candidates. Resources provided must only be used for Council business. Councillors are responsible for compliance with the State Records Act 2000 and Council's Recordkeeping Policy (1.13) when utilising Council emails.

Authorisation Details

References:	*Local Government Act 1995* *Local Government (Administration) Regulations 1996* *State Records Act 2000* *Local Government Chief Executive Officers and Elected Members Determination No 1 of 2023 (as varied from time to time)* *Attendance at Events Policy (1.10)* *Recordkeeping Policy (1.13)*		
Authorised by:	Council		
Date:	26 April 2019	**Item No.**	10.1.5
Review/Amendment Date	24 January 2020	**Item No**	9.1.4
Review/Amendment Date	26 June 2020	**Item No**	9.1.5
Review/Amendment Date	27 August 2021	**Item No**	9.2.2
Review/Amendment Date	17 December 2021	**Item No**	11.1.3
Review/Amendment Date	23 February 2024	**Item No**	12.1.1
Next Review	Following each ordinary election		
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Governance, Risk and Governance		
File No.			

1.5 Councillors Insurance Cover

Objective

To determine to level of insurance coverage for Councillors.

Corporate Travel Policy

Councillors and any accompanying partner and/or dependent child/ren travelling on official Council business shall be covered by a corporate travel insurance in accordance with the terms of the insurance policy up to and including a maximum amount of five hundred thousand Australian dollars ($500,000 AUD).

Management Liability Policy

Councillors shall be covered by a management liability of insurance in accordance with the terms of the insurance policy up to a maximum limit of liability to the value of ten million Australian dollars ($10,000,000 AUD) in the aggregate.

Authorisation Details

Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date	28 June 2019	**Item No.**	10.1.3
Review/Amendment Date	27 August 2021	**Item No.**	9.2.2
Review/Amendment Date	26 May 2023	**Item No.**	11.1.2
Next Review	Every two years		
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Corporate Services		
File No.			

1.6 Dress Standard for Council Chambers

Objective

To establish acceptable dress standards for persons visiting the Council Chambers.

Policy

This Policy shall apply in respect to all persons visiting the Council Chambers at both the Newman and Marble Bar offices.

All persons shall include Councillors, staff, other attendees and persons invited to join Council for any reason whether it be for full Council meetings, Committee or staff meetings, question time, social functions or any other formal or social occasions held in the Council Chambers.

Council has resolved that all persons, whether elected members, staff or otherwise should be dressed to a standard which reflects the importance of the Council Chambers in the decision making process of the Shire of East Pilbara.

All persons entering the Council Chambers should meet the following minimum dress standards:

Male: Clean, neat appearance, e.g. open necked shirt and slacks or dress shorts or equivalent Open or covered footwear (not including thongs).

Female: Clean, neat appearance, e.g. blouse and slacks, skirt or dress shorts or equivalent. Open or covered footwear (not including thongs).

Authorisation Details

Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date		**Item No**	
Next Review			
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

1.7 Council Members' Continuing Professional Development

Objective

To provide all Council Members of the Shire of East Pilbara with the necessary professional development and training to support them in the discharge of their responsibilities, obligations and duties as a Council Member.

Background

Section 5.128 of the *Local Government Act 1995* ("the Act") requires Council to adopt a policy in relation to the continuing professional development of Council Members. The Policy must be reviewed after each Ordinary election.

Section 5.127 of the Act requires the Local Government to report on the training completed by Council Members each financial year, and that the report is to be published on the Local Government's website within 1 month after the end of the financial year to which to report relates.

Policy

The Shire of East Pilbara recognises the importance of providing Council Members with the knowledge and resources that will enable them to fulfil their role in accordance with statutory obligations and community expectations.

1. Training schedule (provided by the Shire of East Pilbara)

Council Members must complete the following mandatory training units:

(a) Understanding Local Government

(b) Conflicts of Interest

(c) Serving on Council

(d) Meeting Procedures and Debating

(e) Understanding Financial Report and Budgets

All units will be paid for by the Shire. Regulations 35 and 36 of the *Local Government (Administration) Regulations 1996* ("the Regulations") require the training units must be completed by Council Members within 12 months from the day on which the Council Member is elected. Council Members are exempt from undertaking the mandatory training if a Council Member passed either the above units or 52756WA — Diploma of Local Government (Elected Member) within the period of 5 years ending immediately before the day on which the Council Member is elected.

Council Members who are returned to Council at an election and not required by the Regulation to undertake the training are strongly encouraged to complete the units listed above, as a refresher.

In addition to the training units listed above, the Shire will also arrange a Good Governance Workshop to be presented to all Council Members after an election.

Additional training will not be accessible by Council Members until completion of the mandatory training units required by the Regulations.

2. Training expenses

Following completion of the mandatory training units detailed above in paragraph 1, training expenses shall be made available to Council Members to undertake training and professional development in areas relevant to their role as Council Members. Training is subject to sufficient funds being available in the budget allocation approved by Council.

In addition, each Council Member may attend the Western Australian Local Government Association (WALGA) annual conference.

Approval

(a) Where there are sufficient funds remaining, the Chief Executive Officer is authorised to approve applications for Council Members to attend training.

(b) Where there are insufficient funds remaining, the approval must be sought from Council.

3. Booking arrangements

All registration, travel and accommodation bookings will be arranged by the Chief Executive Officer.

The costs associated with all registration, travel and accommodation bookings will be met by the Shire in accordance with the Council Member Allowances & Expenses Policy.

Authorisation Details

Authorised by:	Council		
Date:	25 October 2019	**Item No.**	9.1.2
Review/Amendment Date	25 February 2022	**Item No.**	11.2.4
Review/Amendment Date	24 November 2023	**Item No.**	12.1.2
Next Review	Following the 2025 Ordinary Local Government Election		
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

1.14 Location of Council Meetings

Objective

To facilitate Council's commitment to convening meetings of the Council in communities across the District.

Policy

Council shall determine the date, time and place of ordinary meetings of the Council and its committees, generally in October of each year for the forthcoming year.

Ordinary Council meetings will generally be held in Newman. Two (2) ordinary meetings will be held in Marble Bar and one (1) in Nullagine each year. Council is also committed where practicable for which community permission has been granted, and a budget has been allocated, convening meetings in remote First Nations communities.

Authorisation Details

References:	*Local Government Act 1995*, s.5.3 *Local Government (Administration) Regulations 1996*, reg 12		
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date	29 June 2018	**Item No**	9.2.4
Review/Amendment Date	24 March 2023	**Item No**	11.1.2
Next Review	Every two years following an ordinary election		
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

1.10 Smoke Free Policy

Objective

To protect the health of all employees and public users of Council facilities.

Policy

Council recognises that passive smoking is deemed to be hazardous to health and that non-smokers should be protected from the inhalation of tobacco smoke.

To protect the health of all employees, Councillors and the public users of Council facilities, are not permitted to smoke in any enclosed Council work place, meeting room or vehicle. All users are to be advised on this policy and encouraged not to smoke by the use of strategically located and well-designed signage; or if they wish to smoke to do so in an open area outside the building or vehicle, but away from open windows, doors or ventilation systems.

Authorisation Details

Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date		**Item No**	
Next Review			
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager People & Culture		
File No.			

1.8 Fraud and Corruption Control Policy

Objective

The objective of this policy is to articulate the Shire of East Pilbara's ("the Shire") commitment to the prevention, detection, response and monitoring of fraud and corrupt activities.

Policy Scope

This policy applies to all employees, Elected Members and contractors.

Fraud and corruption control is the responsibility of everyone in or associated with the Shire.

Definitions

Fraud is defined by Australian Standard AS8001-2008 as:

> *"Dishonest activity causing actual or potential financial loss to any person or entity including theft of monies or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity."*

CCM Act means the *Corruption, Crime and Misconduct Act 2003*. CEO means the Chief Executive Officer of the Shire of East Pilbara. corruption is defined by Australian Standard AS8001-2008 as:

> *"Corruption is dishonest activity in which an employee or contractor of the entity acts contrary to the interests of the entity and abuses their position of trust in order to achieve some personal gain or advantage for themselves or for another person or organisation. The concept of 'corruption' can also involve corrupt conduct by the entity, or a person purporting to act on behalf of and in the interests of the entity, in order to secure some form of improper advantage for the entity."*

Corruption is any deliberate or intentional wrongdoing that is improper, dishonest or fraudulent and may include:

- Conflict of interest;
- Failure to disclose acceptance of gifts or hospitality;
- Acceptance of a bribe;
- Misuse of internet or email; or
- Release of confidential or private information or intellectual property.

Corrupt conduct tends to show a deliberate intent or an improper purpose and motivation and may involve conduct such as the deliberate failure to perform the functions of office properly; the exercise of a power or duty for an improper purpose; or dishonesty.

FW Act means the *Fair Work Act 2009*

Minor misconduct as defined by the *Corruption, Crime and Misconduct Act 2003*, means conduct that:

a. adversely affects the honest or impartial performance of the functions of a public authority or public officer, whether or not the public officer was acting in their public officer capacity at the time of engaging in the conduct; or

b. involves the performance of functions in a manner that is not honest or impartial; or

c. involves a breach of the trust placed in the public officer; or

d. involves the misuse of information or material that is in connection with their functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person; and

e. constitutes, or could constitute, a disciplinary offence providing reasonable grounds for termination of a person's office or employment.

Public authority as defined by the *Corruption, Crime and Misconduct Act 2003*, includes an authority, board, corporation, commission, council, committee, local government, regional local government or similar body established under a written law.

Public interest information as defined by the *Public Interest Disclosure Act 2003*, means information that tends to show, in relation to its public function, a public authority, a public officer, or a public sector contract is, has been, or proposes to be involved in:

a. improper conduct; or

b. an act or omission that constitutes an offence under a written law; or

c. a substantial unauthorised or irregular use of, or substantial mismanagement of, public resources; or

d. an act done or omission that involves a substantial and specific risk of –

   i. injury to public health; or
   ii. prejudice to public safety; or
   iii. harm to the environment;

e. a matter of administration that can be investigated under section 14 of the *Parliamentary Commissioner Act 1971*.

Public officer as defined by the *Corruption, Crime and Misconduct Act 2003*, includes a member, officer, or employee of an authority, board, corporation, commission, local government, council, committee or other similar body established for a public purpose under an Act.

Serious misconduct as defined by the *Corruption, Crime and Misconduct Act 2003*, means:

a. a public officer corruptly acts or corruptly fails to act in the performance of the functions of the public officer's office or employment; or

b. a public officer corruptly takes advantage of the public officer's office or employment as a public officer to obtain a benefit for himself or herself or for another person or to cause a detriment to any person; or

c. a public officer whilst acting or purporting to act in his or her official capacity, commits an offence punishable by two or more years' imprisonment

Policy Statement

Fraud and corruption is illegal, and contrary to the organisational values of the Shire of East Pilbara. The Shire aims to foster a culture which upholds trust and honesty as part of its core values. In doing so, the

Shire will ensure that the effective prevention of fraud and corruption is an integral part of its operating activities.

All employees are accountable for, and have a role to play in, fraud and corruption prevention and control. The Shire encourages staff to disclose actual or suspected fraudulent or corrupt activity. When identified, any suspected fraudulent or corrupt activity will be promptly investigated, and where appropriate legal remedies available under the law will be pursued. All alleged incidences will be investigated thoroughly. Where appropriate, the Shire will protect the anonymity of those responsible for reporting the activity.

The Shire will ensure that systems and procedures are in place to prevent, detect, report and investigate incidents of fraudulent or corrupt behaviour or activities. It will also ensure that staff are trained in and aware of their responsibilities in respect to the prevention, detection, reporting and investigation of fraudulent or corrupt behaviour.

A Fraud and Corruption Control Plan ("the Plan") has been developed to assist to meet the objectives of this policy. The Plan will ensure that the Shire has thorough and up-to-date procedures in place to mitigate the risk of fraud or corruption occurring in the organisation.

Chief Executive Officer's Duty to Notify

As a principal officer of a notifying authority the Chief Executive Officer is required by the Corruption, Crime and Misconduct Act 2003 to notify the Corruption and Crime Commission or the Public Sector Commission in writing of any matter that they suspect, on reasonable grounds, to be either serious or minor misconduct.

Reporting internally

Anyone, including employees, customers, contractors or members of the public can make a complaint about fraud, misconduct and corruption or suspected wrongdoing.

If a complaint or allegation is:

a. A service complaint, the Shire's customer service officer's will log and action the complaint in accordance with the Shire's Customer Complaint's Policy (still to be developed).

b. A grievance issue, the Shire's Manager Human Resources will action in accordance with the Grievance Settlement Procedure.

c. Considered minor or serious misconduct under the CCM Act or FW Act, is to be referred to the CEO.

Complaints may be lodged by telephone, hard copy correspondence or through the Shire's electronic form available of the Shire's website.

The following procedures explain how to report suspected wrongdoing, including fraud, misconduct and corruption:

- Reporting Serious and Minor Misconduct Management Procedure.
- Receiving and Conducting Investigations into Allegations of Misconduct under the *Corruption and Crime Misconduct Act 2003*.
- Grievance Settlement Procedure.

Reporting Externally

The Shire's Public Interest Disclosure Guidelines provide clear direction in regards to reporting any suspected fraudulent or corrupt conduct to any external enforcement agency.

The Western Australian public sector integrity framework includes several independent statutory bodies which promote accountability, integrity and good governance. These include:

- Public Sector Commission (PSC);
- Crime and Corruption Commission (CCC);
- Western Australian Police Force.

These agencies offer a range of external reporting channels and advice, depending on the nature and scope of the alleged misconduct. In addition, the Shire has an external reporting responsibility to the PSC for minor misconduct and the CCC for serious misconduct, in accordance with the *Corruption, Crime and Misconduct Act 2003*.

The Manager Governance should be contacted prior to any matter being reported to an external agency, for advice on the correct reporting protocols.

Public Interest Disclosure

Any person may make an appropriate disclosure of public interest information to a proper authority (including a local government). The legislation which governs such disclosures is the *Public Interest Disclosure Act 2003*.

A disclosure can be made by anyone and may be made anonymously. If disclosures are made in accordance with the Act, the person making them is protected from reprisal. This means that the person enjoys immunity from civil or criminal liability and is protected from any disciplinary action or dismissal.

The Act also requires local governments to appoint persons, known as the Public Interest Disclosure Officer's (PID Officer), to whom disclosures may properly be made. The PID Officer should be consulted when considering whether to make a disclosure.

Information on public interest disclosures and the Shire's PID Officers are found in the Shire's Public Interest Disclosure Guidelines, which are maintained on the Document Centre and the Shire's website.

Whistle-blower Protection

Persons disclosing misconduct or corruption related matters are protected from reprisal or detrimental action by the CCM act and other 'whistle-blower' protection laws.

Recovery Action

The Shire will seek to recover any losses it may have suffered through fraudulent or corrupt conduct, where there is clear evidence, and where the likely benefits of such recovery will exceed the funds and resources required to be invested in the recovery action.

Review

This Fraud and Corruption Control Policy shall be reviewed every two years.

Authorisation Details

Authorised by:	Council		
Date:	28 June 2013	**Item No.**	9.1.4
Review/Amendment Date	13 April 2018	**Item No.**	9.2.5
Review/Amendment Date	22 November 2019	**Item No.**	9.1.4
Review/Amendment Date	26 June 2020	**Item No.**	9.1.4
Review/Amendment Date	11 December 2020	**Item No.**	9.1.8
Review/Amendment Date	27 August 2021	**Item No.**	9.2.2
Next Review	Every 2 years		
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

1.12 Use of Presidential Chain

Objective

To outline the procedure for the use of the Presidential Chain.

Policy

Scope of the Policy

This Policy ensures the implementation of appropriate governance mechanisms to manage the use of the Presidential Chain according to Council decisions.

Definitions / abbreviations used in the Policy

Council means the elected representatives, Councillors that form the governing body of the Shire of East Pilbara Council.

SoEP means the Shire of East Pilbara which is the organisation that is responsible for the administration of Council affairs and operations and the implementation of Council policies, procedures and strategies.

Presidential Chain means the chain adopted and recognised by Council as the Presidential Chain.

Policy Statements

To ensure the appropriateness and effectiveness of the policy the following aspects apply:

- It covers all the elected members of the SoEP, staff and contractors working for the SoEP, any individual or establishment employed to work on the SoEP properties or services and all events of the SoEP.
- The Shire President of the day has the right to decide whether to wear the Presidential Chain during their term of office.
- In the event of choosing to wear the chain, the Shire President has the option to decide where and when to wear the Presidential Chain within the following parameters :

    1. The official swearing in of the Shire President in the Council Chambers.
    2. Citizenship ceremonies held at the Shire of East Pilbara.
    3. Formal functions where the Shire President has been requested to address.
    4. When representing the SoEP at official functions arranged by Local, State and Federal government representatives, the Prime Minister, Governor General, WA Governor, Premier, Ambassadors of State, Foreign dignitaries, Business groups/ Associations and others that are considered appropriate.
    5. When representing the SoEP at the following but not limited to graduation and dedication ceremonies conducted at universities and institutes of education, schools, charitable organisations, churches, sporting and community groups.
    6. Australia Day ceremonies.
    7. Ceremonies linked with state or national Local Government Association Conferences and/or Assemblies.
    8. Any civic ceremonies that require the formality of the Presidential Chain to be worn by the Shire President.
    9. Presentation of the Year Awards and other awards of honour issued by the SoEP.

10. For the purpose of official portraits of the Shire President.
11. When representing the SoEP as part of a delegation travelling outside Australia as per Council resolution.
12. At full Council meetings and other approved meetings/ receptions.

- Any other elected Councillors, SoEP employees or citizens are not allowed to wear the Presidential Chain.
- The Presidential Chain is to be deemed as an asset of the Shire of East Pilbara.

Monitoring and Reviewing

- This policy will be reviewed by Council in accordance with Council procedures.
- The onus is on all SoEP employees and agents to be knowledgeable of this policy to ensure compliance.
- The Presidential Chain must be kept in a safe and secure place.
- The custodianship for its safe keeping is entrusted to the Chief Executive Officer.
- Maintenance and arrangement of the necessary packaging of the Presidential Chain will be the responsibility of the Chief Executive Officer.
- It is the Shire President's responsibility to ensure the safe keeping of the Presidential Chain during their term of office.
- At the end of their term of office, all former Shire Presidents are to have their full name and period that they were Shire President engraved once on the Presidential Chain.
- The Chief Executive Officer and his office will be responsible for engraving the Shire Presidents' names and terms of office on the Presidential Chain.

Authorisation Details

Authorised by:	Council		
Date:	21 April 2017	**Item No.**	9.2.7
Review/Amendment Date		**Item No**	
Next Review	Annually		
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

1.13 Related Party Disclosures

Objective

To ensure that the Shire of East Pilbara's Annual Financial Statements contain the disclosures necessary to draw attention to the possibility that its financial position may have been affected by the existence of related parties or by transactions, in line with the requirements of Australian Accounting Standard AASB 124 – Related Party Disclosures.

Identification of related parties

AASB 124 provides that the Shire of East Pilbara is required to disclose in its Annual Financial Statements, related party relationships, transactions and outstanding balances.

Related parties include a person who has significant influence over the reporting entity, a member of the key management personnel (KMP) of the entity, or a close family member of that person who may be expected to influence that person.

KMP are defined as persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly.

For the purposes of determining the application of the standard, the Shire of East Pilbara has identified the following persons as meeting the definition of Related Party:

- A Councillor;
- Key management personnel being a person employed under section 5.36 of the *Local Government Act 1995* ("the Act") in the capacity of Chief Executive Officer, or a designated senior employee appointed under section 5.37 of the Act;
- Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner;
- Entities that are controlled or jointly controlled by a Councillor, KMP or their close family members. Entities include companies, trusts, joint ventures, partnerships and non- profit associations such as sporting clubs.

The Shire of East Pilbara must assess all transactions made with these persons or entities.

Identification of related party transactions

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

The following transactions or provision of services are identified as being related party transactions, which must be disclosed by Related Parties (including Councillors and KMP):

- Employee compensation whether it is for KMP or close family members of KMP;
- Lease agreements for housing rental;
- Monetary and non-monetary transactions between the Shire of East Pilbara and any business or associated entity owned or controlled by the related party (including family) in exchange for goods

and/or services provided to/by the Shire of East Pilbara;

- Sale or purchase of any motor vehicles, buildings or land owned by the Shire of East Pilbara, to a person identified above;
- Sale or purchase of any motor vehicles, buildings or land owned by a person identified above, to the Shire of East Pilbara;
- Loan arrangements;
- Contracts and agreements for construction, consultancy or services.

Ordinary citizen transactions (OCTs)

Many transactions conducted with the Shire of East Pilbara occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives. These transactions are those that an ordinary citizen would undertake with Council and are referred to as an Ordinary Citizen Transaction (OCT). Where the Shire of East Pilbara can determine that an OCT was provided at arm's length, and in similar terms and conditions to other members of the public and, that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

The following OCTs are provided on terms and conditions no different to those applying to the general public, and are unlikely to influence decisions affecting the Council's financial statements. As such, no disclosure is required in the Related Party Disclosures Declaration Form.

- Paying rates;
- Fines;
- Use of Shire of East Pilbara owned facilities such as recreation centres, aquatic centres, libraries, parks, ovals and other public open spaces;
- Attending Council functions that are open to the public;
- Application fees paid to the Shire of East Pilbara for licences, approvals or permits.

Where the services were not provided at arm's length and under the same terms and conditions applying to the general public, Councillors and KMP will be required to make a disclosure of that transaction.

Disclosure requirements

For the purposes of determining relevant transactions, Councillors and key management personnel as identified above, will be required to complete a Related Party Disclosures Declaration Form.

Frequency of disclosures

Elected Members and KMP will be required to complete a Related Party Disclosures Declaration Form annually for the preceding financial year, or when they leave the organisation, whichever comes earlier. Annual Related Party Disclosures must be lodged by 31 August each year for the preceding financial year.

Confidentiality

All information contained in a disclosure return, will be treated in confidence. Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not

specifically identified. Notwithstanding, management is required to exercise judgment in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and the materiality. Individuals may be specifically identified, if the disclosure requirements of AASB 124 requires.

Materiality

Management will apply professional judgment to assess the materiality of transactions disclosed by related parties and their subsequent inclusion in the financial statements.

In assessing materiality, management will consider both the size and nature of the transaction, individually and collectively.

Authorisation Details

References	AASB 124 – Related Party Disclosures		
Authorised by:	Council		
Date:	27 March 2020	**Item No.**	10.1.7
Review/Amendment Date	27 August 2021	**Item No**	9.2.2
Review/Amendment Date	24 June 2022	**Item No**	12.2.5
Next Review	Annually		
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

1.10 Attendance at Events

Objective

The objective is to provide a policy framework for the approval of attendance at certain events by Council Members and/or the Chief Executive Officer, in accordance with s5.90A of the *Local Government Act 1995* ("the Act").

Definitions

Code of Conduct means the Shire of East Pilbara Code of Conduct for Council Members, Committee Members and Candidates.

Event includes the following:

a. a concert;

b. a conference;

c. a function;

d. a sporting event;

e. an occasion of a kind prescribed by the Local Government Regulations.

Ticket includes an admission to an event, or an invitation to attend an event, or a complimentary registration for an event.

Scope

This policy applies to Council Members and the Chief Executive Officer of the Shire of East Pilbara ("the Shire").

Policy

Council Members and/or the Chief Executive Officer will from time to time receive or be offered tickets or invitations to attend events as representatives of the Shire.

Gifts of tickets must be disclosed in accordance with the Act and the Code of Conduct.

When a ticket or invitation to an event is offered and accepted in accordance with this policy, the Council Member and/or Chief Executive Officer is not required to disclose an interest in the circumstances where the donor of the ticket has a matter before Council or a committee of the Council.

The Chief Executive Officer will maintain a register of all invitations and tickets accepted and events attended in accordance with this policy.

1. Invitations

All invitations or offers of tickets for a Council Member or the Chief Executive Officer to attend an event should be in writing and addressed to the Shire of East Pilbara.

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

2. Pre-Approved Events

The Shire approves attendance at the following events by Council Members and the Chief Executive Officer:

a. Shire hosted ceremonies and functions;

b. Shire hosted events with employees;

c. Shire run tournaments or events;

d. Shire sponsored functions or events;

e. Community art exhibitions;

f. Cultural events/festivals;

g. Events run by schools within the Shire of East Pilbara;

h. Opening or launch of an event or facility within the Shire of East Pilbara;

i. Meetings of clubs or organisations within the Shire of East Pilbara;

j. Events hosted by clubs or not-for-profit organisations within the Shire of East Pilbara to which the Shire President, Council Members or Chief Executive Officer have been officially invited;

k. Western Australian Local Government Association, including WALGA Zone;

l. State or Commonwealth Parliaments;

m. Government agencies and organisations; and

n. Neighbouring local governments.

If there are more Elected Members than tickets provided, then the Shire President shall allocate the tickets.

3. Approval Process

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

- Events for the President will be approved by the Deputy President;
- Events for Elected Members will be approved by the President;
- Events for the Chief Executive Officer will be approved by the President. Considerations for approval of attendance at the event include:

a. Any justification provided by the applicant when the event is submitted for approval.

b. The benefit to the Shire of the person attending.

c. Alignment to the Shire's Strategic Objectives.

d. The number of Shire representatives already approved to attend.

Where a Council Member has an event approved through this process and there is a fee associated with the event, then the cost of the event, including for attendance of a partner, is to be met by the Shire subject to budget allocations.

4. Non-Approved Events

Any event that is not pre-approved, i.e. it is not submitted through the approval process, or is received personally, is not covered by this policy.

If the event is a free event open to the public, the Council Member or the Chief Executive Officer may attend with no further action required.

If the event is ticketed and the Council Member or Chief Executive Officer pays the full ticketed price and does not seek reimbursement then no action is required.

If the event is ticketed and the Council Member or Chief Executive Officer pays a discounted rate or is provided with a free ticket, then the recipient must disclose receipt of the tickets within 10 days, in accordance with sections 5.87A and 5.87B of the Act and the Code of Conduct.

Authorisation Details

Reference:	s.5.90A *Local Government Act 1995*		
Authorised by:	Council		
Date:	24 July 2020	**Item No.**	9.1.5
Review/Amendment Date	25 March 2022	**Item No.**	11.1.3
Review/Amendment Date	24 March 2023	**Item No.**	11.1.2
Review/Amendment Date	22 March 2024	**Item No.**	12.1.2
Next Review	Annually		
Responsible Directorate	Office of Chief Executive Officer		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

1.11 Council Member Communication with Shire Officers

Objective

The purpose of this policy it to ensure that effective protocols and guidance are in place to:

- Provide clearly defined communications and contact channels between Council Members and Shire officers;
- Improve efficiency in communication, reducing duplication and loss of productive time;
- Provide support to Council Members in the effective performance and discharge of their duties as elected member; and
- Provide a commitment by Shire Officers to timely responses to Council Member requests.

Policy

Council and the Shire are committed to establishing a respectful, harmonious, and effective working relationship between all Council Members and appropriate officers of the Shire through open communications between each party.

The *Local Government Act 1995* ("the Act") provides that the Chief Executive Officer is the primary point of contact between Council Members and the Shire Administration, it is recognised that from time to time, this may be impractical and inefficient.

The Chief Executive Officer may appoint specific Shire officers to receive communications from Council Members. The Chief Executive Officer has the sole discretion to withdraw the delegation from any appointed Shire officer at any time, in accordance with the Act.

The Shire will provide a response within an agreed timeframe. If the matter is unable to be finalised within the agreed timeframe, an update will be provided by the due date.

Information provided to one Council Member will be provided to all Council Members, unless the matter relates to a personal issue, or the Chief Executive Officer considers that it is in the public interest that a matter be confidential, and is not likely to be subject to consideration by Council at a future time.

Email Contact

Email correspondence from Council Members to any Shire Officer other than the Chief Executive Officer must be cc'd to the Chief Executive Officer and the relevant Director, unless the matter relates to a personal issue, including but not limited to the payment of meeting fees, reimbursements, etc, which may be emailed directly to a member of the Governance team.

Council Members should email service requests or requests for information to **crrequests@eastpilbara.wa.gov.au** and cc the Chief Executive Officer and **AllCouncillors** (which may be found in the Address function).

Telephone Contact

Where the Chief Executive Officer has approved contact with a designated officer, a file note of telephone calls should be made by the officer and Council Member in accordance with the *State Records Act 2000* and a copy of the officer's note confirming the discussion sent to the CEO and relevant Director.

Councillor Portal

The Chief Executive Officer will investigate enhanced use of the Councillor Portal as a means of communication with Council Members, including the option of recording requests directly through the Councillor Portal.

Information provided to Council Members in Council Workshops and other meetings of the Council will be uploaded to the Councillor Portal, together with other relevant documents that assist Council Members in the discharge of their duties.

It is noted that the full capabilities of the Councillor Portal are yet to be realised. This policy will be reviewed following a review of communications options available through the Councillor Portal.

Confidential Matters

Where a Council Member seeks to have a matter dealt with confidentially, they should contact the Chief Executive Officer or Manager Governance, Risk and Procurement directly.

Commitment to Timely Responses

The Shire commits to using best endeavours to respond to requests as quickly as possible. In any case, a response will be provided within five (5) working days of a request being received through the **crrquests@eastpilbara.wa.gov.au** inbox, in accordance with this Policy. If the matter is unable to be resolved within that timeframe, an update will be provided instead.

In all instances, if the Chief Executive Officer is unable to resolve the request, the matter will be referred to Council for its consideration.

Conduct

Council Members must abide by the *Shire of East Pilbara Code of Conduct for Council Members, Committee Members and Candidates* at all times. Council Members may not direct operations.

Authorisation Details

References:	*Shire of East Pilbara Code of Conduct for Council Members, Committee Members and Candidates*		
Authorised by:	Council		
Date:	22 March 2024	**Item No.**	12.1.3
Review/Amendment Date		**Item No.**	
Next Review	Annually		
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

1.15 Council Member Travel

Objective

To establish appropriate financial controls over Corporate Travel and to ensure the appropriate management of travel risk, to ensure the Shire meets its duty of care.

Definitions

Best Fare of the Day means the lowest fare that exists in the marketplace at the time of booking and for which a seat is available, that meets the business requirements of the Traveller.

Salaries and Allowances Tribunal Determination means the Local Government Chief Executive Officers and Elected Members Determination in force at the time.

The Act means the *Local Government Act 1995*.

The Regulations means the *Local Government (Administration) Regulations 1996*.

Travel Approver means the Chief Executive Officer for all travel with the exception of international travel, which must be approved by Council.

Traveller means the Council Member approved to undertake travel.

Scope

This policy applies to travel by Council Members of the Shire of East Pilbara where the travel costs are paid directly by the Shire or by reimbursement. This policy does not apply to any Council Member's private travel.

As far as it is practicable and consistent with the relevant legislation and Council policies, this policy will apply to the purchasing of travel for Council members by the Shire.

Who can Travel?

1. Council Members may travel in accordance with the relevant Council policies, Regulations and Local Government Chief Executive Officers and Elected Members Determination as amended from time to time.

2. Council Members may undertake travel for the Shire as is considered appropriate for their role. This travel may include attending meetings of Council and its committees, professional development and training, product or site inspections, conferences, public relations opportunities or business development.

3. All travel by Council Members must provide a benefit to the Shire and its community.

4. Council Members Travel approval is requested and assessed through the completion of a Travel booking request form, which is subject to acceptance by the authorised Travel approver.

Approval of Travel

5. Travel by Council Members, outside of the Shire and Pilbara Regions which involves either:

    a. Air travel

b. Road travel using Shire vehicles

c. Overnight accommodation

d. Car Hire

must be requested using a Travel Booking Request Form and approved by the authorised Travel Approver prior to any booking being made.

6. The following aspects of travel will be considered in determining whether approval is granted:

   a. purpose of travel

   b. estimated travel costs

   c. duration of travel

   d. impact on Shire operations

   e. expected value generated by the travel.

7. The travel may be accepted or rejected at the sole discretion of the authorised Travel Approver.

Flights

8. Flights will be booked using the Best Fare of the Day which shall be reasonably determined by taking into consideration:

   a. airline scheduling including departure and arrival times, overall travel time and transit location(s).

   b. the ability to provide suitable connecting flights.

   c. price, taking into account relevant service costs that are included/excluded from the published fare (e.g., meal, baggage allowance).

   d. fare conditions including cancellation or change fees and other potential costs; and

   e. the need to accompany another traveller whose itinerary has been booked and it is most practical for them to travel together.

9. Travel will be purchased through the Shire's contracted Travel Agent.

10. Airline preferences, lounge membership, airline reward programs and preferences of accompanying family members will not be considerations in determining the Best Fare of the day for the traveller.

11. Business Class travel may be permitted where approved by the Chief Executive Officer in exceptional circumstances, which are limited to:

    a. there being no other practical flight available; or

    b. the traveller has a medical certificate or disability affecting their travel requirements; and

    c. there is sufficient budget to cover the cost of the travel.

12. Travellers may choose to upgrade to higher class of travel than at their own expense.

13. Amendments to ticketed airfares must be kept to a minimum. That is, bookings are only to be made once itinerary requirements are reasonably firm. Amendments are subject to cancellation fee, fare and airline differences.

14. The purchase of a flexible fare may be permissible in circumstances such as dates of meetings possibly changing subject to budget and travel approver, noting that these fares are often more expensive than regular fare.

15. Any amendment to approved travel is to be approved again by the Travel Approver. However, in exceptional circumstances that do not allow approval to be obtained in time, the traveller may amend a booking directly with the provider, provided they have the financial authority to do so and must notify the Travel Approver at the first opportunity.

16. Where a Council Member resides or works outside of the District but within Western Australia, the Shire will meet the costs of a return economy airfare to travel from their home or place of work to attend a Meeting, where this is the most practical and economical means of travel in accordance with the Council Member Allowances and Expenses Policy. The Shire will not meet the costs of partners or family members to accompany the Council Member.

17. Where a Council Member or a person in their direct care is outside the district and within Australia for ongoing medical treatment, the Shire will meet the cost of a return economy airfare to travel from their place of medical treatment to attend a Meeting, where this is the most practical and economical means of travel in accordance with the Council Member Allowances and Expenses Policy.

18. The Shire will meet the costs of commercial travel for Council Members travelling on approved business of the Council, including but not limited to training, advocacy and other meetings and events as approved by the Chief Executive Officer.

19. While bookings should where practicable be made through the Shire, a Council Member will be reimbursed for the actual cost of an economy class airfare booked by the Council Member, in accordance with the Salaries and Allowances Tribunal Determination and the Council Member Allowances and Expenses Policy. Bookings may be made through the Shire.

20. Frequent flyer points are not to be accrued when travelling on the official business of Council.

Special Requests

21. If a Council Member wishes to travel with pets, the Council Member must meet the expense for the transportation of their pets – the Shire will not cover any cost.

22. Requests for mobility assistance, including the transport of wheel chairs and other mobility aids must be entered in the Travel Form prior to booking. Costs will be met by the Shire.

23. Excess luggage costs may be approved by the Chief Executive Officer prior to booking. Excess luggage must be for the purposes of Official Business only.

Travel by charter plane

24. The Shire will meet the cost of travel by air charter by Council Members subject to approval by the Chief Executive Officer in exceptional circumstances, where no practical alternative is in place or where it is unsafe to travel by any other means in accordance with the Council Member Allowances and Expenses Policy.

Accommodation

25. Accommodation will be arranged and paid for by the Shire in accordance with the Council Member Allowances and Expenses Policy, if the Council Member is required to travel for the following purposes:

    a. Attendance at an approved Meeting or Event; or

    b. Attendance at approved training, advocacy and other meetings and events as approved by the Chief Executive Officer; or

    c. Where the Council Member has travelled by road in excess of 100km to attend an approved Meeting or Event. For travel in excess of five (5) hours by road, accommodation at an intermediate stop where available, will be arranged and paid for by the Shire on request.

26. Incidental expenses will not be covered by the Shire.

Meals

27. The cost of meals for Council Member undertaking taking in accordance with the Council Member Allowances and Expenses policy will be met by the Shire.

28. The Shire will not meet the cost of alcoholic beverages unless approved by the Shire President or Chief Executive Officer.

Car Hire

29. Shire vehicles should be used where available.

30. Car hire will be booked on the basis of best fare of the day and suitability for the intended travel.

Use of Private Motor Vehicle

31. Where a private motor vehicle is used, reimbursement of travelling expenses is calculated for the shortest distance between the origin and destination in accordance with the Salaries and Allowances Tribunal Determination and Council Member Allowances and Expenses Policy.

32. If the shortest possible route uses gravel roads, and the road conditions are unsafe (due to adverse weather for instance), the Council Member may take a longer route via bitumen roads, and will be reimbursed for the actual kilometres travelled to the extent permitted above.

33. In accordance with section 5.98(6)(b) of the Act, the Shire cannot reimburse any costs incurred for any repairs or servicing to a private motor vehicle, arising from its use for Council related travel.

34. All claims for the reimbursement of the use of private motor vehicles must be supported by evidence of odometer readings immediately before departure and immediately upon arrival at the destination.

Other Travel Expenses and Acquittal

35. Travel expenses will be reimbursed in accordance with the Act and the Salaries and Allowances Tribunal Determination and Council Member Allowances and Expenses policy.

36. Council Members will also be responsible for the acquittal of their travel and to provide photographs of their before and after odometer readings as evidence to support claims for reimbursement of costs

of using a private motor vehicle.

37. The Chief Executive Officer is authorised to develop Travel Booking and Travel Acquittal Forms, to be completed by Council Members to ensure the payment of expenses comply with the Shire's Integrity Framework, the statutory and policy framework, and best audit practice.

Place of residence or work

38. If the Council Member does not live or work in the local government district, actual travel costs will be reimbursed from the person's usual place of residence or work and back to the extent permitted by the Salaries and Allowances Tribunal Determination from the Council Member's place of residence or work to the meeting and back; or if the distance travelled referred to above, is more than 100 kilometres, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.

39. Advice of any changes in a Council Member's place of residence or work should be provided to the Shire.

40. Reimbursement of expenses for the Council members is to be approved by the Chief Executive Officer, with claims to be supported by receipts or other evidence.

41. All council members must complete a travel acquittal within 14 days of travel taken.

Private Travel

42. A traveller may request to include private travel in their Shire itinerary provided:

    a. the Shire shall not pay for any accommodation, transportation or reimburse any expenses associated with the private portion of the travel;

    b. the private component of the travel does not impact on any aspect of the business travel including, but not limited to, itinerary, choice of airline, choice of accommodation or general standard of travel; and

    c. the Shire will fund no more than the cost of the travel had the Best Fare of the Day not included the private travel.

    d. Council Members will make their own arrangements for private part of travel.

Risk Management

43. The Shire will provide sufficient travel insurance. Travellers are responsible for not undertaking activities that would invalidate the insurance.

44. When traveling, the traveller will carry the telephone number of the Shire's emergency travel service provider and will contact the provider when experiencing a medical, safety or security emergency.

45. Travel will be undertaken using reputable service providers and safe means of transportation relative to the route and destination.

46. Travel to a destination with an alert level of "do not travel" or "reconsider your need to travel" as assigned by the Department of Foreign Affairs and Trade of the Australian Government is not to be undertaken.

47. To minimise the potential impact on the Shire's leadership due to an accident, the following travelling combinations should, whenever practicable, avoid travelling together by air:

    a. the Shire President and a majority of Council members;

    b. the CEO and all Directors.

Exemptions

48. While this policy is intended to cover most travel circumstances, the Chief Executive Officer may, where it is in the public interest to do so, authorise an exemption to this Policy.

Authorisation Details

References:	*Local Government Act 1995* *Local Government (Administration) Regulations 1996* *Local Government Chief Executive Officers and Elected Members Determination No 1 of 2023* Council Member Allowances and Expenses Policy		
Authorised by:	Council		
Date:	23 February 2024	**Item No.**	12.1.1
Review/Amendment Date		**Item No.**	
Next Review	Annually		
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

1.26 Appointment of Acting Chief Executive Officer

Objective

The purpose of this policy is to provide clear guidance on the provisions that apply to the appointment of a person as Acting Chief Executive Officer (A/CEO) and to allow for the approval by the Shire President of applications by the Chief Executive Officer (CEO) for extended sick leave, long service leave, annual leave or other extended absences.

Background

In accordance with s5.39C of the *Local Government Act 1995* ("the Act"), the Shire must prepare and adopt a policy that sets out the process to be followed in relation to:

a. the employment of a person in the position of CEO for a term not exceeding 1 year; and

b. the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

Policy

<u>CEO Leave Entitlements</u>

1. The CEO is contractually entitled to certain leave conditions as outlined in their employment contract and the relevant industrial relations legislation.

2. Approval of the CEO to take leave entitlements is at the discretion of the Shire President, or where the Shire President is on an approved leave of absence, the Deputy President. The President/Deputy President cannot unreasonably withhold approval.

3. When the CEO is on leave, an Acting Chief Executive Officer is to take up their duties in accordance with this Policy.

<u>Appointment of an Acting CEO – Expected leave periods up to 35 days</u>

4. Acting arrangements for the position of CEO for leave periods up to 35 days is at the discretion of the CEO, in accordance with the Delegations and Authorisations Register.

5. The following officers can be appointed to the position of Acting CEO in accordance with the Delegations and Authorisations Register:

   a. Deputy Chief Executive Officer / Director Organisation Development

   b. Director Corporate Services

   c. Director Aviation and Regulatory Services

   d. Director Community Services

   e. Director Infrastructure Services

6. It is intended that Directors will carry out the role of Acting CEO during periods of absence of the CEO due to annual or extended sick leave, as nominated by the CEO.

7. It is intended that a Director will only be appointed as Acting CEO under the terms of this Policy if:

a. In the opinion of the CEO the employee is satisfactorily performing his/her duties;

b. In the opinion of the CEO and the employee, the employee has capacity to perform the duties of Acting CEO along with his/her current duties; and

c. This Policy does not apply to an employee who is temporarily acting in the role of a Director.

Appointment of an Acting CEO – leave periods in excess of 35 days

8. Should the CEO be absent for more than 35 days, the authority to appoint an Acting CEO shall be determined by Council.

Appointment of an Acting CEO – unexpected leave or vacancy

9. In the event that the CEO:

   a. takes unexpected leave;

   b. is incapacitated;

   c. is unable to perform their duties as a result of a disaster or crisis event;

   d. the position falls unexpectedly vacant; or

   e. is suspended or terminated,

   the following shall occur:

   f. if the Council has not appointed an Acting CEO, the Shire President shall appoint an interim Acting CEO, from the list specified in clause 5 having regard to the officer's experience and capacity, until the Council can appoint an ongoing Acting CEO in accordance with clause 10.

10. Where it is likely that a person will act as CEO under clause 9(f) for a period of more than ten (10 working days), a Special Council Meeting shall be convened as soon as possible, so that an ongoing acting appointment can be made.

Salary and conditions of Acting CEO

11. Unless Council otherwise resolves, and the Acting CEO agrees, a person acting as CEO shall be remunerated pro rata at the following rates:

    a. Up to 1 week – negotiated according to tasks and skill level required and only payable where substantive functions are required.

    b. 1-2 weeks – 50% differential

    c. 3-4 weeks – 70% differential

    d. Over 4 weeks – 100% differential

12. Note – the differential being the difference between the officer's base hourly rate and the higher positions current base hourly rate. All standard allowances received by relevant employees does not change only the base hourly rate changes.

Publication

In accordance with s5.39C(4) of the Act, the Shire must publish an up-to-date version of this policy on the local government's official website.

Authorisation Details

References:	s5.39C *Local Government Act 1995*		
Authorised by:	Council		
Date:	28 May 2021	**Item No.**	10.1.7
Review/Amendment Date	24 June 2022	**Item No.**	12.2.5
Next Review	Annually		
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

1.27 Chief Executive Officer Annual Remuneration Review

Objective

To confirm Council's commitment to undertaking an annual review of the Total Remuneration Package (TRP) for the Chief Executive Officer (CEO), in accordance with the CEO's contract of employment.

Policy

Council will undertake an annual review of the CEO's TRP, following an initial review at the completion of the CEO's first six (6) months employment with the Shire of East Pilbara. Annual reviews are to be initiated by Council prior to 31 March in each year.

Council and the CEO must agree on the process by which the TRP review is to be conducted, in accordance with clause 16 of schedule 2 of the *Local Government (Administration) Regulations 1996*.

Any criteria against which the annual TRP are to be assessed must not be inconsistent with the Chief Executive Officer's contract of employment.

The outcome of an annual review will be in accordance with the relevant determination of the Salaries and Allowances Tribunal.

Authorisation Details

References:	*Local Government (Administration) Regulations 1996*		
Authorised by:	Council		
Date:	28/10/2022	**Item No.**	15.2.4
Review/Amendment Date		**Item No.**	
Next Review	Annually prior to the commencement of each review		
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

1.28 Meeting Attendance by Electronic Means

Objective

To provide a framework for the conduct of electronic meetings of Council, its committees and informal briefings. The Policy also provides clear guidance on Council's requirements for Members of Council and Committees attending meetings by electronic means, including defining:

- the requirements for requests for attendance at meetings by electronic means, and grounds for refusal;
- suitable locations for both open and confidential meetings; and
- suitable equipment.

The policy also establishes a register to record remote attendance and ensure compliance with the 50 percent cap on meetings attended by electronic means imposed by the *Local Government (Administration) Regulations 1996* ("the Regulations"), and attends to a number of consequential matters.

Definitions

Council Briefing Session means an informal briefing or workshop of Council Members organised by the Shire of East Pilbara.

Electronic Meeting means a Meeting convened entirely by electronic means under regulation 14D of the Regulations.

Meeting means an Ordinary Council Meeting, Special Council Meeting, or Committee Meeting, including the Audit, Risk and Governance Committee, Plant Committee, Shire Airports Committee and Local Emergency Management Committees of the Shire of East Pilbara, or any other Committee established by the Council.

Member means a Member of the Council or Committee of the Council.

Policy means this Meeting Attendance by Electronic Means Policy.

Attendance at meetings by electronic means

1. Requests by Members to attend a Meeting or Council Briefing Session, must be made prior to the commencement of the Meeting or Council Briefing Session. Where possible, the request should be made in writing at least one (1) week prior to the meeting to the Shire's Governance staff. The Chief Executive Officer is authorised to develop and amend a form for such requests to be made.

2. All requests to attend by electronic means are to be considered by the President. If the President refuses the request, the Member may elect to have the request considered by Council.

3. A request must identify the location; confirm the Member will be in a private and quite space; and that the equipment and network to be used comply with this policy. The request may be refused if this information is not provided.

4. Requests must be refused if the Member's attendance by electronic means would result in the Member attending more than half of the meetings of Council or the Committee in the period of twelve (12) months from the day on which the Meeting requested to be attended by electronic means is proposed to be held.

5. In accordance with regulation 14C of the Regulations, neither the President nor Council may refuse a request to attend a meeting by electronic means by either:

    a. a Member who is a person with a disability as defined by section 3 of the *Disability Services Act 1993;* or

    b. by a Member who is unable, or considers it inappropriate, to be present in person at the Meeting in the circumstances of a public health emergency, state of emergency or natural disaster.

6. A request to attend by electronic means must be refused if the Member is not in a suitable location as defined by this Policy.

7. There is no limit on the number of Council Briefing Sessions a Member may attend by electronic means.

Electronic Meetings

1. When Council determines to convene any electronic meeting (including but not limited to a Meeting or Council Briefing Session), Members may attend the meeting from either the Newman or Marble Bar Council Chambers, unless the circumstances of a public health emergency, state of emergency or natural disaster prevail.

2. Attendance by a Member at an Electronic Meeting is not counted towards the 50% cap in place on a Member's attendance by electronic means authorised under regulation 14C(b) of the Regulations.

Suitable Networks and Equipment

1. Members attending a Meeting by electronic means should, where possible, connect to the Meeting through the videoconferencing software provided by the Shire, using their Shire issued device.

2. In recognition of frequently poor network conditions in remote parts of the District, Members may participate in Meetings by telephone, where no alternative is available.

3. It is the responsibility of Members to ensure their electronic device has sufficient battery power for the duration of the Meeting.

4. The equipment must have the capability of allowing the Member to clearly hear the Meeting proceedings, and to be heard. Where the equipment is video camera enabled, the video should be switched on.

5. Public wi-fi networks may be vulnerable to cybersecurity threats and are not be used. A private home or business internet connection, or hotspot from a trusted source is suitable.

Suitable Location

1. A Suitable Location for the purposes of this Policy is defined as being in Australia. Council may approve participation from a country outside of Australia, subject to network security confirmation by the qualified Shire Officers.

2. The Member should participate in the meeting within a private and quiet space.

3. For the purposes of a Confidential Session under 5.23(2) of the *Local Government Act 1996* ("the Act"), a Member must ensure they cannot be observed or overheard by any other person. If this cannot be

ensured, the Member must immediately seek the attention of the Presiding Member and advise they are leaving the meeting until they cannot be observed or overheard by any other person.

Suspension of Meeting Procedures

In each instance of an Electronic Meeting, or where a Member is authorised to attend a Meeting by electronic means, clause 8.1(2) of the *Shire of East Pilbara Meeting Procedures Local Law 2019*, which requires each Member to occupy their allotted position at each Council meeting, is suspended for the duration of the Meeting. The Suspension of Meeting Procedures is to be recorded in the Minutes.

Conflicts of Interest

Where a Member attending a Meeting by electronic means has disclosed an interest under Part 5, Division 6 of the Act, and are to leave the proceedings of the Meeting during the consideration of the relevant item, the Member must leave the Meeting (for example by exiting the videoconference or terminating the telephone call) so they cannot see nor hear any of the proceedings. This must be confirmed with Shire Officers by the Presiding Member before the Meeting will proceed further. Shire Officers will contact the Member at the conclusion of the item and invite them to resume their participation in the Meeting.

Loss of connectivity

In the event of a loss of connectivity with a Member attending a Meeting by electronic means, the times of the loss and resumption of connectivity is to be recorded in the Minutes.

Voting procedures

The Presiding Member at a Meeting with Members attending by electronic means, must call a roll of those Members to state whether they are 'for' or 'against' the motion under consideration.

Register of Attendance by Electronic Means

The Chief Executive Officer will maintain a Register of Attendance by Electronic Means, as part of the Register of Meeting Attendance, which is to be published on the Shire's website.

Authorisation Details

References:	*Local Government Act 1995* Regulations 14C, 14CA, 14D and 14E of the *Local Government (Administration) Regulations 1996*		
Authorised by:	Council		
Date:	28 April 2023	**Item No.**	11.1.2
Review/Amendment Date		**Item No.**	
Next Review	Following each Ordinary Election		
Responsible Directorate	Chief Executive Office		
Responsible Officer	Manager Governance, Risk and Governance		
File No.			

1.13 Recordkeeping

Objective

To comply with the requirements of the *State Records Act 2000* and the *Local Government Act 1995*.

To ensure recordkeeping is undertaken in a manner that provides for adequate storage and retrieval of information required for the conducting of business, and allows for fast and efficient service of all the organisations' stakeholders.

Definitions

Record means information recorded in any form that is created, received and maintained by an organisation in the course of conducting its business activities and kept as evidence of such activity.

A record may have any, or all of the following attributes:

a. Information which is of evidentiary or historical value and is not recorded elsewhere;
b. Formal communications and/or transactions between officers or between an officer and another party; or
c. It may document the rationale behind organisational policy, decisions or directives.

Recordkeeping Plan ensures that records are created, managed and maintained over time and disposed in accordance with legislation. It is the primary means of providing evidence of compliance with the *State Records Act 2000*. All government organisations must have a Recordkeeping Plan that is approved by the State Records Commission.

General Disposal Authority (GDA) for Local Government Records ("the schedule") is designed to provide consistency throughout Local Government in disposal activities and decisions. It is a continuing authority for the disposal and archival of records which document a Local Government's operations.

Policy Statement

Records are an important information resource within the Shire of East Pilbara ("the Shire"), and it is accepted that sound records management practices will contribute to the overall efficiency and effectiveness of the organisation.

The effective management of records:

- Protects the interests of the Shire of East Pilbara and the rights of its customers, stakeholders and employees;
- Supports informed decision making;
- Provides evidence of achievements; and
- Increases efficiency in administration and service delivery across the organisation.

Scope

This policy applies to all Council Members, employees and all contractors employed by the Shire to fulfil specific business functions.

Policy

This Policy provides direction on the creation and management of records and to clarify responsibilities for recordkeeping within the Shire of East Pilbara.

This policy and related recordkeeping procedures/guidelines are the framework for ensuring records are created and retained appropriately to meet accountability requirements, legislative compliance and adherence to best practice standards.

1. Ownership

All records created or received during the course of business belong to the Shire, and not to the individuals who created them.

2. Creation of Proper and Adequate Records

All employees and Council Members will ensure that full and accurate records are created to provide evidence of business transactions and decisions and that these records will be registered in the Shire of East Pilbara recordkeeping system.

3. Language Control

The following principles are to be followed for the creation and management of records:

- Records will be created and maintained in clear and concise language, free from jargon, acronyms and technical terms.
- The Organisation will provide training and support to staff to promote awareness of the importance of language control in recordkeeping.

The Shire is committed to ensuring that all records are created, managed and used in a manner that promotes language control and ensures effective communication with stakeholders.

4. Capture and Control of Records

All records created and received in the course of Shire business will be captured at the point of creation (wherever possible), regardless of format, with required metadata entered into the recordkeeping system or appropriate business system.

Records created when using social media applications will also be captured in the Shire's recordkeeping system.

5. Preservation of Records

Records will be maintained in a safe and secure environment ensuring their usability, reliability, authenticity and preservation for as long as they are needed.

Records will not be removed from the Shire's sites unless in accordance with the approved retention and disposal schedule or they are in the custody of an officer performing official business.

All records should be categorised as to their level of sensitivity, and adequately secured and protected from violation, unauthorised access or destruction.

6. Access to Records

Access to the Shire's records by staff will be in accordance with designated access and security classifications and in accordance with the requirements of their role.

Access to records by the general public will be made in accordance with the *Freedom of Information Act 1992* and *Local Government Act 1995*.

Access to records by Council Members for the purpose of Council business will be authorised by the Chief Executive Officer in accordance with the *Freedom of Information Act 1992*, the *Local Government Act 1995* and the *Shire of East Pilbara Code of Conduct for Council Members, Committee Members and Candidates*.

7. Appraisal, Retention and Disposal of Records

All records kept by the Shire will be disposed of in accordance with the General Disposal Authority for Local Government Records, published by the State Records Commission of Western Australia.

Employees, contractors and Council Members must not personally undertake the destruction of any record. Records identified for destruction will be subject to review and approval by the Records Officer, the Manager of the business unit the records relate to, and the Chief Executive Officer. The Records Officer is responsible for the appropriate destruction of such records.

8. Compliance

Training in recordkeeping practices and the use of the Shire's document and records management system will be provided to all new employees, contractors and Council Members upon commencement. Refresher training is available upon request (to the CEO in the case of Council Members and the Records Officer for employees).

9. Procedures and Practice Guidelines

The Chief Executive Officer will develop, maintain and review recordkeeping procedures, programs, work instructions, guidelines, etc as required, for employees and contractors to support compliance with this Policy.

Employees and contractors must comply with the Recordkeeping Plan when creating, maintaining and disposing of records. All records must be accurate, complete and kept in accordance with this Policy.

10. Recordkeeping Plan

The Chief Executive Officer will prepare an annual Recordkeeping Plan to be approved by the State Records Commission, to achieve the outcomes of this policy. The Plan will identify areas for improvement and establish objectives, strategies and action plans to achieve those objectives.

Progress against the Plan and any significant recordkeeping issues will be reported to the Audit, Risk and Governance Committee annually for review and consideration.

Authorisation Details

References:	*State Records Act 2000* *Criminal Code Act Compilation Act 1913* *Electronic Transactions Act 2011* *Evidence Act 1906* *Freedom of Information Act 1992* *Interpretation Act 1984* *Local Government Act 1995* State Records Commission: Principles and Standards		
Authorised by:	Council		
Date:	28 April 2023	**Item No.**	11.2.4
Review/Amendment Date		**Item No.**	
Next Review	Every four years		
Responsible Directorate	Corporate Services		
Responsible Officer	Records Officer		
File No.			

2.1 Designated Senior Employees

Objective

To nominate those positions designated as Senior Employees in accordance with section 5.37 of the *Local Government Act 1995* ("the Act").

Policy

Designation of Senior Employees

The Council designates Directors as Senior Employees for the purposes of sections 5.37 and 5.39 of the Act.

Authorisation Details

Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date	25 June 2021	**Item No.**	9.2.4
Review/Amendment Date	17 December 2021	**Item No.**	11.1.3
Next Review			
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

2.4 Gratuity Policy

Objective

When an employee leaves their employment or is made redundant, they may be given a good or service as a token of appreciation for their commitment and service to the Shire of East Pilbara.

This Gratuity Policy outlines the circumstances in which gratuity payments may be made to an employee. This policy should be read in conjunction with section 5.50 of the *Local Government Act 1995* and *Local Government Administration Regulations 1996*, specifically regulation 19a. A gratuity payment is paid in addition to any amount which an employee is entitled to under a contract of employment or industrial instrument. This policy does not form a contractual entitlement for any employee of the Local Government.

Commitment

The Shire of East Pilbara is committed to recognising long serving employees within the parameters set by the *Local Government Act 1995* and the associated regulations.

Eligibility for Gratuity Payments

An employee may be entitled to a gratuity payment as outlined within this policy based on the completed years of service when an employee's services are ceasing with the Local Government for any of the reasons identified below:

- Resignation (not as a result of any performance management or investigation being conducted by the Local Government);
- Retirement; or
- Redundancy.

An employee who has been dismissed by the Shire of East Pilbara for any reason other than redundancy, will not be eligible to receive any Gratuity Payment under this policy

The Chief Executive Officer is authorised to approve payments in accordance with the limits prescribed by this policy. Funds will be allocated as part of the Local Government's budget preparation process and unexpended amounts will be returned to general revenue.

Prescribed Amounts for Gratuity Payments

Number of Years' Service	Amount of Gratuity
Continuous service less than 6 months.	Morning tea provided by Council and card to be signed by work colleagues.
Continuous service between 6 months to 2 years.	Morning tea provided by Council, card signed by work colleagues and a request for contribution to gift (from staff). If less than $100 collected, Council will make up the difference.

Continuous service between 2 years to 5 years.	Morning tea provided by Council, card to be signed by work colleagues and a request for contribution to gift (from staff). Council will contribute $150 towards the gift.
Continuous service between 5 years to 10 years.	Morning tea provided by Council, card to be signed by work colleagues and a request for contribution to gift (from staff). Council will contribute $200 towards the gift.
Continuous service greater than 10 years.	Morning tea provided by Council, card to be signed by work colleagues and a request for contribution to gift (from staff). Council will contribute up to $250 towards the gift.

After 10 years continuous service, additional funds will be at the discretion of the Chief Executive Officer.

Gift preference to be an item representing the Shire of East Pilbara i.e. art, photos etc.

Acknowledgement

The Shire of East Pilbara acknowledges that at the time this policy was introduced, employees may be entitled to payments in addition to this policy as a result of accrued unused long service leave benefits, redundancy payments or notice periods as prescribed by legislation or a relevant industrial instrument. The Shire of East Pilbara has considered these provisions when setting the prescribed amount of any gratuity payment in this policy.

Determining Service

For the purpose of this policy, continuous service shall be deemed to include:

- Any period of absence from duty on annual leave, long service leave, paid compassionate leave, accrued paid personal leave and public holidays;
- Any period of authorised paid absence from duty necessitated by sickness of or injury to the employee up to a maximum of three months in each calendar year, but not including leave without pay or parental leave; or
- Any period of absence that has been supported by an approved workers compensation claim up to a maximum absence of 12 months.
- For the purpose of this policy, continuous service shall not include:
- Any period of unauthorised absence from duty unless Shire of East Pilbara determines otherwise;
- Any period of unpaid leave unless the Shire of East Pilbara determines otherwise; or
- Any period of absence from duty on parental leave unless the Shire of East Pilbara determines otherwise.

Financial Liability for Taxation

The employee accepts full responsibility for any taxation payable on a gratuity payment, and agrees to fully indemnify the Shire of East Pilbara in relation to any claims or liabilities for taxation in relation to the gratuity payment.

Payments in addition to this Policy

The Shire of East Pilbara agrees not to make any gratuity payment in addition to that contained within this policy until the Policy has been amended to reflect the varied amount and the Shire of East Pilbara has caused local public notification to be given in relation to the variation.

Financial Implications

The Shire of East Pilbara acknowledges that at the time the policy was introduced, the financial implications to the Shire of East Pilbara were understood and that these financial implications had been investigated based on the workforce position current at that time.

The Shire of East Pilbara will take reasonable steps to notify employees prior to the variation of this policy or the introduction of any new gratuity policy.

Consequences for Breaching this Policy

The policy constitutes a lawful instruction to anyone involved in administering a gratuity payment. Any breaches of the policy may lead to disciplinary action.

Variations to this Policy

This policy may be cancelled or varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.

Authorisation Details

Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date	21 April 2017	**Item No**	9.2.6
Review/Amendment Date	11 December 2020	**Item No**	9.1.8
Review/Amendment Date	25 June 2021	**Item No**	9.2.4
Next Review			
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager People & Culture		
File No.			

2.3 Work Health and Safety Policy

Aim

To outline the legislative requirements and commitment of the Shire of East Pilbara as the person conducting a business or undertaking (PCBU) with ABN: 47 854 334 350 to the provision of a healthy and safe workplace environment and system of work for all Employees, Contractors, Sub- Contractors, Volunteers, Work Experience Students, Graduates, Cadets, Trainees, Apprentices, Visitors, Members of the Public and Local Community while on any Shire of East Pilbara Site or Facility.

Background

The East Pilbara Shire has a legislated obligation under the *Workplace Health and Safety Act 2020* (WA) ("the Act") and associated *Work Health and Safety (General) Regulations 2022* (WA) to provide a healthy and safe place or workplace environment and system of work for its Workers and others. The Act, together with the WA Work Health and Safety (General) Regulations provide the legislative context for Health, Safety and well- being within all workplaces in the natural jurisdiction of the State of Western Australia.

The Shire of East Pilbara has published a Statement of Commitment (**Appendix 1**) to ensure that it meets these obligations and commits to providing a Healthy and Safe Workplace and System of Work to achieve required standards in work health and safety for its employees, volunteers, contractors, visitors and others.

Applicability

This policy is binding on each Worker or other individual to which it applies or relates.

Definitions

Employee	A person who is employed directly by the East Pilbara Shire through a contract of employment.
Contractor	A person who is engaged to provide a service to the East Pilbara Shire through a contract for services.
Line Manager / Supervisor	A person who has responsibility for management and supervision of employees.
Hazard	A situation or thing that has the potential to harm a person. Hazards at work may include manual task, chemical, contact with an object, a slip, trip or fall, an aggressive person or a confined space
Risk	The possibility of an unwanted event occurring measured in terms of possible consequences and likelihood of the event occurring
Risk Control	Taking action to eliminate work health and safety risks so far as is reasonably practicable, and if that is not possible, minimising them so far as is reasonably practicable. Eliminating a hazard will also eliminate any risks associated with that hazard

Workplace	A place where employees are, or are likely to be, during the course of their work. This includes attendance at off-site locations and travel in a Local Government Shire of East Pilbara vehicle during the course of work.
Work Health and Safety Representative	An employee who has been properly and correctly elected of the Act to represent other employees in the interests of health, safety and well- being at the workplace for which they were elected.
Reasonably Practicable	What could reasonably be done at a particular time to ensure Health and Safety Measures are in place. (see Section 18 of the Act)
Volunteer	A person who acts on a voluntary basis regardless of whether or not they receive out of pocket expenses
Worker	Any person who carries out work for a PCBU including work as an Employee, Contractor, Sub- Contractor, Self – employed person, Outworker, Apprentice, Trainee, Cadet, Work Experience Student, Graduate, Labour Hire Employee and Volunteer
Workplace	Any place where the Worker goes or is likely to be while work is carried out for a business or undertaking. This may include offices, factories, shops, construction sites, vehicles, ships, aircraft or other mobile structures on land or water such as offshore units and platforms.

Principles

- The Shire of East Pilbara takes a proactive approach to Work Health, Safety, Welfare and Wellbeing by establishing clear Objectives and Strategies to implement and monitor systems, outline responsibilities and identify and implement preventative programs.

- The Shire of East Pilbara provides Work Health and Safety guidance through a system of collaboration, risk management, consultation and legal obligations as shown in **Appendix 2**.

- The Shire of East Pilbara ensures that the Management Commitment is demonstrated through the Statement of Commitment, Work Health and Safety Policy, Safety leadership by Executive, Prioritisation of Work Health and Safety tasks, Implementation of safety improvements and the Measurement of Safety Performance. The Management commitment is further demonstrated by having a positive Health and Safety Culture and robust Safety Management System that encourages and supports Workers and others to apply relevant procedures and processes to protect everyone from harm, championing at senior leadership levels safe and healthy workplaces, providing and promoting resources, support and training so all Workers can carry out work in a healthy and safe manner to achieve health and safety outcomes, communicating the benefits of a mentally safe and healthy workplace, encouraging a culture of hazard awareness with appropriate education, training and development, by promoting National Safety Month in October each year, holding health and safety discussions at Team Meetings and encouraging open, honest and effective consultation, collaboration and communication between and Work Health and Safety Representatives to achieve a common understanding of and resolution to Work Health and Safety matters.

- The Shire of East Pilbara ensures effective Work Health and Safety Planning which includes: Strategic priorities which incorporate Health and Safety Objectives, Worksafe Assessments, Emergency Plans being in place, Health and Safety being included in Regional Planning, Health and Safety Assessment being included in capital and minor works, Contractor Health and Safety being managed and Legal compliance obligations being identified and actioned.

- The Shire of East Pilbara demonstrates effective Consultation, Collaboration and Reporting by ensuring: Work Health and Safety Committees are established, Health and Safety Representatives are elected, Consultation is undertaken on decisions affecting Health and Safety, Regular reporting to The Shire of East Pilbara Executive, Worksafe improvement notice resolution occurs, Due Diligence Reports are prepared and communicated.

- The Shire of East Pilbara ensures effective Hazard Management through: Hazard Identification, Workplace Inspections, Hazardous Substance Management, Risk Assessment, Controls and Management, the Hazard Management Process being regularly reviewed and ensuring incidents are reported, investigated, actioned and closed out.

- The Shire of East Pilbara ensures suitable and appropriate Training and Supervision through: The Work Health and Safety for Managers Program as well as role/position Work health and Safety Training for all Employees.

- The Shire of East Pilbara ensures building a culture of reporting so that:

    a. risks to health, safety and wellness are identified and assessed, hazards are eliminated or risks to health and safety are reduced to as low as reasonably practicable;
    b. investigations identify root causes and appropriate actions are taken to prevent recurrences, a 'no blame' approach and culture is adopted during investigations;
    c. those who provide services to the Shire of East Pilbara adhere to the Work Health and Safety Procedures; and
    d. supporting the Work Health and Safety Committee and elected Work Health and Safety Representatives so that:
        i. they have the support and time to complete health and safety related tasks and reported work health and safety matters are resolved in a timely and practicable way.

Roles and Responsibilities

<u>Chief Executive Officer</u>

The CEO has the ultimate responsibility for ensuring Work Health and Safety in the workplace. This is achieved by providing leadership (including appropriate delegation and monitoring) in ensuring Work Health and Safety policy, guidelines and responsibilities are adhered to at all levels.

<u>Officer</u>

An Officer's primary duty is to, within their power and ability, exercise due diligence to ensure the implementation and maintenance of a fit for its intended purpose, robust Health and Safety Management System across the Shire of East Pilbara that is consistent with the *Work Health and Safety Act 2020*, Regulations and other requirements such as ISO 45001:2018 as well as ensure compliance. The duty

relates to the strategic, structural, policy and key resourcing decisions, that is, how the organisation is run.

Performance criteria:

i. Demonstrate visible health and safety leadership by partnering to implement the Shire of East Pilbara's Health and Safety Policy, Work Health and Safety Plan and associated Objectives and Key Performance Indicators, Procedures, Guidelines and responsibilities associated with their work area.
ii. Integrate health and safety responsibilities into workplace Position Descriptions to allow for evaluation of performance with reference to health and safety responsibilities and performance standards.
iii. Allocate sufficient budget and resources for health and safety management of the department including allowing for the repairs, upgrade, purchases of safety equipment and modification for unsafe equipment.
iv. Incorporate health and safety activities into planning.
v. Ensure Safety and Health Representatives have adequate time and resources to undertake their duties.
vi. Ensure that the department implements the Shire of East Pilbara's Framework for Risk Management in all aspects of their work, risk assessments are documented using the relevant risk assessment tools, and periodically audit risk assessments conducted within their Department.
vii. Ensure that workplace hazards are reported for action through the online reporting system.
viii. Proactively assist and support the Shire of East Pilbara's procedures for managing injured workers.
ix. Ensure that all incidents are reported on the online Incident Reporting System, appropriately, thoroughly investigated to determine the root cause and all agreed corrective actions are completed within determined timeframes as well as closed out.
x. Identify and report injuries in a timely manner to the Shire of East Pilbara's Work Health and Safety Team in compliance with the Injury Management, Workers' Compensation Policies and Procedures and jurisdictional legislation. Cooperate and assist in all aspects of the claims and rehabilitation process in respect to providing information, responses and action as required by the Work Health and Safety Team.
xi. Partner with the Work Health and Safety Team when implementing new policies, procedure, processes and comply with all policies, procedures and processes.
xii. Ensure that robust, fit for purpose Emergency Procedures are in place, and where updating is required liaise with the Work Health and Safety Team to ensure Shire of East Pilbara wide consistency.

<u>Worker</u>

The Worker's primary duty is to comply with requirements of the *Work Health and Safety Act 2000*, Regulations and all reasonable directives given in relation to health and safety at work, as well as ensuring compliance with the Shire of East Pilbara's Policies, Procedures, Guidelines and associated Australian and ISO Standards.

Performance criteria:

i. Protect their own health and safety and that of others at work by taking reasonable care and following instructions given for their health and safety.
ii. Cooperate with the East Pilbara Shire on health and safety issues.
iii. Follow Safe Systems of Work, including contractor management and risk management processes, and participate in the development of local area safe work procedures.

iv. Gain understanding, knowledge and Awareness of Codes of Practice, Australian and ISO Standards, relevant to the type of work, function and equipment used (refer to the Work Health and Safety Policy and Procedures Manuals for the list of registers).
v. Follow the health and safety directions to ensure use of appropriate personal protective equipment and Safe Systems of Work. Where personal protective equipment is required to control exposure to hazards in the workplace, wear and maintain the personal protective equipment as directed, as indicated in a risk assessment, or as required in Work Health and Safety Procedures.
vi. Use other safety and emergency equipment provided in the workplace as directed or as required in Work Health and Safety Procedures.
vii. Before commencing new work or research activities, conduct a risk assessment to identify, assess and control the hazards associated with the work or research. This must be conducted in conjunction with other relevant staff, and when appropriate, the Supervisor.
viii. Participate in health and safety consultation, communication and training.
ix. Report all workplace incidents, hazards and work related injury or illnesses using the Shire of East Pilbara's online Incident Reporting System as soon as possible after they occur or are identified.

Visitors and Volunteers

Visitors and volunteers primary duty is to comply with all requirements of the *Work Health and Safety Act 2020*, Regulations and all reasonable directive given in relation to health and safety at work

Required criteria:

i. Cooperate with Work Health and Safety requirements and instructions and not wilfully interfere with any aspects of health and safety in the workplace.
ii. Identification of hazards or Risk that may affect the individual and report them to the person overseeing them while on a Shire of East Pilbara site or facility.

Work Health and Safety Representatives

Work Health and Safety Representatives are elected to represent their work group members in the workplace and work with the Work Health and Safety Team in creating Safe Systems of Work, and allowing for open consultation and reporting of matters which pertain to the health and safety of workers, visitors, and contractors. The Health and Safety Representatives are Members of the Health and Safety Committee. They monitor risk control measures put in place at the workplace to protect their work group members, investigate complaints from their work group member relating to work health and safety, inquire into anything that appears to constitute a risk to the health or safety of work group members and can inspect the workplace or any area where work carried out by a Worker in the work group at any time after giving relevant notice or at any time without notice in the event of an Incident or any situation involving a serious risk to health and safety emanating from an immediate or imminent exposure to a hazard. They may accompany an Inspector during an inspection of an area where a group member works or be present at interviews with a Worker that the Work Health and safety Representative represents providing it is with the individual Worker's consent.

Work Health and safety Representatives may issue Provisional Improvement Notices (PIN's) or direct a person to cease unsafe work in certain circumstances, but only if approved training has been completed.

Work Health and Safety Committee

Performance criteria:

i. Facilitate consultation and cooperation between Employer and Employee.

ii. Implement measures to ensure health and safety of Employees.
iii. Keep informed of Health and Safety in workplace.
iv. Recommend to the Employer rules, procedures and programs relating to Health and Safety.
v. Consider and make recommendations on changes affecting workplace Health and Safety.
vi. Address matters referred to the Work Health and Safety Committee by a Work Health and Safety Representative.
vii. Retains up-to-date information in a readily accessible place.
viii. Performs other functions which may be prescribed in Regulations or given to the committee, subject to its consent, by the Employer.
ix. Determine operating procedures and rules in consultation with Members and the Work Health and Safety Department (Terms of Reference and Action Plans).

Contractors

All contractors while on Shire of East Pilbara Sites or facilities have a responsibility as far as reasonably practicable to perform work in a manner that does not pose risk to themselves or others.

Required criteria:

i. Comply with the requirements of the relevant Work Health and Safety Legislation.
ii. Comply with this Policy, the Shire of East Pilbara's Work Health and Safety Plan and relevant Procedures.
iii. Carry out Job Safety Analysis.
iv. Comply with all Safe Work Method Statements prescribed for their particular work areas.
v. Ensure that all plant, equipment and appliances conform to statutory requirements.
vi. Promptly report on all incidents and injuries involving their work force to the relevant Manager.
vii. Ensure that personnel are trained and competent to operate equipment that they are required to operate.

Evaluation

The Shire of East Pilbara evaluates Work Health and Safety compliance against the Work Health and Safety Plan.

The Monitoring of compliance with this policy is to be performed by the Work Health and Safety Manager or Coordinator who will provide the Director Corporate with an Annual Report of Key Health and Safety Performance Indicators.

Document Review

Document Approval	
Endorsed By:	**Document Owner:**
Director, Corporate Services	Director, Corporate Services

Document Control	
File Number - **Document Type:**	WHS.POL.001 – Work Health and Safety Policy
Meta Data: Key Search Terms	Work Health and Safety Policy
Status of Document:	Approved
Quality Assurance:	Manager Human Resources, WHS Committee, Director Corporate Services
Distribution:	Internal Document

Document Revision History

Version	Author	Version Description	Date Completed
1.0	HR Manager	New policy encompassing obligation from Work Health and Safety Act 2020 (WA) as well as AS4801 as approved.	December 2021

Appendix 1: Shire Statement of Commitment

Shire of EAST Pilbara
THE HEART OF THE PILBARA

OUR COMMITMENT TO WORK HEALTH AND SAFETY

The Shire of East Pilbara is committed to ensuring the Work Health, Safety and Wellbeing of Workers, Contractors, Sub-Contractors,, Labour Hire Personnel, Volunteers, Work Experience Students, Apprentices, Cadets, Trainees, Graduates, Visitors, Members of the Public, Local Community and others on all Shire of East Pilbara sites and facilities.

Our commitment to Work Health and Safety is consistent and implemented in a way that reflects the Shire of East Pilbara's Values of Leadership, Excellence, Teamwork, Honesty and Respect.

The Shire of East Pilbara's Executive is accountable for the Work Health and Safety of all Workers and in particular, for providing Leadership, Support, Direction and Resources to ensure that the organisation complies with relevant Work Health and Safety Legislation. Work Health and Safety is a Team approach between Management, Workers and others. Everyone has a role to build a Healthy and Safe work environment.

To achieve this:

The Shire of East Pilbara will:

- Promote a culture which integrates Health and Safety as a core activity into all aspects of work
- Ensure that Management accepts responsibility to provide and maintain Safe Systems of Work including measurable Work Health and Safety Objectives and Key Performance Indicators
- Inform Workers of their Duty of Care and Due Diligence to empower them to take responsibility for the Health and Safety of themselves and others at work
- Provide instruction, supervision, training and ready access to inform all Workers in order to enable Safe Work Practices that minimise the risk to Health including Mental Health
- Comply with Work Health and Safety Legislation, Regulations and relevant Australian and ISO Standards
- Communicate, cooperate, collaborate and consult with Workers and Work Health and Safety Representatives to ensure that all reasonably practicable measures are undertaken to improve Health and Safety Performance.
- Establish measurable Work Health and Safety Objectives and Key Performance Indicators to ensure continuous improvement in Health and Safety Performance
- Undertake Risk Management Activities to identify, eliminate or manage risks in the workplace
- Ensure that plant, equipment and substances are safe and without risks to Health and Safety when correctly or properly used.
- Ensure that Health and Safety is the responsibility of all Workers so that adherence to all Legislation, Policy Procedures, Australian and ISO Standards forms part of their everyday duties as does the obligation to inform Line Managers of Incidents and Risks that impact their individual workplaces so that corrective actions, measures and controls can be implemented to reduce all associated risks to as low as reasonably practicable.

Steven Harding
Chief Executive Officer

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Appendix 2: Building a Healthy and Safe Work Environment Diagram

Appendix 3: Work Health and Safety Operational Policies and Procedures

- Aggressive, Offensive and Inappropriate Behaviour Management
- Contractor Safety
- Computer Workstation Safety
- Fatigue Management
- Incident Hazard Reporting
- Issue Resolution
- Manual Tasks
- Work Health and Safety
- Pre-Employment Health Assessment (PEHA)
- Pregnancy and Safe Work
- Personal Protective Clothing and Equipment (PPE)
- Workers Compensation and Injury Management
- Workplace Hazard Inspection
- Office Safety
- Slips, Trips and Falls
- Drug and Alcohol Policy

Authorisation Details

Authorised by:	Council		
Date:	17 December 2021	**Item No.**	11.1.3
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Corporate Services		
Responsible Officer	Director Corporate Services		
File No.			

2.6 Conflicts of Interest

Purpose

The purpose of this policy is to assist officers in identifying conflicts of interest and managing those conflicts of interest.

What is a conflict of interest?

A conflict of interest is defined as a situation "…arising from conflict between the performance of public duty and private or personal interests."[1]

Conflicts of interest can occur in your everyday work. However, it is important to note that it is not always possible to avoid a conflict of interest and in itself, a conflict of interest is not necessarily wrong or unethical. What is important, however, is to appropriately identify, disclose and effectively manage any actual, perceived or potential conflict of interest situations.

Who is responsible for identifying and managing conflicts of interest?

Although the CEO and Executive Managers have a particularly important role in ensuring conflict of interest situations are managed appropriately, identifying a conflict of interest is an individual responsibility.

How can officers identify if a conflict of interest exists?

There is no one right way to identify every situation however, a good starting point is for officers to consider the 6Ps:

Public duty versus private interests	Do I have personal or private interests that may conflict, or be perceived to conflict with my public duty?
Potentialities	Could there by benefits for me now, or in the future, that could cast doubt on my objectivity?
Perception	How will my involvement in the decision/action be viewed by others? Perception is important.
Proportionality	Does my involvement in the decision appear fair and reasonable in all the circumstances?
Presence of mind	What are the consequences if I ignore a conflict of interest? What if my involvement was questioned publicly?
Promises	Have I made promises or commitments in relation to the matter? Do I stand to gain or lose from the proposed action/decision?

[1] *Conflict of Interest Guidelines,* the WA Integrity Coordinating Group (a group consisting of the Office of the Auditor General, the Commissioner for Public Sector Standards, the Corruption & Crime Commission and the Ombudsman of Western Australia).

The Conflict of Interest Assessment Guide may assist officers in determining whether there is an actual or perceived conflict of interest.

How can conflicts of interest be managed appropriately?

There are 6 main options for officers and supervisors to manage conflicts of interest. They are the 6 Rs:

Record/Register	Recording the disclosure of a conflict of interest in a register is an important first step however, this does not necessarily resolve the conflict. It may be necessary to assess the situation and determine whether one or more of the following strategies is also required.
Restrict	It may be appropriate to restrict your involvement in the matter, for example, refrain from taking part in debate about a specific issue, abstain from voting on decisions, and/or restrict access to information relating to the conflict of interest. If this situation occurs frequently, and an ongoing conflict of interest is likely, other options may need to be considered.
Recruit	If it is not practical to restrict your involvement, an independent third party may need to be engaged to participate in, oversee, or review the integrity of the decision-making process.
Remove	Removal from involvement in the matter altogether is the best option when ad hoc or recruitment strategies are not feasible, or appropriate.
Relinquish	Relinquishing the personal or private interests may be a valid strategy for ensuring there is no conflict with your public duty. This may be the relinquishment of shares, or membership of a club or association.
Resign	Resignation may be an option if the conflict of interest cannot be resolved in any other way, particularly where conflicting private interests cannot be relinquished.

Procedure for reporting a conflict of interest

1. Complete disclosure form. The officer should:

    a. Describe the nature of the matter or issue that is the subject of the possible conflict of interest.
    b. Describe the public duty in question (e.g. involvement in tender process).
    c. Advise if the identified conflict of interest is actual, perceived or a potential conflict.
    d. Advise if the type of conflict is a financial, partiality or role conflict.
    e. Propose a strategy for resolving or managing the conflict situation.

2. Discuss with Manager and outline actions required.
3. Forward disclosure form to governance.
4. Conflict of interest to be recorded in a centralised Conflict of Interest Register which will be maintained by the Governance business unit.
5. Corporate Lawyer to be notified (if required).
6. Parties advised of review and actions to be taken.
7. Follow-ups to be conducted (if required).

Authorisation Details

Related Procedures	Conflict of Interest Assessment Guide Conflict of Interest Disclosure Form		
Authorised by:	Council		
Date:	27 March 2020	**Item No.**	10.1.6
Review/Amendment Date	26 June 2020	**Item No**	9.1.5
Next Review			
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

2.7 Drug and Alcohol Policy

Objective

The Shire of East Pilbara ("the Shire") is committed to providing a safe and healthy workplace for all employees, contractors, sub-contractors and volunteers. As part of this commitment the Local Government imposes a zero tolerance (including Blood Alcohol Concentration of 0.0) of the misuse of alcohol and/or other drugs in the workplace.

The purpose of this policy is to ensure the following:

- That employees, contractors and sub-contractors are fit for work and not under the influence of alcohol and/or other drugs while at work.
- That the safety and wellbeing of employees and the public are not placed at risk by the actions of an employee under the influence of drugs and/or alcohol.
- That the illegal and criminal activity of possession or dealing in drugs does not occur at the workplace.

Statement

The Shire and its employees must take all reasonable care not to endanger the safety of themselves or others (including members of the public) in the workplace.

Alcohol and other drug usage becomes a workplace health and safety issue if a worker's ability to exercise judgment, coordination, motor control, concentration and alertness at the workplace is impaired.

Application

This policy applies to all employees, contractors, sub-contractors, visitors and volunteers engaged or appointed (directly or indirectly) by the Local Government while on the Local Government's premises or while engaged in Local Government related activities.

Individual's Responsibilities

Under the Western Australia *Work Health and Safety Act 2020* workers must take reasonable care of their own safety and health and not endanger the safety and health of others at the workplace.

The consumption of alcohol and/or drugs while at work is not tolerated. Permitted and responsible use of alcohol at workplace social occasion may be approved by the Chief Executive Officer.

Employees are required to present themselves as fit for work and remain so while at work, capable of performing their work duties safely.

An employee who is under the influence of alcohol and/or drugs at the workplace, or is impaired, may face disciplinary action, including termination of employment.

Reporting Requirements

Employees must report to their employer any situation where they genuinely believe that an employee may be affected by alcohol and/or other drugs.

Drug Use on Premises

Employees who buy, take, or sell drugs on Shire premises, may be found to have engaged in serious misconduct. Such behaviour may result in disciplinary action up to and including dismissal.

Employees who have been prescribed medication/drugs by a medical practitioner that could interfere with their ability to safely carry out their role must inform their line manager or Human Resources and disclose any side effects that these medication/drugs may cause.

Drugs and Alcohol Treatment Programs

Where an employee acknowledges they have an alcohol and/or drug problem and are receiving support and/or treatment, the Shire will provide assistance to the employee. The Shire:

- Will allow an employee to access any accrued personal or annual leave so that they may undergo treatment, and
- Will take steps to return an employee to their employment position after completion of the treatment program, if practicable in the circumstances.

Testing in the Workplace

The Chief Executive Officer is authorised under this policy to develop procedures to facilitate drug and alcohol testing in the workplace, specifically addressing the following:

- Random testing;
- Post Incident testing;
- Post Rehabilitation testing;
- Pre-employment testing; and
- Impairment testing.

Education, Training and Awareness

Employees who recognise that they have a drug and/or alcohol problem, or that they are and awareness at risk of developing one, are encourage to come forward so that they can be assisted to the get the appropriate help.

The Shire provides access to an Employee Assistance Program provider for use, consultation, counselling and treatment purposes. The program is completely free to all employees and is totally confidential. The Shire encourages employee to avail themselves of this service if they have addiction issues with alcohol and drugs affecting their health and wellbeing.

Policy Breaches

An employee engaged by the Shire who breaches the provisions of this policy may face disciplinary action including possible termination of employment.

Communication and Consultation

Council policy may be cancelled or varied from time to time. Shire employees will be notified of any variation to this policy in accordance with Operating Procedure – WHS Consultation and Communication.

Authorisation Details

Related Legislation	*Work Health and Safety Act 2020 - WA* *Road Traffic Act 1974 – WA* *Misuse of Drugs Act 1981 - WA* *Liquor Licensing Act 1988 – WA* *Therapeutic Goods Act 1989* - Commonwealth		
Related Procedures	WHS Consultation and Communication		
Authorised by:	Council		
Date:	25 February 2022	**Item No.**	11.2.5
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Corporate Services		
Responsible Officer	Director Corporate Services		
File No.			

3.1 Accounting for Non-current Assets

Objective

This purpose of this policy is to provide a consistent standard for accounting for non-current assets. This policy aims to:

a. Ensure compliance with legislation and Accounting Standards
b. Identify asset classifications that will be adopted for financial accounting
c. Specify financial accounting treatments of non-current asset transactions
d. Advise of valuation methodologies used in valuing non-current assets for financial accounting purposes
e. Prescribe the disclosure requirements for financial reporting

Policy

This policy is directly applicable to all custodians who have a role in delivering services related to non-current assets.

1. Non-Current Asset Classification

Classifications used to group all non-current assets under The Shire's ownership and / or control is shown in Table 1.

Land	Roads	Buildings
Land Held for Resale	Bridges	Recreation & Parks
Furniture & Equipment	Storm Water Drainage	Plant and Equipment
Intangibles	Footpath and Cycleway	Other Assets

Table 1 – Asset Classifications

Note: The Shire applies a minimum threshold of $5,000 which is applicable for the purposes of Capitalisation and Revaluation.

2. Capitalisation Threshold

The minimum amount for recognition of any non-current asset is set at $5,000. Items of low value are to be expensed through the statement of comprehensive income on the basis of materiality.

The minimum threshold is consistent with the *Local Government (Financial Management) Regulations 1996*.

3. Revaluation Threshold

Revaluation threshold provides for assets of greater than $5,000 to require revaluation. While only a portion of the total asset class is comprehensively inspected and revalued, the entire asset class is deemed to be revalued at fair value because the final result is not materially incorrect.

The minimum threshold is consistent with the *Local Government (Financial Management) Regulations 1996*.

4. Asset Register

A record of all asset information is stored in a centralised asset register for completeness and accuracy within the Shire's Asset Management Information System. The asset register includes all financial and operating asset details and attribute information.

All other sources of asset data stored in a separate database is to be reconciled to the asset register at least on an annual basis.

5. Accounting for Non-Current Assets

i. Recognition and Control

The recognition of initial and subsequent costs of a non-current asset should be consistent with requirements set out in applicable Australian Accounting Standards Board.

ii. Measurement at Recognition

An item of that qualifies for recognition as a non-current asset will be measured at its cost or fair value according to applicable Australian Accounting Standards Board.

Elements of cost and measurement of cost should be consistent with relevant standards.

iii. Measurement after Recognition

Subsequent Expenditure

Expenditure subsequent to initial acquisition is to either be expensed through the profit and loss account as maintenance or capitalised against the asset as capital expenditure.

Where expenditure meets the following criteria, costs are considered capital in nature and will be capitalised against the asset:

- Exceeds the capitalisation threshold
- Extends the useful life of the asset, by a period of greater than 12 months, and
- Provides additional economic benefits or service potential

Depreciation Method

The depreciable amounts of all non-current assets are to be depreciated on a systematic basis over their useful life using straight line depreciation. This shall reflect the pattern in which the value of the asset's future economic benefits is expected to be consumed by the Shire.

Consideration is required to ensure:

- Where the asset has a number of different components with varying patterns of consumption, each component is depreciated separately.
- Depreciation is to be calculated on a systematic basis over the asset's useful life.
- Where residual value has been determined, ensure the depreciation is allocated against the depreciable amount only.

Annual Reviews (Including Impairment)

All non-current assets are subject to an annual review to ascertain whether there has been any material changes to its carrying amount. The following aspects are reviewed:

- Replacement Cost / Unit Rates
- Condition
- Useful life
- Residual value
- Recoverable amount (if there are indicators of Impairment)

Where the impact of changes in any of the key assumptions used to determine the fair value would result in a material difference between the carrying amount and the fair value the appropriate accounting treatment will be processed according to the relevant standards.

iv. Management of Work in Progress

Capital projects are regularly reviewed to ensure that capital costs are capitalised to appropriate assets (whether new or additions to existing assets) in a timely manner.

The timing that expenditure no longer belongs in Work In Progress is the point at which the asset is put into service or use

v. Assets Written Down to Nil but still in use

Where an asset is still in use but has been completely depreciated, The Shire will assess the asset for its remaining service potential. If it's deemed to be material in value the asset will be revalued in accordance with the relevant Australian Accounting Standards Board.

vi. 6. De-recognition

Non-current assets are to be removed from the asset register on its disposal, trade-in, retirement, decommissioning, abandonment, confirmation of any theft or loss, or when it is withdrawn from use and no future economic benefits are expected from the asset.

All decisions to derecognise an asset must be authorised and supported by appropriate documentation.

The gain or loss on disposal will be treated in accordance with the relevant Australian Accounting Standards Board.

vii. 7. Revaluation of Non-Current Assets

Regulation 17A of the Local Government (Financial Management) Regulations 1996 requires Local Governments to revalue its assets:

a. Whenever it is of the opinion that the fair value of the asset is likely to be materially different from its carrying amount, and
b. In any event, within a period of at least three years but no more than five years after the day on which the asset was last valued or revalued.

The Shire will be consistent with these requirements as set out in *Local Government (Financial Management) Regulations 1996*.

Fair Value Methods

Fair value methods selected and applied by the Shire will be consistent with one or more of the approaches listed in AASB 13 Fair Value Measurement.

viii. Assets Held for Sale

At the time when it is resolved that a non-current asset will be sold and the disposal is likely to occur within 12 months, then that asset will be classified as a current asset as "Asset Held for Sale". The value of this asset will be the carrying value in the asset register as at the date of the resolution. Any further costs incurred in the development of such asset will also be included as part of the value of the asset held for sale.

Items that are classified as assets held for sale are to be assessed on an annual basis at the end of the reporting period. If circumstances change and it is deemed that the asset will not be sold within the following 12 months then the asset is to be re-classified as a non-current asset and valued in accordance with the relevant valuation methodologies.

ix. Leases

The recognition and treatment of leased assets should be consistent with requirements set out in International Financial Reporting Standard 16 whereby the lessee is required to recognise its leases on the Statement of Financial Position, This involves recognising:

a. A right of use asset, and
b. A lease liability

Authorisation Details

References:	This policy had been developed to take into account the various prescribed requirements and associated interpretations as noted below: *Local Government Act 1995* *Local Government (Financial Management) Regulations 1996* AASB 5 Non-current Assets Held for Sale AASB 9 Financial Instruments AASB 13 Fair Value Measurement AASB 140 Investment Properties AASB 102 Inventories AASB 141 Agriculture AASB 116 Property Plant and Equipment AASB 1051 Land Under Roads AASB 117 Leases AASB 123 Borrowing Costs AASB 136 Impairment of Assets AASB 138 Intangible Assets UIG 1030 Depreciation of Long-Lived Physical Assets UIG 1030 Depreciation of Long-Lived Physical Assets		
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date	28 July 2012	**Item No.**	9.2.8
Review/Amendment Date	19 April 2013	**Item No.**	9.2.7
Review/Amendment Date	23 September 2016	**Item No.**	9.2.9
Review/Amendment Date	25 October 2019	**Item No.**	9.2.1
Review/Amendment Date	28 May 2021	**Item No.**	10.2.5
Next Review			
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Corporate Services		
File No.			

3.2 Asset Management

Objective

To set out the Council's commitment to manage and care for its assets in a way that ensures continuity of service delivery and to ensure appropriate life cycle provision is made for the immediate, medium and long-term maintenance and replacement of assets.

Policy Statement

Asset Management involves all areas of Council from those that plan services, provide services and manage assets and services to those who use the assets. Council will ensure that integrated decision making will be utilised in order that the built, social, economic and natural impacts of asset provision and maintenance are properly considered throughout the asset management cycle.

The Shire has a large investment in its assets to support delivering services to our communities. Our approach to Asset Management is to focus on ensuring that the assets are capable of providing services, of an agreed quality, in a sustainable manner, for present and future communities.

Definitions

"Asset – anything of material value or usefulness that is controlled by the Council."

Asset Management in the Shire of East Pilbara means the utilisation of optimum practices to ensure that the wide variety of assets under its control are provided and maintained in a secure, safe and operational condition for the purpose that those assets have been provided and replaced as required.

Asset Management System means the management system for asset management, the function of which is to establish the Asset Management Policy and asset management objectives. The asset management system is inclusive of the people, process and technology in the integrated planning and delivery of defined asset outcomes.

Business Case means a Business Case demonstrating the advantage and value of a new service or asset and a Planning Report details the alternative delivery methods and the recommended option.

Level of Service means Levels of Service statements describe the outputs or objectives an organisation or activity intends to deliver to customers.

Policy Details

In managing its assets, the Shire will:

1. Deliver financial sustainability by making decisions that lead to a cost effective asset base by focussing on asset renewal, rationalising under-utilised assets and limiting asset expansion unless justified.
2. Determine appropriate levels of service and providing services and infrastructure that supports those standards.
3. Consideration for whole of life costs in its decision making.
4. Identify funding and resources to support and maintain infrastructure.
5. Use asset management data and systems to inform long-term financial planning.
6. Ensuring it understands the implications any funding gaps will have on the delivery of infrastructure and services.
7. Meet its statutory and reporting obligations, and

8. Comply with applicable accounting and ISO 55001 (asset management system) standards.This policy shall be read in conjunction various strategic documents including:

    - Financial Strategic Plan
    - Corporate Plans
    - Asset Management Plan and Strategies
    - Information Technology Strategy Plan
    - Waste Management Plan

Council is committed to:

1. Achieving financial sustainability of its assets over a period of time through the following measures:
    i. Ensuring that the asset base is not increased without considering the impact on the ability to fund future maintenance and rehabilitation;
    ii. Not replacing those assets that are determined to be underutilised, at the end of their useful lives;
    iii. Accessing grant funding and increasing other funding to ensure assets are maintained at least in their current condition;
2. Integrated management linking asset management strategy, policy and procedures to other Council policies, strategies and procedures;
3. Utilisation of a system based approach to asset management with consideration given to the effectiveness and capacity of those systems, in addition to the resources to maintain them;
4. An integrated planning approach which ensures manager roles are understood and documented and that communication procedures are in place which ensure assets are planned and delivered in a sustainable manner;
5. Implementation of optimum practices;
6. Improving its maintenance and rehabilitation practices;
7. Maintaining and rehabilitating its existing assets in a manner which is acceptable in terms of financial burden, safety, quality, impact on the environment, meeting needs and Council's ability to fund those works;
8. Maximising resources to achieve the best outcome for the community;
9. Regularly consulting and surveying the community to determine whether its needs are being satisfied;
10. Preparation of Asset Management Plans which details how this policy is to be implemented;
11. Preparation and review of detailed asset management plans for all major classes of assets and using these plans to assist in determining the priorities for capital and maintenance expenditure;
12. Monitoring its performance in accordance with measures developed as part of its Asset Management Plan.

Authorisation Details

References:	Financial Strategic Plan Corporate Plans Asset Management Plan and Strategies Information Technology Strategy Plan Waste Management Plan		
Authorised by:	Council		
Date:	29 January 2010	**Item No.**	9.3.6
Review/Amendment Date	25 June 2021	**Item No.**	9.2.4
Next Review			
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Corporate Services		
File No.			

3.3 Budget Amendments

Objective

To determine when and how a budget amendment can be made.

Policy

1. Budget amendments generally will occur only in line with the budget review.
2. Wherever budget versus actual cost savings become reasonably likely or definitely do occur, Council may then permit by an absolute majority resolution, that budget amendments occur. Such amendments will appear on the monthly statements as a separate item.
3. Before over-budget expenditure is incurred on the premise of likely or definite savings in other cost areas the officer concerned MUST approach and discuss the matter with the Chief Executive Officer. On no account can "windfalls" or budget savings be expended on any item without Council's ratification. The Chief Executive Officer is to place the proposed budget amendment before Council prior to it being actioned.
4. Budget amendments will be dealt with by Council so as to protect the interests of kindred cost areas before any others e.g. if under the broad cost heading "libraries" savings result in building maintenance the remaining cost areas under this heading should be checked as to budget adequacy before removing funds from this area. Similarly this applies to Planning and Development, Building, Parks and Gardens etc.

Authorisation Details

Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Corporate Services		
File No.			

3.4 Budget Management – Capital Acquisitions

Policy

Owing to interim overdraft conditions that usually prevail in the early and closing parts of each financial year, it is Council's policy to:

1. Defer procurement of new budgeted plant items until October each year; and to
2. Discourage the programming of material intensive works in the early and closing parts of each financial year.

Authorisation Details

Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Corporate Services		
File No.			

3.5 Self Supporting Loans

Policy

Each request from a local organisation or club within the Shire of East Pilbara for a self- supporting loan shall be accompanied by:

1. Sketch plans and details of the proposed development for which the loan funds are required
2. Financial statements for the past three years
3. Cash flow projections for the coming three years
4. Details of present and planned membership

Each request for a self-supporting loan will be considered on its own merits, and if deemed necessary, the organisation will be asked to provide guarantors or other acceptable security.

In all cases where Council approves the granting of a self-supporting loan, a loan contract document must be signed by the organisation prior to release of the self-supporting loan monies.

It should be noted that approval of self-supporting loans is entirely at the Council's discretion.

Authorisation Details

Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date	23 September 2016	**Item No.**	9.2.7
Review/Amendment Date	23 July 2021	**Item No.**	9.2.3
Next Review			
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Corporate Services		
File No.			

3.6 Investment Policy

Objective

The objective of the Investment Policy is to provide a sound risk management framework for the investment of Shire of East Pilbara's surplus funds while ensuring that its liquidity requirements are being met.

Policy

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity and the return on investment.

1. Preservation of capital is the principal objective of the investment portfolio. Investment management is to be performed in a manner that seeks to ensure security and safeguarding of the investment portfolio. This includes management of credit and interest risk within identified thresholds and parameters.

2. The investment portfolio will be managed to ensure there is sufficient liquidity to meet all reasonably anticipated cash-flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.

3. The investment portfolio is expected to achieve a return at least in line with its stated performance benchmark taking into consideration the Shire's risk tolerance.

Legislative Requirements

All investments are to comply with the following:

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

Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the Chief Executive Officer (CEO) in accordance with the Local Government Act 1995. The CEO may, in turn, delegate the day-to-day management of the Shire's Investment to senior staff, subject to regular Reviews.

Prudent Person Standard

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

Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Shire's investment portfolio. This policy requires Officers to disclose any conflict of interest to the CEO.

Approved Investments

Investments are limited (in accordance with Regulation 19C of the *Local Government (Financial Management) Regulations 1996*), to Australian currency denominated:

- Interest Bearing term deposits with Authorised Deposit Taking Institutions (ADIs – Australian banks, building societies & credit unions) for a term not exceeding 3 years.
- Interest Bearing deposits with the Western Australian Treasury Corporation (WATC) for a term not exceeding 3 years.
- Bonds guaranteed by the Commonwealth Government or State or Territory for a term not exceeding 3 years.

Prohibited Investments

This policy, in accordance with legislation, prohibits:

- Any investment not included in the Approved Investments section.
- The use of leveraging (borrowing to invest) for a monetary investment.

Risk Management Guidelines

Investments obtained are to comply with three key criteria relating to:

a. Portfolio Credit Framework: limit overall credit exposure of the portfolio

b. Counterparty Credit Framework: limit exposure to individual counterparties/institutions

c. Term to Maturity Framework: limits based upon maturity of securities

A. Portfolio Credit Framework

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

Long Term Credit Rating *	Investment Maximum %
AAA	100%
AA	100%
A	80%
BBB	60%

B. Counterparty Credit Framework

Exposure to an individual counterparty/institution will be restricted by its credit rating so that single entity exposure is limited, as detailed in the table below:

Long Term Credit Rating *	Investment Maximum %
AAA	50%
AA	50%
A	40%
BBB	30%

* Ratings are based on Standard & Poor's (S&P) criteria. Moody's or Fitch equivalent will be used where an S&P rating is not available.

If any of the Shire's investments are downgraded such that they no longer fall within the Investment Policy, they will be divested as soon as practical.

C. Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

Term to Maturity Limits	Minimum %	Maximum %
Less than or equal to 1 year	40%	100%
Greater than 1 year & less than or equal to 3 years	0%	60%

Performance Benchmark

The performance of the investment portfolio shall be measured against the industry standard Ausbond Bank Bill Index and/or the Reserve Bank of Australia's Official Cash Rate.

Report and Review

A monthly report will be provided to Council in support of the monthly statement of activity. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

This Investment Policy will be reviewed at least once a year or as required in the event of legislative changes.

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

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

Authorisation Details

References:	*Local Government Act 1995* (as amended) – Section 6.14; *The Trustees Act 1962* – Part III Investments; *Local Government (Financial Management) Regulations 1996* – Regulation 19, 19C, 28 and 49; and Australian Accounting Standards		
Authorised by:	Council		
Date:	24 July 2009	**Item No.**	9.3.3
Review/Amendment Date	23 September 2016	**Item No.**	9.2.8
Review/Amendment Date	25 June 2021	**Item No.**	9.2.4
Next Review			
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Corporate Services		
File No.			

3.7 Debt Policy

Objective

The purpose of this Debt Policy is to establish a set of principles for the efficient management of the Shire of East Pilbara's existing and future debt.

Policy

1. Council will restrict all debt to expenditure on identified capital projects that are considered by Council to be of the highest priority and which cannot be fully funded by revenue, grants and subsidies.
2. Council will not borrow funds to finance operating activities or recurrent expenditure.
3. Before borrowing funds, Council would generally consider using existing surplus funds in the first instance.
4. Council intends to maintain a repayment schedule consistent with an interest and principal repayment calculation so that the exposure to interest rate fluctuations are minimised.
5. Council will review the net financial liabilities and coverage ratios.
6. Council will continually evaluate its financing options to ensure it assesses the relative risks and benefits, including the performance of its finances.

Controls

1. Council will review the anticipated borrowing requirements and relevant sustainability ratios in the preparations of each financial year's budget and for the period covered by the 10- year financial plan.
2. This policy is to be reviewed at intervals of no more than one year in conjunction with the budget.

Authorisation Details

References:	*Local Government Act 1995* (as amended) - sections 6.20 to 6.24 *Trustees Act 1962* (as amended) *Local Government (Financial Management) Regulations 1996* – Regulations 20, 21, 29, and 48 Australian Accounting Standards		
Authorised by:	Council		
Date:	25 October 2013	**Item No.**	11.2.3
Review/Amendment Date		**Item No.**	
Next Review	Annually		
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Corporate Services		
File No.			

3.8 Financial Reserves Policy

Objective

The Objective of the policy is to ensure that cash funds set aside at the discretion of Council for a specific purpose are applied to that purpose and managed accordingly.

Policy

Reserves are a part of the Shire's overall equity position. Reserves are funds which have been set aside for purposes and projects to be undertaken in future years.

Reserves are established by Council to achieve Strategic Community Plan and Corporate Business Plan objectives and are to be extinguished once the Reserve purpose has been achieved. The retention of obsolete Reserves restricts cast that could be utilised for funding other initiatives and can impact on cash ratios.

In order to ensure efficient Reserve management, the Shire will:

1. Only establish Reserves for the following purposes:

   i. Funding future projects (community infrastructure) identified in the Strategic Community Plan, Corporate Business Plan and Long Term Financial Plan;
   ii. Specific Projects earmarked to be funded by proceeds from the airport operations;
   iii. Statutory requirements;
   iv. Any other requirements at the discretion of Council

2. Review the number of, and funding of, all Reserves on an annual basis through the planning and budget process;

3. Interest earned on Reserves is to be re-allocated to the individual reserve.

Reserve Name	Purpose
Alice Springs Road	To help maintain the road link to Alice Springs from Marble Bar to the Northern Territory border
Heavy Road Plant	To fund the purchase of heavy plant that is needed for the operation of the Shire
Cape Keraudren Development	For the maintenance, development & enhancement of the Cape Keraudren Reserve
Computer Technology	For the replacement, enhancement and upgrading of computer hardware and software
Newman Airport	For the upgrading, maintenance and enhancement of the Newman Airport facilities
Employee Entitlements	To provide for payment of employee entitlements to staff.
Recreation Facilities	For the upgrading, enhancement and replacement of all recreation facilities
Staff and Community Housing	For the maintenance, upgrading and replacement of Staff and Community Housing Assets.

Newman Town Centre Revitalisation	For the revitalisation, upgrade and maintenance of the Newman Town Centre Precinct
Waste Management	For the development, maintenance & enhancement of waste management facilities
Public Art	For the development, maintenance & enhancement of Public Art within the three town of the East Pilbara Shire
Newman House	For the maintenance, upgrading and replacement of Newman House
Public Building Maintenance	For the maintenance, upgrading and replacement of all Council Public Buildings
Martumili Operations	To hold and utilise the surplus funds from the Martumili Artist operations
Martumili Infrastructure Project	For the maintenance, upgrading and replacement of Martumili Infrastructure.
Major Infrastructure	For the development or new or replacement infrastructure with total project cost of greater than one (1) million dollars. (The reserve is not to be accessed until at least 2020/2021 financial year.)

NOTE: This Policy can be varied only under legislation. E.g. if funds are needed for emergency response purposes.

Authorisation Details

References	*Local Government Act 1995*, Reserve Accounts, Section 6.11(1) to (5). Where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.		
Authorised by:	Council		
Date:	25 October 2013	**Item No.**	11.2.7
Review/Amendment Date	28 June 2019	**Item No.**	10.1.3
Next Review			
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Corporate Services		
File No.			

3.9 Corporate Credit Card

Objective

The purpose of this policy is to establish rules for the use of Corporate Credit Cards and the responsibilities of cardholders using the Shire's Corporate Credit Cards.

The policy ensures that operational and administrative costs and the risks associated with credit card use are minimised while providing cardholders with a convenient method of purchasing goods and services on behalf of the Shire.

Policy

1. Authority for use of Corporate Credit Cards

Shire of East Pilbara Corporate Credit Cards may be issued to the Chief Executive Officer and authorised officers where it is inappropriate or inconvenient to use the Shire's normal payment systems.

2. Authority for approval of Corporate Credit Cards

The Council must approve the issue of a credit card to the Chief Executive Officer and any change to the credit card limit. The Chief Executive Officer may approve the issue of a Corporate Credit Card and any change to credit card limits for any credit cards issued to council officers.

3. Legislation

The *Local Government Act 1995* ('the Act'), does not specifically mention the use of Corporate Credit Cards by officers in local government. However, section 6.5(a) of the Act requires the CEO to ensure that proper accounts and records of the transactions and affairs of the local government are kept in accordance with the regulations. In addition, regulation 11(1)(a) of the Local Government (Financial Management) Regulations 1996 requires a local government to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisation in place for the use of credit cards.

4. Approved bankers

Corporate Credit Cards are normally issued by Banks and Financial Institutions on behalf of, or through credit card providers, such as Visa, MasterCard, Diners or American Express.

The Shire of East Pilbara's Corporate Credit Cards are to be issued by its transactional banker.

5. Purchases and use of Corporate Credit Cards

The Shire's Corporate Credit Cards shall only be used for purchase of goods and services in the performance of official duties for which there is a budget provision. Under no circumstances are they to be used for personal or private purposes or for the withdrawal of cash through a bank branch or any automatic teller machine.

Where purchases are made by facsimile, over the telephone or on the internet, an invoice should be requested to support the purchase. Most internet transactions provide this ability and any telephone or facsimile communications provide the opportunity to make such a request. If no invoice or receipt is available, as much detail about the transaction should be recorded and used to support the payment when required. E.g. date, company, address, ABN, amount, any GST included.

Where a payment is made for entertainment, it is important to note on the invoice/receipt the number of persons entertained and the names of any Shire of East Pilbara employees in that number. This is required to ensure the Shire pays the correct amount of Fringe Benefits Tax.

6. Accounts and settlement

The provider of the credit card will supply the Shire's Finance Services team with a statement of account each month. This statement will be forwarded to the cardholder for certification and the supply of receipts and tax invoices to support the Shire's claim for the GST component of purchases and services obtained. Cardholders are to certify that the account details are correct but must have their supervisors approve the expenses by signing the statement before it is returned to Finance Services for payment. In the case of the Chief Executive Officer, the statement must be signed by the Shire President. A credit card transaction slip is not acceptable to support the claim. A tax invoice should provide a brief description of the goods and services supplied along with the suppliers ABN. The cardholder is to provide the relevant or correct expense account for the expenditure.

The account will be paid by the Finance Services team on receipt of the cardholder's certification, which must be provided within 7 days of receipt and prior to the end of the credit cards settlement period.

7. Card lost or stolen

Cards that are lost or stolen must be reported immediately by the cardholder to the issuing banker by telephone. At the earliest opportunity, written notification must also be given to the Executive Manager Corporate Services so that the cancellation of the card may be confirmed and a reconciliation of the card account from the date the card was lost or stolen may be performed.

8. Misuse of Corporate Credit Cards

Cards which show unreasonable, excessive or unauthorised expenditure will be subject to audit and may result in the withdrawal of the card from the cardholder.

9. Recovery of unauthorised expenditure

Unauthorised expenditure or expenditure of a private nature that is proved to be inappropriate will be recovered by deductions from the officer's salary and may result in disciplinary action being taken.

10. Internal audit of the Corporate Credit Card system

From time to time, the Finance Services team may conduct an audit on the control, use, viability and adherence to this policy, and may provide a report to the Audit Committee.

11. Reward/bonus points

Where Corporate Credit Cards carry rewards or bonus points, usually to encourage the use of the card by the issuing institution, these rewards or points shall not be accumulated in the name of the responsible officer. Council may maintain a corporate account which collects rewards points on behalf of the Shire, to be used by the organisation.

12. Return of cards

When the Chief Executive Officer or other officer ceases to occupy a position that is authorised to be issued with a Corporate Credit Card (either through internal transfer, retirement, resignation or conclusion of service contract), they must return the card to the Executive Manager Corporate Services, at least one week prior to vacating the position so that the card may be cancelled and the account settled.

13. Finance services team responsibilities

The Executive Manager Corporate Services is responsible for arranging the issue of the Corporate Credit Card on advice from the CEO.

The Finance Services team responsibilities in relation to the Shire's Corporate Credit Cards include:

- Maintaining a Corporate Credit Card Register of all cardholders.
- Arrange the issue/cancellation of the Corporate Credit Cards.
- Arrange for all cardholders to sign the Corporate Credit Card User Instruction Agreement (see **Appendix A**) on receipt of the new card and ensure the signed agreement is filed in the Corporate Credit Card Register.
- Process payment of credit card expenditure on receipt of the card statement from the bank and after certification from the cardholder. Ensure that all receipts and tax invoices are in place prior to authorisation for payment.
- To keep cardholders informed of any changes to this Policy.

14. Cardholders responsibilities

Officers who are issued with Corporate Credit Cards must:

- Ensure the care and safe keeping of the credit card.
- Adhere to this Policy in relation to the use of the credit card and its financial limits.
- Ensure receipts and tax invoices are received when the credit card is used, and to produce them as evidence for settlement with the bank.
- Ensure the monthly credit card statement is certified correct and approved for payment when received from the Finance Services team, and to return the statement to the Finance Services team with the receipts and tax invoices attached and within seven (7) days of receipt.
- Ensure relevant and correct expenditure account details (account numbers) are provided against each item of expenditure on the credit card statement to assist with the allocation of expenses and claims for the reimbursement of GST from the Australian Taxation Office.
- To provide an early response to enquiries that may be made by the bank, creditors or related parties, as the case may be.
- Purchasing levels are within Council's Purchasing and Tender Policy and legislative requirements.
- Adhere to the procedures as set out in the Finance Induction Manual.

Authorisation Details

Authorised by:	Council		
Date:	24 April 2014	**Item No.**	9.2.19
Review/Amendment Date	24 August 2018	**Item No.**	9.1.4
Next Review			
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Corporate Services		
File No.			

3.10 Regional Price Preference Policy

Objective

To maximize the use of competitive locally based businesses in the provision of goods or services purchased or contracted by the Shire of East Pilbara.

Policy

For the purposes of this policy, a regionally based business is to have office and/or workshop premises (*LIA* or *Shop Front*) and/or staff housed (*Residentially not in a Camp*) located within the district of the Shire of East Pilbara.

A regional price preference will apply to all Request for Tenders (RFT) and formal Request for Quotations (RFQ) invited by the Shire of East Pilbara for the supply of goods and services and/or construction (building) services, unless Council resolves that this policy will not apply to a particular RFT or RFQ.

Where no submission is received from a Shire of East Pilbara based business, for a RFT or formal RFQ submissions from businesses based within the City of Karratha, the Shire of Ashburton and the Town of Port Hedland will be deemed to be regionally based for the purposes of this policy.

A price preference will apply to all tenders invited by the Shire of East Pilbara for the supply of goods and services and construction (building) services, unless Council resolves that this policy will not apply to a particular tender.

The following levels of preference will be applied under this policy:

1. Goods and Services – 10%, or to a maximum price reduction of $50,000
2. Construction (building) Services – 5%, or to a maximum price reduction of $50,000
3. Goods and Services, including Construction (building) Services – 10%, or to a maximum price reduction of $500,000, if the Council is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the Council.

The application of the preference levels listed in 1and 2 above will only be in consideration of the value of those goods and services identified by the supplier as being from regional sources.

In considering any RFT or formal RFQ or submission, price is only one of the factors to be assessed when Council is to decide which of the suppliers it thinks would be the most advantageous to it

Example of the Application of the Regional Price Preference Policy

Example 1

Consider a scenario when the following 2 tenders to supply goods and services are received by a local government that has chosen a 10% rate of preference.

1. Submission 1 is from a regional supplier (as defined by Council in this policy).
2. Submission 2 is from a metropolitan based firm.

Tenders Received	Price of Tender	Price Reduction at 10% rate of preference	Adjusted price used forevaluation purposes
Submission 1	$100,000	$10,000 (10% of $100,000)	$90,000 (100,000 less $10,000)
Submission 2	$95,000	No preference applicable	$95,000

As can be seen from the table above, in terms of price, the tender from the regional supplier (Submission1) is the most advantageous once the preference has been applied.

However, it is important to emphasise that price is only one of the criteria used to determine a successful submission. Nonetheless, when the tenders are assessed against all the RFT or RFQ criteria, the adjusted price is the one to be used. That is, the price following the application of any regional price preference.

Example 2

This example highlights how the maximum price reduction affects the assessment of tenders. The following scenario where tenders are called to supply construction (building) services by a local government that has chosen a 5% rate of preference.

1. Tender 1 is from a regional tenderer.
2. Tender 2 is from a metropolitan based firm.

Tenders Received	Price of Tender	Price Reduction at 5% rate of preference	Reduced price used for evaluation purposes
Tender 1	$1,200,000	Less 5% of $1,200,000 = $60,000. However the maximum price reduction is limited to $50,000	$1,150,000 ($1,200,000 less $50,000)
Tender 2	$1,145,000	No preference applicable	$1,145,000

In this case, in terms of price alone, Tender 2 is the most advantageous.

Annual Review

This policy will be reviewed on an annual basis to assess the financial impact on Council resources and the level of local purchasing. The Council may revise the percentage preference rates as a result of each Review, in accordance with the *Local Government (Functions and General) Regulations 1996*.

Authorisation Details

References:	*Local Government (Functions and General) Regulations 1996*		
Authorised by:	Council		
Date:	5 May 2006	**Item No.**	9.4.2
Review/Amendment Date	8 February 2013	**Item No.**	9.1.8
Review/Amendment Date	26 August 2016	**Item No.**	9.2.8
Review/Amendment Date	17 March 2017	**Item No.**	9.2.1
Next Review	Annually		
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

3.14 Procurement and Tender Procedures Policy

1. Purpose

To ensure a best practice approach to procurement which promotes transparent, equitable and competitive purchasing practices for the Shire of East Pilbara (Shire) and is compliant with the *Local Government Act 1995* (Act) and the *Local Government (Functions and General) Regulations 1996* (Regulations).

2. Objectives

The objectives of this Policy are to ensure that all purchasing activities:

- Demonstrate that best value for money and outcomes are attained or the Shire;
- Are compliant with relevant legislations, including the Act and Regulations;
- Are recorded in compliance with the *State Records Act 2000* and associated records management practices and procedures of the Shire;
- Mitigate probity risk, by establishing consistent and demonstrated processes that promotes openness, transparency, fairness and equity to all potential suppliers;
- Ensure that the sustainable benefits, such as environmental, social and local economic factors are considered in the overall value for money assessment; and
- Are conducted in a consistent and efficient manner across the Shire and that ethical decision making is demonstrated.

3. Ethics and Integrity

The highest standards of ethics and integrity are to be observed in undertaking all purchasing activities. Employees will act in an honest and professional manner that supports the standing of the Shire and promotes a proud and collaborative community.

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.

1. 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.
2. All purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with Council policies, values and Code of Conduct.
3. Purchasing is to be undertaken in a competitive basis in which all potential suppliers are treated impartially, honestly and consistently.
4. All processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies, record keeping practices and audit requirements.
5. Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed.
6. Any information provided to the Shire by a supplier shall be treated as commercial-in-confidence

and should not be released unless authorized by the supplier or under relevant legislation.

4. Value for Money

Value for money is an overarching principle governing purchasing, that allows the best possible outcome to be achieved for the Shire.

Value for money is determined when the consideration of price, risk and quality factors that are assessed to determine the most advantageous outcome to be achieved for the Shire.

As such, purchasing decisions must be made with greater consideration than obtaining lowest price, but also to incorporate quality and risk factors into the decision.

An assessment of the best value for money outcome for any purchasing process 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, user requirements, quality standards, sustainability, service benchmarks, contractual terms and conditions, value adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, 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; and

e. supplier's capability, capacity, reliability, reputation and previous experience.

5. Buy Local/Regional Price Preference Policy

(Refer to Policy Manual Item 3.10):-

As much as practicable, the Shire must:

- where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- ensure that procurement plans address local business capability and local content;
- explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid; and
- provide adequate and consistent information to potential suppliers.

To this extent, a qualitative weighting may be afforded in the evaluation of quotes and tenders where suppliers are located within the boundaries of the Shire, or substantially demonstrate a benefit or contribution to the local economy.

A regional price preference may be afforded to locally based businesses for the purposes of assessment. Provisions are detailed within the Shire's Regional Price Preference Policy.

6. Purchasing Requirements

6.1 Legislative /Regulatory Requirements

The requirements that must be complied with by the Shire, including purchasing thresholds and processes, are prescribed within the *Local Government (Functions and General) Regulations 1996* and this Policy.

6.2 Policy

Purchasing that is $250,000 or below in total value [excluding GST] must be in accordance with the purchasing requirements under the relevant threshold as defined under Section 6.4 of this Procurement Policy.

Purchasing that exceeds $250,000 in total value [excluding GST] must be put to public Tender when it is determined that a regulatory Tender exemption, as stated under Section 6.5 of this Procurement Policy is not deemed to be suitable.

The cumulative purchasing threshold for purchasing activity or category of supply is considered over a three year period.

6.3 Purchasing Value Definition

Determining purchasing value is to be based on the following considerations:

<u>Exclusive of GST</u>

The actual or expected value of a contract over the full contract period, including all options to extend; or to the extent to which it could be reasonably expected that the Shire will continue to purchase a particular category of goods, services or works and what total value is, or could be, reasonably expected to be purchased.

6.4 Variations

Variations to executed contracts must not change the scope of the purchase (as put to the market) to comply with the *Local Government (Functions and General) Regulations 1996*. A 'minor variation' is defined as being within a 10% tolerance of the original purchasing value. Variations may be approved by the Chief Executive Officer (and sub-delegates) within their authorised financial limits (refer to 6.8 of this Policy).

6.5 Procurement Thresholds and Requirements

The following procedures will be adhered to when purchasing items and other services and goods as per the adopted budget.

Note that purchase orders are not required to be raised for the following items:

- Fuels (BP Fuel Card) – bulk fuel purchases require a Purchase Order
- Credit Card Purchases
- Utilities
- Manual Cheque requests for reimbursements

Note that the following will not be subject to sourcing three quotes or undertaking a Formal RFx process.

- Pre employment medicals and medical treatment.
- Legal advice (if using a WALGA Preferred Supplier Agreement Arrangement)
- Training (if using a WALGA Preferred Supplier Agreement Arrangement)
- Travel and Accommodation (only when utilising the Corporate Travel Management System).
- Insurance premiums purchased through LGIS.

The suite of LGIS insurances are established in accordance with S.958(6)(b) of the *Local Government Act 1995* and are provided as part of a mutual, where WALGA Member Local Governments are the owners of LGIS. Therefore, obtaining LGIS insurance services is available as a member-base service and is not defined as a purchasing activity subject to this Policy. Should Council resolve to seek quotations from alternative insurance suppliers, compliance with this Policy is required (i.e a Tender process to be undertaken)

- Servicing and/or mechanical repairs to plant and/or machinery located remotely, where significant additional costs will be charged by Suppliers who need to travel to the remote area to view the plant and or machinery to be able to submit a quote, as this is not considered best value for the Shire.

All purchase orders are to be completed as set out below:

Range (excluding GST)	Requirements
$0 - $9,999	Under direction from the authorised Supervisor, a purchase order will be raised without verbal or written quotes necessarily being obtained.
$10,000 - $99,999	A purchase order will be raised following three written quotes being obtained. Staff must retain electronic evidence of the suppliers invited to supply a written quote. Each supplier must receive the same detailed description (*Specification*) of what goods/services are being requested. A completed SoEP Declaration of Quotes form must be completed and attached to the Requisition/Purchase Order in Synergy. *[Three quotes must be sourced, including if using WALGA Preferred Supplier Panel, State Government CUA, or a SoEP Local Panel]*

$100,000 - $249,999	Obtain at least three written quotes from suppliers by formal invitation, by way of a **Formal Request for Quotation Process** which includes a detailed Scope of Works/Specification of Goods and Services required. The procurement decision is to be based on pre-determined evaluation criteria that assess all value for money considerations in accordance with the definition stated within this Policy. Quotations within this threshold may be obtained from the Shire's Local Preferred Supplier Panels; the WALGA Preferred Supplier Programme or from the open market. A copy of the last page of the Recommendation Report – Endorsement by CEO to Award the RFQ to the recommended respondent must be attached to the Requisition/Purchase Order by the officer raising the Requisition. Under direction from the authorised Supervisor, and in consultation with the Chief Executive Officer, or a Director, a purchase order will be created following the RFQ process. *[Three quotes must be sourced, including if using WALGA Preferred Supplier Panel, State Government CUA, or a SoEP Local Panel*].
$250,000 & Greater	Tenders will be invited as follows. If work is allowed for in the budget, a Request to Invite Tenders form is to be submitted to the Chief Executive Officer for approval. If the work is not allowed for in the budget, permission to go to Tender must be obtained from Council. The Chief Executive Officer has delegated authority to award Tenders to the value of $499,999 gst ex, with the following condition: • that all purchases of greater than or equal to $250,000 (ex GST) and relevant to plant and fleet be referred to Council for decision. Council is required to award Tenders $500,000 (ex GST) and above. A copy of the Council Resolution to award the Tender to the successful Tenderer must be attached to the Requisition/Purchase Order by the officer raising the Requisition. *In lieu of a Tender, a formal Request for Quotation process, sourcing a minimum of three quotes may be undertaken by utilising the WALGA Panel, State Government CUA or a SoEP Local Panel, The procurement decision is to be based on pre-determined evaluation criteria that assess all value for money considerations in accordance with the definition stated within this Policy. Shire's compliance requirements will need to be addressed by the Supplier, except for compliance requirements that relate to insurance, financial risk, corporate information that have been addressed during the tender process undertaken by WALGA, State*

	Government or SoEP Local Panel to be awarded Preferred Supplier status by the respective agency.

6.6 Unique/Sole Supply

Where an arrangement with a supplier is based on the unique nature of the goods or services required or for any other reason, where it is unlikely that there is more than one potential supplier may be approved where the:

a. purchasing value is estimated to be under $250,000;

b. purchasing requirement has been documented in an appropriate specification;

c. specification has been market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement; and

d. rationale for why the supply is determined as unique and why quotations or tenders cannot be sourced through more than one potential supplier is documented and approved by the CEO and Director

6.7 Tender Exemptions

An exemption to publicly invite tenders may apply in the following instances:

- An emergency situation as defined by the Act;
- To source essential goods and services to respond to a State of Emergency as per Regulations 11(2)(aa) and 11(3);
- The purchase is under a Contract of WALGA (Preferred Supplier Arrangements*), Department of Treasury and Finance (permitted Common Use Arrangements); Regional Council; or another Local Government;
- The purchase is under auction which has been authorized by Council;
- The Contract is for petrol, oil or other liquid or gas used for internal combustion engines;
- The purchase is acquired from a person registered on the WA Aboriginal Business Directory, as published by the Small Business Development Corporation, where the consideration under contract is worth $250,000 or less and represents value for money*;
- The purchase is acquired from an Australian Disability Enterprise and represents value for money*.
- The purchase is from a pre-qualified supplier under a Panel established by the Shire*
- Any other exclusion under Regulation 11 of the *Local Government (Functions and General) Regulations 1996*.

*Whilst exempt from the Tender process – three quotes are still required if purchase is to be made under this instance.

6.8 Purchase Order Authorisation

All staff that have purchase order authorisation must successfully complete the WALGA E-Learning Procurement Package or alternative procurement package as stipulated by the Procurement Section. Until such time as this has been completed successfully staff will not have access to authorize purchase orders.

Staff that are in positions that have authority to raise Purchase Orders of $10,000 or over will be required to complete the six modules, the Foundation Knowledge and Practical Knowledge Quiz.

Staff that are in positions to raise Purchase Orders of less than $10,000 are required to undertake the first three modules and Foundation Quiz only.

Purchase orders must be generated and signed by authorized persons for all goods and services ordered for the Shire at the time that the order is placed.

Amounts shown in this Procurement Policy are GST exclusive.

Purchase Orders must not be raised retrospectively.

Authorising Officer	Requirements
• Chief Executive Officer	May authorise a purchase order in accordance with the Procurement Thresholds and Requirements set out in 6.5 of this Policy, to the maximum value of $499,999, with the following condition: • that all purchases of greater than or equal to $250,000 (ex GST) and relevant to plant and fleet be referred to Council for decision*. *Pursuant to Council Decision 2023/156 (SCM 27 October 2023)
• Directors	May authorise a purchase order in accordance with the Procurement Thresholds and Requirements set out in 6.4 of this Procurement Policy to the maximum value of $150,000. If the purchase is in excess of $150,000 a Requisition is to be created and then authorised to a Purchase Order by the Chief Executive Officer.
• Managers	May authorise a purchase order in accordance with the Procurement Thresholds and Requirements set out in 6.4 of this Procurement Policy to the maximum value of $30,000. If the purchase is in excess of $30,000

	a Requisition is to be created and then authorised to a Purchase Order by their Supervisor.
• Coordinators • Works Supervisor (*Newman & Marble Bar*) • Senior Environmental Health Officer	May authorise a purchase order in accordance with the Procurement Thresholds and Requirements set out in 6.4 of this Procurement Policy to the maximum value of $10,000. If the purchase is in excess of $10,000 a Requisition is to be created and then authorised to a Purchase Order by their Supervisor
Other Authorised Officers	May raise a purchase order in accordance with the Procurement Thresholds and Requirements set out in 6.4 of this Procurement Policy to the maximum value of $5,000. If the purchase is in excess of $5,000 a Requisition is to be created and then authorised to a Purchase Order by their Supervisor.

Splitting of purchases to keep below threshold levels is a breach of the Regulations and Shire's Code of Conduct and will be treated as such. Refer to Item 7 for further details.

6.9 6.9 Capital Expenditure

Definition of a Capital Item for the purpose of the Shire of East Pilbara:

Any item budgeted as a capital item in the adopted budget;

Any item to be purchased, which involves the replacement of an existing asset through the sale, trade-in, write-off or disposal of an item on the fixed asset register.

Refer to the Accounting Policy in the Council's Policy Manual for the further treatment of non-current assets.

No item of a capital nature may be purchased unless included in the adopted budget, or if unbudgeted, has been approved by "absolute majority" of Council prior to the purchase of the item. (Council has no retrospective right of approval of purchase of non-budgeted items of capital).

7. Anti-Avoidance

The Shire shall not enter into two or more contracts or create multiple purchase order transactions of a similar nature for the purpose of 'splitting' the value of the purchase or contract to take the value of the consideration of the purchase below a particular purchasing threshold, particularly in relation to Tenders and to avoid the need to call a Public Tender.

Splitting of purchases to keep below any of the thresholds is a breach of the Regulations and the Shire's Code of Conduct and will be recorded in the Shire's Procurement Breach Register. Any such instances of

this occurring will be subject to internal investigation and where substantiated will be subject to internal disciplinary action and referred to the Public Sector Commission.

8. Emergency Purchases

An emergency purchase is defined as an unanticipated and unbudgeted purchase which is required in response to an emergency situation as provided for in the *Local Government Act 1995*.

6.8. Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government; or

(b) is authorised in advance by resolution*; or

(c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken, but has to be in accordance with 6.8(1)(c) of the *Local Government Act 1995*.

An emergency purchase does not relate to purchases not planned for due to time constraints.

Every effort must be made to anticipate purchases required by the Shire in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

9. State of Emergency - Purchases

As per Regulation 11(2)(aa), the formal tender process does not need to be undertaken when sourcing and securing essential goods and services to respond to a state of emergency. As outlined in Regulation 11(3), there must be a state of emergency declaration in force for the local government district or part of the district and the goods or services must be required to address needs arising from, or impacts or consequences of, the hazard to which the emergency relates.

10.State of Emergency - Contract Renewals

As per Regulation 11(2)(ja), gives a local government the discretion to renew or extend a contract that expires when a state of emergency declaration is in force, even though this option is not included in the original contract. This will overcome the practical difficulty of businesses responding to a formal tender process while they are shut down or in the transition period when normal business resumes. Limits on this apply: the original contract must have less than three months left to run, the renewal or extension cannot be for more than twelve months, and there must be a state of emergency declaration applying to the district or part of the district when the renewal or extension is entered into.

11.Records Management

Records of all purchasing activity must be retained in compliance with the *State Records Act 2000* (WA), the Shire's Records Management Policy and associated procurement procedures.

For each procurement activity, such documents may include:

- The Procurement initiation document such as a procurement business case which justifies the need for a contract to be created (where applicable);
- Procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the contract;
- Request for Quotation/Tender documentation;
- Copy of public advertisement inviting tenders, or the notice of private invitation (whichever is applicable);
- Copies of quotes/tenders received;
- Evaluation documentation, including individual evaluators notes and clarifications sought;
- Negotiation documents such as negotiation plans and negotiation logs;
- Approval of award documentation;
- All correspondence to respondents notifying of the outcome to award a contract;
- Contract Management Plans which describes how the contract will be managed; and
- Copies of contract(s) with supplier(s) formed from the procurement process.

12.Purchasing from Disability Enterprises

Pursuant to Regulation 11(2)(i) of the *Local Government (Functions and General) Regulations 1996*, the Shire is not required to publicly invite tenders if the goods or services are to be supplied from an Australian Disability Enterprise, as registered on www.ade.org.au.

This is contingent on the demonstration of value for money.

Where possible, Australian Disability Enterprises are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Australian Disability Enterprises.

13.Purchasing from Aboriginal Businesses

Pursuant to Regulation 11(2)(h) of the *Local Government (Functions and General) Regulations 1996*, the Shire is not required to publicly invite tenders if the goods or services are to be supplied from a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australian Limited, ABN 96 929 977 985; or a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation), ABN 50 134 720 362, where the expected consideration under contract is worth $250,000 or less. This is contingent on the demonstration of value for money.

Where possible, Aboriginal businesses are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Aboriginal owned businesses or businesses that demonstrate a high level of Aboriginal employment.

14.Payment for Goods and Services

To process efficiently and effect timely payments for goods and services purchased, purchase orders and invoices will be returned to staff and suppliers until satisfying policy and ATO requirements. This includes clearly stating the correct Shire purchase order number on an invoice submitted for payment.

15.Considerations to Determine Correct Contract Documentation to be Used

The type of contractual documentation to be utilised will depend on a number of factors including:

a. Value of consideration

b. Potential risk to local government in provision of goods and services

c. Extent to which general procurement conditions adequately cover risk

d. Nature of goods and services to be provided

e. Special requirements that apply to the provision of the goods and services

f. Duration of contract

Generally, the higher the value of consideration the higher the potential risk to local government (*in the event of default or unsatisfactory performance*) and the corresponding need for more comprehensive forms of contractual documentation in the case of higher value contracts to satisfactorily address that risk. However, the adoption of more detailed forms of procurement documentation (such as a formal contract) for relatively routine and low risk procurement transactions will generally be unnecessary from a risk management perspective and inefficient (*in terms of time and expense of preparing the documentation*).

The following stipulates the correct contract format to use and also what documents need to be included within the contract, based on contract value consideration:-

a. $0 – $9,999 – purchase order (with clearly incorporated terms and conditions and clear description of goods/services required)

b. $10k - $49,999 – standard form letter of engagement with purchase order (with clearly incorporated PO terms and conditions)

c. $50k - $99,999 - standard short form contract for goods and services

d. $100k - $249,999 – formal contract (comprising formal instrument of agreement; Rfx documentation, Rfx offer and Australian Standard General Conditions of Contract)

e. $250k+ - formal contract (comprising formal instrument of agreement; tender documentation, tender submission and Australian Standard General Conditions of Contract)

Authorisation Details

References:	*Local Government Act 1995* *Local Government (Functions and General) Regulations 1996* (as amended)		
Authorised by:	Council		
Date:	5 May 2006	**Item No.**	9.4.2
Review/Amendment Date	5 May 2006	**Item No**	
Review/Amendment Date	27 April 2007	**Item No**	9.3.5
Review/Amendment Date	24 July 2009	**Item No**	9.4.1
Review/Amendment Date	29 January 2010	**Item No**	9.1.6
Review/Amendment Date	11 March 2011	**Item No**	9.2.5
Review/Amendment Date	3 February 2012	**Item No**	9.1.8
Review/Amendment Date	25 May 2012	**Item No**	9.2.4
Review/Amendment Date	28 July 2012	**Item No**	9.2.7
Review/Amendment Date	28 June 2013	**Item No**	9.2.6
Review/Amendment Date	27 September 2013	**Item No**	9.2.7
Review/Amendment Date	6 December 2013	**Item No**	9.2.9
Review/Amendment Date	24 April 2014	**Item No**	9.2.17
Review/Amendment Date	12 December 2014	**Item No**	9.2.2
Review/Amendment Date	30 January 2015	**Item No**	9.2.6
Review/Amendment Date	6 March 2015	**Item No**	9.2.11
Review/Amendment Date	26 June 2015	**Item No**	9.2.7
Review/Amendment Date	25 September 2015	**Item No**	9.2.4
Review/Amendment Date	23 October 2015	**Item No**	10.2.6
Review/Amendment Date	21 April 2017	**Item No**	9.2.5
Review/Amendment Date	26 May 2017	**Item No**	9.2.5
Review/Amendment Date	26 October 2018	**Item No.**	9.3.1
Review/Amendment Date	26 April 2019	**Item No.**	10.3.2
Review/Amendment Date	24 April 2020	**Item No.**	10.1.2
Review/Amendment Date	23 October 2020	**Item No.**	12.1.1
Review/Amendment Date	27 August 2021	**Item No.**	9.3.2
Review/Amendment Date	29 April 2022	**Item No.**	11.2.3
Review/Amendment Date	22 July 2022	**Item No.**	11.2.3
Review/Amendment Date	16 December 2022	**Item No.**	12.1.1
Review/Amendment Date	27 October 2023	**Item No.**	8.1
Next Review	Annually		
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

3.15 Financial Hardship

Objective

This Policy is intended to recognise there are unforeseen cases of genuine financial hardship where payment of outstanding rates would cause the ratepayer further distress. The policy outlines the scope and criteria for determining applications for rating relief.

Policy

This policy applies to residential and small business owner ratepayers. However, the Shire encourages any ratepayer experiencing payment difficulty to make contact with the Shire.

Definitions

Financial Hardship	When a Ratepayer is willing but unable to pay their rates because of unforeseen and unexpected events that impacts substantially upon short term cash flow, for example: • Changes in employment status (such as losing a job or having hours significantly reduced). • Significant life events such as serious illness, a relationship breakdown or death in the family. • Significant loss of revenue. • Emergency event or natural disaster.
State Concessions	Meeting eligibility criteria for approved Pensioner or State Concession Card, Commonwealth Seniors Health Card with a WA Seniors Card.
Payment Arrangement	A payment plan is an agreement between the Shire and the rate payer, to receive a certain amount of money in regular instalments over an agreed timeframe.
Payment Options	Centrepay, internet, direct debit, telephone, mail or POST Bill pay.
Fees and Charges	Includes waste collection fees, security service charge and emergency services levy
Penalty Interest	An amount of interest charged by the Shire in accordance with the annual budget for overdue payment of rates, fees and charges. The Shire on behalf of the State, collects and charges interest on any overdue Emergency Services Levy Amounts.
Approving Officer	Means any person to whom power has been authorised to determine applications in accordance with Council's approved policy guidelines.
Residential Ratepayer	The category of ratepayer which is not classified as non-residential or unimproved land.

Small Business Ratepayer	A small business which: • Employs less than 20 people *Australian Bureau of Statistics (ABS) definition of small business. Where the owner draws a wage from the business they are considered an employee and are included in the employee count above. • Owns and operates their business from premises within the Shire (being both ratepayer and business owner). This includes home-based businesses.

Qualifying Criteria

Subject to qualifying criteria, eligible residential and small business ratepayers in Financial Hardship will be provided assistance where:

a. In the opinion of the Chief Executive Officer, upon recommendation by the Approving Officer, the ratepayer is experiencing genuine financial hardship;

b. The ratepayer's circumstances can be substantiated if requested;

c. The ratepayer is not bankrupt or subject to a bankruptcy petition;

d. No revenue is being derived from the residential property;

e. The non-residential property is the principal place of business of the ratepayer;

f. The applicant must be the owner or co-owner of the property and liable for payment of rates and charges.

Assistance

When ratepayers are determined to be in Financial Hardship the Shire will:

a. Cease any penalty interest; **excluding the late payment interest applicable to the Emergency Services Levy*

b. Temporarily pause payment of your rates, fees and charges;

c. Establish an alternative payment arrangement plan.

The maximum time for a concession on future interest charges is two years. The maximum time for a pause on payment is 6 months.

Supporting Documentation

Third party documentation may be requested to assist in determining applications for Financial Hardship.

Ratepayer Obligations

Ratepayers are obliged to inform the Shire of any changes in their circumstances that would no longer warrant consideration of Financial Hardship.

Residential ratepayers are encouraged to make application for State concessions which may provide them with further financial benefit.

Small business ratepayers are encouraged to make application for Federal and State Government funding which may provide them with further financial benefits.

Ratepayers are required to use available Payment Options.

Duration

A temporary suspension from the payment of rates and subsequent establishment of alternative payment arrangements, shall aim to clear overdue rates, fees and charges, and restore regularity of payments within 2 years.

It is acknowledged that experiencing unfortunate events may not be a one-off lifetime event and that some ratepayers may need to make application for Financial Hardship more than once.

Debt recovery

We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting, the Shire will continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment plan, one further opportunity of adhering to a payment plan that will clear the total debt within the allowed timeframe is possible.

Review position and date

This policy will apply for rates levied from 1 July 2019 onwards.

We will establish a mechanism for review of decisions made under this policy, and advise the applicant of their right to seek review and the procedure to be followed.

Communication and Confidentiality

We will maintain confidential communications at all times and we undertake to communicate with a nominated support person or other third party at your request.

We will advise ratepayers of this policy and its application, when communicating in any format (i.e. verbal or written) with a ratepayer that has an outstanding rates or service charge debt.

We recognise that applicants requesting financial hardship consideration are experiencing additional stressors, and may have complex needs. We will provide additional time to respond to communication and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.

Authorisation Details

References:			
Authorised by:	Council		
Date:	24 April 2020	**Item No.**	10.1.5
Review/Amendment Date	28 May 2021	**Item No.**	10.2.5
Next Review			
Responsible Directorate	Corporate Services		

Responsible Officer	Manager Corporate Services
File No.	

3.16 Rating Exemptions and Waivers

Objective

To establish a governing framework for consistent application of rating exemptions

Policy

The application of rating exemptions applies to particular types of land use in accordance with the *Local Government Act 1995*, as well as land use which meets the definition of charitable purposes.

Rating waivers may be applied to land used by local Community and Sporting Groups.

Any portion of the land and/or buildings leased to a commercial third party business will be subject to the appropriate rating category and not covered by this policy.

Other Shire charges or levies (i.e. waste collection etc.) and State imposed charges (i.e. emergency services levy etc.) are not the subject of this policy.

Definitions

Term	Definition
Community Group	Is an entity whose primary objective is not directed at making a profit and has the principal aim of encouraging and organising community participation of a nonsporting nature. Includes: Hobby groups, theatre groups, bridge clubs, music groups, scouts, girl guides, resident & ratepayer associations, community childcare, kindergarten and playgroups.
Sporting Clubs	Is an entity that has the principal aim of encouraging and organising community participation in sport. Includes: Football, golf, bowling clubs, target sports, equine sports, water sports, tennis, soccer, baseball, basketball etc.
Commercial purpose	Means for the purpose of this policy to conduct an activity in or on the property that is subject to a rates waiver that makes a profit that is distributed to a third party.
Ancillary service	Means a service provided for the benefit of members and visitors (for example: canteen, bar service, club rooms, hiring of rooms).
Other Charges and levies	Includes, but not limited to, electricity, water and gas charges, ESL (Emergency Services Levy), and waste collection charges, as applicable to each property.
Approving officer	Means any Officer the CEO has authorised to implement this policy. The officer authorised must apply the policy in its entirety and no discretion is provided to vary the criteria for applying this policy.

ELIGIBILITY

Charitable Organisations

For rating exemptions, the entity applying must be registered with the Australian Charities and Not-for-profits Commission. Also, the land must be used for charity and charitable purpose, as defined by the *Charities Act 2013* as follows:

- advancing health
- advancing education
- advancing social or public welfare
- advancing religion
- advancing culture
- promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia
- promoting or protecting human rights
- advancing the security or safety of Australia or the Australian public
- preventing or relieving the suffering of animals
- advancing the natural environment
- other similar purposes 'beneficial to the general public' (a general category), and
- promoting or opposing a change to any matter established by law, policy or practice in the Commonwealth, a state, a territory or another country (where that change furthers or opposes one or more of the purposes above)

Community Organisations

For rating waivers, the entity applying must be local within the Shire and meet the definitions for community and sporting groups as per this policy. Groups that represent industry segments, commercial businesses, promote a profit making activity or business group, will not be eligible for a waiver of rates under this policy.

Applications for rating exemptions and waivers received for land which was previously rateable, which meet either the requirements of the Local Government Act 1995 or this policy, shall be effective from the date of the application's receipt.

Eligibility of community and sporting groups for waivers of rates, will be subject to review every three (3) years.

The Shire must be informed of any changes to the nature and or purpose of the charitable or community organization, as well as all lease agreements entered into with any third party, and other changes in ancillary use.

Provision of Ancillary or Commercial Services

The provision of ancillary services where any revenue and surplus received is for the benefit of the group or organisation, such as a bar, dining facilities or canteen, to the extent it does not create an annual financial surplus, does not disqualify eligibility.

Properties (or part of a property) used for a commercial purpose with the revenue and surplus being retained by a third party, and/or residential purpose is not eligible for a rating waiver.

Reporting Requirements

A schedule of rating exemptions and waivers, listing the recipients and the amount foregone, is to be included in the budget adoption reports.

Authorisation Details

References:	Sections 6.26 (Exemptions) and 6.47 (Waivers) of the *Local Government Act 1995*		
Authorised by:	Council		
Date:	19 November 2021	**Item No.**	11.2.1
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Corporate Services		
Responsible Officer	Manager Corporate Services		
File No.			

3.17 Pre-qualified Supplier Panels

1. Policy Objective

The objectives of this Policy are to ensure that any Pre-qualified Suppliers are created in accordance with Regulation 24AC of the *Local Government (Functions and General) Regulations 1996*, a Panel of Pre-qualified Suppliers ("Panel") may be created where the following factors apply:

- The Shire determines that a range of similar goods and services are required to be purchased on a continuing and regular basis;
- there are numerous potential suppliers in the local and regional procurement-related market sector(s) that satisfy the test of 'value for money';
- the purchasing activity under the intended Panel is assessed as being of a low to medium risk;
- the Panel will streamline and will improve procurement processes; and
- the Shire has the capability to establish, manage the risks and achieve the benefits expected of the proposed Panel.

The Shire will endeavour to ensure that Panels will not be created unless most of the above factors are firmly and quantifiably established.

2. Risks being addressed

This Policy, used in conjunction with the Shire's Procurement and Tender Procedures Policy (3.14), will continue to mitigate probity risk, by establishing consistent and demonstrated processes that promotes openness, transparency, fairness and equity to all potential suppliers.

The use of pre qualified supplier panels will streamline and improve procurement processes, reducing the risk of non compliance relating to cumulative expenditure exceeding Tender threshold for regular supply of goods and services without a tender process being undertaken and/or a contract being in place.

3. Scope

All officers with procurement authority - in liaison with the Procurement Team.

4. Definitions

Construction (including works): For the purpose of this policy a work (construction) is defined as the carrying out of any improvement on or over any area of land, lake, river or ocean, and any services related to that activity in the prescribed area. This includes the construction of buildings, housing and other public infrastructure as well as related services such as architectural, surveying, facilities management and general maintenance.

Electronic Tendering Portal – means either the Shire's Tenderlink Portal or the WALGA Vendor Panel used for the electronic procurement process utilised to invite Panellists to provide goods or services under the Panel arrangement

Goods: includes tangible, quantifiable material requirements usually capable of being moved or transported that are purchased, rented, leased or hired by the Shire.

Panel means a Panel of Pre-Qualified Suppliers established under Regulation 24AC of the *Local Government (Functions and General) Regulations 1996*

Panellist or Supplier means a Pre-qualified Supplier that is an approved member of a Panel.

Purchasing or Procurement is defined as the entire process by which all classes of resources *(including but not necessarily restricted to human, material, plant, equipment, facilities and services*) are obtained generally for a local government activity, function or specific project by payment. This can include the functions of planning, design, standards determination, specifications writing, selection of suppliers, financing and other related functions.

Services or Provision of Services: means any task, consultancy, work or advice to be performed or provided that is procured by the Shire. Included are services such as management consultancies, outsourcing, maintenance contract/ agreement, cleaning, waste removal, equipment repairs, external auditors, utilities and services acquired by a private sector provider for the Shire. Excluded are payments made directly to employees, superannuation and pension payments, statutory or involuntary payments and grants, subsidies and transfer payments.

5. Policy Statement

5.1 Establishing a Panel

Should the Shire determine that a Panel is beneficial to be created, it must do so in accordance with Part 4, Division 3 the *Local Government (Functions and General) Regulations 1996*.

Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the Panel.

Panels may be established for a minimum of two (2) years and for a maximum length of time determined by the Local Government.

The Shire may enter into a Contract arrangement with a Panellist for the provision of goods or services under a Panel in accordance with Regulation 24AJ and subject to the following conditions:

- The Contract may only be for a maximum twelve (12) months term; and
- Is prohibited from having any extension of term provisions included in the Contract

Evaluation criteria must be determined and communicated in the Tender process by which tender submissions will be assessed and accepted.

Where a Panel is to be established, the Shire will endeavour to appoint at least three (3) suppliers to each category, on the basis that best value for money is demonstrated. Where fewer than three (3) suppliers are appointed to each category within the Panel, the category is not to be established.

In each invitation to apply to become a Panellist (through a procurement process advertised through a state-wide notice), the Shire must state the expected number of suppliers it intends to put on the Panel.

Should a Panellist leave the Panel within six (6) months, they may be replaced by the next ranked Tenderer determined in the value for money assessment should the Tenderer agree to do so, with this intention to be disclosed in the detailed information set out under Regulation 24AD(5)(d) and (e) when establishing the Panel.

In the event that a Panellist leaves a Panel and this results in the Panel being reduced to just two (2) Panellists and the Shire is unable to replace the panel member, then that Panel may be disbanded. This should be documented in the request document and any subsequent agreements/contracts.

As a Panel may only be approved by Council following a public tender process, the Chief Executive Officer is authorised to approve works under such a Panel.

5.2 Distributing Work amongst Panel Members

To satisfy Regulation 24AC(2), the distribution of work between the Panellists will be dependent on the unique nature of the goods or services. The detailed information associated with each invitation to tender to join the Panel (the request document) will prescribe one (1) of the following options:

a) **The Shire will obtain written quotations from each pre-qualified supplier on the panel with respect to all purchases.**

This will ensure each Panellist will have the opportunity to bid for each item of work under the Panel, with pre-determined criteria forming part of the invitation to bid to assess the suitability of the Panellist for particular items of work.

OR

b) **The Shire will purchase goods and services exclusively from any pre- qualified supplier appointed to that panel**.

The Shire will endeavour to distribute the goods or services required between each Panellist evenly, subject to the operational requirements of the Shire at the time those goods and/or services are required. Care will be taken to ensure that no one Panellist is overloaded at any particular time by keeping accurate records of the timelines of each job;

OR

c) **The Shire will develop a ranking system for selection to the panel**.

The Shire will invite the highest ranked panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked panel member is to be made and so forth until a panel member accepts a Contract.

Should the list of panel members invited be exhausted with no panel member accepting the offer to provide goods/services under the panel, the Shire may then invite suppliers that are not pre-qualified under the panel, in accordance with the Purchasing Thresholds stated in the Shire's Purchasing Policy As per Regulation 24AD(5)(f) the request document must clearly stipulate that the Shire does not intend to purchase exclusively from the panel.

When a ranking system is established, the Panel is not to operate for a period exceeding twelve (12) months.

5.3. Purchasing from a Panel

Subject to the stipulated method of awarding works for the specific Panel being utilised, the Officer shall:-

a) Obtain written quotations from each Panellist on the Panel. The goods/services are to awarded based on best outcome for the Shire (*value, quality, timeframe etc*). The officer shall arrange for a Purchase Order to be raised to the Panellist as per the requirements of the Procurement & Tender Procedures Policy, utilising the unique Contract Identification Number and the Officer shall make reference to the Supplier Panel being used on the Declaration of Quotes.

OR

b) If the Shire is purchasing all goods and services exclusively from any Panellist appointed on that specific Panel, the Officer shall distribute the goods or services required between each panel member evenly, subject to the operational requirements of the Shire at the time those goods and/or services are required. Care will be taken to ensure that no one Panellist is overloaded at any particular time by keeping accurate records of the timelines of each job. The officer shall arrange for a Purchase Order to be raised to the Panellist as per the requirements of the Procurement & Tender Procedures Policy, utilising the unique Contract Identification Number and the Officer shall make reference to the Supplier Panel being used on the Declaration of Quotes

OR

c) If the Shire has developed a ranking system for the specific Panel being used, the Officer will liaise with the highest ranked panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked panel member is to be made and so forth until a panel member accepts a Contract. The officer shall arrange for a Purchase Order to be raised to the Panellist as per the requirements of the Procurement & Tender Procedures Policy, utilising the unique Contract Identification Number and the Officer shall make reference to the Supplier Panel being used on the Declaration of Quotes.

Should the list of panel members invited be exhausted with no panel member accepting the offer to provide goods/services under the panel, the Shire may then invite suppliers that are not pre-qualified under the panel, in accordance with the Purchasing Thresholds stated in the Shire's Purchasing Policy.

Compliance and Reporting

The Shire shall:

- Implement processes to facilitate this Policy and associated management procedures, and will implement processes to report departures, non- compliance and/or exceptions;
- On a quarterly basis report to the Shire's Audit and Risk Committee any identified non compliance with this Policy and associated management procedures, and any occurrence of the CEO exercising his/her discretion to undertake any policy exempt procurement; and
- Review, and if appropriate, seek to revise this Policy and associated management procedures to ensure ongoing relevance.

A failure to comply with the requirements of this Policy will be subject to investigation. Findings will be considered in context of the Code of Conduct, and reasonable expectations for the officer's performance of their role.

Where a breach is substantiated it may be treated as:

- An opportunity for additional training to be provided;
- A disciplinary matter, which may or may not be subject to reporting requirements;
- Misconduct in accordance with the *Corruption, Crime and Misconduct Act 2003.*

It is the responsibility of all Shire employees undertaking procurement activities to comply with this policy and it's supporting systems and procedures. All Shire employees when undertaking procurement activities are required to observe the highest standards of ethics and integrity and act in an honest and professional manner that supports the standing of the Shire of East Pilbara.

Record Keeping

All records and documents associated with the Panel process must be recorded and retained as defined within the *State Records Act 2000* and the Shire's Record Keeping Policy.

Records of all communications with Panel members, with respect to the quotation process and all subsequent purchases made through the Panel, must be kept. For the creation of a Panel, this includes:

- The Procurement initiation document such as a procurement business case which justifies the need for a Panel to be created;
- Procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the Panel;
- All Tender documentation including the public advertisement, tender submissions received, evaluations of tender submissions, including clarifications sought;
- Negotiation documents such as negotiation plans and negotiation logs;
- Approval of award documentation;
- All correspondence to Tenderers notifying of the establishment and composition of the Panel such as award letters;
- Contract Management Plans which describes how the contract will be managed; and
- Copies of framework agreements entered into with pre-qualified suppliers.

Information with regards to the Panel offerings, including details of suppliers appointed to the Panel, must be kept up to date, consistent and made available for access by all officers and employees of the Shire.

Authorisation Details

References:	*Local Government Act 1995* *Local Government (Functions and General) Regulations 1996 Divisions 1 and 2* *State Records Act 2000* WALGA Procurement Handbook Shire of East Pilbara Policy Manual – 3.14 – Procurement & Tender Procedures Policy Shire of East Pilbara Policy Manual – 3.13 - Regional Price Preference Policy Manual		
Authorised by:	Council		
Date:	22 July 2022	**Minute No.**	2022/79
Review/Amendment Date	25 August 2023	**Minute No.**	2023/126
Next Review	Annually		
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Coordinator Procurement		
File No.			

3.18 Minor Variations

Objective

To provide a framework around determining what qualifies as a minor variation for in the context of financial matters and purchasing, scopes of work, and for land transaction documents (including but not limited to leases and licences).

Policy

A 'minor variation' must be considered in the context of an overall cost, scope of work, land and its improvements, or instrument of land tenure.

By its nature, what may be considered a 'minor variation' in one set of circumstances will not necessarily constitute a 'minor variation' in another situation. The determination of such is a discretion that must exercised in accordance with sound public administrative law and practice.

When exercising a discretion to determine whether a proposed variation is minor in nature, the decision maker is to have regard to the context of the following:

- the total price of goods or services sought through the invitation to tender or quote, or purchase order;
- the overall scope of works, that are necessary to complete the project; and/or
- the footprint, span of tenure, cost of rent, among other matters concerning the disposition of property,

as the case may be.

As a guide, the decision maker should also have regard to the standard determined by Council for the 2022/23 Budget for reportable 'materiality' variances for capital, which is 10% or $50,000, whichever is the greater.

All minor variations valued at $50,000 or above are to be reported to Council.

If a term or condition, or the intention of a term or condition has been specified in a resolution by Council approving the award of the tender, lease, etc, only Council may modify the term or condition.

The Chief Executive Officer is authorised to approve a variation up to an amount of 10% of the original purchasing value of the total goods or services sought through the RFx, and to then negotiate minor variations (up to an amount of 10% of the original purchasing value) with the successful tenderer before entering into a contract.

Authorisation Details

References:	*Local Government (Functions and General) Regulations 1996, reg 20(1)&(3)*		
Authorised by:	Council		
Date:	24 March 2023	**Item No.**	11.1.3
Review/Amendment Date		**Item No.**	
Next Review	Four yearly		
Responsible Directorate	Office of the Chief Executive Officer		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

3.19 Statement of Business Ethics

1. Policy Objective

The Statement of Business Ethics provides guidance for businesses, organisations and other sectors of the community, undertaking business with the Shire of East Pilbara ("the Shire"). It outlines the Shire's ethical standards and expectations that goods and service providers and contractors will comply with these standards in all their dealings with the Shire. This Statement also outlines what goods and service providers and contractors can expect from the Shire.

2. Our key business principles

Ethics and integrity - The Shire and its employees shall observe the highest standards of ethics and integrity in undertaking purchasing activities and act in an honest and professional manner. All parties are to be treated equitably, consistently, impartially and fairly.

Value for money - The Shire will procure goods and services that offer the best value for money. Best value for money does not automatically mean the lowest price. Rather the Shire will balance all relevant factors including initial cost, whole-of life cost, quality, reliability and timeliness in determining true value for money.

Transparency and accountability - Business activities are to be open, transparent, comply with relevant legislation and the Shire's policies, procedures and practices. The Shire's business dealings will be transparent and open to public scrutiny wherever possible.

Sustainability - The Shire is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities and to consider environmental and social impacts when purchasing goods and services.

3. What you can expect from the Shire

The Shire will ensure all its policies, procedures and practices relating to tendering, contracting and the purchase of goods and services are consistent with the law, industry leading practice and the highest standards of ethical conduct.

All employees, contractors and volunteers are bound by the Shire's Code of Conduct for Local Government Employees, Contractors and Volunteers. Councillors, committee members, and candidates are bound by the Code of Conduct for Council Members, Committee Members and Candidates. Each Code of Conduct requires those bound by them to be accountable for their actions and will:

- Use public resources effectively and efficiently.
- Avoid any conflicts of interest (whether real, perceived or potential).
- Deal with all individuals and organisations in a fair, honest and ethical manner.
- **Never seek gifts or other personal benefits.**

In addition, all Shire procurement activities are guided by the following principles:

- All suppliers (whether invited to lodge a submission through tendering or other request for quotation process) will be treated with impartiality and fairness, and given equal access to information to assist with quotations, tendering or supply.
- Energy-efficient equipment, products containing recycled materials and environmentally friendly products will be purchased wherever reasonably possible taking into account best value for money considerations.

- All procurement activities and decisions will be fully and clearly documented to provide an effective audit trail and to allow for effective performance review of contracts.
- Tenders will not be called unless the Shire has a firm commitment to proceed to contract although the Shire reserves the right not to proceed with any tender or quotation so advertised.
- All contracts that involve services to the public will be undertaken in a manner consistent with the Shire's Disability Access and Inclusion Plan 2020-2025.
- The Shire will not disclose confidential or proprietary information.
- The Shire will provide public services to all on an equitable basis. Fees for services will be charged at the rates approved by Council.
- Shire equipment and resources will be made available for use on payment of the fee approved by Council or as per the terms of a contract between the Shire and other party.
- The use of Shire equipment and resources is subject to the Shire's Codes of Conduct.

4. What the Shire expects from goods and service providers and contractors

All providers of goods and services and contractors to the Shire must:

- Comply with all Australian Laws, regulations and workplace standards.
- Operate in a safe manner in compliance with the Workplace, Health and Safety Act.
- Act ethically, honestly and fairly when dealing with the Shire.
- Be aware of the Shire's policies, guidelines and procedures relating to purchasing, including this Statement (available on the Shire's website).
- Not offer Shire employees, Elected Councillors, contractors, sub-contractors and consultants any financial inducements, or any gifts or other benefits (including employment).
- Not seek discounts on fees and charges for Shire provided public services.
- Not engage in any form of collusion.
- Declare any actual, perceived or potential conflicts of interests.
- Give reliable advice and accurate information when requested.
- Notify the Shire immediately if there are any errors or omissions in documents.
- Consider the environmental and local economic impacts when providing goods and services.
- Take all necessary steps to ensure the supply of goods and services is sourced in an ethical and socially responsible manner.
- Not discuss Shire business or information in the media.
- Take all necessary measures to prevent the disclosure of confidential information.

Immediately report any unethical behaviour (actual or perceived).

5. Why is compliance important?

By complying with this Statement of Business Ethics, all sectors of the community undertaking business with the Shire will be able to advance objectives and interests fairly and ethically.

Non-compliance with the Shire's ethical standards whilst undertaking business with the Shire and/or improper or unethical conduct could lead to consequences such as termination of contracts, exclusion from future procurement and business activities or loss of future work with the Shire. Overall business reputations can also be adversely impacted if corrupt and criminal behaviour is made public. The Shire has a legal obligation to report any reasonably suspected case of corruption to the WA Corruption and Crime Commission.

Complying with the Shire's business principles will also prepare your business for dealing with the ethical requirements of other local governments and public sector agencies.

6. How do I reporting suspected wrongdoing?

If you are concerned about a possible breach of this Statement, or about any conduct that could involve fraud, corrupt conduct, maladministration or serious and substantial waste of public funds, please contact the Shire's Chief Executive Officer, Complaints Officer or Public Interest Disclosures Officer.

Where there is a reasonable suspicion of corrupt conduct by a Shire officer, the Chief Executive Officer must report it to the Corruption and Crime Commission.

Shire officers may make a Protected Interest Disclosure (or 'whistleblower' complaint) by contacting a Public Interest Disclosures Officer.

Contact details and further information on reporting suspected wrongdoing are available on the Shire's website and staff intranet.

Guidance notes

Incentives, gifts and benefits

The Shire's employees, Elected Councillors, Committee members, contractors and suppliers must not be offered incentives, gifts or benefits because of business relationships.

Conflicts of interest

All Shire employees, Elected Councillors, Committee members, contractors and suppliers must disclose any actual, perceived or potential conflicts of interest. The Shire requires this of all persons, organisations and sectors of the community undertaking business with the Shire.

Confidentiality

Information which is marked confidential, or which a reasonable person would expect to be confidential, must be treated as such.

Communication between parties

All communication shall be clear, direct and accountable to minimise the risk or perception of inappropriate influence being brought to bear on the business relationship.

Use of Shire equipment, resources and information

All Shire equipment, resources and information must only be used for acceptable purposes.

Contracting employees

All contracted and subcontracted employees are expected to comply with this Statement. If subcontractors are employed to assist with work for the Shire, they must be made aware of this Statement.

Intellectual property rights

All parties are to respect intellectual property rights and formally negotiate any access, licence or use of intellectual property.

Safety

All parties shall observe legal and moral obligations to protect the safety of Shire employees, Elected Councillors, Committee members, contractors and suppliers, and the public.

Regional Price Preference

The Shire encourages the development of competitive local businesses. This is supported by Council's Regional Price Preference Policy.

Authorisation Details

References:	*Local Government Act 1995*		
Authorised by:	Council		
Date:	26 August 2022	**Item No.**	11.2.3
Review/Amendment Date		**Item No.**	
Next Review	Annually		
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

4.2 Complaints Against Third Parties

Objective

Provide a short statement on the objective of the policy.

Policy

1. Any member of the public wishing to make a complaint against a third party are required to lodge the complaint in writing.
2. The complainant is to be advised that Council may only take action on the complaint when he/she agrees to his or her name being recorded as the complainant.
3. This policy is designed to eliminate frivolous complaints and complaints that are sometimes lodged because of ulterior motives.
4. Council's staff are authorised and expected to use discretion in the implementation of this policy.
5. Written complaints are to be forwarded to the relevant Executive Manager and follow up action detailed on the bottom of the complaints form.

Authorisation Details

References:	Nil		
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date	29 June 2018	**Item No.**	9.2.4
Next Review			
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Customer Experience		
File No.			

4.4 Environment Council Recognition

Objective

To recognise the importance of our environment.

Policy

1. The term 'environment' means living things, their physical, biological and social surroundings, and interaction between all of these.
2. The good management of the environment is a primary task of the Council and should be considered in all of Council's decisions.
3. Council decisions affecting the environment shall be based on the development of sound policies developed through consultation with the community.
4. A coordinated approach to all environmental matters is required. Activities of the Council should be coordinated with each other as well as with those of outside bodies wherever necessary to ensure that maximum benefit is obtained.
5. The Council will initiate measures to identify environmental issues important to the residents of the Shire and will take action as necessary to address those issues.
6. The Council will inform the public of issues concerning the environment through press releases, and other methods as appropriate.
7. Council will encourage the use of calico bags as an alternative to plastic.
8. Council will develop alternative administration processes to reduce the amount of paper required in Councils Minutes and Agendas, Councillors will use an electronic means to receive correspondence from Council.

Authorisation Details

References:	Nil		
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

4.5 Execution of Documents

Objective

To authorise the execution of certain documents by the Shire President, Chief Executive Officer ("the CEO"), and/or other officers; and

To authorise the use of, and establish protocols for the affixing of the Common Seal of the Shire of East Pilbara ("the Common Seal").

Policy Statement

Documents executed by the Shire of East Pilbara ("the Shire") are properly executed when authorised by the local government by Council resolution or delegated authority and signed in accordance with s.9.49A(1) of the *Local Government Act 1995* ("the Act"), and the provisions set out in this Policy.

This policy applies to all documents requiring execution, including but not limited to those which require the affixing of the Common Seal.

Nothing in this policy authorises the entering of an agreement or signing of a document, which would otherwise require an express decision of Council, or which falls outside the delegated authority of the signatory or signatories. This policy only authorises the execution of such documents.

<u>Documents requiring the affixing of the Common Seal</u>

The following documents may, as required be executed by way of the Shire's Common Seal:

- Local Laws;
- Planning Schemes;
- Mortgages, loans and debentures;
- Documents requiring the Common Seal pursuant to a statutory procurement;
- Documents where the other party has reasonably requested for the document to be executed by way of the Shire's Common Seal; and
- Documents for which Council has resolved to execute by way of the Common Seal.

The execution requirements with respect to the documents listed above, apply to the making, varying or discharge of documents pursuant to s.9.49B of the Act.

<u>Authorised signatories for the purposes of affixing the Common Seal</u>

The Shire President and the CEO are authorised to affix the Common Seal in the presence of one another in accordance with ss.9.49A(2) and (3) of the Act. The Deputy President (by virtue of s5.35 of the Act) and a Director, either acting as the CEO or authorised to sign on behalf of the CEO (in accordance with the Shire's Delegation and Authorisations Register and Appointment of Acting Chief Executive Officer Policy) are authorised to sign documents and affix the Common Seal, in the respective absence of the Shire President and/or the CEO. Section 5.35 of the Act applies in the absence of both the President and the Deputy President.

Common Seal Register

Use of the Common Seal is to be recorded in the Common Seal Register ("the Register"), kept by the CEO and available for inspection. The Register shall record the date for each occasion on which the Common Seal was affixed, the nature of the document, the authority by which the Common Seal was used, and the parties to the document to which the Common Seal was so affixed.

Retrospective Approval to affix the Common Seal

The Common Seal is not to be affixed to any document except as authorised by the Council. (s.9.49A(2) of the Act).

Reporting to Council

The CEO shall report to the Council each month, the details of all transactions where the Common Seal has been affixed for the previous month.

Authority to sign and execute documents that do not require the affixing of the Common Seal

Documents that do not require the affixing of the Common Seal to effect their execution, may be authorised and signed on the local government's behalf in accordance with the Shire's Delegations and Authorisations Register.

Where the other party to a document reasonably requests two signatories for the Shire, and there is no requirement or request to affix the Common Seal, the President and the CEO are authorised to be such signatories. The Deputy President (by virtue of s5.35 of the Act) and a Director, either acting as the CEO or authorised to sign on behalf of the CEO (in accordance with the Shire's Delegation and Authorisations Register and Appointment of Acting Chief Executive Officer Policy) are authorised to sign documents, in the respective absence of the Shire President and/or the CEO. Section 5.35 of the Act applies in the absence of both the President and the Deputy President.

The following table lists the type of document and the person authorised to sign on behalf of the Shire:

Document type	**Person authorised to sign**
Grants and funding agreements with government agencies and non-government organisations	Chief Executive Officer
Land transaction document including, but not limited to sale, purchase, vesting, leases*, licences, transfers, contributed assets, easements, restrictive covenants, caveats, memorials, notifications, deeds and withdrawal of instruments	Chief Executive Officer * Directors are authorised to sign leases only up to the maximum value of the authorised financial delegation
Memoranda of Understanding	Chief Executive Officer
Australian Citizenship Certificates (notices pursuant to s.37(3)(a) of the *Australian Citizenship Act 2007*)	President, Councillors or Chief Executive Officer (in accordance with regulation 12(3) of the *Australian Citizenship Regulation 2016* and subclauses 6(h)(vi), (vii) and (xi) of the *Citizenship (LIN 20/084: Class of Persons*

	Who May Receive a Pledge of Commitment) Instrument 2020)
All other documents authorised by way of Council decision	Chief Executive Officer
All other documents that are not by way of Council decision and/or part of the ordinary operations of the local government including, but not limited to, casual hire agreements, procurement contracts (not requiring a Council decision), short term leases, sponsorship agreements, enterprise bargaining agreements and employment contracts	Chief Executive Officer and Directors (within the limits of the Shire's Delegations and Authorisations Register)
The following Martumili agreements that are with and/or on behalf of artists: • Consignment agreements; • Copyright agreements; • Artist agreements; and • Collaborative agreements.	Manager Martumili

Method of Affixing Common Seal

Example A – Where the Common Seal is affixed by resolution of Council

Dated: _____

The Common Seal of the Shire of East Pilbara was affixed by authority of a resolution of the Council in the presence of:

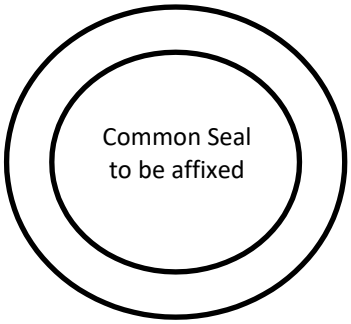
_____

Signature of Shire President

_____

[Name]

SHIRE PRESIDENT



_____

Signature of CEO

_____

[Name]

CHIEF EXECUTIVE OFFICER

Example B – Other documents

Dated: _____

The Common Seal of the Shire of East Pilbara was affixed in the presence of:

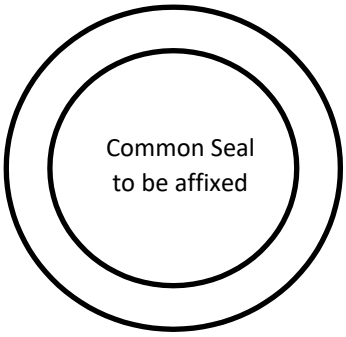
_____

Signature of Shire President

_____

[Name]

SHIRE PRESIDENT



_____

Signature of CEO

_____

[Name]

CHIEF EXECUTIVE OFFICER

Authorisation Details

References:	Sections 2.5(2), 9.49, 9.49A and 9.49B *Local Government Act 1995*		
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date	9 December 2016	**Item No.**	9.2.4
Review/Amendment Date	27 July 2018	**Item No.**	9.1.2
Review/Amendment Date	28 June 2019	**Item No.**	10.1.3
Review/Amendment Date	17 December 2021	**Item No.**	11.1.3
Next Review			
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

4.7 Logo

Objective

To allow for the proper use and recognitions of Councils official logo.

Policy

1. The Council has adopted a design as its official logo, which is to be shown on letterheads, envelopes and other Council material and stationery, as and when considered appropriate.

2. Any application for the use or reproduction of the logo is to be considered on its merits and the Chief Executive Officer shall determine such applications. Council supports the use of the logo by local organisations seeking to identify geographically with the district.

Authorisation Details

References:	Nil		
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

4.8 Public Relations – Press Releases

Objective

To ensure Council meets its obligations under the *Local Government Act 1995*.

Policy

1. The Shire President is the official spokesperson for the Council. If approached by the media for formal comment on any issue, Councillors and staff suggest that the media make direct contact with the Shire President as the Council's official spokesperson.

2. When the media does not make direct contact with the Shire President and a member of staff is asked to respond/comment to the media, the enquiry shall be directed to the Chief Executive Officer who will liaise with the Shire President to determine who will respond/comment and the nature of the response/comment. If the Shire President or person acting in the capacity of Shire President is unable to be contacted, the Chief Executive Officer will determine who is to respond and the nature of the response.

3. Without express authority from the Shire President, staff and Councillors are not to offer a Council view, attitude, stance, etc. on any issue, this clearly being the function of the Shire President.

4. A Councillor's or staff member's right to express a personal opinion on any issue of public interest is recognised.

Authorisation Details

References:	*Local Government Act 1995*		
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

4.9 Tourism – Objectives and Guidelines

Objective

To ensure the proper development of tourism throughout the Shire.

Policy

Council has the following goals, objectives and guidelines in relation to the development of tourism in the Shire.

Goals

To maximise the potential of the Shire as a tourist destination for intrastate, interstate and overseas visitors by encouraging and supporting the development of man-made and natural tourist facilities, thus increasing the employment potential of the area.

Objectives

1. To ensure that, in promoting the area as a tourist destination, the natural beauty and tranquillity of the Shire is not destroyed, affected or diminished.
2. To work with the Department of Environment and Conservation and other relevant statutory authorities to establish and promote natural and historical attractions, at the same time ensuring that they are not destroyed.
3. To encourage tourist orientated commercial development, particularly development of a "country style" nature, to rationalise the placement of such facilities, and to endeavour to ensure they harmonise with the existing tourist facilities and the natural environment.
4. To promote residents pride in the area by such means as town beautification, entry in the Tidy Towns Competition, and encouraging residents to know and understand their district attractions and assets.
5. To ensure that tourism funding is spent to the best advantage, avoiding duplication.
6. To carry out direct promotion of tourist facilities and events where appropriate.
7. To apply for such grants as may be deemed appropriate to assist in attaining any or all of the above objectives.
8. To foster and create a community awareness of the benefits of tourism within Council's area.
9. To ensure that Council will guide and influence the development of tourism in the Council area.
10. To provide the basic facilities and infrastructure sufficient to encourage development.
11. To ensure that facilities within the area are adequate to cater for visitors and residents.

Guidelines

1. Council will endeavour to provide an adequate budget allocation for tourism expenditure.
2. Council will endeavour to assist (financially and by other means) tourist organisations or events which have the potential to develop tourism in the Shire.
3. Council will encourage representation on Regional Tourist Associations, and will seek representation

on Local Tourist Associations.

4. In the formulation of its planning regulations, Council will have regard to the requirements of tourist development.

5. Council in its review of planning instruments, for example, Strategic Plans, Town Plans and Development Control Plans, will take into consideration policies on tourism and other leisure related issues.

6. In the preparation of local laws and regulations, Council will have regard to the impact on tourism and the balanced development of the Shire.

7. Council will encourage tourism product development and investment throughout the Shire and will facilitate the development application process.

8. Council will ensure the welfare of the whole community when supporting tourism development and the provision of facilities.

9. When considering tourism developments, Council will consider the social, cultural, economic and environment impact of the proposal within the area.

10. Council will initiate the provision of facilities sufficient to cater for destination and day trip visitors to appropriate areas within its boundaries.

11. Council will seek financial involvement from other sources whenever possible in the provision of tourist facilities.

12. Council will encourage the landscaping of residential and commercial centres within the Shire.

13. Council will, where practical support the enhancement of specific natural features, conservation areas, areas of outstanding beauty, and will recognise items of heritage significance.

14. Council will support the development of appropriate scenic routes and lookouts.

15. Where a need for a tourism facility has been identified, Council may consider taking an entrepreneurial role in the establishment of those facilities if, and only if, private enterprise displays no interest in the provision of those facilities.

16. Council will support and approve, where appropriate, quality, seasonal entrepreneurial entertainment and attractions.

17. Council, in setting its long-term objectives, will develop its role as a catalyst for coordinating marketing efforts for the development of tourism in the Shire.

Authorisation Details

References:	Nil		
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Economic Development		

File No.	

4.12 Risk Management

Objective

To ensure that sound Risk Management practices and procedures are fully integrated into the Council's strategic and operational planning processes and provide direction on how Council is to manage risk. This Policy is supported by the Shire of East Pilbara Risk Management Procedures which were developed using International Organisation for Standardisation (ISO) Standard 31000:2018 Risk Management – Principles and Guidelines.

Policy

This policy outlines the Shire's commitment to:

- Safeguarding the Shire's assets, people and property;
- Encouraging the identification and reporting of potential risks;
- Creating a workplace culture where all staff will assume responsibility for managing risk in their day to day activities;
- Implementing processes to reduce risk and eliminate high risk activities;
- Deploying resources and operational capabilities in an efficient and responsible manner;
- Allowing for more effective delivery of local government programs; and
- Protecting Council's corporate image as a professional, responsible and ethical organisation.

Scope

This policy covers all operations of the Shire, including corporate governance, legal compliance, infrastructure, business, capital assets, finance, information technology, human resources, service delivery and events management.

Roles and Responsibilities

a. Councillors and Committee Members have a responsibility to:

- ensure that a Risk Management Policy and Procedures has been developed, adopted and communicated throughout the Shire.

b. Senior Management is responsible for:

- identifying and assessing all the potential risks in their area of responsibility;
- risk management planning;
- communicating the Risk Management Policy and Procedures to employees and contractors;
- Establishing and maintaining a central risk register.

c. Employees are responsible for:

- Complying with the Council Risk Management Policy and Shire of East Pilbara Risk Management

Procedures;

- Actively participating in the development of a risk management culture.

Review

This Risk Management Policy shall be reviewed at least every 2 years.

This policy shall be supported by other documents including procedures and processes.

Authorisation Details

References:	Risk Management Procedures		
Authorised by:	Council		
Date:	24 April 2014	**Item No.**	9.2.18
Review/Amendment Date	28 June 2019	**Item No.**	10.1.3
Review/Amendment Date	22 November 2019	**Item No.**	9.1.4
Next Review	Every 2 years		
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

4.13 Social Media

Objective

1. This policy is designed to provide a framework for the Council to use social media to facilitate collaboration and sharing between the Shire, Council Members, Employees, ratepayers and the community. The definition of Social Media being *'websites and applications that enable users to create and share content or to participate in social networking'*.

2. This Policy applies to all Shire Employees and Council Members.

3. The requirements of this Policy apply to all uses of social networking applications.

Background

The Shire of East Pilbara recognises the potential of social and digital media to foster communications with the community. As such, the Shire should actively develop strategies to integrate social media into broader communications strategies.

Policy

1. The Shire of East Pilbara shall establish and maintain a corporate Facebook and Instagram page.

2. Additional Facebook/Instagram pages may be established as required.

3. The Shire of East Pilbara shall establish guidelines for the use of its Facebook and Instagram pages.

4. Those guidelines shall establish:

    a. How the use of a Facebook/Instagram page will be implemented.

    b. How to establish a Facebook/Instagram page.

    c. Who these guidelines apply to.

    d. Principles for communication – guidelines for Councillors and employees.

    e. Who is authorised to create a new Facebook/Instagram page.

    f. Who is authorised to post and make comments on Facebook and Instagram.

    g. What are acceptable/unacceptable posts and comments.

    h. How often posts should be made on the Facebook/Instagram page.

    i. Response times to posts.

    j. A method of reporting data to Council.

    k. Recordkeeping procedures for posts and comments.

    l. Compliance with Freedom of Information, Public Interest Disclosure legislation and any other relevant legislation.

Authorisation Details

References:			
Authorised by:	Council		
Date:	23 May 2014	**Item No.**	9.2.6
Review/Amendment Date	29 June 2018	**Item No.**	9.2.4
Next Review			
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Media Relations Officer		
File No.			

4.14 Advocacy

Objective

This policy creates a framework for lobbying and advocacy activities supporting the Shire's strategic directions. It is designed to facilitate a more effective, consistent, targeted delivery of the Shire's messages, with specific plans developed to address predetermined key priority issues.

This policy applies to Councillors and staff.

Background

Advocacy is speaking, acting or writing for, and on behalf of a person or group. It is an active process in support of a specific outcome. The sole purpose of advocacy is to seek to influence policy-making, investment or service provision. This definition raises three key questions, the answer to which collectively provides the policy framework for this Advocacy Policy:

- What influence are we trying to achieve?
- Who are we trying to influence?
- How are we trying to influence them?

In other words, effective advocacy needs to:

- Clearly identify the key issues and desired outcomes;
- Have clearly articulated unambiguous messages;
- Target the appropriate influencers or decision-makers; and
- Use appropriate and effective methods to deliver the message.

Policy

1. <u>Clearly identify the key issues and desired outcomes</u>

Council must provide the public with opportunities to participate at key stages in the Shire's projects and to comment on matters which affect them via:

- An annual Community Survey.
- Annual Electors Meeting to be held each year.
- Councillors 'meet and greet' monthly at the Newman Shopping Centre.
- Ad-hoc community forums organised to gain public feedback and input on broad and specific issues relating to the Council.

Council must ensure the proper planning and provision of services to the Shire's customers:

- Key issues will be identified in the Strategic Community Plan, Corporate Business Plan and other Shire plans. These plans must be reviewed and updated in accordance with legislative obligations.
- Policy Manual to be updated to ensure each Policy is directly referred back to the Councils

Strategic Plans.

- Agenda items should reflect the objectives of Councils Strategic Plans.

Council must develop criteria for determining which matters it will advocate and lobby for:

- Council may only advocate and lobby for those matters that do not conflict with Council's objectives.
- Council shall advocate and lobby for the greatest benefit for our communities.
- In doing so, Council shall consider the most important social, economic and environmental factors that influence our local quality of life and prosperity.

2. Have clearly articulated unambiguous messages

Elected Members and Council staff should use plain English when advocating and lobbying for matters:

- Communications Policy.
- Formal Communication Policy – Elected Members

3. Target the appropriate influencers or decision-makers

Council must ensure it targets the appropriate influencers or decision-makers so as to achieve the desired outcomes:

- The Shire of East Pilbara shall maintain a close relationship with other local governments in the Pilbara to give a greater voice to the Pilbara region, and to attract increased investment opportunities for the benefit of Pilbara communities.
- Develop and maintain a database of key stakeholders.

4. Use appropriate and effective methods to deliver the message

Elected Members and Council staff must use appropriate and effective methods of communicating with key stakeholders to ensure the correct message is delivered:

- Communications Policy.
- Formal Communication Policy – Elected Members.

Authorisation Details

References:	*Communications Policy* *Formal Communication Policy – Elected Members*		
Authorised by:	Council		
Date:	23 May 2014	**Item No.**	9.2.4
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Strategy & Partnerships		
File No.			

4.16 Parking Infringement Appeals

Objective

The objectives of this policy are to provide:

1. A consistent approach to the review of parking infringements issued under the *Shire of East Pilbara Parking Local Law*; and,

2. A clear framework for assessing parking infringement appeals.

Policy Statement

The following general principle will be considered when determining the outcome of appeals against parking infringement notices:

• Was the customer unable to comply with the relevant provisions of the law for a reason or due to a significant circumstance that was out of their control?

All parking infringement appeals will be assessed in accordance with this policy and on their individual merit. Officers will apply a ten (10)-minute leniency prior to issuing a parking infringement notice for exceeding a time limit.

Driver Nominations

Nominations can only be accepted from the registered owner of the vehicle, or, if the vehicle is registered in a company name, by a representative of that company. Nominations must be submitted in the prescribed format within 28 days of receiving the first reminder notice from the Shire.

Circumstances under which parking infringements may be withdrawn

The following table outlines the circumstances under which parking infringements may be withdrawn. Any other circumstance not listed will not be considered.

Circumstance	Evidence Required
Vehicle breakdown due to mechanical fault.	• Statutory Declaration outlining the nature of the breakdown, why the vehicle could not be moved and how the vehicle was moved.
Medical emergency.	• Doctors certificate; or • Correspondence from a hospital/surgery/doctor; or • Statutory Declaration.
Infringement issued in error or to the wrong person.	• Evidence demonstrating the error such as a valid ticket or photograph of correctly parked vehicle; or • Proof that the vehicle did not belong to the nominated driver or owner at the time the infringement was issued by way of providing vehicle ownership papers. • Statutory Declaration.

Shire of East Pilbara ticket machine, pay by phone or online software or equipment fault.	• Instructions to report a fault were followed; e.g. evidence of phone call or reference number from technical services. • Evidence demonstrating the Shire ticket machine, pay by phone or online software or equipment was faulty; e.g. photograph or screenshot.
Infringement issued to a person with a valid ACROD permit.	• Proof of ACROD permit • Copy of valid driver's licence.
A valid ticket, e-permit or parking session was purchased.	• A copy of the valid ticket, e-permit or parking session that relates to the parking infringement notice under appeal.
Compassionate grounds; including family bereavement, genuine financial hardship and diagnosed serious illness relevant to the location where the infringement was issued.	• Evidence specific to the infringement which may include a Statutory Declaration, Centrelink documentation, doctors certificate, letter from a hospital/surgery/doctor.
The signage in the area was missing, obscured or damaged to the point where it could not be read.	• Photographic evidence of missing, obscured or damaged sign at the time of the offence.
Delayed flight.	• Evidence from airline showing actual arrival time at Newman Airport.

Authorisation Details

References:	*Shire of East Pilbara Local Law*		
Authorised by:	Council		
Date:	24 March 2023	**Item No.**	11.4.3
Review/Amendment Date		**Item No.**	
Review/Amendment Date		**Item No.**	
Next Review	Four yearly		
Responsible Directorate	Community Services		
Responsible Officer	Manager Community Safety		
File No.			

5.1 Newman Aquatic Centre Alcohol

Objective

To describe the conditions to be observed in regard to the consumption of alcohol at the Newman Aquatic Centre.

Policy

Members of the public and organisations who wish to consume alcohol at the Newman Aquatic Centre are to observe the following conditions:

1. Alcohol is not to be consumed in any form within the Newman Aquatic Centre during the hours it is open to the public.
2. Alcohol may only be consumed for private functions booked for the Newman Aquatic Centre grounds and the following conditions apply:
   a. Appropriate centre booking forms are to be submitted to the Newman Aquatic Centre at least 7 days prior to the proposed function.
   b. Bookings that include alcohol consumption can only be made outside pool operational hours, they cannot commence before these times. Any extension or variation to these hours requires the written approval of the Chief Executive Officer.
   c. During the function booking time the 50 metre pool and toddler's pool will be sectioned off so access is not permitted.
   d. An application for the consumption of alcohol at the Newman Aquatic Centre grounds must be obtained from Council at least 5 days prior to the event.
   e. All glass beverage containers are prohibited. (Cans or plastic cups ONLY permitted).

Authorisation Details

References:			
Authorised by:	Council		
Date:	10 December 2004	**Item No.**	9.2.15
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Community Experience		
Responsible Officer	Manager Recreation		
File No.			

5.2 Newman Recreation Centre – Commercial and Group Use

Objective

The intent of this policy is to promote broad usage of the facility, whilst ensuring a safe environment that is financially viable for Council.

Policy

1. Commercial users are defined as those who utilise the facility primarily for financial gain.
2. Commercial operators may negotiate conditions of usage subject to Council approval.
3. Usage by groups or organisations for non-commercial purposes (e.g. rehabilitation, social or educational purposes etc.) shall be at the discretion of the Manager Recreation and Events, subject to consideration of item iii.
4. Usage by commercial operators, groups and organisations is subject to consideration of the following:
    a. Appropriate fees being applicable, per visit, per client, or on a weekly/monthly rate. Hirers must provide information on client fees, programs or intended usage upon request
    b. access times
    c. type of use, suitability of clients and number of participants
    d. disruption to normal operations affecting access to members
    e. possession of current public liability insurance by user groups
    f. appropriate qualifications and/or experience of the hirer
    g. advertising arrangements within the Recreation Centre facility
    h. Any other factors that require consideration to the financial viability, safety and public usage of the facility

Authorisation Details

References:			
Authorised by:	Council		
Date:	10 December 2004	**Item No.**	9.2.15
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Community Experience		
Responsible Officer	Manager Recreation		
File No.			

5.3 Public Liability – Sporting and Community Organisations

Objective

To set a minimum level of public liability insurance required by sporting and community organisations.

Policy

All clubs, associations and community groups using Council facilities shall, on an annual basis, produce to Council written proof that the club or association is an incorporated body and that public liability insurance cover of at least $10 million (or some larger amount if required by the Council) is held.

Failure to comply with the requirements may result in the club, association and/or community group being denied access to Shire facilities.

Authorisation Details

References:			
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date	23 October 2009	**Item No.**	
Next Review			
Responsible Directorate	Community Experience		
Responsible Officer	Manager Recreation		
File No.			

5.4 Standard conditions for use of active reserves (Ovals)

Policy

Group Allocations & Fixtures

1. A copy of all competition and training fixtures, including "special events" such as carnivals and byes, must be given to the Coordinator Recreation Services. Any changes to the original fixtures should be forwarded to the Coordinator Recreation Services as soon as known by the organisation, clubs or association but at least four weeks prior to the commencement of the season.

2. All Clubs and Associations are requested to notify the Coordinator Recreation Services if there is a change of contact person within the Club or Association.

3. If any problems related to oval use, including playing surfaces, lighting, toilets and change rooms occur during the course of the season, the Coordinator Recreation Services should be informed so that appropriate action can be taken.

Change rooms

4. If a Club/Association requires change rooms, then applications should be placed with the Coordinator Recreation Services as soon as fixtures have been confirmed, so that change rooms can be allocated and cleaning services can be arranged.

Line marking

5. Water based paint or chalk is the only substance to be used for the marking of ovals. Lime, creosote, sump oil, herbicide or any other chemical is prohibited for marking grounds. Newman Recreation Centre is to be made aware of line marking schedules to coincide with the parks and gardens mowing and maintenance.

General

6. Should the Shire's gardening and/or maintenance equipment be located in such a position as to cause disruption to events, then Clubs are advised to contact the Coordinator Recreation Services.

7. The Coordinator Recreation Services will advise groups of any changes or relocation of training or games venue in the event of unforeseen circumstances, 'special' bookings or ground maintenance as directed by the senior grounds control personnel.

8. Depending on the season bookings in progress, i.e. summer or winter, the user groups should be aware that priority for the use of grounds for training and match play lies with the existing season groups until the finals have been played.

9. All rubbish must be removed from the ovals and placed in suitable receptacles. Where additional events / fixtures are held on consecutive days / nights, Associations / Clubs should discuss the arrangement with the Shire to ensure additional rubbish receptacles and pickups are implemented.

10. Any sporting organisation wishing to take a light service vehicle inside the fenced area of the grounds should collect the gate key from the Recreation Centre, from Monday to Friday between 8.30 a.m. and 9:00 p.m. or on Saturday between 9.00 a.m. and 12.00 noon. Heavy vehicles are not permitted on ovals. Groups are permitted to take one light vehicle only onto the ovals during competition.

11. Portable posts/goals must be removed after each game/match and safely secured to ensure unauthorised people cannot use them.

12. The use of star pickets on any oval is not permitted without permission.

13. Glass and glass containers are not permitted on Council ovals. (E.g. stubbies, glass bottles, glasses and dishes of any type).

14. Hay bales are not permitted on Council ovals without approval from the Coordinator Recreation Services.

Public Liability

15. All Clubs/Associations require a current Public Liability Policy of $10,000,000 cover. Ground allocations will not be approved until the Coordinator Recreation Services sights a current certificate. (Refer to other Council Policies).

Fortescue Festival

16. The Lions Club of Newman have the permission for exclusive use of the Capricorn Oval sporting complex on the designated August weekend of each year as the venue for the Fortescue Festival.

17. The Lions Club of Newman has complete control in determining participants in the Fortescue Festival at the Capricorn Oval sporting complex subject to Coordinator Recreation Services approval.

18. Policies 6 to 14 above apply.

Liquor Permits

19. Authorisation must be obtained where the consumption and/or sale of liquor will occur at Shire managed facilities or open spaces. An application form must be completed and submitted with the appropriate fee to the Manager Development Services - Health for approval at least two (2) weeks prior to the event. A Liquor Permit may then be issued to the event coordinator and must be available on request for proof of Council's approval.

Occasional Licences

The Department of Racing, Gaming and Liquor will not process any application for Liquor Licenses to consume alcohol without written permission (i.e. Permits) from the Shire of East Pilbara. Occasional Licences must be obtained if:

a. Alcohol is to be sold; and/or

b. If an entrance fee is to be charged and alcohol is supplied.

Authorisation Details

References:			
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date	23 October 2009	**Item No.**	
Next Review			
Responsible Directorate	Community Experience		

Responsible Officer	Manager Recreation
File No.	

6.1 Piri Smith Retirement Units – Marble Bar

Objective

To determine tenancy at the Piri Smith Retirement Units.

Policy

Eligibility for tenancy at the Piri Smith Retirement Units shall be determined by an advisory group consisting of the Chief Executive Officer, Executive Manager Commercial Services, or a nominated representative, for recommendation to Council.

Authorisation Details

References:			
Authorised by:	Council		
Date:	19 December 2007	**Item No.**	
Review/Amendment Date	28 June 2019	**Item No.**	10.1.3
Next Review			
Responsible Directorate	Community Experience		
Responsible Officer	Manager Community Services		
File No.			

6.2 Citizenship Ceremonies

Objective

To ensure that persons who are to be conferred Australian Citizenship are provided with a memorable and dignified ceremony and to ensure that the Council fulfils the requirements of the *Australian Citizenship Act 2007* (the Act) and the *Australian Citizenship Regulations 2007* (the Regulations).

Policy

A Citizenship Ceremony is the opportunity to welcome new citizens as formal members of the Australian community and the Shire of East Pilbara.

The acquisition of Australian Citizenship is a very important milestone in a person's life and as such is an occasion of celebration. The Shire of East Pilbara will conduct a meaningful, dignified and memorable ceremony to mark the occasion of the acquisition of Australian Citizenship by residents of the Shire.

Citizenship Ceremonies will be conducted twice per calendar year at the:

1. Australia Day Ceremony - 26 January (Newman Aquatic Centre); and

2. Citizenship Day – 17th September at a venue to be confirmed (depends on numbers).

Where a ceremony cannot be held in conjunction with the above dates, alternative dates may be arranged, although it is preferred that all candidates adhere to the two given dates.

All ceremonies are to be conducted by the Shire President, or in his/her absence the Deputy President or in his/her absence another Councillor, (preferably the relevant Ward member). (For the purpose of this policy this person is referred to as the Presiding Officer).

Candidates may invite up to three family members or friends, or more than three if the family group is of a greater number. The candidate is required to advise Administration before the ceremony, the number of people attending and dietary requirements.

The ceremony will be conducted in a manner outlined in the Australian Citizenship Ceremonies Handbook 2008 and in accordance with the following criteria:

1. The Presiding Officer will welcome the candidates and their families and friends and introduce dignitaries present, (Councillors, Officers, and Invited Guests). Opening Address, including acknowledging the traditional owners.

2. The Presiding Officer will read aloud the message from the Minister for Immigration and Citizenship.

3. The Presiding Officer will read aloud the opening preamble.

4. The Presiding Officer will call the candidates individually or together to read the oath or affirmation.

5. The Presiding Officer will give the candidates a framed certificate and present them with an Australian gift. (The Presiding Officer is to sign all documents prior to the ceremony.)

6. The Presiding Officer will then advise the new citizens of the electoral enrolment procedure.

7. The Presiding Officer is to read aloud a brief speech congratulating the candidates and welcoming them to Australia and the Shire of East Pilbara. The Presiding Officer may call upon an invited guest to

make a small welcoming speech.

8. The Presiding Officer asks all present to stand for the Australian National Anthem.

9. The Presiding Officer concludes the ceremony with a Closing Address and invites the candidates and his/her guests to partake of Council's hospitality along with Councillors, Officers and invited guests.

To ensure that an appropriate record of the ceremony is maintained, the Council will ensure that photographs are taken of candidates in the ceremony. At the completion of the ceremony a photo of each candidate together with the Shire President and relevant Ward member/s will be taken. A copy of that photo shall be provided to the candidate free of charge.

The Shire President/Councillor is to ensure that they are appropriately attired and that the ceremony is undertaken in a dignified manner. A reasonable level of hospitality will be provided to the candidate/s.

Authorisation Details

References:	*Australian Citizenship Act 2007 (the Act)* *Australian Citizenship Regulations 2007 (the Regulations)*		
Authorised by:	Council		
Date:	8 February 2002	**Item No.**	9.16
Review/Amendment Date	8 December 2006	**Item No.**	
Review/Amendment Date	23 October 2009	**Item No.**	
Review/Amendment Date	7 December 2012	**Item No.**	
Next Review			
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			

6.3 Hire of Recreation Facilities for Youth Activities

Policy

Young people suffering financial hardship may undertake supervised voluntary work for the Shire of East Pilbara in return for the use of the Shire's sport and recreation facilities during off peak periods. Volunteer workers taking advantage of this policy will be required to pay a bond where a bond is normally paid in association with using a Shire building. The bond will be receipted into Council's bank account and will be refunded, in full, provided the building is left in a clean and tidy condition and the building is undamaged. The Chief Executive Officer or his delegate will determine the amount forfeited.

Authorisation Details

References:			
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Community Experience		
Responsible Officer	Manager Community Services		
File No.			

6.4 Community Banner Poles

Objective

To allow community groups, schools and government organisations to promote community events, activities or services on Council owned banner poles.

Policy

The Shire of East Pilbara has 5 banner poles and numerous street light pole banners within the town site of Newman. The Shire also has some street light poles in Marble Bar and Nullagine.

Banner Design

The Chief Executive Officer or delegated Officer must give approval to the design on the banner prior to the banner being installed. Offensive text or images will not be approved.

Banners must be made to a reasonable standard and any artwork and/or text on the banner must be to an acceptable standard. Artwork for banner poles must be single sided as the pole prevents the banner being visible from both sides. The street light banners may be double sided so they can be viewed from both directions. Council owned banners that require repainting, may be loaned to Community groups at no charge when available.

Booking

An application form must be completed and bookings must be made in advance to allow planning for installation and removal.

Installation and Removal

Council will erect and remove banners during the first week of every month. Costs associated with installation and removal of the banners is to be borne by the applicant.

Fees (as per fees and charges).

Authorisation Details

References:			
Authorised by:	Council		
Date:	27 September 2002	**Item No.**	9.1.7
Review/Amendment Date	23 October 2009	**Item No.**	
Next Review			
Responsible Directorate	Community Experience		
Responsible Officer	Manager Community Services		
File No.			

6.5 Grants and Sponsorship

1. Objective

Provide a sound governance framework for determining applications for grants and sponsorship; and establish a clear decision-making process providing certainty for applicants for grant and sponsorship opportunities from the Shire of East Pilbara ("the Shire"). Policy

2. Policy

This Policy is applicable to any grant or sponsorship arrangement where the Shire funds another organisation or individual to deliver a specific project or initiative.

3. Definitions

In this Policy-

'Applicant' is the individual or organisation making the application.

'Grant' is defined as a form of financial assistance that funds a community group or organisation to deliver a specific project. Grants are cash and/or in-kind contribution provided to a recipient for a specific, eligible purpose where there is no expected commercial return.

'Grants and sponsorship guidelines' the guidelines published by the Shire's Chief Executive Officer in accordance with this Policy.

'In-kind' means where the Shire provides the value of its resources, goods or services to eligible parties instead of cash as part of a grant or sponsorship. In-kind contribution can include the fees associated with Shire services such as equipment hire, venue and facility costs, transfer of equipment, waste services and permits with all in-kind support attached to a dollar amount.

'Personal benefit' is any gift or benefit for the purposes of the Local Government Act 1995 or applicable code of conduct.

'Sponsorship' a commercial arrangement in which a sponsor receives a contribution in money and/or in-kind support in return for the Shire receiving negotiated and specific benefits such as in-kind or promotional opportunities.

Any reference in this Policy to a dollar threshold for decision making on a funding limit is taken to be the combined amount of cash and in-kind support contribution.

4. Aims

Through the provision of grants and sponsorship, the Shire aims to:

a. Strengthen the community by supporting a diverse range of activities, projects and initiatives that are responsive and representative of community needs;
b. Build the capacity of individuals, community groups and local organisations to develop and implement sustainable solutions at a local level;
c. Create community connections which drive activities that achieve strategic priorities as identified in the Shire's Strategic Community Plan;
d. Recognise and celebrate the Shire's diversity, history, lifestyle, environment and uniqueness; and
e. Support projects that deliver an economic benefit for the Shire's local businesses.

Detailed objectives associated with specific grant programs and sponsorships are outlines in the Shire's grants and sponsorship guidelines.

5. Programs and guidelines

The Shire's Chief Executive Officer (CEO) will establish the grants and sponsorship guidelines to provide operational details and administration of the Shire's grants and sponsorship program.

The grants and sponsorship guidelines must be:

a. In line with this Policy and relevant legislation; and
b. Published on the Shire's website.

The grants and sponsorship guidelines will outline:

a. Funding categories;
b. Application processes and timeframes;
c. Amounts that can be applied for;
d. Additional grant category specific information including assessment criteria;
e. Assessment process;
f. Items ineligible for funding;
g. Funding Agreement; and
h. Acquittal process.

6. General Program Eligibility

The following eligibility conditions apply to all grants and sponsorship. Applicants should:

a. Reside, operate or provide a service that directly benefits people within the Shire of East Pilbara;
b. Have no outstanding debts to, or grant acquittals with the Shire;
c. Be registered as a not-for-profit body or registered charity within the Australian Charities and not-for-profit Commission (excluding Participation Grants applicants);
d. Use funding solely for the purposes outlined by the Shire in the agreement;
e. Submit their application within the timeframe outlines in the grants and sponsorship guidelines; and
f. Must be able to provide a current Australian Business Number (ABN) and current Public Liability Insurance for duration of the funding term.

The following are ineligible to apply for a grant and sponsorship:

a. Activities that have already commenced or have been completed (retrospective funding);
b. Cash prizes, gifts or fundraising activities;
c. Recurrent operating expenses eg. Administration costs, staff wages and utilities;
d. Activities that promote racism, violence, discrimination or segregation;
e. To service outstanding debts or loans;
f. Activities or events that are the responsibility of State or Federal Government;
g. Purchasing or provision of alcohol, or the costs associated with meeting Liquor Licensing requirements;
h. An individual's personal expenses eg. Living and medical;
i. Political activities;
j. Religious activities;

k. Activities or events that conflict with planned Shire events;
l. Activities or events that duplicate what another organisation is already delivering;
m. State or Federal Government Departments, Agencies and Organisations (excludes Schools);
n. Activities that generate income which is not used for the purposes of the project; and
o. An applicant who has already received funding or in-kind support within the same financial year, except successful applicants of an In-Kind Support Grant.

Other eligibility requirements and funding conditions may apply to specific funding categories, as set out in the grants and sponsorship guidelines and/or agreements.

The Shire reserves the right to withdraw funding from a successful applicant if the activity is not progressing satisfactorily, the organisation ceases to be eligible, the organisation breaches the Agreement or the activity poses a reputational risk for the Shire. Should this occur the recipient will be liable for costs involved and funds will be returned to (or recovered by) the Shire.

7. Assessment and Approval Process

Assessment

All eligible applications for grants and sponsorship will be assessed against the selection criteria identified in the grants and sponsorship guidelines.

Applications will be prioritised in accordance with the Shire's Strategic Community Plan and the allocated budget for grants and sponsorship.

Applications that do not require Council approval will be assessed by the Chief Executive Officer's sub-delegate, who will then provide a recommendation to the Chief Executive Officer or authorised sub-delegate. The decision maker may not be involved in the assessment of applications.

The Chief Executive Officer will establish an internal Assessment Panel. The Assessment Panel will meet to discuss and assess applications requiring Council approval. The Assessment Panel will make recommendations to the Chief Executive Officer to report to Council for approval.

Applications may only be approved subject to the availability of funds in the approved Annual Budget.

Canvassing of Councillors or Assessment Panel members will disqualify applicants.

Decision Making

Funding applications are assessed independently of the decision maker (Council, delegate or sub-delegate).

Applications up to a value not exceeding $3,000 may be made by the Chief Executive Officer or sub-delegate. The Chief Executive Officer may determine certain categories of grant, and set Council approval thresholds below $3,000.

8. Agreement and Acquittal

Agreement

All successful applicants are required to enter into a formal written funding agreement prior to funds being released by the Shire.

The funding agreement will include:

a. Purpose;
b. Term of funding;
c. Shire contribution and approved activities;
d. Confirmation of any co-contributions;
e. Grant and sponsorship terms and conditions including requirement for successful applicant to complete an acquittal within 28 days of the project competition; termination of agreement and repayment of funds;
f. Expected Shire benefits;
g. Shire Branding requirements;
h. Media, communications and other promotional opportunities; and
i. Declaration on behalf of recipient.

Acquittal

An acquittal must be provided to the Shire within 28 days of the conclusion of approved grant or sponsorship project.

The acquittal must include:

a. Financial statements including receipts;
b. Details of the project including how many people attended, benefit to the community, outcomes;
c. Evidence on how the Shire was acknowledged; and
d. Photos, survey results or feedback provided from attendees.

Acquittals will be retained by the Shire to ensure compliance with agreement and used in consideration of any future funding requests from the applicant.

9. Conflicts of Interest

In the administration and awarding of grants and sponsorship any real, potential or perceived conflicts of interest must be managed in accordance with the Local Government Act 1995, its regulations and the codes of conducts.

Employees, Assessment Panel members and elected members with any involvement with a grant or sponsorship application must declare:

a. any direct or indirect financial interests they have with the application; and
b. any impartial interests they have with any application.

10. Reporting

A formal report will be provided to Council every 6 months with funding requests and decisions made.

Information Bulletin will be updated to monthly with all incoming and outgoing funding applications.

Inclusion of funding provided in the Shire's Annual Report.

Shire will promote its funding of applicants, projects, events and other initiatives through social media and Shire website, and using other media outputs as appropriate.

11. Review of Policy

This Policy will be reviewed every 12 months.

12. Authorisation Details

References:	The Chief Executive Officer, or delegate, may amend the Grants and Sponsorship Guidelines as required.		
Authorised by:	Council		
Date:	24 September 2010	**Item No.**	9.2.3
Review/Amendment Date	31 January 2014	**Item No.**	9.2.2
Review/Amendment Date	27 June 2015	**Item No.**	9.2.5
Review/Amendment Date	28 August 2020	**Item No.**	9.3.1
Review/Amendment Date	25 November 2022	**Item No.**	11.3.1
Review/Amendment Date	30 June 2023	**Item No.**	11.3.3
Next Review	Annual		
Responsible Directorate	Organisation Development		
Responsible Officer	Director Organisation Development		
File No.			

6.6 Photographing/Videoing people and publishing photos

Objective

The intent of this Policy is to ensure photos and videos taken for Shire of East Pilbara use are handled with consistency and respect the privacy of the people in the images.

Policy

This Policy applies to anyone recording images (still or video) on behalf of the Shire, including Shire staff, Councillors and contracted photographers. This Policy and related procedures should be followed anytime an image is recorded for Shire purposes including:

- Use in promotional materials;
- Use in corporate documents;
- Use on any website or social media channel maintained by the Shire of East Pilbara;
- Adding to an image library for future use;
- Keeping records of an event or activity;
- Any other Shire use.

This Policy is not intended to cover recording of images by people not working or engaged directly by the Shire of East Pilbara (e.g. local newspaper photographers) for non-Shire purposes.

Definitions

Adult	Anyone over the age of 18 (in this case the term does not refer to people being cared for by another adult).
Adult under a guardian's care	Anyone over the age of 18 who is in the care of another adult, usually due to physical or cognitive impairments, and who by nature of those impairments cannot give their own consent.
Minor	Anyone under the age of 18 (the age of legal maturity in Australia).
Guardian	Anyone over the age of 18 who has responsibility for a minor or other adult either indefinitely (as in a parent or legal guardian) or temporarily (as in a grandparent, carer, other adult relative, teacher, group leader or the parent of one of the minor's friends etc).
Consent	Consent is informed and voluntary permission to record and use images, or when someone knowingly gives permission for their likeness (or the likeness of someone in their care) to be in images to be used for a variety of purposes. In some circumstances people give consent by signing a form or registering for an event. Sometimes a form is not necessary, but consent is still given verbally.

Images	Any recorded image, whether a still photo (digital or film) or moving image (video or digital in any format).
Subject	The main focus of the image. It can be broad, like a basketball game, or narrow, like a basketball player.
Public Space	Public space consists of areas that are not privately owned or occupied, such as public parks and streets. Shopping malls are not public areas, they are owned by large corporations.
Consent Form	Consent forms can be located at the file path: S:\Document Centre\FORMS and TEMPLATES\Corporate Services\Community Wellbeing\Photo Consent Forms

Overview

According to Australian law, recording images of people in public spaces is legal, as long as those images are not used for a commercial purpose.

As a government and non-commercial entity, the Shire can legally use images it takes in a public space. Most of the time these images are being used for promotional purposes (to promote Council events or services). It is the Shire's responsibility to its constituents to ensure their personal information (including their likeness) is treated with respect.

Some state or local laws may apply within the Shire which must be adhered to (e.g. use of cameras within recreation and aquatic facilities).

General Public

Shire staff and contractors will be permitted to photograph (unless specifically asked not to) people who attend local events and activities organised by the Shire or one of its contractors. These images may be used in Shire publications associated with the activity where the photo was taken, or for Shire related public documentations. At times, these images may include photos of children and Indigenous people who are associated with or in attendance at generic community events and activities generally held in public locations. However, if images are being taken of children in Shire run activities, or of Indigenous cultural or ritual materials, the following will apply:

Children

The vast majority of photographs of children are taken in appropriate circumstances and are used for acceptable purposes.

Any prevention would require a vast number of exceptions (E.g. family, friends, and media). For this reason, a prohibition of this nature would seem unenforceable and perhaps a disproportionate response to the issue being sought to be addressed.

However, photographing children involved in Shire run children's sport and recreation activities can put children at risk, particularly if the images are being posted on websites or distributed in publications. For this reason, the Shire's staff and contractors will not photograph or publicly use any images of a minor

taken from any of its dedicated youth sports or recreational activities that it provides, unless adult/guardian approval has been provided.

Indigenous People

Due to the sensitivity of some Indigenous cultural material such as dances, art, persons and historical sites, it is essential to obtain permission to capture and use images and videos..

This requires consultation with the Indigenous person in a photograph/video and also the custodians of any Indigenous cultural material included in the photograph/video.

On the basis of respect for Indigenous culture, consultation with the Indigenous people who own or are responsible for images depicting cultural or ritual knowledge when considering any use of the images is required. There may be more than one person, or more than one group of people to consult. They should be provided with sufficient information, in a suitable form, to make an informed decision, and enough time to discuss the request, consider the request and come to a decision.

Staff or contractors who are taking any photos which are deemed to have cultural or ritual significance, should seek the relevant permission both to take and then use the images.

Indigenous cultural protocols prescribe that the images of deceased Indigenous Australians should not be displayed following their passing. If in doubt, staff should seek necessary confirmation or respect any requests for recall.

Use

Where required, obtaining consent gives the Shire the right to use images for the sole purpose of producing promotional material for the Shire of East Pilbara (including brochures, newsletters, advertisements, online [website and social media] and DVD/video) or for use by other non- commercial organisations working in a joint project with the Shire.

Record Keeping

The Communications Team will keep copies of images and required consent forms.

Copyright

The Shire of East Pilbara owns the copyright for all the images in its image library taken using its resources. Other organisations sometimes may request the use of one of the Shire's images. Consultation with the Communications Team before sending a Shire image to another entity is required. The Shire can share images with non-commercial organisations working on a joint project, but it generally would not share images for commercial use (except in limited circumstances as decided by the Communications Team, and only with the permission of the subject of the image).

This Policy should be adhered to by all Shire of East Pilbara staff and contractors when running an event/activity where photographs or video images will be taken and/or published.

Authorisation Details

References:			
Authorised by:	Council		
Date:	26 August 2011	**Item No.**	9.2.4

Review/Amendment Date	29 June 2018	**Item No.**	9.2.4
Review/Amendment Date	26 June 2020	**Item No.**	
Next Review			
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Media Relations Officer		
File No.			

6.7 Annual Community Survey

Objective

To ensure an annual community survey of residents is undertaken.

Background

The annual community survey is conducted to gauge the view of residents in the Shire of East Pilbara. The survey assists in planning for future infrastructure and service needs where required. Surveys have been conducted since 2006.

Policy

1. The Shire of East Pilbara shall conduct an annual community survey, preferably in November of each year.
2. The Shire of East Pilbara may engage a consultant to conduct the annual community survey on their behalf.
3. The annual community survey may be conducted by telephone.
4. The annual community survey shall be taken of residents in Newman, Marble Bar and Nullagine, as well as other surrounding areas.
5. When the survey is completed, the results, when finalised, shall be presented to Council for review and consideration of action.

Authorisation Details

References:			
Authorised by:	Council		
Date:	28 September 2012	**Item No.**	9.1.7
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Strategy and Partnerships		
File No.			

6.8 Public Art

Introduction

Public artworks form an important part of a town's character and an expression of its community, as well as its diversity and creativity.

Public art helps identify and define a community as well as develop a sense of place through connecting people to place and providing a means of expression or interpretation of their culture and history.

What one individual interprets as "art" another may not, for this reason the establishment of a Public Art Policy will ensure a best practice model for the management of public art within the Shire.

Objective

The Shire of East Pilbara, through this Public Art Policy, aims to:

1. Establish clear and effective guidelines for public art activities
2. Create more enjoyable and interesting public spaces within the Shire through the use of diverse, innovative and high quality public artwork
3. Increase the enjoyment, appreciation and participation of our communities in public art
4. Undertake a strategic Shire wide approach to public art to ensure consistency in commissioning and the best possible public art outcomes
5. Ensure Council's discretion over the public realm is upheld and protected
6. Ensure existing artworks are appropriately maintained
7. Ensure that the requirements of public and work-place safety are respected and adhered to in the making, installation and on-going presence and maintenance of public artworks
8. Increase private and commercial support for public art projects
9. Provide funding for public art projects
10. Allow for and co-ordinate the provision of public art within future master planning, streetscape and urban design projects for Newman, Marble Bar and Nullagine
11. Review policy annually

Definitions

Public art refers to any intended artwork in the public domain including; parks, squares, streetscapes and spaces within building environments that are accessible to the general public and in the ownership of, and/or under the control of Local, State or Federal Government agencies. Spaces accessible to the general public in private ownership are also perceived to be part of the public domain.

Public art can cover a large range of art forms, including, but not limited to sculpture, environmental and land art, murals, mosaics, banners, water features, sound art, interpretive and gateway signage, aerosol art, performance art, computer generated art and visually projected art.

Public artworks can be either permanent or temporary installations and can vary with regard to scope,

size, medium, functionality and location.

Public art can involve the commissioning of artists and designers to produce site specific work or can involve the purchase of existing work to be sited in public places or the provision of facilities or events that contribute to the vibrancy of a public space.

The significance of memorials and monuments in the life of a community is recognised by the Shire and it is intended that this policy will also encompass such installations.

Guidelines and Criteria for Public Art

The Shire will adopt an Advisory Group, consisting of 1 x Councillor, 1 x staff member, the Executive Manager Corporate Services or nominated officer, and 1 x community member. This Advisory Group will evaluate and make recommendation on approval for all public artworks proposed by the Shire, other public authorities, individuals and other groups in the Shire of East Pilbara's local government area will be based on the following criteria:

1. Relevance to the objectives and actions of the SOEP Arts and Cultural Strategy 2011-2015 Strategic Objective 2.1, and the Newman Tomorrow – 2030 Vision, strategy 1.4 Foster artistic and creative expression and the principles of this Public Art Policy.
2. Standards of excellence and innovation.
3. The integrity of the work.
4. Relevance and appropriateness of the work to the context of its site.
5. Consistency with current planning, heritage and environmental policies.
6. Management Plans.
7. Consideration of public safety and the public's access to, and use of the public domain.
8. Consideration of maintenance and durability requirements.
9. Evidence of funding source and satisfactory budget including an allocation for ongoing maintenance.
10. Non duplication of monuments commemorating the same or similar events.

Policy

1. Council to annually allocate resources for the maintenance of existing public art works.
2. Council to consider an annual amount to be set aside for the incorporation of public artworks within major capital works programs which involve the urban landscape.
3. The Council will identify new commercial, industrial, tourism and residential developments that provide opportunities that may be leveraged to contribute and reserve developer's contributions to integrate public art into the new development and/or existing streetscape.
4. In large scale developments, the Council will consider making approval contingent on the inclusion of a public art project compliant with this policy. This is to encourage private developers to integrate public artworks into their projects so as to enhance all public spaces.
5. Any public art project initiated by the community or private sector must comply with this policy and

Shire's other regulatory and approvals processes.

6. Council to ensure, as may be necessary, the requirements for appropriate consultation with the broader community as well as indigenous and local communities be undertaken in relation to either or both, the site or design of the artwork.

7. During the bi-election Committee Review, Council will adopt an Advisory Group, who will evaluate and make recommendations to the CEO for all public artworks proposed by the Shire, other public authorities, individuals and other groups in the Shire of East Pilbara's local government area. The final decision will be made by the CEO (or delegate) based upon the evaluation and recommendation by the Advisory Group.

Authorisation Details

References:	SOEP - Newman Tomorrow – 2030 Vision, strategy 1.4		
Authorised by:	Council		
Date:	19 April 2013	**Item No.**	9.2.5
Review/Amendment Date		**Item No.**	
Next Review	Annually		
Responsible Directorate	Community Experience		
Responsible Officer	Director Community Experience		
File No.			

7.1 Staff Housing – Home Improvements

Objective

To promote staff inputs into home improvements.

Policy

Any proposed home improvement or structural alteration not considered as part of normal maintenance, or maintenance agreed to be provided by Council must be put in writing to Council. It is a requirement to ensure that works costings and a budget are established before the approval to start the work is granted. Approval for improvements or structural alterations must be sought before any work commences. The Manager Development Services – Building will inspect the works and ensure that they have been completed to the satisfaction of Council, relevant building Legislation and other requirements.

Employees who have completed additions or alterations in accordance with this policy will be entitled to a **maximum** reimbursement of 50% of the cost of the improvement. This is at the discretion of the Chief Executive Officer and only on the production of detailed proof of the costs involved and funding being available in Council's Budget. On determining the amount of reimbursement, Council shall have regard to the standard of improvements and depreciation factors.

In the event of any improvement necessitating removal at the time of vacation of the premises reinstatement of the property to its original condition must be completed at the occupier's cost prior to leaving the property.

Authorisation Details

References:			
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date	3 February 2017	**Item No.**	9.2.3
Next Review			
Responsible Directorate	Aviation and Regulatory Services		
Responsible Officer	Coordinator Property Services		
File No.			

7.4 Relocated Dwellings

Policy

Dwellings to be relocated will be inspected by the Council Officer at the applicant's expense for time and travel costs incurred in making the inspection. The Council Officer will then submit a report to Council, complete with plans and Council will make a decision as to whether or not to approve the building permit and/or development application. When making its decision Council will take into account the age, condition and appearance of the buildings and its acceptability to the overall amenity.

Council staff is to seek comment on the proposal from the adjoining and other affected landowners and submit details of the comments received to Council with other details of the proposal.

Council will consider the effect on surrounding properties and may require alterations to the design and site locations so as to complement the surrounding properties.

The following conditions are to apply to any approval granted by Council:

1. All stumps and sole plates to be metal or other suitable material as approved by the Council Officer. Second-hand stumps or sole plates are not to be used.
2. All damaged sections of external cladding, any damaged or rusted gutters, down pipes, or roofing iron, or broken roof tiles, are to be replaced with new or second-hand materials to the satisfaction of the Council Officer.
3. All broken glass in the building is to be replaced, all windows and doors are to open and close freely, and all locks and catches are to be easily operable.
4. On completion, the building is to be painted or otherwise treated to present a neat appearance to the satisfaction of the Council Officer.
5. When complete, the dwelling is to comply with all relevant provisions of the BCA and the
6. Public Health Act 2016.
7. The building is not to be occupied prior to final inspection by the Council Officer.
8. A bank guarantee to the value of $10,000 will be required to be lodged with Council which will be released when the work is either completed or on a pro rata basis and refunded at discretion of the Chief Executive Officer.
9. Asbestos to be removed prior to transporting the dwelling to the Shire.
10. A structural engineer report is to be supplied.

Authorisation Details

References:	*Public Health Act 2016*		
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date		**Item No.**	

Next Review	
Responsible Directorate	Aviation and Regulatory Services
Responsible Officer	Manager Building Services
File No.	

7.5 Sea Containers

Policy

To outline the procedure required for the location and use of sea containers in the Shire.

Planning

Planning and Building Approvals are necessary for the location and use of sea containers on a property.

Planning Approval

The following documentation must be submitted to Council:

1. a completed and signed Application for Planning Approval
2. a scaled site plan showing the location of the sea container and distances to other structures and property boundaries
3. a photograph of the sea container
4. the required regulation fee.

Building Permit

An application for a Building Permit must be submitted to Council prior to location of the container on the site. The Building Permit application should include:

1. structural details for the tie down and/or footings to be used
2. a Building Permit fee as provided by the Building Regulations 2012.

The following specifications apply to sea containers on properties located in the Residential and Rural zones:

1. maximum container length of 6 metres
2. maximum of one sea container per property
3. no sea container can be placed wholly or partly in the front setback area
4. the sea container is to be set back a minimum of 1 metre (10m Rural zone) from the side and rear boundaries
5. the sea container must not be located over septic tanks, leach drains or property mains connections
6. the sea container must be painted and in good condition prior to relocation and is not to detract from the amenity of the street.
7. the sea container must only be used for storage purposes

Where the applicant objects to the policy Council shall exercise its discretion and consider the particular circumstances of that application before making a decision.

Exemption

Sea containers which are used for temporary storage on a building site that has Council building approval are exempt from obtaining planning and building approvals. However, the container must be appropriately located on the property. Containers are not to be located on the road verge.

Authorisation Details

References:	*Building Act 2011*		
Authorised by:	Council		
Date:	8 December 2006	**Item No.**	9.2.4
Review/Amendment Date	28 June 2019	**Item No.**	10.1.3
Next Review			
Responsible Directorate	Aviation and Regulatory Services		
Responsible Officer	Manager Building Services		
File No.			

8.2 Pastoral Stations Rubbish Pits

Policy

When suitable machinery is available in the area, the Shire will undertake work to provide a rubbish pit for homesteads, at no cost, to a maximum of one pit per year.

Authorisation Details

References:			
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Aviation and Regulatory Services		
Responsible Officer	Manager Building Services		
File No.			

8.3 Rubbish Bin Replacement

Policy

Each household will be supplied with one 240L bin. Each bin will have a serial number that will be recorded in a central register. The register will also record the householder's name and their street address.

A householder requiring a second bin may apply to the Council and a second bin may be allocated after payment of the approved annual rate for bin collection.

Council, or its contractors, at no cost to the householder, will carry out repairs and maintenance due to fair wear and/or accidental damage.

If in the opinion of Council a bin has been wilfully damaged by a householder, then the householder will be issued with a notice on the proper care and handling of bins and the householder may be charged with the cost of a replacement bin and their refuse collection service terminated until payment has been made.

In the event that a bin is lost or stolen then the bin will be replaced free of charge on the first occurrence of such an event. Should a second or subsequent occurrence eventuate, and in the opinion of the Council, the householder is responsible, then the householder may be charged with the cost of a replacement bin and their refuse collection service terminated until payment has been made.

Should a lost or stolen bin be subsequently recovered in a satisfactory condition, then any payment made by the householder concerned may be refunded.

In the event that Council can prove that a bin has been stolen then the person, or persons, involved may be charged with the cost of replacement unless the bin is recovered in a satisfactory condition.

Commercial premises will be supplied with bins appropriate to the operation of their premises under the same general terms and conditions as outlined above.

Authorisation Details

References:			
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Infrastructure Services		
Responsible Officer	Manager Waste Services		
File No.			

8.4 Aboriginal Affairs

Principles

The Shire of East Pilbara supports harmony with Aboriginal and Torres Strait Islander people so as to:

1. create a better understanding in the general community of Aboriginal and Torres Strait Islander history and culture

2. improve co-ordination and cooperation between the three spheres of government and recognised Aboriginal Community Organisations to assist in the development of Aboriginal and Torres Strait Islander People aspirations

The Shire of East Pilbara has a commitment to assist Federal and State Governments and recognised Aboriginal Community Organisations to identify and minimise any inefficiency or duplication, which might occur in the delivery of services and programs.

Policy

1. Within the existing framework of Government and via the democratic process Local Government is recognised as the appropriate mechanism whereby Aboriginal and Torres Strait Islander people can have greater input into the control and management of their communities and affairs so as to promote Aboriginal culture, social and economic aspirations.

2. The Shire of East Pilbara recognises the benefits of cooperation with all levels of Government and recognised Aboriginal Community Organisations in the planning and delivery of programs and services for Aboriginal and Torres Strait Islander people.

3. The Shire of East Pilbara supports initiatives which enable Aboriginal and Torres Strait Islander participation and input in Council activities and processes at a level equal to that of other residents.

4. The Shire of East Pilbara supports activities that promote goodwill between people within the Shire.

<u>Rateability</u>

The Shire of East Pilbara supports changes to the *Local Government Act 1995* and any other legislation that allows for the rating of Aboriginal communities living on Aboriginal Lands Trust, other Special Purpose leases or previously non rateable Aboriginal lands.

<u>Infrastructure and Services</u>

1. The Shire of East Pilbara believes that in partnership with Federal and State Governments and Aboriginal and Torres Strait Islander people it is best placed to assist in the planning for appropriate social, physical and economic infrastructure for Aboriginal Communities.

2. The Federal and State Governments and Aboriginal Communities should resource the Shire of East Pilbara where the establishment and maintenance of Aboriginal specific services utilise Council's resources.

3. The Shire of East Pilbara supports initiatives which enable the delivery of municipal services to Aboriginal communities and non-rateable land, including:

    a. options such as ex gratia payments in lieu of rates

b. payments for specific services

c. assisting communities to attract funding which allow Council to deliver a more effective service

Planning

1. The Shire of East Pilbara recognises the rights of Aboriginal community groups to develop and use their land as they desire, within the constraints of land tenure and Local Government planning schemes and processes.

2. The Shire of East Pilbara supports the development of site assessment procedures, in negotiation with Aboriginal and Torres Strait Islander people, for the identification of areas likely to be protected under the Aboriginal Heritage Act 1972, to enable mineral and other forms of development to proceed in the Shire.

3. The Shire of East Pilbara supports the development of local consultative mechanisms, where appropriate, to ensure that Aborigines and Torres Strait Islanders, as with other local interest groups, are included in local planning processes.

Training of Staff and Councillors

The Shire of East Pilbara recognises the importance of cross cultural training for staff and elected members to develop skills and knowledge which enable Local Government to more effectively understand the needs of Aboriginal and Torres Strait Islander people.

It is Council policy that all staff should attend cultural awareness training when it is available in their local area.

Aboriginal Employment and Training

The Shire of East Pilbara has a role in stimulating and promoting the employment and training of Aboriginal and Torres Strait Islander people by:

1. identifying Council positions where Aboriginality is an occupational advantage as allowed for under Section 50 (d) of the *Equal Opportunity Act 1984*

2. supporting involvement in employment training programs for Aboriginal and Torres Strait Islander people

3. ensuring Aboriginal Organisations have equal access to tendering for contracts for the delivery of local services

4. supporting Aboriginal organisations that aim to help to develop and implement local employment programs

Housing and Health

1. The Shire of East Pilbara recognises the right of all people to affordable and secure housing, and supports initiatives that aim to meet the housing needs of Aboriginal people.

2. The Shire of East Pilbara supports institutions and voluntary groups working to improve the health and welfare of Aboriginal people.

3. The Shire of East Pilbara supports Aboriginal communities and health workers within their districts by:

a. assisting in providing advice on the maintenance of a safe water supply, sewerage and rubbish disposal systems

b. ensuring Commonwealth and State bodies meet their obligations under the Public Health Act 2016

4. The Shire of East Pilbara should be adequately resourced by Federal and State Governments to assist in Aboriginal environmental health issues.

Culture & Heritage

1. The Shire of East Pilbara encourages Aboriginal people to develop cultural activities, and participate fully in general community activities.

2. The Shire of East Pilbara encourages the promotion of local Aboriginal history, heritage and culture in consultation with Aboriginal and Torres Strait Islander people.

Promotion of Local Government

The Shire of East Pilbara supports initiatives that provide education for Aboriginal and Torres Strait Islander people and other community members on the role of Council and electoral procedures and encourages participation in elections as voters and candidates.

Inter-Governmental

1. The Shire of East Pilbara supports a partnership between the Federal, State and Local Governments, in the planning and delivery of services and programs to Aboriginal and Torres Strait Islander people at the local level.

2. The Shire of East Pilbara believes it should be adequately resourced by the State and Commonwealth to develop improved working relationships with Aboriginal and Torres Strait Islander people.

The Shire of East Pilbara supports the inclusion of the ALGA and the WALGA in relevant inter-governmental Aboriginal affairs decision-making bodies.

Authorisation Details

References:	*Local Government Act 1995* *Aboriginal Heritage Act 1972* *Equal Opportunity Act 1984* *Public Health Act 2016*		
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date	28 January 2011	**Item No.**	
Next Review			
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Strategy and Partnerships		
File No.			

8.5 Rubbish Pits – Aboriginal Communities

Policy

When suitable machinery is available in the area, the Shire will undertake to provide a rubbish pit to communities of at least 20 people at no cost to a maximum of one pit per year.

Authorisation Details

References:			
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Infrastructure Services		
Responsible Officer	Manager Waste Services		
File No.			

8.6 Uranium

Objective

To establish the Shire of East Pilbara position on the development and exportation of uranium.

Background

There is generally only a minor role for Councils to play in any regulatory sense in relation to uranium. This is typically confined to matters of transportation and specifically around how uranium oxide is transported through Council areas to port. Council however would like to make comment on their position of the development and exportation of uranium.

Policy

1. The Shire is, in principle, in favour of the development and exportation of uranium for peaceful purposes.
2. The Shire supports, in principle, Australia's Uranium Export Policy, which permits the export of uranium for peaceful, non-explosive purposes under Australia's network of bilateral safeguard agreements.
3. Council believes that any proposal to transport uranium oxide through the Shire of East Pilbara should be considered on the objective merits of a full economic and environmental appraisal.
4. Council will only approve transportation of uranium oxide subject to world best practice environmental, health and safety standards.

Authorisation Details

References:			
Authorised by:	Council		
Date:	23 July 2010	**Item No.**	9.3.7
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Strategy and Partnerships		
File No.			

8.7 Stall Holder and Street Trading

Objective

1. To provide for the orderly operation of temporary trading activities within the Shire of East Pilbara and compliance with the requirements of Council's Local Laws.
2. To ensure that temporary trading activities are carried out in a manner so as not to detract and or cause harm to the amenity of public places and safety of pedestrians and residents.
3. To provide a service or commodity to the community without undue disruption to traffic or pedestrians.
4. To provide clarity and guidance with regards to the preparation and assessment of Stallholder and Trader's Permits.

Application

1. This policy is to be read in conjunction with Council's Local Law relating to "Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law".
2. Where there is a discrepancy between this Policy and the Local Law, the Local Law shall prevail for the extent of such discrepancy.
3. Shire employees shall have due regard to both Local Law and this Policy when assessing such application(s) made under the Local Law.

<u>Application to conduct a stall or trade in a public place</u>

All applications to conduct a Stall or Trade in a public place should be lodged with the Shire at least 10 days prior to the first day of intended trading with the exception of those applications to cater at Public Events which must be lodged at least 4 weeks before the event. (Late fees may apply to late applications).

All applications must be made on the prescribed form as prepared by the Shire's Environmental Health section and shall include all details as stated on the form including:

1. The appropriate application fees as periodically adopted in the Shire of East Pilbara's Fees and Charges Schedule and/or any applicable legislative provision.
2. Full Name and address of the applicant/s.
3. Specify location(s) in and/or on which the applicant wishes to conduct their business activity and is to include a site plan.
4. Full details of the goods or services to be traded.
5. Proposed days and hours of operation.
6. Evidence of appropriate levels of public liability insurance.
7. Construction details of the proposed stall and other items such as furniture, lighting provision of power that is proposed to be used in conjunction with such stall. The stall must comply with the attached pictorial presentation of a stall attached to the end of this policy.
8. Where a fixed stall is proposed, the applicant must detail by way of a plan the position of such stall in

relation to property boundaries, roads, footpaths, buildings and any other such structure.

9. Where the stall is a vehicle, trailer or similar, details of such vehicle, trailer or similar in addition to a current copy of the Third Party Motor Vehicle Insurance.

10. Where it is proposed to operate a stall or trade on land which is privately owned but considered a public place (e.g. Shopping Centre), the applicant must include a letter signed by the owner and/or occupier of such land granting the applicant to conduct such stall or trade from such premises.

11. Where it is proposed to operate a stall or trade on land which is a public place though owned by the State (not including the Local Government), the applicant must also include a letter signed by the relevant State department/agency in control of such land granting the applicant to conduct such stall or trade from such land.

Additional requirements for those handling (supply and sale) food products

1. A copy of a valid Food Business Notification/Registration certificate issued in accordance with the requirements of the *Food Act 2008* (the Act) by the Shire of East Pilbara or any other Enforcement Agency as described in Section 8 of the Act.

2. Documentary evidence of the completion of an approved Food Safety Course by each food handler/s intending to handle food during the event/s. A free online Food Safety Course **"I'M ALERT"** can be accessed on the Shire's website. *'NB. Approved means approved by the Shire's Environmental Health Officer'.*

Once granted, the trading Permit must be conspicuously displayed in/at the stall at all times during trading.

Additional requirements for applicants intending to give away food at community and public events

1. Any applicant intending to handle and give away food at community and public events are required by this Policy to inform the Shire **at least four (4) days before the event**, clearly stating the food products they intend to handle as well as arrangements made for the safe handling of the food so as to enable the Shire Environmental Health Officer to make an assessment of the food risk involved and advise of appropriate food handling requirements. This is a precautionary measure and is in the interest of all concerned. It is not intended to inhibit activity.

2. Any food stall used for the handling of food is required by this policy to comply with the minimum standards of a food stall as presented in the Shire of East Pilbara Temporary Food Stall Trading Conditions. Standards may vary according to the "Risk" level of the food.

Locations from which a stall or trading may be permitted

The following locations within the Newman town site are the preferred locations from which stalls and traders may conduct business:

1. The open parking area at the Capricorn Oval entrance west of the water storage tanks.

2. The Newman Visitors Centre Parking area; - subject to approval from the Manager of the Visitors Centre.

3. Boomerang Oval Parking area (Paved area scheduled to be completed by July 2012).

Where an applicant seeks permission to conduct a stall or trade other than at the designated sites within

Newman listed above, the applicant shall provide written justification and reasons for such request.

Applications in respect to the town sites of Marble Bar and Nullagine

Any applications for Trading Approvals for the above town sites will be at the discretion of the Shire's Health and Planning staff and are subject to the applicant providing the relevant details as required as part of the normal application process.

Conducting a stall or trading at a public event

Stalls and/or trading at a public event will only be approved where the applicant has received written permission from the event organiser and such permission is supplied with the application. For the purposes of an event organised by the Shire, approval is to be sought from the Shire's Community Wellbeing Department.

For large community events such as the Fortescue Festival and annual Race Days, it is preferable that all applications shall be coordinated, collated and submitted to the Shire by the event organiser at least **four (4) weeks prior to the event**. The event organiser may also choose to cover such stalls and traders under their public liability insurance as required for the entire event. Additionally, all event organisers are still expected to meet their Duty of Care obligations in ensuring the food safety of people attending the event.

Grounds on which applications may be refused

1. The applicant is deemed not a fit or proper person to hold a permit. An applicant will be deemed not a fit and proper person where they have committed a breach of the Shire's Local Law or any other legislation considered pertinent to conduct their proposed business.
2. The applicant proposes to conduct a stall in an area where stalls and trading is not permitted.
3. The proposed stall or trading business may result in compromised traffic and pedestrian safety.
4. The nature and/or conduct of a proposed stall or trader is not in keeping with the amenity or not conducive to proper and orderly planning.
5. Any other ground(s) that the Shire of East Pilbara deems relevant.

Advisory Notes

1. Applicants must consider access for the disabled.
2. Applicants must not inhibit the usual flow of traffic or pedestrian movement.
3. Any applications involving animals will need approval from the Shire's Rangers Department.
4. The use of flashing lights is discouraged.

Authorisation Details

References:			
Authorised by:	Council		
Date:	27 April 2012	**Item No.**	9.1.6
Review/Amendment Date		**Item No.**	
Next Review			

Responsible Directorate	
Responsible Officer	
File No.	

8.8 Authority to Issue Section 39 and 40 Certificates under the Liquor Control Act 1988

Objective

To provide for the efficient and prompt issue of certificates of the local government and certificates of the local planning authority for liquor licensing applications as required by Sections 39 and 40 of the Liquor Control Act 1988.

Background

Section 39 – Certificate of Local Government

Section 39 of the *Liquor Control Act 1988*, requires applications for the granting or removal of liquor licences under the *Liquor Control Act 1988* to be accompanied by a certificate from the local government in which the premises to which the application relates are situated, detailing whether or not the premises comply with:

1. The *Public Health Act 2016* ;
2. The *Food Act 2008*;
3. Any written law applying to the sewerage or drainage of those premises;
4. The *Local Government Act 1995*; and
5. The *Local Government (Miscellaneous Provisions) Act 1960*.

Section 40 – Certificate of Local Planning Authority

Section 40 of the *Liquor Control Act 1988*, requires applications for the granting or removal of liquor licences, or for a change in the use or condition of any licensed premises under the Liquor Control Act 1988, to be accompanied by a certificate from the local planning authority in which the premises to which the application relates are situated, stating that the proposed use of the premises:

1. Will comply with the requirements of the written laws relating to planning specified;
2. Would comply with the requirements specified if consent were to be given by a specified authority, if it is known whether that authority will give the consent, and what specified conditions or specifications should be, or are likely to be, imposed; or
3. Will not comply with the requirements for the reasons specified.
4. Section 39 and 40 Certificates, as required by the Liquor Control Act 1988, shall be issued by the Administration without referral to Council.
5. Section 39 – Certificates of Local Government – may be issued by:
    - Chief Executive Officer
    - Manager Development Services – Building
    - Manager Development Services – Health
    - Manager Land Use & Strategy

6. Section 40 – Certificates of Local Planning Authority – may be issued by:
   - Chief Executive Officer
   - Manager Development Services – Building
   - Manager Development Services – Health
   - Manager Land Use & Strategy

Authorisation Details

References:	*Liquor Control Act 1988* *The Public Health Act 2016* *The Food Act 2008* Any written law applying to the sewerage or drainage of those premises *Local Government Act 1995* *Local Government (Miscellaneous Provisions) Act 1960*		
Authorised by:	Council		
Date:	19 April 2013	**Item No.**	9.1.8
Review/Amendment Date	26 June 2020	**Item No.**	
Next Review	Annually		
Responsible Directorate	Aviation and Regulatory Services		
Responsible Officer	Manager Building Services		
File No.			

9.1 Camping Other than in a Caravan Park

Objective

1. To establish a consistent approach to the determination of applications associated with the use of caravans for temporary accommodation.
2. To provide guidance for staff and the public regarding the use of caravans for temporary accommodation.
3. Enable people to use caravan accommodation in a period of extreme shortage.

Definitions

Caravan Parks and Camping Grounds Act 1995 contains the following definitions

"**camp**" means any portable shed or hut, tent, tent fly, awning, blind or other portable thing used as or capable of being used for habitation and includes a vehicle of a prescribed type or in prescribed circumstances;

"**Caravan**" means a vehicle that is fitted or designed for habitation, and unless the contrary intention appears, includes an annexed.

<u>Legislative Requirement</u>

The *Caravan Parks and Camping Grounds Regulations 1997* (Regulation 11(2)) provides in general that approval to camp other than at a caravan park or camping ground may be given for a person to camp on land (that has legal right to occupy) for a period:

1. Between 3 nights and 3 months within any period of 12 months by the local government,
2. Longer than 3 months within any period of 12 months by the Minister, or
3. Up to 12 consecutive months while a building license issued to that person in respect of the land is in force, by the local government.

Policy Statement

In each instance:

1. Applications for approval must be made in writing to the Shire of East Pilbara.
2. A maximum of 1 licensed caravan per property. Generally other types of camps will not be approved.
3. Approval will be dependent upon sufficient ablution facilities and space The premises is to have toilet, ablution and laundry facilities, available for use by the person/people camping, that comply with the Building Code of Australia, Council's Local Laws and Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974. Details of these services are required to be provided as part of the application.
4. Each application is required to be in writing in the prescribed form. The application should also include:
    a. Written approval from the owner of the property;

b. Written comments from the occupiers of adjacent properties. Where this is not possible proof by way of postage by registered mail requesting comments to the Shire within 14 days;

c. A plan depicting the proposed location of the caravan;

d. Colour photographs showing how the conditions of this policy will be satisfied; and

e. Fees. There are no fees for Category 5a or 5b applications.

5. Each application will be considered in accordance with the criteria listed below. If an application falls outside the criteria, approval will only be given at the discretion of the Council.

a. Visitor of Resident Less than 3 Nights

Applicable areas: All

Special requirement: Caravan location must not interfere with the reasonable use of the property

Approval Type: No approval required

b. Visitor of Resident 3 Days to 2 Weeks

Applicable areas: All private property

Special requirement: Caravan location must not interfere with the reasonable use of the property

Approval Type: Delegated standard approval

c. Up to 2 additional unrelated persons Up to 3 months in any 12 month period

Applicable areas: Residential

Special requirements:

1. At least 1 occupant of the caravan must be employed.
2. Caravan location must not interfere with the reasonable use of the property.
3. The caravan is to be located:
    a. Behind the front building line or otherwise screened from view.
    b. Away from the side and rear boundaries so as not to overlook, overshadow or otherwise impact on the amenity of adjoining residents
4. There must be sufficient onsite parking for the residents of the dwelling plus the occupiers of the caravan.
5. No waste water is to be discharged onto the ground. Unless the caravan waste can discharge into the dwelling disconnector trap the occupants of the caravan must have access to the dwelling facilities at all time.
6. Approval will only be granted for properties which have a high level of streetscape appeal. Properties which have unkempt front yards and road verges will not be considered for approval.

Approval Type: Delegated Authority

d. Up to 2 additional unrelated persons Up to 3 months in any 12 month period

Applicable areas: Industrial

Special requirements:

1. At least 1 occupant of the caravan must be employed on the site or for the business operating from the property.
2. Caravan location must not interfere with the reasonable use of the property.
3. The caravan is to be located behind the front building line or otherwise screened from view.
4. There must be sufficient onsite parking for the occupiers of the caravan.
5. No waste water is to be discharged onto the ground. Unless the caravan waste can discharge into a disconnector trap the occupants of the caravan must have access to the ablution facilities at all time.
6. Approval will only be granted for properties which have a high level of streetscape appeal. Properties which have unkempt t front yards and road verges will not be considered for approval.
7. Driveways and yards must have been treated for dust suppression by way of bitumen paving, cracker dust or similar treatments.

Approval Type: Delegated Authority

6. The Council reserves the right to withdraw the approval at any stage if the conditions of the approval have not been satisfied.

Additional Requirements For Camping Outside Of Caravan Parks For Periods In Excess Of Three (3) Months Within Any 12 Month Period.

7. All applications for Approval will only be granted upon application to and approval by the Minister for Local Government and Regional Development.
8. The Shire will only recommend to the Minister that approval be given to private persons whilst employed in Newman and subject to compliance with the terms and conditions listed in 5.3 and 5.4 above.
9. The recommendation can be made under delegated authority
10. For community organisations and sporting clubs the matter may be placed before the Council for consideration in relation to recommendation to the Minister.

Additional Requirements For Camping Outside Of Caravan Parks For Periods Up To (12) Months During The Construction Of A Dwelling.

11. Approval will not be granted within the Town site.

12. Approval will only be granted where a building licence has been issued and the concrete slab or equivalent has been laid.

Fees

13. The fees payable shall be the same as for an application for a Home Occupation including (any penalties) as set out in the Planning and Development Regulations 2009 however no fees shall be payable for Category 5a or 5b applications.

Authorisation Details

References:	*Planning and Development Regulations 2009* *Caravan Parks and Camping Grounds Act 1995* *Caravan Parks and Camping Grounds Regulations 1997*		
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate			
Responsible Officer	Aviation and Regulatory Services		
File No.	Manager Building Services		

9.7 Native Title Act 1993 – Registration of Interest

Objective

To allow the Chief Executive Officer to register an interest in any native title claim affecting Council.

Policy

1. The Chief Executive Officer may register an interest in any native title claim affecting Council, in order for Council to have sufficient interest to become a party to the native title application.
2. The Chief Executive Officer may do so without referral to Council.

Authorisation Details

References:			
Authorised by:	Council		
Date:	19 April 2013	**Item No.**	9.1.8
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Aviation and Regulatory Services		
Responsible Officer	Manager Strategic and Statutory Planning		
File No.			

9.8 Mining Act 1978

Objective

To allow for the following officers to administer certain provisions of the *Mining Act 1978*, without referral to Council, and to do all other things that are necessary or convenient to be done for, or in connections with, this policy:

1. Chief Executive Officer
2. Executive Manager Corporate Services
3. Executive Manager Infrastructure Services
4. Manager Development Services – Building
5. Manager Development Services – Planning

Policy

Those officers listed above, may do the following, without referral to Council:

1. Response to correspondence with respect to applications for mining tenements and all other issues as required under the Mining Act 1978.
2. Authority to lodge objections to the granting of mining tenements or exploration permits that may affect Council property or the orderly and proper planning of the Shire.
3. Authority to negotiate/recommend/impose conditions or other requirements to the granting of any mining tenements in order to protect the Councils interest in that property.

Authorisation Details

References:	*Mining Act 1978*		
Authorised by:	Council		
Date:	19 April 2013	**Item No.**	
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Aviation and Regulatory Services		
Responsible Officer	Manager Strategic and Statutory Planning		
File No.			

10.1 Aboriginal Communities – Road and Airstrip Designation and Maintenance

Objective

To outline Council's policy for aboriginal community access road and airstrip maintenance where the community is located outside of the town boundaries of Newman, Nullagine and Marble Bar.

Policy

Aboriginal Community Access Roads

The principle criteria for an aboriginal community access road is that it connects a recognised State and Federal funded aboriginal community to a public road maintained by the Shire of East Pilbara or Main Roads WA and that the connecting public road is contained within the boundary of the Shire of East Pilbara.

The following roads are designated as aboriginal community access roads, listed in the Council's Road Inventory as detailed in the ROMAN road asset management program as at May 2006:

Kiwirrkurra Access Road (0243)

Jupiter Well Access Road (0246)

Desert Road (0265)

Kunawarritji Access Road (0245)

Punmu Access Road (0244)

Parnngurr (Cotton Creek) Access Road (0247)

Talawana Track (0239)

Jigalong Road (0036)

The Shire commits to provide:

1. A once per annum full maintenance grade of the designated access road funded by the Shire of East Pilbara's own resources.
2. Assistance in the opening up of the designated access road following flooding associated with cyclonic activity, where equipment is available.
3. Annual gravel sheeting, re-sheeting and drainage improvement roadwork's funded by the State and Federal government grants.

Any works requested in addition to those listed will require inspection by the Director Technical & Development Services or nominated Technical Services representative and referral to Council for consideration.

Aboriginal Community Airstrips

Each Aboriginal community will be entitled to a once per annum surface maintenance grade of the

community airstrip.

Any works requested in addition to those listed will require inspection by the Director Technical & Development Services or nominated Technical Services representative and referral to Council for consideration.

Authorisation Details

References:			
Authorised by:	Council		
Date:	5 May 2006	**Item No.**	9.4.2
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Infrastructure Services		
Responsible Officer	Manager Operations		
File No.			

10.2 Pastoral Stations – Road and Airstrip Designation and Maintenance

Objective

To outline Council's policy for pastoral station access road and airstrip maintenance.

Policy

Pastoral Property Access Roads

Each separately rateable pastoral property will be entitled to have a single access road designated for the purposes of Council's Road Inventory as detailed in the ROMAN road asset management program.

The principle criteria for a pastoral property access road is that it connects the station homestead to a public road maintained by the Shire of East Pilbara or the Main Roads WA and that the connecting public road is contained within the boundary of the Shire of East Pilbara.

The Shire commits to provide:

1. A once per annum full maintenance grade of the designated access road;
2. assistance in the opening up of the designated access road following flooding associated with cyclonic activity, where equipment is available and subject to the public road network requirements;
3. Minor gravel sheeting or re-sheeting works up to 1 kilometre in total length, per annum utilising only Shire owned and operated equipment subject to prevailing works programs.

Any works requested in addition to those listed will require inspection by the Director Technical & Development Services or nominated Technical Services representative and referral to Council for consideration.

Pastoral Property Airstrips

Each separately rateable pastoral property will be entitled to a once per annum surface maintenance grade of the pastoral property airstrip adjoining the station homestead.

Any works in addition to the single maintenance grade (e.g. upgrading and/or improvements to Royal Flying Doctor Service runway standard – D3) will require inspection by the Director Technical & Development Services or nominated Technical Services representative and referral to Council for consideration.

Note: D3 is the designation for a runway to meet daytime operational requirements for the RFDS with occasional night time emergency operations.

Authorisation Details

References:			
Authorised by:	Council		
Date:	5 May 2006	**Item No.**	9.4.2
Review/Amendment Date		**Item No.**	

Next Review	
Responsible Directorate	Infrastructure Services
Responsible Officer	Manager Operations
File No.	

10.3 Cattle Grids

Objective

To outline the standards and responsibility for the installation and maintenance of cattle grids located on public roads (as listed on the Shire of East Pilbara Road Inventory).

Policy

Construction Standard

Cattle grids located on public roads will be constructed to the following standard:

Minimum Width:	❑ Tourist Access Roads	4.5 metres (single lane)
	❑ All other roads	9.0 metres
Minimum Length:	All roads	2.0 metres
Typical clear opening between bars:	125mm	
Engineering standard:	Capable of triple road train stock trucks	
Clearance Markers:	900mm x 450mm	Mounted on wing frames
Advisory Signs:	750mm x 750mm	Located 75 - 100 metres from Grid
Drainage:	The floor of the grid channel is to be 100mm above the adjoining ground level	
Approach Ramp Gradient:	Maximum gradient to be 1:40	
Aprons:	2.5 metre long concrete, or 15 metre long bitumen seal apron	
Grid Panel connection	The grid panels are to be constructed as lift out sections weighing less than 1.5 tonne each, bolted to the grid channel	

Responsibility for Installation Costs

1. Boundary Grids

Where a cattle grid is located on the boundary between pastoral properties, the Shire of East Pilbara will be responsible for the cost of installation and maintenance of the grid.

2. Internal Grids

All existing internal grids installed prior to 1 February 2006 will be deemed to have complied with the requirements of this policy except where structural adequacy may be inadequate. The Shire of East Pilbara will be responsible for the progressive upgrading of any grid deemed by the Shire of East Pilbara to be below the minimum structural standard.

Where a pastoral owner/station manager intends to install a new grid, it will be the responsibility of that person to advise the Shire of East Pilbara of the proposed grid. Following site investigation and issue of approval by the Shire of East Pilbara, installation will be required to meet the construction standard as detailed in this policy and all costs met by the applicant.

Ongoing maintenance will be the responsibility of the Shire of East Pilbara.

3. Removal of Redundant Grids

The function of a cattle grid is primarily to allow the uninterrupted flow of traffic through a fence line whilst controlling stock movement. Where a pastoral owner/station manager does not maintain an internal fence line abutting a grid for a period no less than 6 months, the intended removal of the grid/s is to be made in writing to the pastoral owner/station manager giving a minimum of 60 days' notice of the intention to remove the nominated grid/s.

Following the issue of the notice, where the pastoral owner/station manager notifies the Shire that the fence line is to be reinstated within an agreed timeframe, no further action will be taken until the agreed timeframe has elapsed. Where no action has been taken a further notice will be issued at the end of the agreed timeframe giving 30 days' notice of the intention to remove the grid/s following which the grid will be removed and road reinstated.

The cost of removal and associated repairs to the road will be borne by the Shire of East Pilbara.

4. Program Timing

The Shire of East Pilbara will determine the timing and priority of the maintenance and/or upgrading of grids as outlined in this policy in consideration of all other budgeting priorities on an annual basis.

Authorisation Details

References:			
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date	5 May 2006	**Item No.**	
Next Review			
Responsible Directorate	Infrastructure Services		
Responsible Officer	Manager Operations		
File No.			

10.4 Crossover Subsidies and Specifications

Legislation

Pursuant to provision of schedule 9.1 of the *Local Government Act 1995*.

Policy

Subject to prior application and approval by the Shire of East Pilbara, Council will subsidise crossover construction costs to the extent of $150 per lineal metre for standard Council approved crossing (see below) to a maximum of $1,200 per crossing.

Specification

The construction of standard type residential concrete vehicle crossings over reserve nature strips.

1. General

    a. This specification is made pursuant to the provisions of Schedule 9.1 of the *Local Government Act 1995*.

    b. The construction of vehicle crossings shall be executed under the supervision of and to the direction of the Shire Works Supervisors.

    c. All levels for the grading, surface finish, jointing or any other construction requirements shall be as directed by the Shire Works Supervisors.

    d. All materials used in the construction of vehicle crossings shall be in accordance with the standard specification of Council and any materials used which are inferior to those specified or as directed by the Shire Works Supervisors shall be liable to rejection and replacement without payment or compensation being made to the contractor for the supply, delivery, laying, placing, finishing, removal or disposal of anything so rejected as directed by the Shire Works Supervisor.

    e. Protection of works and the public shall be provided by the contractor who shall supply and keep supplied as directed all necessary signs, barricades, road warning lamps, temporary bridges or any other thing necessary or as may be directed by the Shire Works Supervisor and failure so to provide or keep provided may render the contractor liable.

    f. Any damage which may occur to any Council facilities or private property during the course of the works or which may subsequently become evident from the operations thereof shall be the sole responsibility of the contractor who shall be held responsible for the repair, replacement legal claim liability or any other thing which may arise from the carrying out of such works.

2. Construction

    a. Concrete

Premix concrete shall comply with the requirements of Australian Standard 1379 – 1973. All concrete used in the works shall develop a minimum compressive strength of 20MP at 28 days and shall be composed of a mixture of screenings, sand and cement to give the strength specified with a maximum slip of 90mm.

    b. Excavation

The excavation for crossing bed shall be taken out to the levels, lines and grades as per the standard design shown on Drawing No.424. Excavation shall be cleanly and efficiently executed, watered and vibrator rolled to give a compaction of 95% of maximum density as determined by modified compaction test under 12A for S.A.A. Standard A89 – 1966 to provide for a sound base free from depressions or any deleterious material to give a minimum of 100mm depth of concrete pavement for residential crossings.

c. All surplus material resulting from site preparation and construction of the crossover shall become the property of the contractor and shall be removed at the contractor's expense.

d. Where an existing footpath is laid in the location where a crossing is to be constructed the contractor shall ensure that the space between the existing footpath and crossover is constructed to the footpath specification and to the specified applicable footpath level.

   The required work is: -

   - Cut the concrete footpath using an approved concrete saw, only at the crack control joint or expansion joints and remove all sections of footpath from the site. He shall then, after crossing construction, relay an in situ concrete footpath according to the specification in Section 4 of this specification.

   - If the footpath is in situ concrete and has a thickness of 100mm or more, construct a crossing place either side of the footpath. Confirmation of the thickness should be obtained from the Shire Works Supervisors.

3. Placing Concrete

   a. The base shall be thoroughly and evenly moistened, but not saturated, prior to placing concrete.

   b. Concrete shall be evenly placed to a depth specified and shovelled into position continuously and spaded especially at all edges to give maximum density. No break in operations shall be permitted from time of placing to finish except as authorised by the Shire Works Supervisor.

4. Finishing

   a. The finish shall be obtained by screening to correct levels and broom finishing to provide a non-slip, dense surface free of any depressions, marks, jointing marks, honeycomb sections or accumulation of fine dusty accretions liable to cause excessive surface wear. The final surface finish shall be to the entire satisfaction of the Shire Works Supervisors who shall reserve the right to require the removal of or the correction of any surface deficiencies or finish.

   b. Where required and or where directed any portion of the surface may be required to be treated with a multi-grooved tool with grooving to be at 200mm centres worked parallel to the kerb line to minimise the slipping effect.

A STEEL TROWEL FINISH IS NOT PERMITTED ON A CROSSOVER

5. Jointing

Cutting shall form joints across the concrete for its full depth with the edge of a steel trowel. The surface of the concrete over these cuts is then grooved with a special grooving tool at positions indicated on diagram S15.

6. Levels

The crossing junction with the kerb face line shall be finished with the following approved levels, or shall be matched to the mountable kerb section, as the existing situation requires. The levels from the road must accommodate any existing or future footpath construction and must not exceed 2% of gradient; any variations to the above must be approved by the Shire Works Supervisor.

7. Schedule of Requirements

   a. Depth of concrete – 100mm minimum.

   b. Minimum width at property line 2.75m.

   c. Maximum width at property line – 6.10m.

   d. Approved canite-type material shall be such that when it is subject to compression in hot weather, no bitumen is extruded.

      The following materials are approved and the use of any other material requires the approval of the Shire Works Supervisor.

      - One expansion joint at property boundary and one either behind mountable kerb or every 4 metres.

      - Non-Porite – Bitumen impregnated canite by the cold solved process (Caneflex).

   e. Length of standard crossing – 6.00m (measured at 90 degrees to kerb line).

   f. Concrete 20MP at 28 days.

   g. Surface finishes – broomed – non-slip.

   h. Where two residential crossings abut one to the other, they may be combined subject to the Shire Engineer's approval and subject to the combined width not exceeding 6.70m.

   i. Where the combined width would exceed 6.70m a pedestrian refuge of 3m minimum width shall separate the two crossings unless specifically approved by the Shire Works Supervisors.

8. Footpath Specification

   a. The base of the boxed out excavation shall be compacted to provide even compaction to a depth of 300mm. The area of compaction shall extend 150mm outside the formwork. The compaction shall be not less than 95% of the Modified Maximum Dry Density when tested in accordance with aS1289.5.2- 1993, Methods of Testing Soils for Engineering Purposes – soil Compaction and Density Tests – Determination of the Dry Density/Moisture content Relation of Soil Using Modified Compactive Effort.

   b. Concrete shall comply with requirements of AS1379-1997 Specification and Supply of Concrete. All concrete used in the works shall develop a minimum compressive strength of 20Mpa at 28 days, contain an aggregate size to a maximum of 14mm and have a maximum slump of 90mm at delivery.

   c. Footpath box to be compacted to 95% of maximum density as determined by the modified compaction test.

   d. Footpath to be a minimum depth of 100mm

e. Concrete to have a 28-day minimum cylinder compressive strength of 20Mpa.

f. Surface to be traverse broom finish with a smooth edge to all outside edges and joints.

g. Grooved crack control joints to be at 1.25m centres with a 12mm wide expansion/contraction joint at 5m (every fourth joint). The contraction joint to be filled with 12mm thick bitumen impregnated canite material.

h. Approved canite-type material shall be such that when it is subject to compression in hot weather, no bitumen is extruded. The following materials are approved and the use of any other material requires the approval of the Shire Works Supervisors.

i. Normal gradient will be at 2% from kerb line to boundary or as directed by Council Works Supervisor.

j. Width of footpath will be as per Council policy or as directed by Council Works Supervisor.

Non-Porite – Bitumen impregnated canite by the cold solvent process (Caneflex).

9. General

Vehicle crossings shall be not constructed closer than 7.5m to the intersection of property lines at street corners. This measurement is to the straight of the crossing not the wing. Vehicle crossings shall not be constructed closer than 1.0m to the adjacent side boundary.

10. Contribution

If it is a first crossing constructed at the premises, Council may contribute towards the cost. Application for a subsidy payment must be made in writing within 6 months of the date it was constructed and must be accompanied by the concrete delivery docket. Council will then inspect the crossing and if it is constructed in accordance with Council's specification, the subsidy payment will be forwarded by post.

<u>The Construction of Standard Residential Brick Paved Vehicle Crossings</u>

1. General

a. This specification is made pursuant to the provision of the *Local Government Act 1995*.

b. The construction of vehicle crossings shall be executed under the supervision of and to the direction of the Works Supervisor or his authorised deputy.

c. All materials used in the construction of vehicle crossings shall be in accordance with the standard specification of Council and any materials used which are inferior to those specified or as directed by the Shire Engineer shall be liable to rejection and replacement without payment or compensation being made to the contractor for the supply, delivery, laying, placing, finishing, removal or disposal of anything so rejected as directed by the Shire Works Supervisors.

d. Protection of works and the public shall be provided by the contractor who shall supply and keep supplied as directed, all necessary signs, road warning lamps, temporary bridges or any other thing necessary or as may be directed by the Shire Works Supervisors and failure so to provide or keep provided may render the contractor liable.

e. Any damage which may occur to any Council facilities or private property during the course of the works or private property during the course of the works or which may subsequently become evident from the operations thereof, shall be the sole responsibility of the contractor who shall be

held responsible for the repair, replacement, legal claim, liability or any other think which may arise from the carrying out of any such works.

2. Construction

a. General

The major brick paving manufacturers have identified the requirements of Local Governments in relation to vehicle crossing places and their brochures covering the specifications for construction and laying of the clay or concrete block medium form the basis of this specification.

b. Excavation

- All surplus material resulting from site preparation and construction of the crossover shall become the property of the contractor and shall be removed at the contractor's expense.
- Where an existing footpath is laid in the location where a crossing is to be constructed the contractor shall:

  Ensure that the space between the existing footpath and crossover is constructed to the footpath specification and to the specified applicable footpath level.

  The work required is:

  Cut the concrete footpath using an approved concrete saw, only at the crack control joints or expansion joints and remove all sections of the footpath from the site. He shall then, after crossing construction, relay an in situ concrete footpath abutting the new vehicle-crossing place.

  If the footpath is in situ concrete and has a thickness of 100mm or more, construct a crossing place either side of the footpath. Confirmation of the thickness should be obtained from the Shire Works Supervisors.

c. Sub-Base Construction

The required compacted thickness of the sub-base layer will depend on the existing ground condition; however, the Schedule of Conditions indicates the minimum requirements.

d. Edge Restraint

The parameter of all paved areas must be provided with a restraining barrier.

Restraints must be robust enough to withstand vehicle impact and prevent any lateral movement of the bricks as this movement could cause pavement failure.

Mountable road kerbs provide adequate restraint on the crossover road interface. The remaining sides must be supported with barriers – e.g. concrete, grouted brick.

Visible edge restraints shall be installed to the contour of the surrounding pavements without restricting the flow of storm water from the brick pavement.

e. Bedding Sand

The bedding material needs to be well-graded sand. Bricklayers sand and single sized dune sands are not suitable. The sand shall be non-plastic and free from deleterious materials such as stones,

tree roots, clay lumps and excessive organic material.

At the time of placing, the sand should have uniform moisture content. The sand must be screened slightly ahead of laying and protected from the compaction. The pre- compacted depth should be 20 – 40 mm.

f. Laying Patterns

As per Schedule of Requirements Herringbone or other as approved by Council Staff.

g. Laying of Bricks

Bricks shall be placed on the bedding sand by hand with 2-4 mm gaps between adjacent bricks. All full bricks shall be laid first. Closure bricks shall be cut with a saw and fitted subsequently. Spaces of less than 20% of brick size shall be in-filled to the supplier recommendation.

h. Compaction and Joint Filling

The units should be immediately compacted and brought to level by not less than three passes of the vibrating plate compactor. The plate should have sufficient area to simultaneously cover 12 units. To prevent damage to bricks, sheets of plywood of minimum thickness of 12mm shall be laid on the bricks to prevent the compactor coming in contact with the paved surface.

As soon as possible after compaction, sand or joint filling should be broomed over the pavement and into the joints. Excess sand should be removed as soon as joints are filled.

i. Ideally the sand used for joint filling should be finer than the bedding layer with a nominal maximum particle size of 2mm. Sand used for joint filling should be free from salts or contaminants likely to cause efflorescence. However, the use of brick layers sand or the addition of a small amount of silty material to the joint filling sand can be of considerable benefit in reducing water penetration in the early life of the pavement.

j. Levels

The crossing junction with the kerb face shall be matched to mountable kerb or concrete section, as the existing situation requires: The levels from the road must accommodate any existing or future footpath construction and must not exceed 2% gradient. Any variations to the above must be approved by the Shire Works Supervisor.

Schedule of Requirements

i. Minimum width at property line 2.76m

ii. Maximum width at property line 6.10m Rectangular Interlocking Units Units (Interlock Wall Sides)

iii. Minimum Thickness 75mm 60mm

iv. Sub-Base 100mm crushed 75mm compacted rock base

v. Sand Bed 20-40mm thick

vi. Brick-Laying Pattern - Herringbone

vii. Edge Restraints to the satisfaction of the Shire Engineer

PLEASE NOTE: Council will not accept liability for replacing any paving bricks located within the road reserve, which are subsequently damaged through works undertaken therein.

General

Vehicle crossings shall not be constructed closer than 7.5m to the intersection of property lines at street corners. This measurement is to the straight of the crossing not the wing. Vehicle crossings shall not be constructed closer than 1.0m to the adjacent side boundary.

Contribution

If it is a first crossing constructed to the premises, Council may contribute towards the cost. Application for subsidy payment must be made in writing within 6 months of the date it was constructed and must be accompanied by the brick delivery docket. Council will then inspect the crossing and if it is not constructed in accordance with Council's specification, the subsidy payment will be forwarded by post.

<u>The Construction of Standard Industrial Vehicle Crossings</u>

1. Levels

The crossing junction with the kerb face line shall be finished with the following approved levels, or shall be matched to the mountable kerb section, as the existing situation requires. The levels from the road must accommodate any existing or future footpath construction and must not exceed 2% of gradient; any variations to the above must be approved by the Shire Works Supervisor.

2. Construction

Construction to be either:

a. Concrete 200mm thick 20Mpa premixed concrete re-enforced with F62 or heavier mesh, with a wood non-skid finish and a canite or approved equivalent expansion material at kerb line (and at property line if abutting concrete).

b. Asphalt minimum 25mm thick over minimum 150mm thick compacted base. Edges to be contained with flush kerbing.

3. General

a. All crossovers require Council notification of concrete/asphalt placement date to assist inspection of base/levels etc.

b. No mountable kerbing to be removed – any kerbing removed will be re-instated by Council at property owners expense.

c. Concrete/asphalt/mesh delivery dockets are to be presented at time of subsidy application.

d. Crossover subsidy only to apply to crossovers constructed to those specifications. Subsidy payment application to be made no later than 6 months from time of construction.

e. Cross over construction on verge to be contained within projected property side boundaries.

Authorisation Details

References:	*Local Government Act 1995*		
Authorised by:	Council		
Date:	22 August 2008	**Item No.**	10.4.2
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Infrastructure Services		
Responsible Officer	Manager Operations		
File No.			

10.5 New Development Road Reserves

Objective

The Shire of East Pilbara currently does not have a general policy which gives guidance to development within the Road Reserve area.

Policy

Road Reserves

1. Major Distributor Roads with volumes not exceeding 7000 vpd.
   a. 20 metre road reserve width comprising a minimum 7.6 metre wide pavement.
   b. Subject to the applicant submitting adequate justification, Council will consider a reduced reserve width of 18 metre including a 7.6 metre pavement.
2. Local Residential Roads with volumes not exceeding 3000vpd.
   a. 17.2 metre wide road reserve with minimum 7.2 metre wide pavement.
   b. Subject to the applicant submitting adequate justification, Council will consider a reduced road reserve of 16.2 metres with a minimum 6.0 metre wide pavement.
3. Local Residential Roads with volumes not exceeding 1000vpd.
   a. 16.2 metre wide road reserve with minimum 7.2 metre wide pavement.
   b. Subject to the applicant submitting adequate justification, Council will consider a reduced road reserve of 15.2 metres with a minimum 6.0 metre wide pavement.
4. Local Roads servicing a maximum of 300 vpd
   a. 15 metre wide road reserve comprising a minimum 6 metre wide pavement.
5. Road Construction.
   a. Road base to consist of a minimum requirement of 100mm compacted Pindan sub-base and 150mm compacted gravel base with 25mm asphalt paving.

When submitting any proposal to reduce the road reserve or pavement width or footpath location, the applicant is to address the following matter:

1. Visual amenity
2. Pedestrian safety
3. Verge treatments
4. Estimated vehicle movements
5. Street Parking

Council will consider any application to reduce verge widths where a road reserve is constructed adjacent to an existing drainage recreation or other reserve.

Kerbing

i. Kerbing is to be located on both sides of road.

ii. Profile adjacent to residential lots: Mountable.

iii. Profile adjacent to non-residential lots: Semi-Mountable.

iv. Profile adjacent to intersection radii

v. Where adjacent to semi-mountable kerb: Semi-mountable.

vi. Where adjacent to mountable kerb: Semi-mountable.

Footpaths

i. Footpaths to be constructed on one side of road reserve (minimum) for all developments except major distributor roads, where footpaths are required on both sides of the road reserve.

ii. Minimum width of footpath to be 2 metres, however this may be reduced where the applicant demonstrates that only limited pedestrian and/or cycle traffic is expected for a particular road.

iii. Footpaths are to be constructed against the kerb.

iv. Council will consider any application to locate the footpath no closer than 300 mm from the property boundary subject to the developer:

   a. Constructing the kerb to the specification of Council's Engineering Services.

   b. Installing appropriate treatment on the land between the footpath and kerb to the satisfaction of Council's Technical Services Staff.

Location of Light Poles and Services

i. Light poles to be located on the same side of road as footpaths where possible, with allowance for sufficient outreach to illuminate both footpath and road surface.

ii. Where footpaths are proposed on one side of the road reserve only, underground services are to be located on the opposite side of the road to footpaths.

Road Storm Drainage

i. Provide back entry gully pits set into kerb with directional apron.

ii. Pipe to drainage reserve, open drain or connect to existing reticulated system.

Verge Treatments

i. All roads to accommodate street trees on both sides of the road.

ii. Verge treatments to comply with Council Policy.

All design and construction to comply with relevant Australian standards and Main Roads WA Code of Practice for Roadworks.

Authorisation Details

References:	*Main Road WA Code of Practice for Roadworks*		
Authorised by:	Council		
Date:	22 August 2008	**Item No.**	10.4.1
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Infrastructure Services		
Responsible Officer	Manager Operations		
File No.			

10.6 Light Vehicle

Objective

The objective of this policy is to provide guidelines for the allocation of Council vehicles to employees.

Policy

Fleet Purchasing

The Executive Manager Infrastructure Services is responsible for the purchasing and disposal of all vehicles.

Allocation of Vehicles

The Chief Executive Officer (CEO) is responsible for the allocation of a Council vehicle to an employee and the Shire President for the CEO.

Makes and Models of Vehicles

It is recognised that, in order to attract and retain staff, Council should offer vehicles of a particular standard and size. The type of vehicle purchased within this policy shall be at the discretion of the CEO.

The overriding requirement is to ensure that the vehicle purchased meets the needs of the position while minimising the total cost of the vehicle to Council.

In determining the cost to Council of operating a motor vehicle the purchase price, whole of list costs and resell values must be considered. Whole of life costs remain constant over a model range, while retained value of optioned vehicles is greater than base models. Council shall purchase vehicles considering the operating costs and estimated trade in values so that over the life of the vehicle it provides the greater return to Council.

Where practical and available, preference will be given to vehicles offering addition safety features such as, but not limited to, Airbags, Anti-Skid Breaking System (ABS), Vehicle Stability and Traction Control.

Vehicle Options and Accessories

Options or accessories fitted to Council vehicles to improve functionality or safety or to minimise damage to the vehicle, if not fitted as standard, may include, and will be categorised as follows:

Type	Specifications
Standard (All Vehicles)	Air-conditioning, Window Tint, Seat Covers, Headlight & Bonnet Protectors, Dash Mat, Rubber Mats, Cargo Barrier, Fire Extinguisher, Tow Bar, Bull/Roo/Nudge Bar, Spot Lights and Safety Pack if available.
Off Road (All 4WD Vehicles)	Includes Standard + Protector Steps (if not standard), Rubber Cargo Mat, Tyre upgrade, Dual Spare Wheels with additional spare fitted in rear cargo area, Heavy Duty Suspension, Long Range Fuel Tank (if not standard)
Off Road – Heavy (Specialised Vehicles Only)	Includes Off Road + Long Range Fuel Tanks, Dual Battery System, Snorkel, Roof Rack, (Winch, Diff Locks for selected vehicles).

Specialised vehicles, under this policy, are deemed to be those vehicles operating in extreme conditions such as extended remote desert travel, road inspections following heavy rainfall and flooding and exploration i.e. searching for suitable road building materials etc. These vehicles may be allocated to the following positions:

a. Director Development and Technical Services

b. Manager Technical Services - Rural

c. Manager Technical Services Nullagine

d. Works Supervisor Marble Bar

e. Manager Development Services – Health

f. Others as considered appropriate upon authorisation of the CEO

Accessories that are not required for operational purposes are not provided. Accessories will be added to the vehicle at the time of purchase, as deemed appropriate for Councils operational requirements. Endeavours will be made to transfer accessories from the trade-in vehicle where it is considered cost effective and appropriate. No further accessories are permitted to be added following delivery unless authorised by the CEO.

UHF Radios and Satellite Telephones will be fitted as deemed necessary for operational requirements. Portable Satellite Phones and UHF Radios will be available from the Co- Ordinator Information Services as required for operational purposes.

Consideration shall be given to the purchase of hybrid or alternative fuel vehicles where deemed to be suitable for use and with the approval of the CEO.

Use Categories

In recognition of the need to provide vehicles best suited to work requirements, together with attracting and retaining competent staff, the following use categories outline the allocation of vehicles to relevant positions:

Position	**Use Category**
Chief Executive Officer	Private Use (As negotiated with Council)
Executive Managers	Private Use
Managers	Private Use
Supervisors/Coordinators	Commuting use or as negotiated in letter of appointment
Mechanic	Restricted Private Use
Rangers and others	Commuting Use

The following information details the Use Categories listed in the previous table.

Commuting Use Only

Commuting use permits use of the vehicle between the place of residence and the workplace.

The vehicle is to be available for use by other staff during normal working hours, but not to the detriment of the duties of the assigned staff member.

Use of the vehicle for private use is not permitted unless it is done so in the process of travelling to and from the workplace, for example shopping and sports activities.

The assigned employee and any other driver may be required to maintain a logbook for FBT reporting purposes subject to the direction of the Deputy Chief Executive Officer.

The Shire will meet all operating costs of the vehicle, although instances of blatant misuse may be investigated and costs of repairs etc. recovered from the offending employee.

Restricted Private Use

Restricted Private Use permits the vehicle to be used within the Shire of East Pilbara. The assigned staff member must be the primary driver of the vehicle at all times unless not capable of doing so, but must be present in the vehicle at all times.

Restricted private usage outside the Shire boundaries (within Western Australia) is to be subject to the approval of the relevant Director on a case by case basis.

The vehicle is to be available for use by other staff during normal working hours, but not to the detriment of the duties of the assigned staff member.

The Shire will meet all operating costs of the vehicle except fuel when the vehicle is used for restricted personal purposes outside the Shire boundaries. Instances of blatant misuse may be investigated and costs of repairs etc. recovered from the offending employee.

The assigned employee and any other driver may be required to maintain a logbook for FBT reporting purposes subject to the direction of the Deputy Chief Executive Officer.

Private Use

Private use permits the vehicle to be used within the State of Western Australia. The use outside of Western Australia must be approved, in writing, by the CEO. Approval for the CEO will be given by the Shire President. The assigned staff members spouse or partner is permitted to drive the vehicle if the assigned staff member is present in the vehicle, or as negotiated in the assigned staff member's contract. No other person is permitted to use the vehicle for private use.

The vehicle is to be available for use by other staff during normal working hours, but not to the detriment of the duties of the assigned staff member.

The Shire will meet all operating costs of the vehicle including fuel when the vehicle is used for personal purposes within and outside the Shire boundaries. Instances of blatant misuse may be investigated and costs of repairs etc. recovered from the offending employee.

The assigned employee and any other driver may be required to maintain a logbook for FBT reporting purposes subject to the direction of the Deputy Chief Executive Officer.

Conditions of Use

The provision of a Council vehicle obliges the respective staff member to accept responsibility for the appropriate care and maintenance of the vehicle.

The assigned employee will be responsible for: -

a. The safe driving of the vehicle in accordance with all relevant driving acts, regulations, and relevant local laws.

b. The parking of the vehicle outside of normal working hours in a safe and secure manner.

c. Liaising with the respective staff member (where applicable) or servicing company for the routine maintenance and repair of the vehicle in accordance with the manufacturer's warranty and servicing requirements.

d. Maintaining the vehicle in clean and tidy state both internally and externally at all times.

e. Reporting of any accidents/incidents to their respective supervisor and completion of any insurance or reporting forms as directed by the relevant staff member. Each Directorate is then responsible for organising/finalising required repairs and replacement vehicles arising from an insurance claim.

f. Smoking is not permitted in Council vehicles.

g. The unlawful consumption of alcohol and/or use of any prohibited substances are strictly prohibited when the Council vehicle is being driven by any person permitted by this Policy to drive that vehicle.

h. Payment of any fines etc. resulting from an infringement will be the responsibility of the person who is driving the vehicle at the time of the infringement.

Authorisation Details

References:			
Authorised by:	Council		
Date:	24 September 2010	**Item No.**	9.1.3
Review/Amendment Date	14 March 2014	**Item No.**	9.2.8
Review/Amendment Date	24 August 2018	**Item No.**	9.1.3
Next Review			
Responsible Directorate	Infrastructure Services		
Responsible Officer	Manager Operations		
File No.			

10.7 Mining & Other Leases – Road Designation & Maintenance (Not Pastoral)

Objective

To outline Councils policy for working/operational leases access road maintenance. Definition of working/operating lease – a lease where a permanent workforce is situated or a person or group of persons are residing for a minimum of four to six months of any financial year.

Policy

The Shire commits to provide:

1. A once per annum full maintenance grade of the designated access road;
2. assistance in the opening up of the designated access road following flooding associated with cyclonic activity, where equipment is available and subject to the public road network requirements;
3. Minor gravel sheeting or re-sheeting works up to 1 kilometre in total length, per annum utilising only Shire owned and operated equipment subject to prevailing works programs.

Any works requested in addition to those listed will require inspection by the Executive Manager Infrastructure Services or nominated Technical Services representative and referral to Council for consideration.

Authorisation Details

References:			
Authorised by:	Council		
Date:	27 March 2009	**Item No.**	9.4.2
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Infrastructure Services		
Responsible Officer	Manager Operations		
File No.			

10.8 Plant Replacement

Objective

To outline Council's policy for the management of the minor and major plant and equipment, and the fleet of light, medium and heavy vehicles.

Policy

The categories of plant and vehicles are established to recognise the different operational and replacement requirements of the items.

The purpose of a replacement policy is to ensure that the items of plant and vehicles utilised by Shire staff:

1. meet safe operational needs;
2. minimise the cost of maintenance and repairs; and
3. are replaced at the appropriate time to minimise net changeover costs.

The operation of plant and vehicles within the North-West of Western Australia incurs reduced service life when compared with the cooler and less harsh operating environment of the southern areas of the State.

The following table should be used as a guide for the replacement period of various categories of plant and vehicles:

Group/Type	National Annual Benchmark Utilisation Engine Hrs/Km Travelled	Replacement Timing Guide	
		Years	KM/Hrs
Grader	1,000 Hrs	10	8,000 Hrs
Backhoe Loader	800 Hrs	7	5,000 Hrs
Loader	800 Hrs	8	8,000 Hrs
Skid Steer	700 Hrs	5	5,000 Hrs
Excavator (15tonne)	1,000 Hrs	10	8,000 Hrs
Excavator (8tonne)	800 Hrs	10	8,000 Hrs
Excavator (3.5tonne)	700 Hrs	8	5,000 Hrs

Heavy duty Truck (HR & HC)	35,000 Kms	8	500,000 Kms
Medium duty Truck (MR)	20,000 Kms	8	200,000 Kms
Light duty Truck (LR)	10,000 Kms	6	150,000 Kms
Rubber Tyred Roller	500 Hrs	10	5,000 Hrs
Vibrating Drum Roller	500 Hrs	8	5,000 Hrs
Mower Front Deck	500 Hrs	5	2,000 Hrs
Slasher Mower	500 Hrs	7	5,000 Hrs
Tractor (PTO Hrs)	800 Hrs	7	5,000 Hrs
Rear Lift Compactor	1,000Hrs	10	8,000 Hrs
Side Lift Compactor	25,000 Kms/1,700 Hrs	8	8,000 Hrs
Landfill compactor	1,000Hrs	10	8,000 Hrs
Landfill Wheel Loader	1,000Hrs	10	8,000 Hrs
Road Sweeper	*1,700 Hrs	8	8,000 Hrs
Car Park/Footpath Sweeper	*1,000 Hrs	8	5,000 Hrs
Wood chipper	800 Hrs	8	5,000 Hrs
Bus Mini	20,000 Kms	8	150,000 Kms
Cars & Utilities	20,000 Kms	5	120,000 Kms

Best value for money will determine the optimum replacement period for all plant and vehicles.

A review of the rolling 5-year replacement program will be prepared and considered as part of the annual Budget.

Authorisation Details

References:	*Provide any Statutory, Regulatory or Policy related documents*
Authorised by:	Council

Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date	5 May 2006	**Item No.**	
Review/Amendment Date	22 November 2019	**Item No.**	9.4.1
Review/Amendment Date	24 June 2022	**Item No.**	12.2.4
Next Review	Annually		
Responsible Directorate	Infrastructure Services		
Responsible Officer	Manager Operations		
File No.			

10.10 Road Verge Development Criteria

Objective

To encourage the development of roadside verges and determine guidelines for these developments.

NOTE: This policy should be read in conjunction with the Shire of East Pilbara's Public Places and Local Government Property Local 2011, and the Public Places and Local Government Property Amendment Local Law 2012. If there is an inconsistency between the local law and this policy, the local law shall prevail.

Policy

1. Council's policy is to encourage and support the development of road verges in urban areas, as either maintained grass or as a dry garden or a mixture of both.

2. Only those items listed in clause 6.6 of the Public Places and Local Government Property Local Law 2011 are permissible verge treatments.

3. Preferred Treatment

    a. The preferred treatment is for the road verge to be fully grassed with irrigation and up to two trees per 20m of frontage.

4. Alternate Treatments

    a. Subject to clauses 6.6(2)(b)(i) and 6.6(2)(b)(ii) of the Public Places and Local Government Property Local Law 2011, a dry garden of small vegetation, shrubs and ground covers may be established.

    b. Within this area weed control using plastic sheeting with garden mulch or wood chips, is acceptable, however all materials used must be contained to prevent spillage onto the verge, pathway or road area and must not present a pedestrian hazard.

    c. Where the Council is satisfied that there is a need to park on the road verge rather than on the property or roadway then the Council may approve up to 50% of the road verge area and verge length to be of compacted unbound materials. Such material is not to be placed within 15m from a street corner and is to be compacted and water bound to a smooth finish, have a depth a minimum of 150mm. The balance of the road verge is to be developed to satisfy Points 2 a) or 3 a) above.

5. Street Trees and Plantings

    a. Council will supply up to two trees of a suitable species, provided the property owner agrees to plant, water and maintain them.

    b. No trees are to be planted within 15m of street corners or within 2m of crossovers, or where they may cause damage to utilities in the verge.

    c. Spreading varieties of trees and shrubs also are not supported unless they can be set well back to avoid intrusion into traffic safety sight lines.

    d. Poisonous trees and shrubs are not permitted to be planted on any road verge.

    e. Street trees are not to be removed without the approval of the Council.

6. Irrigation Systems

   a. Any irrigation system is to be installed and operated to avoid nuisance to the public and not spray on to either a pedestrian pathway or vehicle carriage way.

   b. All water pipes are to be installed at a preferred depth of 3400mm and any fitting connected to the pipe should not protrude above the surface of the lawn or garden.

7. General

   a. Any improvements placed or constructed on the verge are placed there at the risk of the property owner.

   b. No assistance will be given by Council for development, ongoing operation or maintenance costs other than the provision of the street trees.

   c. Levels of new verge areas are to be graded at 2% up from the top of kerb to the property boundary (maximum of 150mm) with any variation to be approved by Technical Services staff. Levels are also to be compatible with the properties on either side.

   d. Where Council has designated one side of the road for a future pathway, levels will be provided by Council's staff.

8. Unacceptable Road Verge Treatments

   a. Only those items listed in clause 6.6 of the Public Places and Local Government Property Local Law 2011 are permissible verge treatments Unacceptable road verge treatments include, but a not limited to: Concrete and pavers unless in accordance with Councils "Crossover Policy";

   b. Rough, coarse or irregular mulch materials which are uncomfortable or difficult to walk on;

   c. No large rocks or non-frangible items can be placed on the road reserve

   d. Poorly graded materials such as river stone, crushed rock, pea gravel and other decorative treatments unless incorporated into a defined landscaping plan approved by the Director Technical & Development Services,

   e. Treatments that constitute a hazard to pedestrians or road users

Authorisation Details

References:	*SoEP Public Places and Local Government Property Local 2011* *Public Places and Local Government Property Amendment Local Law 2012*		
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date	5 December 2008	**Item No.**	9.4.2
Review/Amendment Date	8 February 2013	**Item No.**	9.1.9
Next Review			
Responsible Directorate	Infrastructure Services		
Responsible Officer	Manager Operations		
File No.			

10.11 Road Verge Directional Signs

Objective

To establish procedures relating to the placement of signage on road verges.

Policy

1. This policy provides information to the public on Councils requirements for the provision of directional signs on the Council controlled road verges for private businesses, public facilities such as sports grounds plus Government offices and institutions. The Executive Manager Infrastructure Services will be responsible for the implementation of this policy.

2. The policy attempts to balance the need to keep to a minimum unnecessary signs, which create aesthetic problems, while still allowing for the necessary directions to be given to the travelling public.

3. It is acknowledged that a number of directional signs may increase the viability of local businesses. It must also be recognised that large numbers of signs within town site can reduce road safety and clutter up the landscape.

   The directional signage should be restricted to signs that give direction to community facilities and generally to areas of business rather than specific businesses. An example of this would be signage that gives direction to a shopping prescient or an industrial area.

<u>Road Sign Standards for Street Names and Community Facilities</u>

All signage is to comply with Australian Standard AS 1742.5, 1997.

<u>Size of Signs</u>

Is to comply with Australian Standard AS 1742.5, 1997.

<u>Colours</u>

1. All directional signs will be fully reflective with white letters or numbers.

2. For road or street names and town site directions, the background plate colours will be at the discretion of Council.

3. Signs giving direction to commercial areas or government facilities would have a blue background, historical tourist signs would have a brown background, recreation facilities and Council controlled parkland would be on a green background.

<u>Height/Installation/Length</u>

1. The lowest point on any sign shall not be lower than 2.7m above ground level, in town site areas.

2. All signs on State Road intersections will comply with Australian Standard AS 1742.5, 1997.

3. In town sites, wherever possible, street signs are to be installed on power poles, 3 metres from ground level.

4. On rural roads, signs may be installed 2 metres above ground level where there is no chance of pedestrians normally walking under the sign and the sign is away from the area of road use or road drain maintenance.

5. Directional signs will only be allowed at road or street intersections, not `mid-block'.

Symbolic Signs

1. Signs featuring symbols as silhouettes e.g. caravans, petrol pump, crossed knife and fork etc. are directional signs.
2. Symbolic board signs will be 250 mm maximum (square) on minor roads and 400 mm maximum (square) on major roads

Vertical 'Banks' of Directional Signs

1. Where a number of directional signs, pointing in the same direction, are to be erected at the one intersection, then these signs, up to a maximum of 4, will be installed as a vertical stack with the street or road name sign on top.
2. The sign lengths for such a stack will be 1.0 metre. The signs will be attached, at each end, to a 50 mm O.D. galvanised iron pipe.
3. All other signs would be installed on Tourist Information Bays where established at each town site. Maximum use should also be made by businesses of Tourist Bureaus and similar outlets for advertising and giving directions.
4. No `Advance Warning' signs will be allowed apart from those required for safety requirements.
5. For this policy, single businesses shall be those having separate and different ownerships or lessees serving different business functions.

Existing signs

Where existing signs do not comply with this policy, they will be removed by Council after a period of 6 months and in all cases those businesses that benefited from the signs to be removed will be notified.

Authorisation Details

References:			
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Infrastructure Services		
Responsible Officer	Manager Operations		
File No.			

10.13 Use of Native Plants, Shrubs and Grasses

Objective

To establish a guideline of the types of plants, shrubs and grasses that are introduced/planted, when upgrading and maintaining parks and gardens, within the Shire of East Pilbara.

Policy

1. In the development or upgrading of any parks, gardens, reserves, etc., native plants and shrubs are to be used where possible in preference to exotic varieties.

2. The use of irrigation systems will be minimised to conserve water. The Water Corporation Guidelines for dry land parks are to be used where possible.

3. Where a tree has to be removed it will be replaced.

Residents shall be given the opportunity of accepting responsibility for the watering and maintenance of trees and street verges outside their property subject to the planting and provision of the trees being provided by the Shire in the first instance.

Authorisation Details

References:			
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Infrastructure Services		
Responsible Officer	Manager Operations		
File No.			

10.14 Naming of Parks, Reserves and Buildings

Objective

Provide a short statement on the objective of the policy.

To establish criteria for the Naming of Parks, Reserves and Buildings.

Policy

On request Council will consider the naming of parks, reserves or buildings in honour of the persons considered to have made an outstanding contribution to the community and are considered by Council and the community to be worthy of such an honour.

Where required all naming decision shall be made in accordance with the Department of Land Administration (DOLA) - Geographic Names Committee of Western Australia Principles, Policies and Procedures.

Criteria of Assessment

All requests for the naming of Parks, Reserves and Buildings shall be assessed against the following criteria:-

1. Have been instrumental in the development of the facility where the naming of a building is concerned.
2. Be considered to be worthy of such an honour
3. Must have resided in the local community for more than ten (10) years.
4. Have been a member and actively involved in a local service club or voluntary organization or government organization and significantly contributed to the local community. A significant contribution may include:-
    a. Two (2) or more terms of office on the Shire of East Pilbara Council
    b. Fifteen (15) or more years association with a local community group
5. Actions by the individual to protect, restore, enhance or maintain an area that substantially improves the facility to the community.
6. Evidence of works undertaken being of a pioneering nature for the benefit of the community.

Procedure for an Application

All applications shall be made in writing.

All applications shall be deemed as confidential during the consideration process and information will be forwarded to all Council Members in a confidential memo for comment prior to the Council Meeting.

All applications shall include:-

1. Proposed reserve, park or building locations
2. Proposed new name for the facility

3. Date and place of birth and date of passing away if applicable
4. Period of residence in the locality
5. History of the person being honoured
6. An outline of their contribution to the community, including membership of clubs and voluntary organizations
7. Statement of why the person should be honoured
8. Contact details of the person being honoured or their immediate family
9. Proof of agreement by local community member and groups

Notification to the Geographic Names Committee, (DOLA)

Requests to name the following shall be forwarded to the Geographic names Committee of DOLA for approval:

1. A naming of a park or reserve
2. A building on an unnamed reserve

Requests to name the following shall be forwarded to the Geographic Names Committee of DOLA for information only;

Buildings on a named reserve

General building in the community

All requests shall be forwarded to DOLA in accordance with the Geographic Names Committee of Western Australia Principles, Policies and Procedures.

Opening Ceremony

A Plaque and/or sign with the appropriate wording shall be supplied and securely fixed to the facility.

An opening function shall be arranged by Council Administration.

Authorisation Details

References:			
Authorised by:	Council		
Date:	27 June 2003	**Item No.**	9.1.3
Review/Amendment Date		**Item No.**	
Next Review			
Responsible Directorate	Infrastructure Services		
Responsible Officer	Manager Operations		
File No.			

10.15 Subdivisional Development

Objective

All works associated with the subdivision of and development of land within the Shire of East Pilbara shall comply with the minimum standards specified in the current Institute of Public Works engineering Australia Local government Guidelines for Subdivision Development and the Shire of East Pilbara Annexure A to the subdivision guidelines publication.

Policy

The guidelines prescribe the minimum standards applicable to the design and construction of roads, stormwater systems, paths, streetscapes, earthworks, landscaping and public open space, and sets out provisions for the control of dust and noise pollutions from development sites.

These guidelines are intended to underline and support subdivisional conditions applied by the Western Australian Planning Commission (WAPC) pursuant to the Planning and Development Act 2005. The Guidelines encompass current legislation and best practice minimum engineering standards. They are intended to guide local government and the development industry through engineering specification, construction and post construction subdivisional approval. Institute Public Works Engineering Australia has committed to update the guidelines on a biannual basis.

A copy of the guidelines and Annexure A are available on the Shire of East Pilbara's website: http://www.eastpilbara.wa.gov.au/

Authorisation Details

References:	Section 12 *Local Government (Administration) Regulations 1996*		
Authorised by:	Council		
Date:	28 June 2013	**Item No.**	9.3.7
Review/Amendment Date		**Item No.**	
Next Review	Annually		
Responsible Directorate	Infrastructure Services		
Responsible Officer	Manager Operations		
File No.			

10.16 Closed Circuit Television (CCTV) Monitoring Equipment and Electronic Recording Devices

Objective

To provide a policy framework for the management, storage, destruction and release of CCTV footage captured by the Shire of East Pilbara's ("the Shire") network of closed circuit television (CCTV) monitoring equipment and other electronic recording devices.

Definitions

CCTV means Closed Circuit Television

Electronic recording devices includes any but is not limited to body worn cameras, vehicle dash cameras, CCTV, Automatic Number Plate Recognition (ANPR), camera or microphone enabled mobile telephone, tablet or other device.

Footage means any video or audio recordings, film, photographs, digital photographs, or other digital assets, article or material any article or material from which sounds, images or writing can be reproduced whether or not with the aid of some other article or device.

Policy Statement

The Shire of East Pilbara collects and securely stores footage captured by the Shire's network of cameras and electronic recording devices which are deployed to deter and monitor incidences of criminal behaviour and provide evidence for the prosecution of offending parties.

Collection and use of personal information is undertaken in accordance with the *Privacy Act 1988* (Cth) and the Australian Privacy Principles.

The CCTV network has been established in consultation with the Western Australia Police Force and key stakeholders and complies with the requirements of the *Surveillance Devices Act 1998*.

The CCTV system will attain an appropriate balance between the personal privacy of individuals utilising Shire infrastructure, private buildings or public spaces with the objective of recording incidents of alleged criminal or unwanted behaviour.

The system will be operated equitably, within applicable law, and only for the purposes for which it is established.

Access to and management of Footage

The Shire provides members of the WA Police Force with a direct live feed of the CCTV and ANPR cameras located in the Shire of East Pilbara, footage is also provided to WA Police Force for the purposes of prosecution of offending parties. This is to be managed by a Memorandum of Understanding between the two entities.

Applications for access to footage collected and stored by the Shire are subject to the *Freedom of Information Act 1992*.

Shire employees authorised by the Chief Executive Officer may access footage only for the purposes of collection, storage, destruction and release in accordance with the relevant Acts and Regulations, Shire Policies and Plans.

The Chief Executive Officer is authorised to approve supporting operational documents to assist Authorised Officers in the use of the CCTV network.

Responsibility

The Chief Executive Officer is responsible for the management of the Shire's CCTV system, including maintenance of the CCTV system and protection of privacy interests of the Shire of East Pilbara elected members, staff and members of the public from invasive monitoring.

The Chief Executive Officer will ensure that all employees involved in recording, observation and capture of images are informed, through training or through other means, of their responsibility to act in an ethical and lawful manner as per the relevant legislation and Council policy. If it is proved that an individual or individuals are using the system inappropriately, the Shire will take appropriate action.

Authorisation Details

References:	*Surveillance Devices Act 1998* *Freedom of Information Act 1992*		
Authorised by:	Council		
Date:	27 September 2013	**Item No.**	11.3.1
Review/Amendment Date	28 June 2019	**Item No.**	10.1.3
Review/Amendment Date	24 March 2023	**Item No.**	11.4.1
Next Review	Four yearly		
Responsible Directorate	Community Services		
Responsible Officer	Manager Community Safety		
File No.			