

# Ordinary Council Meeting Minutes

*23 March 2021*



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## **SHIRE OF DALWALLINU**

**MINUTES** for the Ordinary Meeting of Council held at the Council Chambers, Shire Administration Centre, Dalwallinu on Tuesday 23 March 2021 at 3.30pm.

### **1 OPENING & ANNOUNCEMENT OF VISITORS**

The Chairperson (President) opened the meeting at 3.30pm.

### **2 ANNOUNCEMENTS OF PRESIDING MEMBER**

Nil

### **3 ATTENDANCE RECORD**

#### **3.1 Present**

Shire President	Cr SC Carter
Deputy Shire President	Cr KL Carter
	Cr MM Harms
	Cr KM McNeill
	Cr NW Mills
	Cr BH Boys
	Cr KJ Christian
	Cr AR Dickins
Chief Executive Officer	Ms JM Knight
Executive Assistant	Mrs DJ Whitehead

#### **3.2 Apologies**

Nil

#### **3.3 Leave of Absence Previously Granted**

Nil

### **4 DECLARATIONS OF INTEREST**

Mrs Jean Knight – Financial and Impartiality Interest in Item 9.4.3

Mrs Jean Knight – Financial and Impartiality Interest in Item 9.4.5

Mrs Jean Knight – Financial Interest in Item 9.4.7

### **5 PUBLIC QUESTION TIME**

Nil



## **6 MINUTES OF PREVIOUS MEETINGS**

### **6.1 Ordinary Council Meeting – 23 February 2021**

#### **MOTION 9683**

Moved           Cr BH Boys  
Seconded       Cr MM Harms

That the Minutes of the Ordinary Meeting of Council held 23 February 2021 be confirmed.

**CARRIED 8/0**

## **7 PETITIONS/PRESENTATIONS/DEPUTATIONS/DELEGATES/REPORTS/SUBMISSIONS**

### **7.1 Petitions**

Nil

### **7.2 Presentations**

Nil

### **7.3 Deputations**

Nil

### **7.4 Delegates Reports/Submissions**

Nil

## **8 METHOD OF DEALING WITH AGENDA BUSINESS (Show of hands)**

## **9 REPORTS**

### **9.1 WORKS & SERVICES**

There were nil reports this month for Works & Services.

### **9.2 PLANNING & DEVELOPMENT**

There were nil reports this month for Planning & Development.



### 9.3 CORPORATE SERVICES

#### 9.3.1 Accounts for Payment for February 2021\*

<b>Report Date</b>	23 March 2021
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	FM/9 Financial Reporting
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Christie Andrews, Senior Finance Officer
<b>Supervised by</b>	Hanna Jolly, Manager Corporate Services
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Summary of Accounts for Payment

#### **Purpose of Report**

Council is requested to consider the acceptance and approval of the Schedule of Accounts for Payment.

#### **Background**

A list of invoices paid for the month of February 2021 from the Municipal Account, to the sum of \$550.00 paid by cheque and \$719,283.50 paid by EFT are attached together with a list of bank fees, payroll, direct debit payments, loan payments and transfer to Term Deposits. These payments total \$983,612.05. There were no payments from the Trust Account. Total payments from all accounts being \$983,612.05 have been listed for Council's ratification.

#### **Consultation**

In accordance with the requirements of the *Local Government Act 1995* a list of accounts paid, by approval of the Chief Executive Officer under Council's delegated authority, is to be completed for each month showing:

- The payees names
- The amount of the payments
- Sufficient information to identify the payment
- The date of the payment

The attached list meets the requirements of the Financial Regulations,

In addition to the above statutory requirements, Financial Management Regulation Section 13(4) requires 'the total of the other outstanding accounts be calculated and a statement be presented to Council at the next Council meeting'.

#### **Legislative Implications**

##### State

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*



## Policy Implications

Nil

## Financial Implications

Payments are in accordance with the adopted revised budget for 2020/21.

## Strategic Implications

Nil

## Site Inspection

Site inspection undertaken: Not applicable

## Triple Bottom Line Assessment

### Economic implications

There are no known significant economic implications associated with this proposal.

### Social implications

There are no known significant social implications associated with this proposal.

### Environmental implications

There are no known significant environmental implications associated with this proposal.

## Officer Comment

Accounts for Payments are in accordance with the adopted revised budget for 2020/21 or authorised by separate resolution.

## Officer Recommendation

That Council, in accordance with the requirements of sections 13(1), 13(3), and 13(4) of the *Local Government (Financial Management) Regulations 1996* a list of payments made in February 2021 under Chief Executive Officer's delegated authority is endorsed in respect to the following bank accounts:

Municipal Fund Account totalling \$983,612.05 consisting of:

Cheques (35219)	\$550.00
EFT Payments (EFT11646-EFT11740)	\$719,283.50
EFT Payments (Payroll)	\$107,798.00
Direct Debit – Superannuation (DD15958.1-9 and DD15974.1-10)	\$22,354.18
Direct Debit – Credit Card (DD15973.1)	\$2,328.64
Direct Debit – Payments to Dept of Transport	\$130,628.60
Bank Fees	\$669.13



## Resolution

### **MOTION 9684**

Moved           Cr AR Dickins  
Seconded       Cr KM McNeill

That Council, in accordance with the requirements of sections 13(1), 13(3), and 13(4) of the *Local Government (Financial Management) Regulations 1996* a list of payments made in February 2021 under Chief Executive Officer's delegated authority is endorsed in respect to the following bank accounts:

Municipal Fund Account totalling \$983,612.05 consisting of:

Cheques (35219)	\$550.00
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Direct Debit – Payments to Dept of Transport	\$130,628.60
Bank Fees	\$669.13

**CARRIED 8/0**



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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
35219	25/02/2021	WATER CORPORATION	Property rental charges for Wubin Dam - reserve 27522, lease L2791, Gt Northern Highway (as per agreement 1311)	1		550.00
INV 9023765617/02/2021		WATER CORPORATION	Property rental charges for Wubin Dam - reserve 27522, lease L2791, Gt Northern Highway (as per agreement 1311)		550.00	

**REPORT TOTALS**

Bank Code	Bank Name	TOTAL
1	Municipal - 536591-4	550.00
TOTAL		550.00

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
EFT11646	11/02/2021	JOHN R WALLIS ENGINEERING	Repair hydraulic ram	1		3,901.22
INV INV-177503	12/2020	JOHN R WALLIS ENGINEERING	3 inch pump for chemical & water		539.00	
INV INV-177331	12/2020	JOHN R WALLIS ENGINEERING	3inch camlock for sundry plant, K24 fuel meter for DL420, Ink cartridge - depot, Camlock hose tail & washer - standpipe, Punch for w/shop, Jockey short & swivel + jockey wheel & clamp, Repair hydraulic ram, Set of car ramp 2000kg, 5ltr oil - w/shop, Stainless & flat washers for pool, Std male tip & female hydraulic coupling, K24 fuel meter for DL275, Printer cartridges for depot		3,362.22	
EFT11647	11/02/2021	RBC - RURAL	Meterplan charge for admin photocopiers - Jan 21	1		648.33
INV 0002878521	01/2021	RBC - RURAL	Meterplan charge for admin photocopiers - Jan 21		648.33	
EFT11648	11/02/2021	WATER CORPORATION	Water Usage - Kalannie Oval - 20/11 to 27/1	1		9,711.37
INV 9007868407	01/2021	WATER CORPORATION	Water Service Charges - Standipe Woodhouse St - 1/1 to 28/2		45.07	
INV 9007868407	01/2021	WATER CORPORATION	Reversal of invoice entered twice in error - Water Service Charges - Standipe Ellison Rd - 1/1 to 28/2		-45.07	
INV 9007841328	01/2021	WATER CORPORATION	Water Service Charges - Kalannie Club Residence - 1/1 to 28/2, Water Usage - Kalannie Club Residence - 20/11 to 27/1		152.35	
INV 9007842228	01/2021	WATER CORPORATION	Water Service Charge - Kalannie Caravan Park - 1/1 to 28/2, Water Usage - Kalannie Caravan Park - 20/11 to 27/1		431.21	
INV 9007841028	01/2021	WATER CORPORATION	Water Usage - Kalannie Oval - 20/11 to 27/1, Water Usage - Kalannie Sports Pavillion- 20/11 to 27/1		8,933.67	
INV 9007841228	01/2021	WATER CORPORATION	Water usage Kalannie Hall-20/11 to 27/1, Water service charges Kalannie Hall - 1/1 to 28/2		194.14	
EFT11649	11/02/2021	WRIGHT EXPRESS FUEL CARDS AUSTRALIA LTD	Fuel for DL103 - Jan 21	1		1,509.95
INV 75	31/01/2021	WRIGHT EXPRESS FUEL CARDS AUSTRALIA LTD	Fuel for DL131 - Jan 21, Fuel for DL492 - Jan 21, Fuel for DL186 - Jan 21, Fuel for DL103 - Jan 21, Fuel for DL281 - Jan 21, Fuel for DL2 - Jan 21, Fuel for DL289 (Doctor) - Jan 21, Admin fee on fuel for DL289 (Doctor) - Jan 21		1,509.95	
EFT11650	11/02/2021	AUSTRALIA POST - SHIRE	Postage charges for Shire admin - Jan 21	1		78.21
INV 1010289503	02/2021	AUSTRALIA POST - SHIRE	Postage charges for Shire admin - Jan 21		78.21	

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
EFT11651	11/02/2021	DALWALLINU MOTORS	Fuel for sundry plant Jan '21	1		142.87
INV 20138	31/01/2021	DALWALLINU MOTORS	Fuel for sundry plant Jan '21, Ice for Australia Day		142.87	
EFT11652	11/02/2021	BOC LIMITED	Monthly container rental for R020G Industrial Oxygen, R040G Acetylene & R060F3VIPR - w/shop	1		37.69
INV 5005266329/01/2021		BOC LIMITED	Monthly container rental for R020G Industrial Oxygen, R040G Acetylene & R060F3VIPR - w/shop		37.69	
EFT11653	11/02/2021	TELSTRA	Phone usage to 18/1/21 and service to 18/2/21	1		101.53
INV 7839697023/01/2021		TELSTRA	Phone usage to 18/1/21 and service to 18/2/21		101.53	
EFT11654	11/02/2021	DEPUTY COMMISSIONER OF TAXATION	Business Activity Statement for the month of January 2021	1		7,907.00
INV JANBAS 10/02/2021		DEPUTY COMMISSIONER OF TAXATION	Business Activity Statement for the month of January 2021		7,907.00	
EFT11655	11/02/2021	BURGESS RAWSON (WA) PTY LTD	Water usage Kalannie parks & gardens, 20/11 to 27/1	1		248.90
INV 10660	02/02/2021	BURGESS RAWSON (WA) PTY LTD	Water usage Kalannie parks & gardens, 20/11 to 27/1		140.56	
INV 10661	02/02/2021	BURGESS RAWSON (WA) PTY LTD	Water usage Kalannie Railway Station building		108.34	
EFT11656	11/02/2021	DALWALLINU WHEATLAND MOTEL	Meals & Accommodation - Shane Zaknich (16 Dec 2020)	1		184.00
INV 9743692317/12/2020		DALWALLINU WHEATLAND MOTEL	Meals & Accommodation - Shane Zaknich (16 Dec 2020)		184.00	
EFT11657	11/02/2021	AUSTRALIAN COMMUNICATIONS & MEDIA AUTHORITY	Private frequency radio renewals - Licence no's 263777/1 & 263778/1 (used for emergency services purposes)	1		1,045.00
INV 5023106208/12/2020		AUSTRALIAN COMMUNICATIONS & MEDIA AUTHORITY	Private frequency radio renewals - Licence no's 263777/1 & 263778/1 (used for emergency services purposes)		1,045.00	
EFT11658	11/02/2021	KL CARTER & CO	Gravel taken from Carter's Carter road pit	1		5,895.00
INV GRAVEL10/02/2021		KL CARTER & CO	Gravel taken from Carter's Carter road pit, Gravel taken from Carter's Carter road pit		5,895.00	
EFT11659	11/02/2021	OFFICEWORKS	Avery Tubeclip Fastner 100 Pack	1		337.30
INV 1520358022/01/2021		OFFICEWORKS	Avery Tubeclip Fastner 100 Pack, Delivery Fees - Zone 2 Delivery		263.95	



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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
INV 1520013722	01/2021	OFFICEWORKS	J.Burrows Stick-It Notes 38 X 500mm, Keji Clipboard A4 Clear Plastic, J.BurrowsGloss Lever Arch File A\$ 2 Ring Orange, Artline Smoove Ballpoint Pens Black 50 Pack, Otto Tape Dispenser White, J.Burrows Clear Adhesive Tape 18mm X 33m 8Pack, Delivery Fees - Zone 2 Delivery		73.35	
EFT11660	11/02/2021	ST JOHN AMBULANCE DALWALLINU	St John Ambulance memberships collected for the month of January 2021	1		108.00
INV STJOHNJ03	02/2021	ST JOHN AMBULANCE DALWALLINU	St John Ambulance memberships collected for the month of January 2021		108.00	
EFT11661	11/02/2021	SYNERGY	Electricity Usage - Streetlights - 25/12 to 24/1	1		7,487.39
INV 8971045504	01/2021	SYNERGY	Electricity Usage - Lot 504 Salmon Gum Place - 1/9 to 28/10, WA Household Electricity credit applied, Electricity usage - Lot 504 Salmon Gum Place - 29/10 to 30/12		277.02	
INV 2099147004	01/2021	SYNERGY	Electricity Usage - 11B Anderson Way - 1/9 to 28/10, WA Government household electricity credit, Electricity Usage - 11B Anderson Way - 29/10 to 30/12		236.09	
INV 7153362701	02/2021	SYNERGY	Electricity Usage - Streetlights - 25/12 to 24/1		6,449.87	
INV 6177322403	02/2021	SYNERGY	Electricity usage Dalwallinu C/van Park, 28/11 to 31/1		524.41	
EFT11662	11/02/2021	HYDE PARK FARMS	Gravel taken from Hyde's Atkinson Road pit	1		99,575.00
INV GRAVEL10	02/2021	HYDE PARK FARMS	Gravel taken from Hyde's Atkinson Road pit		99,575.00	
EFT11663	11/02/2021	KOTT GUNNING	Settlement Expenses for Lot 1 Bell Street	1		4,304.37
INV 201189	01/02/2021	KOTT GUNNING	Settlement Expenses for Lot 12 Bell Street		855.00	
INV 201203	01/02/2021	KOTT GUNNING	Settlement Expenses for Lot 11 Bell Street		855.00	
INV 201539	01/02/2021	KOTT GUNNING	Settlement Expenses for Lot 8 Bell Street		855.00	
INV 201380	01/02/2021	KOTT GUNNING	Settlement Expenses for Lot 9 Bell Street		855.00	
INV 201272	02/02/2021	KOTT GUNNING	Settlement Expenses for Lot 1 Bell Street		884.37	
EFT11664	11/02/2021	WUBIN PROGRESS ASSOC INC	Sale of 5 Graves in Dalwallinu for January 21	1		22.00
INV 5GRAVE03	02/2021	WUBIN PROGRESS ASSOC INC	Sale of 5 Graves in Dalwallinu for January 21		22.00	

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
EFT11665	11/02/2021	PJ BYWATERS & CO	Road train hire as per tender Dalwallinu Kalannie Rd	1		24,114.75
INV 42471	04/02/2021	PJ BYWATERS & CO	Road train hire as per tender Dalwallinu Kalannie Rd, Road train hire as per tender Pithara East road		24,114.75	
EFT11666	11/02/2021	THE HONDA SHOP	1 x HRU216 self propelled lawn mower	1		3,091.51
INV 195052	18/01/2021	THE HONDA SHOP	1 x HRU216 self propelled lawn mower		1,769.00	
INV 192835	18/01/2021	THE HONDA SHOP	Brush cutter parts as ordered		4.51	
INV 195053	18/01/2021	THE HONDA SHOP	2 x UMK425UUGUT brushcutters		1,318.00	
EFT11667	11/02/2021	SARA MICHELLE ORENSHAW	Rates refund for assessment A32503 29 GRANT STREET DALWALLINU 6609	1		565.37
INV A32503	09/02/2021	SARA MICHELLE ORENSHAW	Rates refund for assessment A32503 29 GRANT STREET DALWALLINU 6609		565.37	
EFT11668	11/02/2021	MAMMOTH EQUIPMENT & EXHAUST PTY LTD	Refund of standpipe swipe card bond #108990 paid 01/02/2021	1		50.00
INV STANDP10	10/02/2021	MAMMOTH EQUIPMENT & EXHAUST PTY LTD	Refund of standpipe swipe card bond #108990 paid 01/02/2021		50.00	
EFT11669	11/02/2021	WESTERN DIAGNOSTIC PATHOLOGY	25 x icup instant test kits - urine	1		966.35
INV 3332708520	01/2021	WESTERN DIAGNOSTIC PATHOLOGY	Urine confirmation testing x 4		314.60	
INV 3336837729	01/2021	WESTERN DIAGNOSTIC PATHOLOGY	25 x icup instant test kits - urine		514.25	
INV 3336841229	01/2021	WESTERN DIAGNOSTIC PATHOLOGY	250 mouth pieces for Draeger 5510		137.50	
EFT11670	11/02/2021	ROWDY'S ELECTRICAL	Repairs to Depot Yard Lights	1		1,444.48
INV INV-006507	09/2020	ROWDY'S ELECTRICAL	Repairs to Depot Yard Lights		865.33	
INV INV-011218	10/2020	ROWDY'S ELECTRICAL	Disconnect pump & connect replacement pump - sewerage lagoon		217.25	
INV INV-019809	01/2021	ROWDY'S ELECTRICAL	Labour to replace oven @ 11B Anderson Way as not working		275.00	
INV INV-020401	02/2021	ROWDY'S ELECTRICAL	Rectify issues with lights not working at Richardson Park		86.90	
EFT11671	11/02/2021	DAVE WATSON CONTRACTING PTY LTD	Create 43 tree risk assessments for Memorial Park	1		2,365.00
INV 0000217509	02/2021	DAVE WATSON CONTRACTING PTY LTD	Create 43 tree risk assessments for Memorial Park		2,365.00	

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
EFT11672	11/02/2021	Ampac Debt Recovery	Debt recovery costs for Jan 21	1		886.53
INV 72317	21/01/2021	Ampac Debt Recovery	Debt recovery costs for Jan 21		5.50	
INV 72812	22/01/2021	Ampac Debt Recovery	Debt recovery costs for Jan 21, Debt recovery costs for Jan 21		881.03	
EFT11673	11/02/2021	Hanks Maintenance And General	General maintenance of Kalannie parks & gardens - Nov 20	1		3,932.50
INV 110	01/02/2021	Hanks Maintenance And General	General maintenance of Kalannie parks & gardens - Nov 20		2,502.50	
INV 111	01/02/2021	Hanks Maintenance And General	General maintenance of Kalannie parks & gardens - Dec 20		1,430.00	
EFT11674	11/02/2021	Toll Transport Pty Ltd	Freight on signs ex Jason Signmakers	1		634.71
INV 0465-S4226/07/2020		Toll Transport Pty Ltd	Freight on works staff uniforms ex Totally Workwear, Freight on stores for w/shop ex JR & A Hersey, Freight on toner ex RBC Rural, Freight on parts for standpipe ex Industrial Automation, Freight on cover for gas fittings @ Rec Ctr, Freight on return library exchanges, Freight on goods ex RBC Rural, Freight on pallet of photocopy paper ex The Paper Co, Freight on signs ex Jason Signmakers, Freight to Western Diagnostic Pathology, Freight on return library exchange		431.09	
INV 0483-S4222/12/2020		Toll Transport Pty Ltd	Freight charges for parts ex Total Eden, Freight charges for new BA cylinder ex Australian Safety Engineers, Freight charges for chemicals for pool		60.45	
INV 0484-S4227/12/2020		Toll Transport Pty Ltd	Freight charges for clenaing products ex Kleen West, Freight charges for bushfire uniforms ex Stewart & Heaton, Freight charges for return library exchange, Freight charges for signs ex Jason Signmakers, Freight charges for signs ex Jason Signmakers		130.85	
INV 0485-S4217/01/2021		Toll Transport Pty Ltd	Freight charges for signs ex Jason Signmakers		12.32	
EFT11675	11/02/2021	Julian Wallis	Refund of squash court key bod paid 14/12/20	1		90.00
INV BONDRE03/02/2021		Julian Wallis	Refund of squash court key bod paid 14/12/20, Refund for return of 4 x squash tokens paid 14/12/20		90.00	
EFT11676	11/02/2021	R n R Auto Electrics	Check & repairs to battery - DL 122 Grader	1		2,013.66
INV 7184	03/02/2021	R n R Auto Electrics	Check & repairs to battery - DL 122 Grader		1,059.08	
INV 7178	03/02/2021	R n R Auto Electrics	Checked & replaced battery in Dynapac roller DL9039		954.58	

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
EFT11677	11/02/2021	Rebecca Jane Wilson	Refund of key & venue bond for Wubin Sports Pavillion paid 6/1/21	1		280.00
INV BONDRE03	02/02/2021	Rebecca Jane Wilson	Refund of key & venue bond for Wubin Sports Pavillion paid 6/1/21		280.00	
EFT11678	11/02/2021	Liberty Plumbing & Gas	Quote 0254 Replace hot water system at Community Arts Centre	1		5,043.50
INV INV-127402	02/02/2021	Liberty Plumbing & Gas	Quote # 0255, Repairs to rectic at Dalwallinu Football Oval, Quote # 0256, Clear sewer main blockage at Dalwallinu Eairly Learning Centre		1,721.50	
INV INV-127602	02/02/2021	Liberty Plumbing & Gas	Repairs to shower coming away from wall at 7 South Street		291.50	
INV INV-127302	02/02/2021	Liberty Plumbing & Gas	Quote 0254 Replace hot water system at Community Arts Centre		1,397.00	
INV INV-127502	02/02/2021	Liberty Plumbing & Gas	Repairs to leaking tank near the windmill at Memorial Park		495.00	
INV INV-127908	02/02/2021	Liberty Plumbing & Gas	Back flow testing, Annetts Rd opposite Wattle close		495.00	
INV INV-128108	02/02/2021	Liberty Plumbing & Gas	Fixing of leak at retic station - Dalwallinu Rec Centre		297.00	
INV INV-128008	02/02/2021	Liberty Plumbing & Gas	Repairs to leaking sink @ 1 South Street		346.50	
EFT11679	11/02/2021	Moore Stephens	Budget workshop for H Jolly on 5 March 2021	1		1,815.00
INV 1673	02/02/2021	Moore Stephens	In person attendance at 2021 FBT workshop 4 March 2020 for Christie Andrews		825.00	
INV 1680	03/02/2021	Moore Stephens	Budget workshop for H Jolly on 5 March 2021		990.00	
EFT11680	11/02/2021	Advanced Traffic Management Wa	Traffic Management Bell Road	1		26,989.05
INV 0014143926	11/2020	Advanced Traffic Management Wa	Traffic Management Bell Road		16,061.10	
INV 0014291427	01/2021	Advanced Traffic Management Wa	Traffic management for installation of boundary signage		10,927.95	
EFT11681	11/02/2021	Wa Contract Ranger Services Pty Ltd	Ranger services 14/1/21	1		841.50
INV 03110	30/01/2021	Wa Contract Ranger Services Pty Ltd	Ranger services 14/1/21		841.50	
EFT11682	11/02/2021	Dalwallinu Foodworks	Bread, sausages & bacon - Australia Day bbq	1		417.55

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INV JAN21	04/02/2021	Dalwallinu Foodworks	Air fresh admin, Milk, coffee beans, tea bags & instant - admin, Diary - Georgia, Mr Muscle oven cleaner, Juice, trays, plastic plates & cutlery - Australia Day bbq, Marg & onions - Australia Day bbq, Bread, sausages & bacon - Australia Day bbq		417.55	
EFT11683	11/02/2021	LinkForce Holdings Pty Ltd	Dig new trench at Dalwallinu refuse site	1		2,574.00
INV 172	04/02/2021	LinkForce Holdings Pty Ltd	Dig new trench at Dalwallinu refuse site		2,574.00	
EFT11684	11/02/2021	Deep Bush Mechanical	Fit hydraulic PTO system to tray on DL515	1		2,837.00
INV 1440	01/02/2021	Deep Bush Mechanical	Fit hydraulic PTO system to tray on DL515		2,837.00	
EFT11685	11/02/2021	Department Of Mines, Industry Regulations And Safety	BSL Levy collected for the month of Jan 21	1		61.65
INV BSLJAN203/02/2021		Department Of Mines, Industry Regulations And Safety	BSL Levy collected for the month of Jan 21		61.65	
EFT11686	11/02/2021	Tractus Australia	Repair front left puncture , supply 4 x 215/65R16c tyres & wheel alignment on DL 194	1		1,045.30
INV 1001298	22/01/2021	Tractus Australia	Repair front left puncture , supply 4 x 215/65R16c tyres & wheel alignment on DL 194,		954.30	
INV 1001294	22/01/2021	Tractus Australia	Puncture repair for DL695 23/12/2020		91.00	
EFT11687	11/02/2021	Geko	Fabricate & fit stablisers to DL 515	1		2,113.76
INV 15385	04/02/2021	Geko	Fabricate & fit stablisers to DL 515		2,113.76	
EFT11688	11/02/2021	RICOH FINANCE	Lease fees for Shire admin printers MPC4504EXSP & MPC6004 - 8/2 to 7/3	1		507.09
INV 312898	11/01/2021	RICOH FINANCE	Lease fees for Shire admin printers MPC4504EXSP & MPC6004 - 8/2 to 7/3, Lease fees for Shire admin printers MPC4504EXSP & MPC6004 - 8/2 to 7/3, Lease fees for Shire admin printers MPC4504EXSP & MPC6004 - 8/2 to 7/3, Lease fees for Shire admin printers MPC4504EXSP & MPC6004 - 8/2 to 7/3		507.09	
EFT11689	11/02/2021	Chris's Contracting	Kalannie Oval Fencing	1		17,769.95
INV A1260	13/01/2021	Chris's Contracting	Kalannie Oval Fencing		17,769.95	

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EFT11690	11/02/2021	Medelect Biomedical Services	Programmed prevnetative maintenace of Defibrillator (Philips) S/N 8629	1		792.00
INV 78653	03/02/2021	Medelect Biomedical Services	Programmed prevnetative maintenace of Defibrillator (Philips) S/N 8629		792.00	
EFT11691	11/02/2021	Nikki Mccuish	Refund of squash key bond paid 30/6/19	1		100.00
INV REFUND04/02/2021		Nikki Mccuish	Refund of squash key bond paid 30/6/19, Refund of returned squash tokens x 6		100.00	
EFT11692	11/02/2021	Joshua Bell	Refund of deposit paid for Lot 6, Bell St, Dalwallinu (Finance not approved)	1		5,000.00
INV REFUND04/02/2021		Joshua Bell	Refund of deposit paid for Lot 6, Bell St, Dalwallinu, (Finance not approved)		5,000.00	
EFT11693	11/02/2021	TELAIR PTY LTD	Shire Admininstration NBN service fee - 1/2 to 28/2	1		430.89
INV TA11981-31/01/2021		TELAIR PTY LTD	Shire Admininstration NBN service fee - 1/2 to 28/2		430.89	
EFT11694	11/02/2021	Three Sons Pty Ltd	Pre-placement medical for Shae Sundstrom 08/02/2021	1		253.00
INV 18215	09/02/2021	Three Sons Pty Ltd	Pre-placement medical for Shae Sundstrom 08/02/2021		253.00	
EFT11695	11/02/2021	RONVER HILLS FARMING CO PTY LTD	Gravel from West's Jackson Rd pit to Buntine Marchagee Rd	1		9,446.80
INV GRAVEL05/02/2021		RONVER HILLS FARMING CO PTY LTD	Gravel from West's Jackson Rd pit to West Rd, Gravel from West's Jackson Rd pit to Buntine Marchagee Rd		9,446.80	
EFT11696	11/02/2021	LANDGATE	Gross rental valuations chargeable, schedule no G 2021/1, dated 12/12 to 8/1	1		313.40
INV 362147-1027/01/2021		LANDGATE	Gross rental valuations chargeable, schedule no G 2021/1, dated 12/12 to 8/1		313.40	
EFT11697	11/02/2021	KALANNIE COMMUNITY RESOURCE CENTRE	Advertising - Kalannie Kapers - Issue 3 & - Bell St & AGM	1		110.00
INV IV00000016/12/2020		KALANNIE COMMUNITY RESOURCE CENTRE	Advertising - Kalannie Kapers - issue 48- intention to dispose Bell St		40.00	
INV IV00000025/01/2021		KALANNIE COMMUNITY RESOURCE CENTRE	Advertising - Kalannie Kapers - Issue 3 & - Bell St & AGM		70.00	
EFT11698	11/02/2021	Child Support Agency	Payroll deductions	1		524.24

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INV DEDUCT05/02/2021		Child Support Agency	Payroll Deduction for Neil Stephen Stalkey 05/02/2021		524.24	
EFT11699	25/02/2021	MOORE CATCHMENT COUNCIL	Annual contribution to Moore Catchment Council	1		500.00
INV 0030077912/02/2021		MOORE CATCHMENT COUNCIL	Annual contribution to Moore Catchment Council		500.00	
EFT11700	25/02/2021	DOUGLAS JAMES PAINTER	Annual lease payment for Kalannie airstrip as per agreement 1299 - 25/2/20 expiring 24/2/2030	1		1,650.00
INV LEASEAD25/02/2021		DOUGLAS JAMES PAINTER	Annual lease payment for Kalannie airstrip as per agreement 1299 - 25/2/20 expiring 24/2/2030		1,650.00	
EFT11701	25/02/2021	KALANNIE PRIMARY SCHOOL	50% school bus subsidy for Kalannie Primary School interm swimming lessons	1		854.95
INV 268	18/02/2021	KALANNIE PRIMARY SCHOOL	50% school bus subsidy for Kalannie Primary School interm swimming lessons		854.95	
EFT11702	25/02/2021	RBC - RURAL	Investigate & repair issue with bypass tray on photocopier C6004	1		132.00
INV 0002882828/01/2021		RBC - RURAL	Investigate & repair issue with bypass tray on photocopier C6004		132.00	
EFT11703	25/02/2021	KLEENHEAT GAS	LPG Bulk delivery to Caravan Park 19/1	1		403.57
INV 2171972219/01/2021		KLEENHEAT GAS	LPG Bulk delivery to Caravan Park 19/1		403.57	
EFT11704	25/02/2021	JR & A HERSEY PTY LTD	Sunscreen	1		170.94
INV 0004576716/02/2021		JR & A HERSEY PTY LTD	NPF Stinger Glove (12), Sunscreen		170.94	
EFT11705	25/02/2021	AVON WASTE	Domestic waste collections for Jan 21	1		15,115.59
INV 0004244631/01/2021		AVON WASTE	Domestic waste collections for Jan 21, Recycling collections for Jan 21, Additional Monday rubbish collections for Jan 21, Commercial rubbish collections for Jan 21, St bins rubbish collections for Jan 21, Bulk recycling rubbish collections for Jan 21, Kerbside recycling rubbish collections for Jan 21, Frontlift recycling rubbish collections for Jan 21		15,115.59	
EFT11706	25/02/2021	TELSTRA	Main admin line, usage to 6/2/21 & rental to 6/3/21	1		3,490.96

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INV 7844693014/02/2021		TELSTRA	Admin line 1 usage to 6/2/21 & rental to 6/3/21, Medical centre usage to 6/2/21 & rental to 6/3/21, Dalwallinu Caravan Park usage to 6/2/21 & rental to 6/3/21, Dalwallinu Aquatic Centre usage to 6/2/21 & rental to 6/3/21, Admin line 4 usage to 6/2/21 & rental to 6/3/21, Visitor Centre usage to 6/2/21 & rental to 6/3/21, Bush Fire radio line usage to 6/2/21 & rental to 6/3/21, Medical Centre usage to 6/2/21 & rental to 6/3/21, Medical Centre usage to 6/2/21 & rental to 6/3/21, Works depot usage to 6/2/21 & rental to 6/3/21, Works depot fax usage to 6/2/21 & rental to 6/3/21, HPT/CTT usage to 6/2/21 & rental to 6/3/21, 6A Cousins Rd, usage to 6/2/21 & rental to 6/3/21, MCS mobile, usage to 6/2/21 & rental to 6/3/21, Manager Works Services mobile, usage to 6/2/21 & rental to 6/3/21, CEO mobile, usage to 6/2/21 & rental to 6/3/21, Cousins Rd pump sim, usage to 6/2/21 & rental to 6/3/21, WS mobile, usage to 6/2/21 & rental to 6/3/21, MRDS mobile, usage to 6/2/21 & rental to 6/3/21, Councillor & office ipdad, usage to 6/2/21 & rental to 6/3/21, Councillor & office ipdad, usage to 6/2/21 & rental to 6/3/21, Admin internet backup line, usage to 6/2/21 & rental to 6/3/21, Rec Ctr line, usage to 6/2/21 & rental to 6/3/21, Gym phone, usage to 6/2/21 & rental to 6/3/21, Admin fax machine, usage to 6/2/21 & rental to 6/3/21, Main admin line, usage to 6/2/21 & rental to 6/3/21, SPMO line, usage to 6/2/21 & rental to 6/3/21, Foundation module - connection, usage to 6/2/21 & rental to 6/3/21, Foundation module - sms, usage to 6/2/21 & rental to 6/3/21, Telstra rounding		3,490.96	
EFT11707	25/02/2021	THE ROYAL LIFE SAVING SOCIETY OF AUSTRALIA	Travel & accommodation cost share Kim Johnson - Code of Practice Safety Assessment Service	1		794.99
INV 132846	19/02/2021	THE ROYAL LIFE SAVING SOCIETY OF AUSTRALIA	Travel & accommodation cost share Kim Johnson - Code of Practice Safety Assessment Service		794.99	
EFT11708	25/02/2021	JENNY'S BAKEHOUSE	Sandwich platter for G Sanderson afternoon tea	1		48.40
INV 1277	31/01/2021	JENNY'S BAKEHOUSE	Sandwich platter for G Sanderson afternoon tea		48.40	
EFT11709	25/02/2021	OFFICEWORKS	Bathurst Racer High Back Chair Black	1		534.25



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INV 1546432804/02/2021		OFFICEWORKS	Bodichек Infrared Contactless Thermometer CT-150B, J.Burrows 15mm Foldback Clips 150 Pack, J.Burrows A4 5 Tab Polypropylene Divider Neon, J.Burrows Manila Folder A4 Buff 100 Pack, J.Burrows Pen Cup Black, Studymate Plastic Fluora Ruler 30cm, Delivery Fee's (ZONE 2 DELIVERY)		196.38	
INV 1565831512/02/2021		OFFICEWORKS	Bathurst Racer High Back Chair Black, Delivery Fees , Large Item Delivery \$49.95,		198.95	
INV 1565840513/02/2021		OFFICEWORKS	Staedler Rasoplast Eraser 2 Pack, GBC Binding Comb 21 Loop Plastic 100 Pack, GBC A4 Binding Covers 200 micron Clear 100 pack, Quill A4 210gsm Board Black 25 Pack, Delivery Fees - Zone 2 Delivery \$5.95		138.92	
EFT11710	25/02/2021	SYNERGY	Electricity Usage - Dalwallinu Sewerage Scheme - 3/12 to 8/2	1		6,733.99
INV 7975433109/02/2021		SYNERGY	Electricity Usage - Dalwallinu Aerodrome - 3/12 to 8/2		165.64	
INV 2936120509/02/2021		SYNERGY	Electricity Usage - FM Radio Transmitter - 3/12 to 8/2		385.53	
INV 9667269109/02/2021		SYNERGY	Electricity Usage - Dalwallinu Sewerage Scheme - 3/12 to 8/2		1,486.71	
INV 1073087110/02/2021		SYNERGY	DDC - Reversed electricity charges for period 10/12 to 12/1, DDC - Electricity charges for 13/1 to 9/2		781.64	
INV 4144813910/02/2021		SYNERGY	Adjusted electricity usage charges - Pithara Sports Pavilion - 8/6/19 to 4/02/20, Combined electricity usage charges - Pithara Sports Pavilion - 5/2 to 2/12, Electricity usage charges - Pithara Sports Pavilion - 3/12/20 to 8/2/21		450.98	
INV 3962659018/02/2021		SYNERGY	Electricity Usage - Shire Administration Centre - 21/1 to 17/2, Electricity Usage - Council Chambers - 21/1 to 7/2		413.59	
INV 9741694018/02/2021		SYNERGY	Electricity Usage - Dalwallinu Squash Courts - 21/1 to 7/2, Electricity Usage - Dalwallinu Sports Club - 21/1 to 7/2, Electricity Usage - Dalwallinu Sports Club Residence - 21/1 to 17/2, Electricity Usage - Dalwallinu Gymnasium - 21/1 to 7/2, Electricity Usage - Dalwallinu Recreation Centre - 21/1 to 7/2, Electricity Usage - Dalwallinu Aquatic Centre - 21/1 to 7/2		3,049.90	
EFT11711	25/02/2021	DALWALLINU NETBALL ASSOCIATION	Refund of key bond paid 11/2/21	1		90.00
INV REFUND23/02/2021		DALWALLINU NETBALL ASSOCIATION	Refund of key bond paid 11/2/21, 50% reimbursement of light hire due to being unable to access		90.00	
EFT11712	25/02/2021	The Workwear Group Pty Ltd	3 x packs of 5 black re-usable face masks for Shire of Dalwallinu	1		304.91

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INV 1284764812/01/2021		The Workwear Group Pty Ltd	Uniforms as selected by Christie Andrews 2020/2021 allowance		84.70	
INV 1284881312/01/2021		The Workwear Group Pty Ltd	Uniforms as selected by Christie Andrews 2020/2021 allowance		84.70	
INV 1284761012/01/2021		The Workwear Group Pty Ltd	Uniforms for 20/21 H Jolly		84.70	
INV 1287206014/01/2021		The Workwear Group Pty Ltd	2 x packs of 5 black re-usable face masks for Shire Administration Office		59.90	
INV 1292947208/02/2021		The Workwear Group Pty Ltd	3 x packs of 5 black re-usable face masks for Shire of Dalwallinu		89.70	
INV 1294836812/02/2021		The Workwear Group Pty Ltd	Credit for overcharge on pack price uniforms for 20/21 H Jolly		-98.79	
EFT11713	25/02/2021	COLLEEN JOAN LITTLE	refund of venue & key bond for Rec Ctr hire 28/1/21	1		490.00
INV BONDRE17/02/2021		COLLEEN JOAN LITTLE	refund of venue & key bond for Rec Ctr hire 28/1/21		490.00	
EFT11714	25/02/2021	ROWDY'S ELECTRICAL	Power to cousins st pump station for blockage problems	1		49.50
INV INV-022520/02/2021		ROWDY'S ELECTRICAL	Power to cousins st pump station for blockage problems		49.50	
EFT11715	25/02/2021	Ampac Debt Recovery	Debt recovery costs for Feb 21	1		933.50
INV 73440	05/02/2021	Ampac Debt Recovery	Debt recovery costs for Feb 21, Debt recovery costs for Feb 21		933.50	
EFT11716	25/02/2021	Bitutek Pty Ltd	14mm reseal as per tender Buntine Marchagee	1		184,777.78
INV 0000598528/01/2021		Bitutek Pty Ltd	14mm reseal as per tender Buntine Marchagee, 14mm reseal as per tender Dalwallinu Kalannie Rd		184,777.78	
EFT11717	25/02/2021	Toll Transport Pty Ltd	Freight charges for employee drug testing - Western Diagnostic	1		90.48
INV 0487-S4207/02/2021		Toll Transport Pty Ltd	Freight charges for employee drug testing - Western Diagnostic, Freight charges for new fire extinguisher - Kalannie townhall, Freight charges for new fire extinguisher - Kalannie Sports Pavillion, Freight charges for new fire extinguisher - Shire admin, Freight charges for new fire extinguisher - Dalwallinu squash club, Freight charges for new fire extinguisher - Works Depot, Freight charges for new fire extinguisher - Dalwallinu Craft shop, Freight charges for new fire extinguisher - DL122, Freight charges for new fire extinguisher - Dalwallinu Aerodrome		90.48	
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EFT11718	25/02/2021	R n R Auto Electrics	Flexi electrical cord for DL 80	1		161.16

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INV 7366	12/02/2021	R n R Auto Electrics	Flexi electrical cord for DL 80		161.16	
EFT11719	25/02/2021	Animal Pest Management Services (Butcher Family Trust)	Corella Control activities 8hrs for 8-12 February 2021	1		968.00
INV A-18245	22/02/2021	Animal Pest Management Services (Butcher Family Trust)	Corella Control activities 8hrs for 8-12 February 2021		968.00	
EFT11720	25/02/2021	Ixom Operations Pty Ltd	Container service fee - pool - Jan 21	1		126.85
INV 6344208	31/01/2021	Ixom Operations Pty Ltd	Container service fee - sewerage scheme - Jan 21, Container service fee - pool - Jan 21		126.85	
EFT11721	25/02/2021	Liberty Plumbing & Gas	Septic Tank installation, materials and earthworks for Buntine Emergency Services Shed	1		13,739.00
INV INV-128509	02/2021	Liberty Plumbing & Gas	Locate clean & clear sewer blockage at Early Learning Centre		330.00	
INV INV-128615	02/2021	Liberty Plumbing & Gas	Unblocking of tree roots in toilet system at Unit 2 Wilfred Thomas lodge		330.00	
INV INV-129116	02/2021	Liberty Plumbing & Gas	Cleaning of pumps at Cousins St station		539.00	
INV INV-127818	02/2021	Liberty Plumbing & Gas	Septic Tank installation, materials and earthworks for Buntine Emergency Services Shed		12,540.00	
EFT11722	25/02/2021	Advanced Traffic Management Wa	Traffic management Pithara East Road	1		15,836.15
INV 0014307831	01/2021	Advanced Traffic Management Wa	Traffic management Pithara East Road		12,939.85	
INV 0014313204	02/2021	Advanced Traffic Management Wa	Traffic management Pithara East Road		2,896.30	
EFT11723	25/02/2021	E Fire & Safety	New fire extinguishers	1		2,788.50
INV 535998	29/01/2021	E Fire & Safety	New fire extinguishers, New fire extinguishers, New fire extinguishers, New fire extinguishers, New fire extinguishers, New fire extinguishers, New fire extinguishers, New fire extinguishers		2,293.50	
INV 536603	31/01/2021	E Fire & Safety	Fire indicator panel testing at Shire Admin building - for Jan '21		495.00	
EFT11724	25/02/2021	Red Dust Holdings Pty Ltd	Plant hire - water truck as per RFQ24	1		128,373.30
INV 0000371431	01/2021	Red Dust Holdings Pty Ltd	Grader hire as per tender, Grader hire as per tender		32,917.50	

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INV 0000371531/01/2021		Red Dust Holdings Pty Ltd	Labour hire - Supervisor as per RFQ24, Plant hire - pump, generator & 4 inch pump as per RFQ24, Plant hire - water truck as per RFQ24, Plant hire - roller as per RFQ24, Labour hire - as per RFQ24, Labour hire - Supervisor - as per RFQ24, Plant hire - water truck - as per RFQ24, Plant hire - roller - as per RFQ24, Labour hire - as per RFQ24		95,455.80	
EFT11725	25/02/2021	Kalannie Sporting & Recreation Club Inc	Donation for Kalannie Wheatstock - Feb 2021 (as per budget)	1		2,000.00
INV IV00000016/02/2021		Kalannie Sporting & Recreation Club Inc	Donation for Kalannie Wheatstock - Feb 2021 (as per budget)		2,000.00	
EFT11726	25/02/2021	Tractus Australia	Repair Two Tyres - 225/70R 17 DL73	1		124.50
INV 1001382	05/02/2021	Tractus Australia	Repair Two Tyres - 225/70R 17 DL73		83.00	
INV 1001414	10/02/2021	Tractus Australia	Repair tyre & balance - DL 275		41.50	
EFT11727	25/02/2021	ARPELS PTY LTD	Re Calibration for Draeger 5510 and return postage	1		132.00
INV 0004233001/02/2021		ARPELS PTY LTD	Re Calibration for Draeger 5510 and return postage		132.00	
EFT11728	25/02/2021	Domain Digital	Multi factor authentication set up for Shire of Dalwallinu	1		6,854.10
INV SLA-P6801/02/2021		Domain Digital	Provision of IT services for Feb 21 tender RFT2019-08, IT services - cloud storage for Feb 21, IT site management for Dalwallinu Recreation Centre - Feb 21, Back-up & disaster recovery software for Dalwallinu Recreation Centre - Feb 21		2,894.10	
INV CW6804217/02/2021		Domain Digital	Multi factor authentication set up for Shire of Dalwallinu		3,960.00	
EFT11729	25/02/2021	Betta Roads Pty Ltd	10 Boxes Polycom	1		37,620.00
INV 0000034411/02/2021		Betta Roads Pty Ltd	10 Boxes Polycom		37,620.00	
EFT11730	25/02/2021	Jean Witheridge	Refund of synergy extended outage payment Jan/Feb 20 as requested	1		240.00
INV REFUND24/02/2021		Jean Witheridge	Refund of synergy extended outage payment Jan/Feb 20 as requested		240.00	
EFT11731	25/02/2021	Poolshop Online Pty Ltd	Calcium Hypochlorite	1		521.40
INV INV-043323/02/2021		Poolshop Online Pty Ltd	Calcium Hypochlorite, Pool Magic Algaecide Winteriser 15L		521.40	

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EFT11732	25/02/2021	JP PROMOTIONS	Bucket Hats - 25 x Black & 25 x White - with emboridery - Size L/XL	1		1,320.00
INV INV221518	18/02/2021	JP PROMOTIONS	Budget Caps - 25 x Black & 25 x White - with embroidery, Bucket Hats - 25 x Black & 25 x White - with emboridery - Size L/XL, Freight		1,320.00	
EFT11733	25/02/2021	Three Sons Pty Ltd	Pre-placement medical for Amy Campbell 19/02/2021	1		192.50
INV 18492	19/02/2021	Three Sons Pty Ltd	Pre-placement medical for Amy Campbell 19/02/2021		192.50	
EFT11734	25/02/2021	Dalwallinu Traders	New toilet system sullivan lodge	1		593.16
INV 360751	13/01/2021	Dalwallinu Traders	Brush & screw - Community Arts building		25.10	
INV 360786	13/01/2021	Dalwallinu Traders	Pipegrip cement & coupling for Aqautic Ctr		14.40	
INV 360792	13/01/2021	Dalwallinu Traders	10L Willow cooler - staff testing		39.00	
INV 360823	14/01/2021	Dalwallinu Traders	Brass male cock hose - Sullivan Lodge		11.75	
INV 360825	14/01/2021	Dalwallinu Traders	Valve cisterninlet Sullivan Lodge		23.00	
INV 360826	14/01/2021	Dalwallinu Traders	9v battery - Wilfred Thomas Lodge		6.20	
INV 360830	14/01/2021	Dalwallinu Traders	New toilet system sullivan lodge		115.65	
INV 360913	15/01/2021	Dalwallinu Traders	Bremick screws & pine - Corella hideouts		49.83	
INV 360936	15/01/2021	Dalwallinu Traders	Pin linch & clothesline - 11B Anderson Way		47.75	
INV 360989	16/01/2021	Dalwallinu Traders	Coupling cat & pvc elbow - Aquatic Centre		8.00	
INV 361064	18/01/2021	Dalwallinu Traders	Wet area silicone - Community Arts building		13.00	
INV 361074	18/01/2021	Dalwallinu Traders	Wet area silicone - Community Arts building		13.00	
INV 361105	19/01/2021	Dalwallinu Traders	Bremick screw treated pine & bit screwdriver - w/shop		21.80	
INV 361302	21/01/2021	Dalwallinu Traders	Orange safety vest - admin		7.30	
INV 361369	21/01/2021	Dalwallinu Traders	Liquid nails - Rec Ctr		14.20	
INV 361663	27/01/2021	Dalwallinu Traders	Cut-off wheel - stores		25.50	
INV 361665	27/01/2021	Dalwallinu Traders	Materials to repair lecturn		20.60	
INV 361670	27/01/2021	Dalwallinu Traders	Fuse wire - sewerage lagoon		3.35	

Date: 02/03/2021  
Time: 4:02:27PM

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
INV 361692	27/01/2021	Dalwallinu Traders	Gas lighter blitzzy - Rec Ctr		22.25	
INV 361719	27/01/2021	Dalwallinu Traders	Chrome mini cistern cock & seat link - 23 Rayner St		97.50	
INV 361746	27/01/2021	Dalwallinu Traders	Utility hooks - admin		5.00	
INV 361913	29/01/2021	Dalwallinu Traders	2 x 10 packs extra wide garbage bags - stores		8.98	
EFT11735	25/02/2021	Fiona Thompson Garden Design	50% deposit on design concept for Dalwallinu Town Hall	1		3,492.50
INV 1138	15/02/2021	Fiona Thompson Garden Design	50% deposit on design concept for Dalwallinu Town Hall		3,492.50	
EFT11736	25/02/2021	O & E Coyle & Son	Gravel taken from Coyle's Welburn Road pit	1		22,575.00
INV GRAVEL18/02/2021		O & E Coyle & Son	Gravel taken from Coyle's Welburn Road pit		22,575.00	
EFT11737	25/02/2021	BOEKEMAN MACHINERY	30,000km Service on DL 194	1		994.21
INV 308947	28/01/2021	BOEKEMAN MACHINERY	30,000km Service on DL 194		536.59	
INV 309064	29/01/2021	BOEKEMAN MACHINERY	30,000km Service for DL 281		457.62	
EFT11738	25/02/2021	Coerco Pty Ltd	Return of key & venue bond for hires 2 & 5th February	1		240.00
INV REFUND18/02/2021		Coerco Pty Ltd	Return of key & venue bond for hires 2 & 5th February		240.00	
EFT11739	25/02/2021	Child Support Agency	Payroll deductions	1		549.69
INV DEDUCT19/02/2021		Child Support Agency	Payroll Deduction for Neil Stephen Stalkey 19/02/2021, Payroll Deduction for Megan Leanne Pipe 19/02/2021		549.69	
EFT11740	25/02/2021	DALWALLINU COMMUNITY RESOURCE CENTRE	Advertising - Totally Locally - 3/2 - notice of AGM & BMO advert	1		10.00
INV 0005810402/02/2021		DALWALLINU COMMUNITY RESOURCE CENTRE	Advertising - Totally Locally - 3/2 - notice of AGM & BMO advert		10.00	

Date: 02/03/2021  
Time: 4:02:27PM

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
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**REPORT TOTALS**

Bank Code	Bank Name	TOTAL
1	Municipal - 536591-4	719,283.50
TOTAL		719,283.50

# DIRECT DEBITS FOR THE MONTH OF FEBRUARY 2021

Chq/EFT	Date	Name	Description	Amount	Bank	Type
DD15958.1	05/02/2021	Aware Super	Superannuation contributions	-8114.23	1	CSH
DD15958.2	05/02/2021	AUSTRALIA SUPER	Payroll deductions	-517.23	1	CSH
DD15958.3	05/02/2021	THE TRUSTEE FOR COLONIAL SUPER RETIREMENT FUND	Payroll deductions	-410.78	1	CSH
DD15958.4	05/02/2021	CBUS	Superannuation contributions	-220.75	1	CSH
DD15958.5	05/02/2021	Local Government Superannuation Scheme	Payroll deductions	-803.83	1	CSH
DD15958.6	05/02/2021	Rest Industry Super	Payroll deductions	-793.25	1	CSH
DD15958.7	05/02/2021	MTAA Super	Superannuation contributions	-54.86	1	CSH
DD15958.8	05/02/2021	M L C Super Fund	Payroll deductions	-356.86	1	CSH
DD15958.9	05/02/2021	AMG Super	Payroll deductions	-571.59	1	CSH
DD15973.1	18/02/2021	BANKWEST	Credit Card Payments for February 2021	-2328.64	1	CSH
6228	14/01/2021	BANKWEST	2 rolls of camouflage netting for corella control	273.10	1	INV
802060	30/01/2021	BANKWEST	Fuel for DL2	52.58	1	INV
97265302	01/02/2021	BANKWEST	Job advert on SEEK for Building Maintenance Officer	302.50	1	INV
124422484	18/01/2021	BANKWEST	Monthly charge for internet at Shire admin building for the period 1/2 to 1/3	129.95	1	INV
115641161	02/02/2021	BANKWEST	Vehicle licence renewal for 1TVL165 boxtop trailer	23.35	1	INV
0055909	15/01/2021	BANKWEST	Parking fee - CEO meeting with LGIS	9.23	1	INV
666686	17/01/2021	BANKWEST	Fuel for DL2	59.68	1	INV
97229427	18/01/2021	BANKWEST	Job advert on SEEK for Executive Assistant	302.50	1	INV
10799203	21/01/2021	BANKWEST	Monthly charge for internet at Dalwallinu Recreation Centre for the period 7/2/21 to 6/3/21	79.00	1	INV
28588454	22/01/2021	BANKWEST	Farewell gift for Emily Dutton	249.00	1	INV
23012	25/01/2021	BANKWEST	1 x scarybird kite & bird xpeller pro for Corella control	749.80	1	INV
340898	26/01/2021	BANKWEST	Monthly on-line subscription to The West Australian & Sunday Times	28.00	1	INV
7032374	27/01/2021	BANKWEST	Power charge for CEO I-pad	69.95	1	INV
DD15974.1	19/02/2021	Aware Super	Superannuation contributions	-7227.42	1	CSH
DD15974.2	19/02/2021	AUSTRALIA SUPER	Payroll deductions	-517.23	1	CSH
DD15974.3	19/02/2021	THE TRUSTEE FOR COLONIAL SUPER RETIREMENT FUND	Payroll deductions	-410.78	1	CSH
DD15974.4	19/02/2021	CBUS	Superannuation contributions	-228.98	1	CSH
DD15974.5	19/02/2021	Local Government Superannuation Scheme	Payroll deductions	-803.83	1	CSH
DD15974.6	19/02/2021	Tasplan Super	Superannuation contributions	-51.29	1	CSH
DD15974.7	19/02/2021	MTAA Super	Superannuation contributions	-185.39	1	CSH
DD15974.8	19/02/2021	M L C Super Fund	Payroll deductions	-417.25	1	CSH
DD15974.9	19/02/2021	PRIME SUPER	Superannuation contributions	-160.99	1	CSH
DD15974.10	19/02/2021	AMG Super	Payroll deductions	-507.64	1	CSH



**REPORT TOTALS**

<b>Bank Code</b>	<b>Bank Name</b>	<b>Description</b>	<b>Total</b>
1	Municipal - 536591-4	Direct Debit Superannuation Payments February 2021	-22,354.18
1	Municipal - 536591-4	Direct Debit Credit Card Payments February 2021	-2,328.64
<b>Total</b>			<b>-24,682.82</b>

## Municipal Account

### Payroll February 2021

05/02/2021	Payroll fortnight ending 05/02/21	\$ 56,408.00
01/02/2021	Payroll fortnight ending 19/02/21	\$ 51,390.00
	TOTAL	<u>\$ 107,798.00</u>

### Bank Fees February 2021

01/02/2021	OBB Transaction Fee (Muni)	\$ 10.95
01/02/2021	Bpay Credit Card Merchant Fee (Muni)	\$ 46.57
01/02/2021	Bpay Transaction Fee (Muni)	\$ 76.80
01/02/2021	Paper Transaction Fee (Muni)	\$ 25.20
01/02/2021	OBB Maintenance Fee (Muni)	\$ 5.00
01/02/2021	OBB Payroll Fee (Muni)	\$ 9.45
01/02/2021	FDMSA Admin Fee (Muni)	\$ 489.71
01/02/2021	OBB Record Fee (Muni)	\$ 5.45
	TOTAL	<u>\$ 669.13</u>

### Direct Debit Payments February 2021

	Superannuation Payments (Pay endings 05/02/2021 & 19/02/2021)	\$ 22,354.18
18/02/2021	Credit Card Payments to Bankwest	\$ 2,328.64
	Payments to Department of Transport Licensing	\$ 130,628.60
	TOTAL	<u>\$ 155,311.42</u>

### 9.3.2 Monthly Financial Statements for February 2021\*

<b>Report Date</b>	23 March 2021
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	FM/9 Financial Reporting
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Hanna Jolly, Manager Corporate Services
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Monthly Statements of Financial Activity, Variance Report, Investments Held and Bank Reconciliations

#### **Purpose of Report**

Council is requested to receive and accept the Financial Reports for the month end 28 February 2021.

#### **Background**

There is a statutory requirement that Financial Reports be recorded in the Minutes of the meeting to which they are presented. The financial Reports, as circulated, give an overview of the current financial position of the Shire and the status of capital income and expenditure.

#### **Consultation**

Nil

#### **Legislative Implications**

##### State

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996 s34(1), s19(1)(2) and s34(2)*

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

#### **Site Inspection**

Site inspection undertaken: Not applicable

#### **Triple Bottom Line Assessment**

##### Economic implications

There are no known significant economic implications associated with this proposal.



### Social implications

There are no known significant social implications associated with this proposal.

### Environmental implications

There are no known significant environmental implications associated with this proposal.

### **Officer Comment**

Financial Reports as at last day of business of the previous month are appended, for the period ending 28 February 2021.

Attached for council's consideration are:

1. Statement of Financial Activity
2. Variance Reports
3. Investments Held
4. Bank Reconciliations

As per Council resolution, all items that have a variance of more than \$10,000 have been noted on the variance reports.

### **Officer Recommendation**

That Council accept the Financial Reports as submitted for the month ending 28 February 2021.

### **Resolution**

#### **MOTION 9685**

Moved           Cr MM Harms  
Seconded       Cr KJ Christian

That Council accept the Financial Reports as submitted for the month ending 28 February 2021.

**CARRIED 8/0**



**SHIRE OF DALWALLINU**  
**MONTHLY FINANCIAL REPORT**  
**(Containing the Statement of Financial Activity)**  
**For the period ending 28 February 2021**

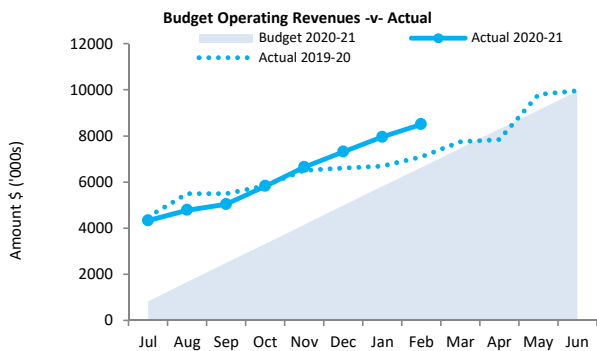
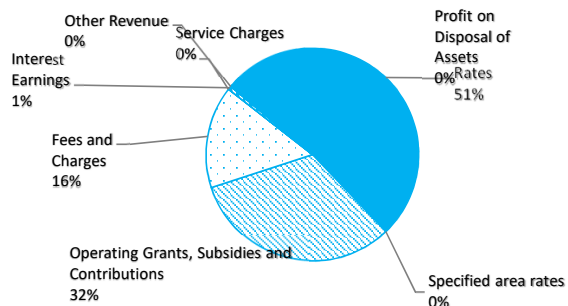
**LOCAL GOVERNMENT ACT 1995**  
**LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996**

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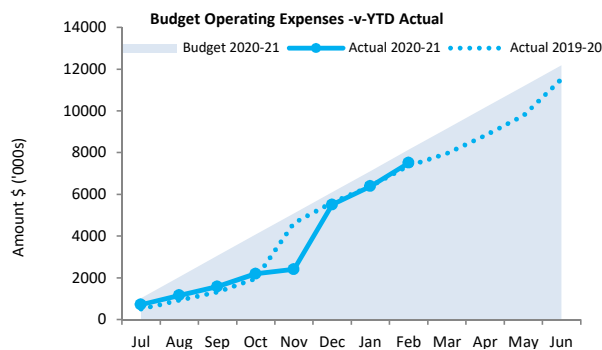
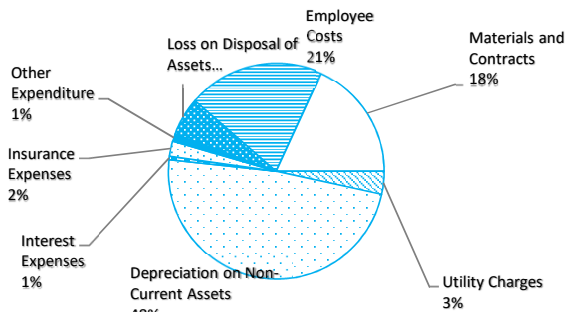
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OPERATING ACTIVITIES

OPERATING REVENUE

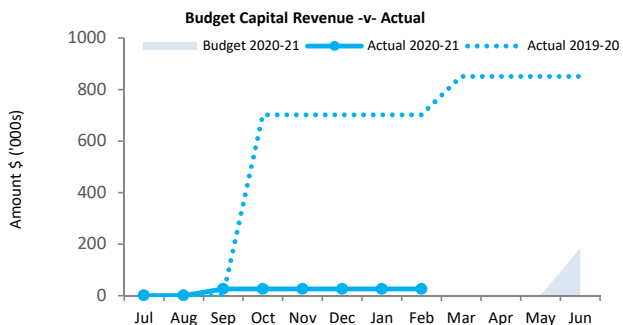


OPERATING EXPENSES

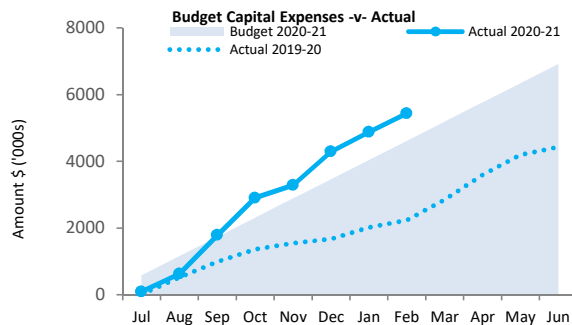


INVESTING ACTIVITIES

CAPITAL REVENUE



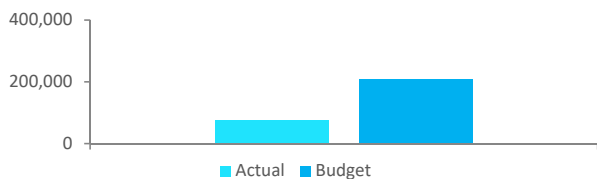
CAPITAL EXPENSES



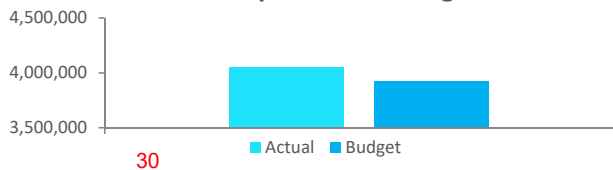
FINANCING ACTIVITIES

BORROWINGS

Principal Repayments

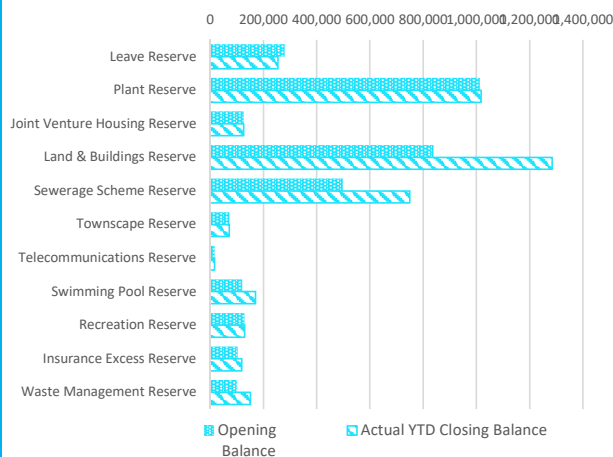


Principal Outstanding



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CASH BACKED RESERVES



Funding surplus / (deficit) Components

Funding surplus / (deficit)				
	Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
Opening	\$2.85 M	\$2.85 M	\$2.85 M	\$0.00 M
Closing	(\$0.02 M)	\$3.24 M	\$3.06 M	(\$0.19 M)

Refer to Statement of Financial Activity

Cash and cash equivalents		
	\$7.47 M	% of total
Unrestricted Cash	\$3.37 M	45.2%
Restricted Cash	\$4.09 M	54.8%

Refer to Note 2 - Cash and Financial Assets

Payables		
	\$0.27 M	% Outstanding
Trade Payables	\$0.19 M	
Over 30 Days		0.6%
Over 90 Days		0.2%

Refer to Note 5 - Payables

Receivables		
	\$0.07 M	% Collected
Rates Receivable	\$0.17 M	94.9%
Trade Receivable	\$0.07 M	
Over 30 Days		26.8%
Over 90 Days		12.4%

Refer to Note 3 - Receivables

Key Operating Activities

Amount attributable to operating activities			
Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
\$0.80 M	\$2.24 M	\$2.90 M	\$0.66 M

Refer to Statement of Financial Activity

Rates Revenue		
YTD Actual	\$3.28 M	% Variance
YTD Budget	\$3.28 M	0.1%

Refer to Note 6 - Rate Revenue

Operating Grants and Contributions		
YTD Actual	\$2.05 M	% Variance
YTD Budget	\$2.07 M	(1.2%)

Refer to Note 13 - Operating Grants and Contributions

Fees and Charges		
YTD Actual	\$0.99 M	% Variance
YTD Budget	\$0.98 M	0.7%

Refer to Statement of Financial Activity

Key Investing Activities

Amount attributable to investing activities			
Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$3.56 M)	(\$2.57 M)	(\$2.60 M)	(\$0.03 M)

Refer to Statement of Financial Activity

Proceeds on sale		
YTD Actual	\$0.71 M	%
Amended Budget	\$0.60 M	18.0%

Refer to Note 7 - Disposal of Assets

Asset Acquisition		
YTD Actual	\$5.44 M	% Spent
Amended Budget	\$7.41 M	(26.5%)

Refer to Note 8 - Capital Acquisition

Capital Grants		
YTD Actual	\$2.13 M	% Received
Amended Budget	\$3.25 M	(34.4%)

Refer to Note 8 - Capital Acquisition

Key Financing Activities

Amount attributable to financing activities			
Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$0.10 M)	\$0.72 M	(\$0.09 M)	(\$0.81 M)

Refer to Statement of Financial Activity

Borrowings		
Principal repayments	\$0.08 M	
Interest expense	\$0.04 M	
Principal due	\$4.05 M	

Refer to Note 9 - Borrowings

Reserves		
Reserves balance	\$4.09 M	
Interest earned	\$0.02 M	

Refer to Note 11 - Cash Reserves

Lease Liability		
Principal repayments	\$0.02 M	
Interest expense	\$0.00 M	
Principal due	\$0.05 M	

Refer to Note 10 - Lease Liabilities

This information is to be read in conjunction with the accompanying Financial Statements and notes.

**KEY TERMS AND DESCRIPTIONS**  
**FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**STATUTORY REPORTING PROGRAMS**

Shire operations as disclosed in these financial statements encompass the following service orientated activities/programs.

**PROGRAM NAME AND OBJECTIVES**

**ACTIVITIES**

**GOVERNANCE**

To provide a decision making process for the efficient allocation of scarce resources.

Includes the activities of members of council and the administrative support available to the council for the provision of governance of the district. Other costs relate to the task of assisting elected members and ratepayers on matters which do not concern specific Shire services.

**GENERAL PURPOSE FUNDING**

To collect revenue to allow for the provision of services.

Rates income & expenditure, Grants commission and Pensioners deferred rates interest.

**LAW, ORDER, PUBLIC SAFETY**

To provide services to help ensure a safer and environmentally conscious community.

Supervision of various by-laws, fire prevention, emergency services and animal control.

**HEALTH**

To provide an operational framework for environmental and community health.

Food quality, pest control, immunisation services and other health.

**EDUCATION AND WELFARE**

To provide services to disadvantaged persons, the elderly, children and youth.

School support, assistance to playgroups, retirements villages and other voluntary services.

**HOUSING**

To provide and maintain employee, non-employee and elderly residents housing.

Provision and maintenance of staff and rental housing.

**COMMUNITY AMENITIES**

To provide services required by the community.

Rubbish collection services, operation of tips, noise control, administration of the town planning scheme, maintenance of cemeteries, maintenance of public conveniences, storm water drainage maintenance, sewerage scheme operation, litter control and roadside furniture.

**RECREATION AND CULTURE**

To establish and effectively manage infrastructure and resource which will help the social well being of the community.

Provision of facilities and support for organisations concerned with leisure time activities and sport, support for performing and creative arts and preservation of the natural estate. This includes maintenance of halls, aquatic centres, recreation and community centres, parks, gardens, sports grounds and operation of libraries.

**TRANSPORT**

To provide safe, effective and efficient transport services to the community.

Construction, maintenance and cleaning of streets, roads, bridges, drainage works, footpaths, parking facilities and traffic signs, cleaning and lighting of streets, depot maintenance and airstrip maintenance.

**ECONOMIC SERVICES**

To help promote the Shire and its economic wellbeing.

The regulation and provision of tourism, area promotion, building control, noxious weed control, vermin control, standpipes and land subdivisions.

**OTHER PROPERTY AND SERVICES**

To monitor and control the shire's overheads and operating accounts.

Private works operation, public works overheads, materials, salaries & wages, plant repairs and operation costs. With the exception of private works, the above activities listed are mainly summaries of costs that are allocated to all the works and services undertaken by Council.



**STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**STATUTORY REPORTING PROGRAMS**

	Ref Note	Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
<b>Opening funding surplus / (deficit)</b>	1(c)	2,850,211	2,850,211	<b>2,850,211</b>	0	0.00%	
<b>Revenue from operating activities</b>							
Governance		300	228	<b>0</b>	(228)	(100.00%)	
General purpose funding - general rates	6	3,275,101	3,275,101	<b>3,278,448</b>	3,347	0.10%	
General purpose funding - other		1,405,076	1,033,941	<b>1,068,632</b>	34,691	3.36%	
Law, order and public safety		515,626	500,957	<b>482,611</b>	(18,346)	(3.66%)	
Health		22,907	15,556	<b>14,178</b>	(1,378)	(8.86%)	
Education and welfare		2,961	1,935	<b>2,372</b>	437	22.58%	
Housing		383,652	282,222	<b>273,179</b>	(9,043)	(3.20%)	
Community amenities		580,338	558,273	<b>539,386</b>	(18,887)	(3.38%)	
Recreation and culture		229,440	205,207	<b>207,968</b>	2,761	1.35%	
Transport		309,606	300,257	<b>302,012</b>	1,755	0.58%	
Economic services		183,559	122,328	<b>115,396</b>	(6,932)	(5.67%)	
Other property and services		135,595	90,614	<b>85,156</b>	(5,458)	(6.02%)	
		<b>7,044,161</b>	<b>6,386,619</b>	<b>6,369,338</b>	(17,281)		
<b>Expenditure from operating activities</b>							
Governance		(773,321)	(422,861)	<b>(397,535)</b>	25,326	5.99%	
General purpose funding		(170,316)	(115,018)	<b>(97,071)</b>	17,947	15.60%	▼
Law, order and public safety		(199,286)	(141,162)	<b>(142,237)</b>	(1,075)	(0.76%)	
Health		(334,905)	(242,749)	<b>(246,796)</b>	(4,047)	(1.67%)	
Education and welfare		(41,832)	(27,509)	<b>(25,074)</b>	2,435	8.85%	
Housing		(443,117)	(332,953)	<b>(238,573)</b>	94,380	28.35%	▼
Community amenities		(849,737)	(590,492)	<b>(509,360)</b>	81,132	13.74%	▼
Recreation and culture		(2,015,439)	(1,374,861)	<b>(1,132,966)</b>	241,895	17.59%	▼
Transport		(6,152,441)	(4,094,549)	<b>(3,815,469)</b>	279,080	6.82%	
Economic services		(534,946)	(369,828)	<b>(334,689)</b>	35,139	9.50%	
Other property and services		(668,825)	(560,154)	<b>(568,313)</b>	(8,159)	(1.46%)	
		<b>(12,184,165)</b>	<b>(8,272,136)</b>	<b>(7,508,083)</b>	764,053		
Non-cash amounts excluded from operating activities	1(a)	5,936,158	4,128,583	<b>4,038,122</b>	(90,461)	(2.19%)	
<b>Amount attributable to operating activities</b>		<b>796,154</b>	<b>2,243,066</b>	<b>2,899,377</b>	656,311		
<b>Investing Activities</b>							
Proceeds from non-operating grants, subsidies and contributions	14	3,245,121	2,660,394	<b>2,127,566</b>	(532,828)	(20.03%)	▼
Proceeds from disposal of assets	7	599,117	461,724	<b>707,226</b>	245,502	53.17%	▲
Payments for property, plant and equipment and infrastructure	8	(7,405,264)	(5,695,348)	<b>(5,439,186)</b>	256,162	4.50%	
<b>Amount attributable to investing activities</b>		<b>(3,561,026)</b>	<b>(2,573,230)</b>	<b>(2,604,394)</b>	(31,164)		
<b>Financing Activities</b>							
Proceeds from new debentures	9	800,000	800,000	<b>800,000</b>	0	0.00%	
Transfer from reserves	11	236,377	0	<b>26,377</b>	26,377	0.00%	▼
Payments for principal portion of lease liabilities	10	(23,053)	(15,538)	<b>(15,538)</b>	0	0.00%	
Repayment of debentures	9	(209,202)	(75,653)	<b>(75,653)</b>	0	0.00%	
Transfer to reserves	11	(904,897)	15,886	<b>(821,489)</b>	(837,374)	5271.18%	
<b>Amount attributable to financing activities</b>		<b>(100,775)</b>	<b>724,695</b>	<b>(86,303)</b>	(810,997)		
<b>Closing funding surplus / (deficit)</b>	1(c)	<b>(15,436)</b>	<b>3,244,742</b>	<b>3,058,891</b>			

**KEY INFORMATION**

▲ ▼ Indicates a variance between Year to Date (YTD) Actual and YTD Actual data as per the adopted materiality threshold. Refer to Note 16 for an explanation of the reasons for the variance.

The material variance adopted by Council for the 2020-21 year is \$10,000 or 10.00% whichever is the greater.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

## KEY TERMS AND DESCRIPTIONS

FOR THE PERIOD ENDED 28 FEBRUARY 2021

### REVENUE

#### RATES

All rates levied under the *Local Government Act 1995*. Includes general, differential, specified area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts and concessions offered. Exclude administration fees, interest on instalments, interest on arrears, service charges and sewerage rates.

#### OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Refers to all amounts received as grants, subsidies and contributions that are not non-operating grants.

#### NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Amounts received specifically for the acquisition, construction of new or the upgrading of identifiable non financial assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.

#### REVENUE FROM CONTRACTS WITH CUSTOMERS

Revenue from contracts with customers is recognised when the local government satisfies its performance obligations under the contract.

#### FEES AND CHARGES

Revenues (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.

#### SERVICE CHARGES

Service charges imposed under *Division 6 of Part 6 of the Local Government Act 1995*. *Regulation 54 of the Local Government (Financial Management) Regulations 1996* identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

#### INTEREST EARNINGS

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

#### OTHER REVENUE / INCOME

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

#### PROFIT ON ASSET DISPOSAL

Excess of assets received over the net book value for assets on their disposal.

## NATURE OR TYPE DESCRIPTIONS

### EXPENSES

#### EMPLOYEE COSTS

All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax, etc.

#### MATERIALS AND CONTRACTS

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.

#### UTILITIES (GAS, ELECTRICITY, WATER, ETC.)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

#### INSURANCE

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

#### LOSS ON ASSET DISPOSAL

Shortfall between the value of assets received over the net book value for assets on their disposal.

#### DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets.

#### INTEREST EXPENSES

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

#### OTHER EXPENDITURE

Statutory fees, taxes, allowance for impairment of assets, member's fees or State taxes. Donations and subsidies made to community groups.

**STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**BY NATURE OR TYPE**

	Ref Note	Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
<b>Opening funding surplus / (deficit)</b>	1(c)	2,850,211	2,850,211	<b>2,850,211</b>	0	0.00%	
<b>Revenue from operating activities</b>							
Rates	6	3,275,101	3,275,101	<b>3,278,448</b>	3,347	0.10%	
Operating grants, subsidies and contributions	13	2,537,825	2,070,574	<b>2,045,778</b>	(24,796)	(1.20%)	
Fees and charges		1,170,884	983,547	<b>990,119</b>	6,572	0.67%	
Interest earnings		37,482	34,564	<b>34,753</b>	189	0.55%	
Other revenue		100	64	<b>106</b>	42	65.63%	
Profit on disposal of assets	7	22,769	22,769	<b>20,133</b>	(2,636)	(11.58%)	
		<b>7,044,161</b>	<b>6,386,619</b>	<b>6,369,337</b>	(17,282)		
<b>Expenditure from operating activities</b>							
Employee costs		(2,490,975)	(1,698,373)	<b>(1,537,135)</b>	161,238	9.49%	
Materials and contracts		(2,765,861)	(1,815,441)	<b>(1,362,037)</b>	453,404	24.97%	▼
Utility charges		(456,278)	(306,865)	<b>(257,358)</b>	49,507	16.13%	▼
Depreciation on non-current assets		(5,534,673)	(3,702,123)	<b>(3,623,940)</b>	78,183	2.11%	
Interest expenses		(142,626)	(65,183)	<b>(42,182)</b>	23,001	35.29%	▼
Insurance expenses		(171,361)	(170,960)	<b>(169,426)</b>	1,534	0.90%	
Other expenditure		(173,162)	(63,962)	<b>(81,689)</b>	(17,727)	(27.71%)	▲
Loss on disposal of assets	7	(449,229)	(449,229)	<b>(434,315)</b>	14,914	3.32%	
		<b>(12,184,165)</b>	<b>(8,272,136)</b>	<b>(7,508,082)</b>	764,054		
Non-cash amounts excluded from operating activities							
	1(a)	5,936,158	4,128,583	<b>4,038,122</b>	(90,461)	(2.19%)	
<b>Amount attributable to operating activities</b>		<b>796,154</b>	<b>2,243,066</b>	<b>2,899,377</b>	656,311		
<b>Investing activities</b>							
Proceeds from non-operating grants, subsidies and contributions	14	3,245,121	2,660,394	<b>2,127,566</b>	(532,828)	(20.03%)	▼
Proceeds from disposal of assets	7	599,117	461,724	<b>707,226</b>	245,502	53.17%	▲
Payments for property, plant and equipment	8	(7,405,264)	(5,695,348)	<b>(5,439,186)</b>	256,162	4.50%	
<b>Amount attributable to investing activities</b>		<b>(3,561,026)</b>	<b>(2,573,230)</b>	<b>(2,604,394)</b>	(31,164)		
<b>Financing Activities</b>							
Proceeds from new debentures	9	800,000	800,000	<b>800,000</b>	0	0.00%	
Transfer from reserves	11	236,377	0	<b>26,377</b>	26,377	0.00%	▲
Payments for principal portion of lease liabilities		(23,053)	(15,538)	<b>(15,538)</b>	0	0.00%	
Repayment of debentures	9	(209,202)	(75,653)	<b>(75,653)</b>	0	0.00%	
Transfer to reserves	11	(904,897)	15,886	<b>(821,489)</b>	(837,374)	5271.18%	
<b>Amount attributable to financing activities</b>		<b>(100,775)</b>	<b>724,695</b>	<b>(86,303)</b>	(810,997)		
<b>Closing funding surplus / (deficit)</b>	1(c)	<b>(15,436)</b>	<b>3,244,742</b>	<b>3,058,891</b>	(185,850)		

**KEY INFORMATION**

▲ ▼ Indicates a <sup>35</sup> variance between Year to Date (YTD) Actual and YTD Actual data as per the adopted materiality threshold.

Refer to Note 16 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

# MONTHLY FINANCIAL REPORT

## FOR THE PERIOD ENDED 28 FEBRUARY 2021

## BASIS OF PREPARATION

### BASIS OF PREPARATION

#### REPORT PURPOSE

This report is prepared to meet the requirements of *Local Government (Financial Management) Regulations 1996*, Regulation 34. Note: The statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of preparation.

#### BASIS OF ACCOUNTING

This statement comprises a special purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board, and the *Local Government Act 1995* and accompanying regulations.

The *Local Government (Financial Management) Regulations 1996* take precedence over Australian Accounting Standards. Regulation 16 prohibits a local government from recognising as assets Crown land that is a public thoroughfare, such as land under roads, and land not owned by but under the control or management of the local government, unless it is a golf course, showground, racecourse or recreational facility of State or regional significance. Consequently, some assets, including land under roads acquired on or after 1 July 2008, have not been recognised in this financial report. This is not in accordance with the requirements of *AASB 1051 Land Under Roads paragraph 15* and *AASB 116 Property, Plant and Equipment paragraph 7*.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

#### PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 12 November 2020

### SIGNIFICANT ACCOUNTING POLICIES

#### CRITICAL ACCOUNTING ESTIMATES

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

#### THE LOCAL GOVERNMENT REPORTING ENTITY

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 15 to these financial statements.

#### GOODS AND SERVICES TAX

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position. Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

#### ROUNDING OFF FIGURES

All figures shown in this statement are rounded to the nearest dollar.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**NOTE 1  
STATEMENT OF FINANCIAL ACTIVITY INFORMATION**

**(a) Non-cash items excluded from operating activities**

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with Financial Management Regulation 32.

	Notes	Amended Budget	YTD Budget (a)	YTD Actual (b)
Non-cash items excluded from operating activities		\$	\$	\$
<b>Adjustments to operating activities</b>				
Less: Profit on asset disposals	7	(22,769)	(22,769)	(20,133)
Less: Movement in liabilities associated with restricted cash		(24,975)		
Add: Loss on asset disposals	7	449,229	449,229	434,315
Add: Depreciation on assets		5,534,673	3,702,123	3,623,940
<b>Total non-cash items excluded from operating activities</b>		<b>5,936,158</b>	<b>4,128,583</b>	<b>4,038,122</b>

**(b) Adjustments to net current assets in the Statement of Financial Activity**

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with *Financial Management Regulation* 32 to agree to the surplus/(deficit) after imposition of general rates.

		Last Year Closing 30 June 2020	This Time Last Year 28 February 2020	Year to Date 28 February 2021
<b>Adjustments to net current assets</b>				
Less: Reserves - restricted cash	11	(3,299,421)	(3,221,348)	(4,094,533)
Less: Provisions		(487,950)		(439,731)
Add: Borrowings	9	134,455		58,803
Add: Provisions - employee	12	487,951	454,171	439,533
Add: Lease liabilities	10	22,789		7,451
Add: Cash backed leave portion		209,381	209,380	209,380
<b>Total adjustments to net current assets</b>		<b>(2,932,795)</b>	<b>(2,557,797)</b>	<b>(3,819,097)</b>

**(c) Net current assets used in the Statement of Financial Activity**

<b>Current assets</b>				
Cash and cash equivalents	2	6,494,103	7,641,826	7,469,525
Rates receivables	3	44,477	183,070	168,842
Receivables	3	269,707	234,374	72,106
Other current assets	4	5,214	10,792	10,832
<b>Less: Current liabilities</b>				
Payables	5	(385,300)	(235,634)	(267,873)
Borrowings	9	(134,455)		(58,803)
Contract liabilities	12	0		(69,657)
Lease liabilities	10	(22,789)	0	(7,451)
Provisions	12	(487,951)	(454,171)	(439,533)
<b>Less: Total adjustments to net current assets</b>	1(b)	<b>(2,932,795)</b>	<b>(2,557,797)</b>	<b>(3,819,097)</b>
<b>Closing funding surplus / (deficit)</b>		<b>2,850,211</b>	<b>4,822,460</b>	<b>3,058,891</b>

**CURRENT AND NON-CURRENT CLASSIFICATION**

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

Description	Classification	Unrestricted \$	Restricted \$	Total Cash \$	Trust \$	Institution	Interest Rate	Maturity Date
<b>Cash on hand</b>								
TelenetSaver Account	Cash and cash equivalents	1,945,009		1,945,009		Bankwest	0.05%	At Call
Municipal Account	Cash and cash equivalents	73,224		73,224		Bankwest	0.00%	At Call
Term Deposit - Municipal Excess	Cash and cash equivalents	1,356,509		1,356,509		Bankwest	0.20%	29/03/2021
Term Deposit - Reserves	Cash and cash equivalents	0	4,094,533	4,094,533		Bankwest	0.28%	19/04/2021
Floats Held	Cash and cash equivalents	250		250		Shire float	0.00%	N/A
<b>Total</b>		<b>3,374,992</b>	<b>4,094,533</b>	<b>7,469,525</b>	<b>0</b>			
<b>Comprising</b>								
Cash and cash equivalents		3,374,992	4,094,533	7,469,525	0			
		<b>3,374,992</b>	<b>4,094,533</b>	<b>7,469,525</b>	<b>0</b>			

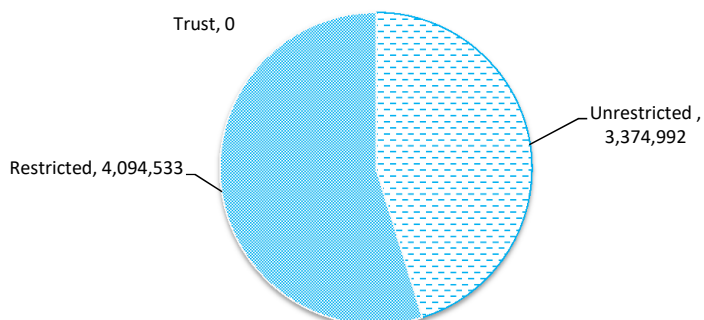
#### KEY INFORMATION

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Other assets.



NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2021

OPERATING ACTIVITIES  
NOTE 3  
RECEIVABLES

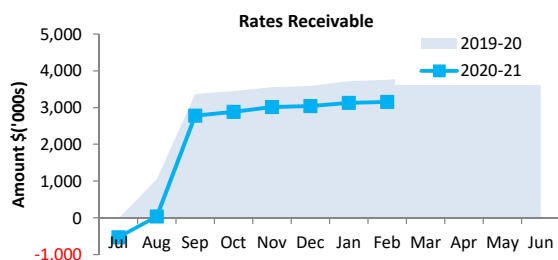
Rates receivable	30 June 2020	28 Feb 2021
	\$	\$
Opening arrears previous years	49,498	44,477
Levied this year	4,010,253	3,278,448
Less - collections to date	(4,015,274)	(3,154,083)
Equals current outstanding	<b>44,477</b>	<b>168,842</b>
<b>Net rates collectable</b>	<b>44,477</b>	<b>168,842</b>
% Collected	98.9%	94.9%

Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	(4,960)	30,374	1,978	3,008	4,315	34,716
Percentage	(14.3%)	87.5%	5.7%	8.7%	12.4%	
<b>Balance per trial balance</b>						
Sundry receivable	(4,960)	30,374	1,978	3,008	4,315	34,716
GST receivable						37,390
<b>Total receivables general outstanding</b>						<b>72,106</b>

Amounts shown above include GST (where applicable)

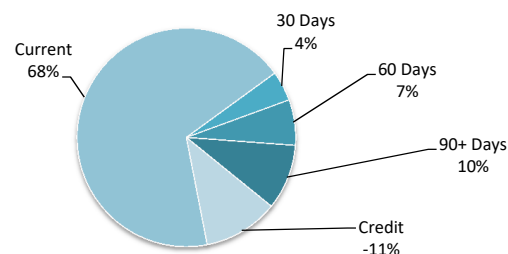
KEY INFORMATION

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for impairment of receivables is raised when there is objective evidence that they will not be collectible.



Credit  
 Current  
 30 Days  
 60 Days  
 90+ Days

**Accounts Receivable (non-rates)**



	Opening Balance 1 July 2020	Asset Increase	Asset Reduction	Closing Balance 28 February 2021
<b>Other current assets</b>	\$	\$	\$	\$
<b>Inventory</b>				
Inventories Fuel & Materials	5,214	5,618		10,832
<b>Total other current assets</b>	<b>5,214</b>	<b>5,618</b>	<b>0</b>	<b>10,832</b>
Amounts shown above include GST (where applicable)				

#### KEY INFORMATION

##### Inventory

Inventories are measured at the lower of cost and net realisable value.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

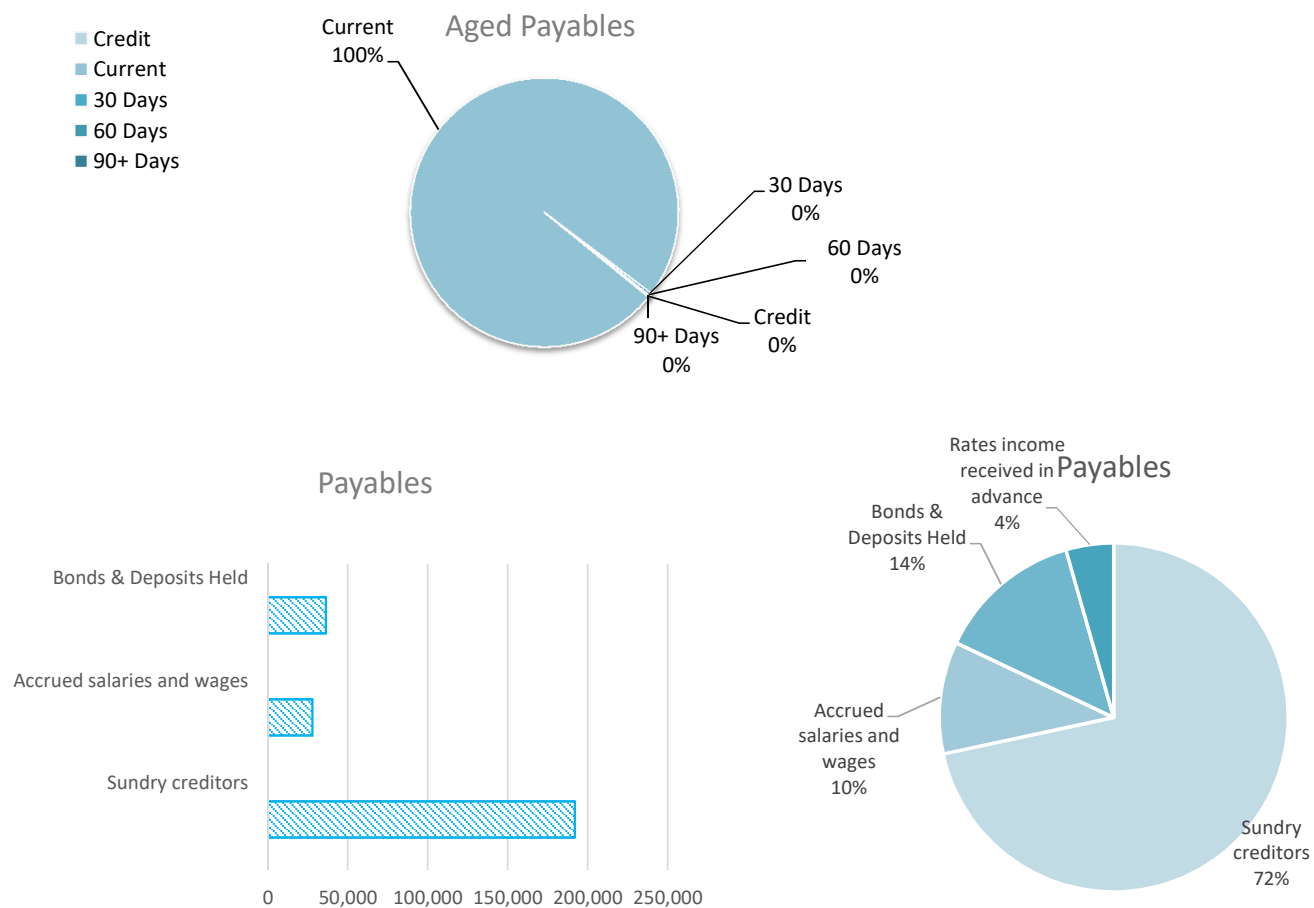


Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	166,551	600	0	330	167,481
Percentage	0%	99.4%	0.4%	0%	0.2%	
<b>Balance per trial balance</b>						
Sundry creditors	0	166,551	600	0	330	191,907
Accrued salaries and wages						27,875
Bonds & Deposits Held						36,250
Rates income received in advance						11,841
<b>Total payables general outstanding</b>						<b>267,873</b>

Amounts shown above include GST (where applicable)

**KEY INFORMATION**

Trade and other payables represent liabilities for goods and services provided to the Shire that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.



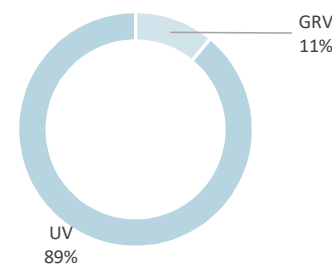
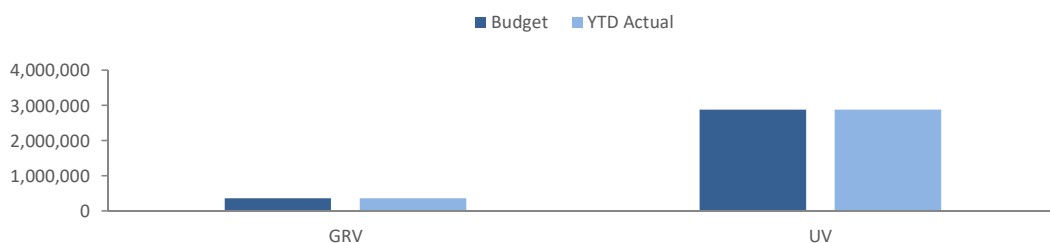
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2021

OPERATING ACTIVITIES  
NOTE 6  
RATE REVENUE

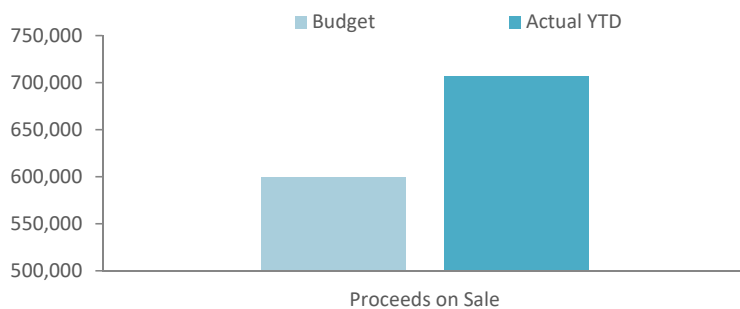
General rate revenue	Budget							YTD Actual			
	Rate in \$ (cents)	Number of Properties	Rateable Value	Rate Revenue	Interim Rate	Back Rate	Total Revenue	Rate Revenue	Interim Rates	Back Rates	Total Revenue
RATE TYPE				\$	\$	\$	\$	\$	\$	\$	\$
<b>Gross rental value</b>											
GRV	0.08975	265	3,928,483	352,581	3,000	10	355,591	352,582	2,679	8	355,269
<b>Unimproved value</b>											
UV	0.01902	362	151,421,500	2,880,037	1,000	0	2,881,037	2,880,037	1,147	0	2,881,184
<b>Sub-Total</b>		<b>627</b>	<b>155,349,983</b>	<b>3,232,618</b>	<b>4,000</b>	<b>10</b>	<b>3,236,628</b>	<b>3,232,619</b>	<b>3,826</b>	<b>8</b>	<b>3,236,453</b>
<b>Minimum payment</b>	<b>Minimum \$</b>										
<b>Gross rental value</b>											
GRV - Dalwallinu	600	129	675,192	77,400	0	0	77,400	77,400	0	0	77,400
GRV - Kalannie	600	36	188,598	21,600	600	0	22,200	22,200	247	0	22,447
GRV - Other Towns	600	82	284,231	49,200	0	0	49,200	49,200	0	0	49,200
<b>Unimproved value</b>											
UV - Rural	700	35	618,778	24,500			24,500	24,500	0	0	24,500
UV - Mining	700	24	140,982	16,800			16,800	16,800	3,275	0	20,075
<b>Sub-total</b>		<b>306</b>	<b>1,907,781</b>	<b>189,500</b>	<b>600</b>	<b>0</b>	<b>190,100</b>	<b>190,100</b>	<b>3,522</b>	<b>0</b>	<b>193,622</b>
Discount							(151,627)				(151,627)
<b>Total general rates</b>							<b>3,275,101</b>				<b>3,278,448</b>

KEY INFORMATION

Prepaid rates are, until the taxable event for the rates has occurred, refundable at the request of the ratepayer. Rates received in advance give rise to a financial liability. On 1 July 2020 the prepaid rates were recognised as a financial asset and a related amount was recognised as a financial liability and no income was recognised. When the taxable event occurs the financial liability is extinguished and income recognised for the prepaid rates that have not been refunded.



Asset Ref.	Asset description	Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	<b>Land</b>								
	Sale of Lot 572 Swyers Ave	69,393	69,393	0	0			0	0
	Sale of 5 Lots Bell Street	709,958	302,500	0	(407,458)	935,576	518,639	0	(416,937)
	<b>Plant and equipment</b>								
	<b>Law, order, public safety</b>								
	Wubin Fire Tender DL379	0	0	0	0	32,000	28,000	0	(4,000)
	<b>Health</b>								
	Ford Territory DL89	12,000	10,000	0	(2,000)	12,000	10,000	0	(2,000)
	<b>Housing</b>								
	Pioneer Place land	69,000	88,769	19,769	0	69,000	88,769	19,769	0
	<b>Transport</b>								
	Mack Granite Truck DL2478	85,000	60,000	0	(25,000)	0	0	0	0
	Iveco Truck DL024	13,362	6,500	0	(6,862)	0	0	0	0
	Trailer Broom	6,364	6,364	0	0	10,000	6,364	0	(3,636)
	Pedestrian Viber Roller	1,700	1,500	0	(200)			0	0
	Utility DL281	26,800	19,091	0	(7,709)	26,833	19,091	0	(7,742)
	<b>Other property and services</b>								
	Ford Everest DL2	32,000	35,000	3,000	0	36,000	36,364	364	0
		<b>1,025,577</b>	<b>599,117</b>	<b>22,769</b>	<b>(449,229)</b>	<b>1,121,409</b>	<b>707,226</b>	<b>20,133</b>	<b>(434,315)</b>



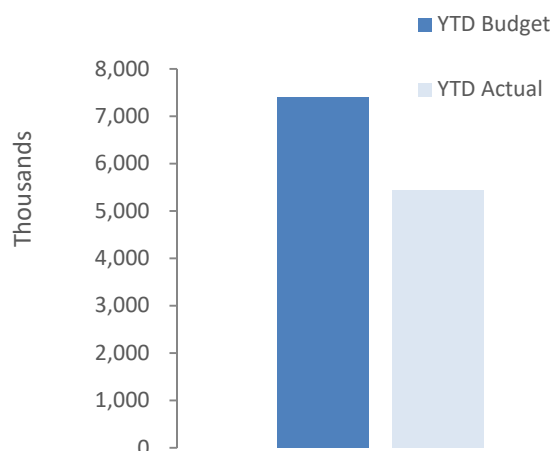
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**INVESTING ACTIVITIES  
NOTE 8  
CAPITAL ACQUISITIONS**

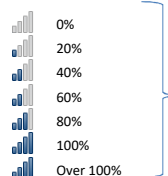
Capital acquisitions	Amended		YTD Actual	YTD Actual Variance
	Budget	YTD Budget		
	\$	\$	\$	\$
Land	1,662,046	1,522,474	1,509,909	(12,565)
Buildings	523,505	423,075	311,044	(112,031)
Furniture and equipment	9,750	9,750	6,722	(3,028)
Plant and equipment	1,034,157	548,419	883,515	335,096
Infrastructure - roads	3,808,677	2,832,356	2,553,140	(279,216)
Infrastructure - Other	316,779	308,924	174,632	(134,292)
Infrastructure - Footpaths	50,350	50,350	224	(50,126)
<b>Payments for Capital Acquisitions</b>	<b>7,405,264</b>	<b>5,695,348</b>	<b>5,439,186</b>	<b>(256,162)</b>
<b>Total Capital Acquisitions</b>	<b>7,405,264</b>	<b>5,695,348</b>	<b>5,439,186</b>	<b>(256,162)</b>
<b>Capital Acquisitions Funded By:</b>				
	\$	\$	\$	\$
Capital grants and contributions	3,245,121	2,660,394	2,127,566	(532,828)
Borrowings	800,000	800,000	800,000	0
Other (disposals & C/Fwd)	599,117	461,724	707,226	245,502
Cash backed reserves				
Leave Reserve	26,377		26,377	26,377
Land & Buildings Reserve	210,000		0	0
Contribution - operations	2,524,649	1,773,230	1,778,017	4,787
<b>Capital funding total</b>	<b>7,405,264</b>	<b>5,695,348</b>	<b>5,439,186</b>	<b>(256,162)</b>

**SIGNIFICANT ACCOUNTING POLICIES**

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.



Capital expenditure total  
Level of completion indicators



Percentage Year to Date Actual to Annual Budget expenditure where the expenditure over budget highlighted in red.

Level of completion indicator, please see table at the end of this note for further detail.

		Amended			
Account Description		Budget	YTD Budget	YTD Actual	Variance (Under)/Over
<b>LAND &amp; BUILDINGS</b>					
E148311	Bell Street Subdivision	1,520,493	1,520,491	1,447,926	72,565
K47	Buntine Emergency Services Building - Capital Upgrade	163,318	163,318	107,270	56,048
K118	Dalwallinu Discovery Centre - Capital Upgrade	49,884	49,884	49,884	(0)
K8	Dalwallinu Town Hall - Capital Upgrade	120,000	0	0	0
K10	Dalwallinu Ablution Block - Capital Upgrade	95,841	95,841	86,421	9,420
K145	Kalannie Park Ablution Block	44,982	44,982	8,394	36,588
E093855	Purchase of 8 Myers Street Land	60,000	(60,000)	0	(60,000)
E135876	Purchase of lot 572 Sawyers Ave, Dalwallinu	61,983	61,983	61,983	(0)
K5	Dalwallinu Recreation Centre - Capital Upgrade	20,000	20,000	6,742	13,258
K85	Kalannie Sports Pavillion - Capital Upgrade	35,000	35,000	38,282	(3,282)
K88	Administration Office - Capital Upgrade	14,050	14,050	14,050	(0)
<b>ROADS</b>					
E121700	Regional Road Group	466,225	226,593	255,531	(28,938)
E121720	Roads To Recovery	892,679	740,382	594,603	145,779
E121735	Wheatbelt Secondary Freight Network	1,398,699	999,090	1,128,270	(129,180)
E121730	Road Program	1,051,074	866,291	574,735	291,556
<b>OTHER INFRASTRUCTURE</b>					
E135875	Fencing for Dams	25,000	25,000	0	25,000
O19	Dalwallinu Cemetery Fencing	14,000	14,000	12,690	1,310
O20	Lighting/Banner Poles - Johnston St, Dalwallinu	20,000	20,000	16,648	3,352
E113876	Precinct of Dalwallinu Recreation Complex & two Lighting T	11,694	11,694	11,694	(0)
O10	Recreation Precinct Car Park Shelter	30,000	30,000	27,840	2,160
O11	Dalwallinu Oval Football Posts	9,500	9,500	11,204	(1,704)
O12	Dalwallinu Recreation Precinct Playground	66,000	66,000	30,204	35,796
O15	Dalwallinu Recreation Precinct Bitumise Car Park	15,750	15,750	123	15,627
O16	Dalwallinu Recreation Precinct Seating	39,305	39,305	29,219	10,086
O17	Kalannie Oval Fencing	30,000	30,000	16,278	13,722
O18	Wubin Playground	10,000	10,000	8,788	1,212
E103844	Sewerage System Upgrade	23,555	15,700	0	15,700
O14	Tourism Seating - Mia Moon & Buntine Rocks	15,000	15,000	9,943	5,057
Z67	Expense of Landscaping sub-division	6,975	6,975	0	6,975
<b>FOOTPATH CONSTRUCTION</b>					
E121740	Footpath Construction	50,350	50,350	224	50,126
<b>PLANT &amp; EQUIPMENT</b>					
E051813	Shire of Dalwallinu Fire Tenders	485,738	485,738	485,738	0
E073835	Doctor Vehicle - DL 89	36,114	36,114	36,114	0
E112844	Capital Expenditure - Plant & Equipment	27,243	27,243	27,243	0
E123841	Sundry Plant	22,315	22,315	21,675	640
E123894	Prime Mover	120,482	120,482	120,482	0
E123826	Excavator (Refuse Site) - Second Hand	150,000	150,000	0	150,000
E123865	Utility - DL24	29,227	29,227	29,227	(0)
E123863	Trailer Broom	50,377	50,377	50,377	(0)
E123837	Ride on Mower	7,398	7,398	7,398	0
E123875	Pedestrian Vibe Roller	16,800	16,800	16,800	0
E123882	Utility - DL281	35,290	35,290	35,289	1
E145801	CEO's Vehicle DL 2	53,173	53,173	53,173	0
<b>FURNITURE &amp; FIXTURES</b>					
E10	Electronic Scoreboard - Dalwallinu Recreation Centre	9,750	9,750	6,722	3,028
		<b>7,405,264</b>	<b>6,181,086</b>	<b>5,439,186</b>	<b>741,900</b>

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**FINANCING ACTIVITIES  
NOTE 9  
BORROWINGS**

**Repayments - borrowings**

Information on borrowings			New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
Particulars	Loan No.	1 July 2020	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Community amenities</b>										
Dalwallinu Sewerage Scheme	64	107,753			17,617	17,617	90,136	90,136	5,321	9,393
<b>Recreation and culture</b>										
Dalwallinu Discovery Centre	157	578,532			29,125	58,584	549,407	519,948	5,651	16,086
Dalwallinu Recreation Centre	159	2,643,455			28,910	58,255	2,614,545	2,585,200	28,572	93,529
<b>Other property and services</b>										
Bell St subdivision	160		800,000	800,000		74,746	800,000	725,254		22,166

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**FINANCING ACTIVITIES  
NOTE 9  
BORROWINGS**

**Repayments - borrowings**

Information on borrowings		New Loans			Principal Repayments		Principal Outstanding		Interest Repayments	
Particulars	Loan No.	1 July 2020	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
C/Fwd Balance		3,329,740	800,000	800,000	75,653	209,202	4,054,088	3,920,538	39,543	141,174
<b>Total</b>		3,329,740	800,000	800,000	75,653	209,202	4,054,088	3,920,538	39,543	141,174
Current borrowings		209,202					58,803			
Non-current borrowings		3,120,538					3,995,285			
		3,329,740					4,054,088			

All debenture repayments were financed by general purpose revenue.

**KEY INFORMATION**

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**FINANCING ACTIVITIES  
NOTE 10  
LEASE LIABILITIES**

**Movement in carrying amounts**

Information on leases		1 July 2020	New Leases		Principal Repayments		Principal Outstanding		Interest Repayments	
Particulars	Lease No.		Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Recreation and culture</b>										
Maia Financial - Gymnasium Equipment	E6N0162493	54,200			13,401	17,852	40,799	36,349	827	1,051
<b>Other property and services</b>										
Ricoh - 2 x photocopiers		14,976			2,137	5,201	12,839	9,775	170	399
<b>Total</b>		69,176	0	0	15,538	23,053	53,638	46,124	997	1,450
Current lease liabilities		22,789					7,451			
Non-current lease liabilities		46,387					46,387			
		69,176					53,838			

All lease repayments were financed by general purpose revenue.

**KEY INFORMATION**

At inception of a contract, the Shire assesses if the contract contains or is a lease. A contract is, or contains, a lease if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration. At the commencement date, a right of use asset is recognised at cost and lease liability at the present value of the lease payments that are not paid at that date. The lease payments are discounted using that date. The lease payments are discounted using the interest rate implicit in the lease, if that rate can be readily determined. If that rate cannot be readily determined, the Shire uses its incremental borrowing rate.

All contracts classified as short-term leases (i.e. a lease with a remaining term of 12 months or less) and leases of low value assets are recognised as an operating expense on a straight-line basis over the term of the lease.



NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2021

OPERATING ACTIVITIES  
NOTE 11  
CASH RESERVES

Cash backed reserve

Reserve name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Leave Reserve	280,414	1,402	1,189	0	0	(26,377)	(26,377)	255,439	255,226
Plant Reserve	1,013,521	5,068	4,537	0	0	0	0	1,018,589	1,018,058
Joint Venture Housing Reserve	126,139	631	117	13,403	0	0	0	140,173	126,256
Land & Buildings Reserve	838,992	4,195	4,647	510,784	441,390	(210,000)	0	1,143,971	1,285,029
Sewerage Scheme Reserve	498,888	2,494	2,233	248,214	248,213	0	0	749,596	749,334
Townscape Reserve	71,667	358	321	0	0	0	0	72,025	71,988
Telecommunications Reserve	16,680	83	522	0	0	0	0	16,763	17,202
Swimming Pool Reserve	120,202	601	664	50,000	50,000	0	0	170,803	170,866
Recreation Reserve	128,806	644	577	0	0	0	0	129,450	129,383
Insurance Excess Reserve	102,896	514	501	16,000	16,000	0	0	119,410	119,397
Waste Management Reserve	101,216	506	579	50,000	50,000	0	0	151,722	151,795
	<b>3,299,421</b>	<b>16,496</b>	<b>15,886</b>	<b>888,401</b>	<b>805,603</b>	<b>(236,377)</b>	<b>(26,377)</b>	<b>3,967,941</b>	<b>4,094,533</b>

KEY INFORMATION

Other current liabilities	Note	Opening Balance 1 July 2020	Liability Increase	Liability Reduction	Closing Balance 28 February 2021
		\$	\$	\$	\$
<b>Contract liabilities</b>					
Unspent grants, contributions and reimbursements					
- non-operating	14	0	2,197,223	(2,127,566)	69,657
<b>Total unspent grants, contributions and reimbursements</b>		0	2,197,223	(2,127,566)	69,657
<b>Provisions</b>					
Annual leave		203,420			203,420
Long service leave		260,726		(48,418)	212,308
Landfill Sites		23,805			23,805
<b>Total Provisions</b>		487,951	0	(48,418)	439,533
<b>Total other current assets</b>		<b>487,951</b>	<b>2,197,223</b>	<b>(2,175,984)</b>	<b>509,190</b>
<b>Amounts shown above include GST (where applicable)</b>					

A breakdown of contract liabilities and associated movements is provided on the following pages at Note 14

#### KEY INFORMATION

##### Provisions

Provisions are recognised when the Shire has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

##### Employee benefits

##### Short-term employee benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

##### Other long-term employee benefits

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

##### Contract liabilities

An entity's obligation to transfer goods or services to a customer for which the entity has received consideration (or the amount is due) from the customer. Grants to acquire or construct recognisable non-financial assets to identified specifications be constructed to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2021

NOTE 13  
OPERATING GRANTS AND CONTRIBUTIONS

Provider	Unspent operating grant, subsidies and contributions liability					Operating grants, subsidies and contributions revenue					
	Liability 1 July 2020	Increase in Liability	Liability Reduction (As revenue)	Liability 28 Feb 2021	Current Liability 28 Feb 2021	Amended Budget Revenue	YTD Budget	Annual Budget	Budget Variations	Expected	YTD Revenue Actual
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Operating grants and subsidies</b>											
<b>General purpose funding</b>											
General Purpose Grant (FAGS)				0		857,400	590,526	857,400		857,400	590,526
Untied Roads Grant (FAGS)				0		642,361	389,289	642,361		642,361	389,289
<b>Law, order, public safety</b>											
DFES Operating Grant				0		25,088	12,544	25,088		25,088	16,726
<b>Community amenities</b>											
LRCIP Grant				0		17,000	17,000	17,000		17,000	(0)
National Australia Day Council Grant				0		0	1,100	0	1,100	1,100	1,100
<b>Recreation and culture</b>											
Bike Plan Grant - Department of Transport				0		12,500	0	12,500		12,500	0
Grants - Library Lotterywest				0		0	0	0		0	5,576
<b>Transport</b>											
Direct Grant - Main Roads				0		281,605	281,605	281,605		281,605	281,605
	0	0	0	0	0	1,835,954	1,292,064	1,835,954	1,100	1,837,054	1,284,822
<b>Operating contributions</b>											
<b>Governance</b>											
Miscellaneous Reimbursements				0		100	64	100		100	0
<b>General purpose funding</b>											
Ex- Gratia Rates				0		40,000	40,000	40,000		40,000	40,641
Collection of Legal Costs				0		16,000	10,660	16,000		16,000	7,895
<b>Law, order, public safety</b>											
Contribution from DFES for new Fire Tender				0		0	485,738		485,738	485,738	457,738
DFES Levy Administration Contribution				0		0	0	0	0	0	4,000
<b>Health</b>											
Miscellaneous Reimbursements				0		21,335	14,220	21,335		21,335	13,178
<b>Education and welfare</b>											
Miscellaneous Reimbursements				0		2,960	1,934	2,960		2,960	2,371
<b>Housing</b>											
Miscellaneous Reimbursements				0		20,943	13,956	20,943		20,943	9,463
<b>Community amenities</b>											
Miscellaneous Reimbursements				0		5,187	2,956	5,187		5,187	2,205

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2021

NOTE 13

OPERATING GRANTS AND CONTRIBUTIONS

Provider	Unspent operating grant, subsidies and contributions liability					Operating grants, subsidies and contributions revenue					
	Liability 1 July 2020	Increase in Liability	Liability Reduction (As revenue)	Liability 28 Feb 2021	Current Liability 28 Feb 2021	Amended Budget Revenue	YTD Budget	Annual Budget	Budget Variations	Expected	YTD Revenue Actual
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Recreation and culture</b>											
Miscellaneous Reimbursements				0		84,090	56,050	27,194	56,896	84,090	85,325
Contribution - Public Open Spaces				0		66,000	39,918	66,000		66,000	39,918
<b>Transport</b>											
Street Lighting Contribution				0		5,500	3,664	5,500		5,500	1,726
Miscellaneous Reimbursements				0		500	328	500		500	213
<b>Economic services</b>											
Miscellaneous Reimbursements				0		60,059	40,028	60,059		60,059	31,959
<b>Other property and services</b>											
Fuel Rebates				0		30,000	19,998	30,000		30,000	23,193
Miscellaneous Reimbursements				0		64,200	48,996	64,200		64,200	41,133
	0	0	0	0	0	416,874	778,510	359,978	542,634	902,612	760,956
<b>TOTALS</b>	0	0	0	0	0	2,252,828	2,070,574	2,195,932	543,734	2,739,666	2,045,778

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2021

NOTE 14  
NON-OPERATING GRANTS AND CONTRIBUTIONS

Provider	Unspent non operating grants, subsidies and contributions liability					Non operating grants, subsidies and contributions revenue		
	Liability 1 July 2020	Increase in Liability	Liability Reduction (As revenue)	Liability 28 Feb 2021	Current Liability 28 Feb 2021	Amended Budget Revenue	YTD Budget	YTD Revenue Actual (b)
	\$	\$	\$	\$	\$	\$	\$	\$
<b>Non-operating grants and subsidies</b>								
<b>Law, order, public safety</b>								
DFES Capital Grant				0		163,318	163,318	0
<b>Community amenities</b>								
LRCIP Grant		65,690	(65,690)	0		174,823	174,823	78,660
<b>Recreation and culture</b>								
LRCIP Grant		24,209	(24,209)	0		160,055	160,055	61,267
<b>Transport</b>								
Regional Road Group Grant		124,326	(124,326)	0	0	310,815	233,109	124,326
Roads to Recovery Grant		664,260	(594,603)	69,657	69,657	723,092	542,319	594,603
Wheatbelt Secondary Freight Network Grant		1,028,682	(1,028,682)	0	0	1,304,986	978,738	1,028,682
LRCIP Grant		290,056	(290,056)	0	0	393,032	393,032	230,107
<b>Economic services</b>								
LRCIP Grant				0		15,000	15,000	9,921
	0	2,197,223	(2,127,566)	69,657	69,657	3,245,121	2,660,394	2,127,566

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**NOTE 15  
TRUST FUND**

Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:

Description	Opening Balance 1 July 2020	Amount Received	Amount Paid	Closing Balance 28 Feb 2021
	\$	\$	\$	\$
Public open spaces - Bell St subdivision	0	39,918	(39,918)	0
	0	39,918	(39,918)	0

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**NOTE 16  
EXPLANATION OF MATERIAL VARIANCES**

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date Actual materially.

The material variance adopted by Council for the 2020-21 year is \$10,000 or 10.00% whichever is the greater.

Reporting Program	Var. \$	Var. %	Timing/ Permanent	Explanation of Variance
	\$	%		
<b>Expenditure from operating activities</b>				
General purpose funding	17,947	15.60%	▼ Timing	Valuation charges less than budgeted YTD
Housing	94,380	28.35%	▼ Timing	Housing maintenance less than budgeted YTD
Community amenities	81,132	13.74%	▼ Timing	Townscape projects less than budgeted YTD and no sewerage consultant expenditure YTD
Recreation and culture	241,895	17.59%	▼ Timing	Parks & Gardens maintenance and consultant cost less than budgeted year to date
<b>Investing activities</b>				
Proceeds from non-operating grants, subsidies and contributions	(532,828)	(20.03%)	▼ Timing	Timing of the grants received
Proceeds from disposal of assets	245,502	53.17%	▲ Timing	Timing of disposal of assets
<b>Financing activities</b>				
Transfer from reserves	26,377	0.00%	▼ Timing	Transfer from leave reserve done earlier than budgeted

# Shire of Dalwallinu

## Bank Reconciliation

### as at 28 February 2021

<b>Balance as per General Ledger as at 1 February 2021</b>				
A910000 - Municipal Fund	62,403.97			
A910001 - Telenet Saver	354,980.26	417,384.23		417,384.23
<b>Add Cash Receipts</b>				
Daily Receipts		1,039,734.17		
BPAY Receipts		44,671.60		
Interest Received		54.92		
Transfer from Reserve funds Term Deposit		1,500,000.00		
				2,584,460.69
				3,001,844.92
<b>Less Cash Payments</b>				
Cheques (35219)		550.00		
EFT Payments - Payroll		107,798.00		
EFT Payments (EFT11646-EFT11740)		719,283.50		
Direct Debit - Credit Card Payments (DD15973.1.1)		2,328.64		
Direct Debit (Superannuation Payments)		22,354.18		
Bank Fees		669.13		
Direct Debit Payment to DoT		130,628.60		
				983,612.05
<b>Balance as per General Ledger as at 28 February 2021</b>				
A910000 - Municipal Fund	73,223.91			
A910001 - Telenet Saver	1,945,008.96			
		2,018,232.87	0.00	2,018,232.87
<b>Add</b>				
<b>Less</b>				
Banking 26/02/21 Banked on 02/03/21				453.75
Eftpos payments 26/02/21 - received 01/03/21				2,521.50
				2,015,257.62
<b>Balance as per Bank Statements as at 28 February 2021</b>				
Muni Cheque Account - 5365914		70,248.66		
Business Telenet Saver - 0373562		1,945,008.96	0.00	2,015,257.62

Prepared by



02/03/2021

Reviewed by



8/3/2021





Bankwest, a division of Commonwealth Bank of Australia  
ABN 48 123 123 124 AFSL / Australian credit licence 234945

Account of SHIRE OF DALWALLINU

## BUSINESS BONUS STATEMENT

BSB: 306-008  
(Bank, State, Branch)  
Account Number 536591-4  
From 20/02/2021  
To 26/02/2021  
Statement Number 4036

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
20/02/2021	OPENING BALANCE			\$51,887.36
22/02/2021	U3Sullivan LEHMANN,RACHAEL ELIZABETH		\$258.00	\$52,145.36
22/02/2021	19/02/2021		\$1,045.40	\$53,190.76
22/02/2021	BILL PAYMENT 1000003008 001 ANZ202102225587096667		\$100.00	\$53,290.76
22/02/2021	BILL PAYMENT 1000128019 001 BWA2021022201000062		\$214.50	\$53,505.26
22/02/2021	BILL PAYMENT 1000003336 001 BWA202102220004176677		\$500.00	\$54,005.26
22/02/2021	Ezidebit 10929845		\$445.14	\$54,450.40
22/02/2021	TRANSPORT DALO20210218	\$1,882.35		\$52,568.05
22/02/2021	FDMSA PAYMENT 42298585164721		\$1,364.40	\$53,932.45
22/02/2021	FDMSA PAYMENT 42298585164721		\$940.01	\$54,872.46
22/02/2021	KIRA TIMMINS 1southstreet1902		\$296.00	\$55,168.46
23/02/2021	CRC DAL		\$264.73	\$55,433.19
23/02/2021	22/02/2021		\$6,305.90	\$61,739.09
23/02/2021	GEKO CR TO AC WALLIS,BRETT NICHOLAS		\$1,760.00	\$63,499.09
23/02/2021	H HUGHES 09:48AM 23Feb Hannah rent 40 leahy		\$316.00	\$63,815.09
23/02/2021	BILL PAYMENT 1000006915 001 BWA202102230001330241		\$50.00	\$63,865.09
23/02/2021	TRANSPORT DALO20210219	\$1,300.55		\$62,564.54
23/02/2021	Main Roads WA 660		\$1,898.62	\$64,463.16
23/02/2021	FDMSA PAYMENT 42298585164721		\$2,013.38	\$66,476.54
24/02/2021	23/02/2021		\$1,549.59	\$68,026.13
24/02/2021	BILL PAYMENT 1000002562 001 ANZ202102242712517505		\$2,551.45	\$70,577.58

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ABN 48 123 123 124 AFSL / Australian credit licence 234945

## BUSINESS BONUS STATEMENT

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
24/02/2021	CREDIT TRANSFER FROM CHERYL MARIE JOHNSON		\$490.00	\$71,067.58
24/02/2021	BILL PAYMENT 1000003381 001 BWA202102240004434849		\$803.57	\$71,871.15
24/02/2021	M FOGARTY 07:27AM 24Feb MFogarty rent 24/2/21		\$195.00	\$72,066.15
24/02/2021	BILL PAYMENT 2000490034 001 BWA202102240004559523		\$1,375.00	\$73,441.15
24/02/2021	CTRLINK CARERS TT0P5954555125968L		\$74.01	\$73,515.16
24/02/2021	BERNADETTE HARME 3 South St		\$300.00	\$73,815.16
24/02/2021	Pexa Settlement Lot 4 Bell St		\$62,209.40	\$136,024.56
24/02/2021	ANDREA SCHNABEL 11aAndersonwayJ803		\$245.00	\$136,269.56
24/02/2021	ANDREA SCHNABEL 11aAndersonwayJ103		\$245.00	\$136,514.56
24/02/2021	EMMA BRYANT Rent Emma Bryant		\$555.00	\$137,069.56
24/02/2021	TRANSPORT DALO20210222	\$6,443.70		\$130,625.86
24/02/2021	FDMSA PAYMENT 42298585164721		\$13,781.09	\$144,406.95
25/02/2021	23/02/21		\$1,133.30	\$145,540.25
25/02/2021	RENT 4 DOWIE		\$460.00	\$146,000.25
25/02/2021	BILL PAYMENT 2000499871 001 ANZ202102258773645226		\$182.12	\$146,182.37
25/02/2021	MISS KAYLA CHRIST 05:17PM 25Feb CREDIT TO ACCOUNT		\$740.00	\$146,922.37
25/02/2021	telenet to muni		\$360,000.00	\$506,922.37
25/02/2021	CREDITORS 25.02.21	\$456,617.83		\$50,304.54
25/02/2021	BRETT WALLIS brett wallis A409		\$30.00	\$50,334.54
25/02/2021	TRANSPORT DALO20210223	\$11,725.40		\$38,609.14
25/02/2021	FDMSA PAYMENT 42298585164721		\$315.15	\$38,924.29
26/02/2021	CREDIT INTEREST		\$1.57	\$38,925.86
26/02/2021	Dallcon Rent		\$215.00	\$39,140.86
26/02/2021	Dallcon Rent		\$300.00	\$39,440.86
26/02/2021	BILL PAYMENT 1000004155 001 CBA202102260144132882		\$80.00	\$39,520.86
26/02/2021	BILL PAYMENT 1000004535 001 CBA202102260143980641		\$40.00	\$39,560.86
26/02/2021	BILL PAYMENT 1000003132 001 NAB202102263025779679		\$35.00	\$39,595.86
26/02/2021	BILL PAYMENT 1000003761 001 NAB202102263025477812		\$50.00	\$39,645.86
26/02/2021	25/02/2021		\$11,066.95	\$50,712.81
26/02/2021	SHI00210029		\$3,612.50	\$54,325.31
26/02/2021	BILL PAYMENT 1000060977 001 ANZ202102264003269994		\$203.75	\$54,529.06
26/02/2021	BILL PAYMENT 1000417096 001 ANZ202102269905859147		\$379.05	\$54,908.11
26/02/2021	BILL PAYMENT 1000422030 001 ANZ202102269905969148		\$377.20	\$55,285.31
26/02/2021	BILL PAYMENT 1000750041 001 ANZ202102269905979147		\$381.15	\$55,666.46

26/02/2021	CREDIT TRANSFER FROM JEAN WITHERIDGE		\$252.00	\$55,918.46
26/02/2021	BILL PAYMENT 1000461152 001 BWA202102260003595426		\$50.00	\$55,968.46
26/02/2021	H HUGHES 03:59PM 26Feb Hannah rent 40 leahy		\$316.00	\$56,284.46
26/02/2021	BILL PAYMENT 1000063103 001 BWA202102260003580640		\$50.00	\$56,334.46
26/02/2021	BILL PAYMENT 2000491349 001 BWA202102260002658288		\$396.00	\$56,730.46
26/02/2021	BILL PAYMENT 2000499941 001 BWA202102260002658589		\$23.96	\$56,754.42
26/02/2021	BILL PAYMENT 2000499941 001 BWA202102260002659130		\$137.33	\$56,891.75
26/02/2021	CHEQUE 035219	\$550.00		\$56,341.75
26/02/2021	JONESLANGLASALLE Payment # 02770022		\$2,976.69	\$59,318.44
26/02/2021	EMMA BRYANT Water Emma Bryant		\$38.37	\$59,356.81
26/02/2021	EMMA BRYANT Water Emma Bryant		\$20.10	\$59,376.91
26/02/2021	TRANSPORT DALO20210224	\$265.15		\$59,111.76
26/02/2021	FDMSA PAYMENT 42298585164721		\$10,524.90	\$69,636.66
26/02/2021	KIRA TIMMINS 1southstreet2602		\$296.00	\$69,932.66
26/02/2021	BENDIGO BANK 46 LEAHY		\$316.00	\$70,248.66
26/02/2021	CLOSING BALANCE			\$70,248.66

**Total Debits: -\$478,784.98**

**Total Credits: \$497,146.28**

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# TRANSACTION SEARCH RESULTS

**Account:** 302-162 0373562  
**Account Nickname:** BUSINESS TELENET SAVER  
**Date** From 01/02/2021 to 28/02/2021  
**Transaction Types** All Transaction Types  
**Opening Balance** \$354,980.26  
**Closing Balance** \$1,945,008.96

BSB NO.	ACCOUNT NO.	TRANSACTION DATE	NARRATION	CHEQUE NO.	DEBIT	CREDIT	ACCOUNT BALANCE
302-162	0373562	25/02/2021	telenet to muni		-\$360,000.00		\$1,945,008.96
302-162	0373562	18/02/2021	Muni to telenet			\$385,000.00	\$2,305,008.96
302-162	0373562	11/02/2021	Muni to telenet			\$125,000.00	\$1,920,008.96
302-162	0373562	04/02/2021	muni to telenet		\$1,440,000.00		\$1,795,008.96
302-162	0373562	01/02/2021	CREDIT INTEREST			\$28.70	\$355,008.96

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# Shire of Dalwallinu

## Trust Bank Reconciliation

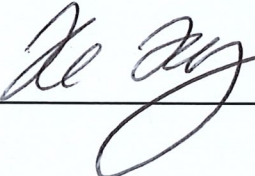
### as at 31 January 2021

<b>Balance as per General Ledger as at 1 January 2021</b> 2T9900000 - Trust Fund	0.00	0.00		0.00
<b>Add Cash Receipts</b>				0.00
<b>Less Cash Payments</b>				0.00
		0.00		0.00
<b>Balance as per General Ledger as at 31 January 2021</b> 2T9900000 - Trust Fund	0.00	0.00	0.00	0.00
<b>Add</b>				
<b>Less</b>				
<b>Balance as per Bank Statements as at 31 January 2021</b> 2T9900000 - Trust Fund		0.00	0.00	0.00

Prepared by

 01/02/2021

Reviewed by

 3/2/2021



Bankwest, a division of Commonwealth Bank of Australia  
ABN 48 123 123 124 AFSL / Australian credit licence 234945

## BUSINESS CHEQUE ACCOUNT STATEMENT

Account of SHIRE OF DALWALLINU

BSB: 306-008  
(Bank, State, Branch)  
Account Number 536593-0  
From 20/02/2021  
To 26/02/2021  
Statement Number 3491

DATE	PARTICULARS	DEBIT	CREDIT	BALANCE
20/02/2021	OPENING BALANCE			\$0.00
26/02/2021	CLOSING BALANCE			\$0.00

Total Debits: \$0.00  
Total Credits: \$0.00

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### 9.3.3 Shire of Dalwallinu Compliance Audit Return\*

<b>Report Date</b>	23 March 2021
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	GO/4 – Compliance Audit Return
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Hanna Jolly, Manager Corporate Services
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Local Government Compliance Audit Return 2020

#### **Purpose of Report**

Council is requested to consider and adopt the Compliance Audit Return (CAR) as presented for the year ended 31 December 2020.

#### **Background**

The Shire is required to carry out an annual audit of statutory compliance in accordance with Regulation 14 of the Local Government (Audit) Regulations 1996. The Department of Local Government, Sports and Cultural Industries distributed a Compliance Audit Return for the period of 1 January 2020 to 31 December 2020 which has been followed to complete the return.

#### **Consultation**

Chief Executive Officer

#### **Legislative Implications**

##### State

*Local Government (Audit) Regulations 1996 s14 and s15*

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

#### **Site Inspection**

Site inspection undertaken: Not applicable

#### **Triple Bottom Line Assessment**

##### Economic implications

There are no known significant economic implications associated with this proposal.



### Social implications

There are no known significant social implications associated with this proposal.

### Environmental implications

There are no known significant environmental implications associated with this proposal.

### **Officer Comment**

Completed Compliance Audit Return for the period 1 January to 31 December 2020 is attached to this item for Council's consideration. No items of non-compliance were identified for the 2020 Compliance Audit Return.

Following Council's adoption, the 2020 Compliance Audit Return must be submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2021.

### **Officer Recommendation**

That Council adopt the Compliance Audit Return for the period 1 January 2020 to 31 December 2020 as reviewed by the Audit Committee on 16 March 2021.

### **Resolution**

#### **MOTION 9686**

Moved           Cr AR Dickins

Seconded       Cr KL Carter

That Council adopt the Compliance Audit Return for the period 1 January 2020 to 31 December 2020 as reviewed by the Audit Committee on 16 March 2021.

**CARRIED 8/0**







## Dalwallinu - Compliance Audit Return 2020

### Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government, Sport and Cultural Industries together with a copy of the relevant minutes.

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2020?	N/A		Hanna Jolly
2	s3.59(2)(b) F&G Regs 7,8,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2020?	N/A	Shire did have major land transaction and there is a business plan adopted by council however it is exempt as per F&G Regs 8 (1)(a)	Hanna Jolly
3	s3.59(2)(c) F&G Regs 7,8,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2020?	N/A		Hanna Jolly
4	s3.59(4)	Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2020?	N/A		Hanna Jolly
5	s3.59(5)	During 2020, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	N/A		Hanna Jolly



<b>Delegation of Power/Duty</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.16	Were all delegations to committees resolved by absolute majority?	N/A		Hanna Jolly
2	s5.16	Were all delegations to committees in writing?	N/A		Hanna Jolly
3	s5.17	Were all delegations to committees within the limits specified in section 5.17?	N/A		Hanna Jolly
4	s5.18	Were all delegations to committees recorded in a register of delegations?	Yes		Hanna Jolly
5	s5.18	Has council reviewed delegations to its committees in the 2019/2020 financial year?	N/A		Hanna Jolly
6	s5.42(1) & s5.43 Admin Reg 18G	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Act?	Yes		Hanna Jolly
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	Yes		Hanna Jolly
8	s5.42(2)	Were all delegations to the CEO in writing?	Yes		Hanna Jolly
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes		Hanna Jolly
10	s5.16(3)(b) & s5.45(1)(b)	Were all decisions by the council to amend or revoke a delegation made by absolute majority?	N/A		Hanna Jolly
11	s5.46(1)	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	Yes		Hanna Jolly
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2019/2020 financial year?	Yes		Hanna Jolly
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Admin Reg 19?	Yes		Hanna Jolly

<b>Disclosure of Interest</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.67	Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	Yes		Hanna Jolly



Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
2	s5.68(2) & s5.69 (5) Admin Reg 21A	Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by Admin Reg 21A, recorded in the minutes of the relevant council or committee meeting?	Yes		Hanna Jolly
3	s5.73	Were disclosures under section sections 5.65, 5.70 or 5.71A(3) recorded in the minutes of the meeting at which the disclosures were made?	Yes		Hanna Jolly
4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	Yes		Hanna Jolly
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2020?	Yes		Hanna Jolly
6	s5.77	On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of having received the return?	Yes		Hanna Jolly
7	s5.88(1) & (2)(a)	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76?	Yes		Hanna Jolly
8	s5.88(1) & (2)(b) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A, in the form prescribed in Admin Reg 28?	Yes		Hanna Jolly
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76, did the CEO remove from the register all returns relating to that person?	Yes		Hanna Jolly
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?	Yes		Hanna Jolly
11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B, in the form prescribed in Admin Reg 28A?	Yes		Hanna Jolly
12	s5.89A(5) & (5A)	Did the CEO publish an up-to-date version of the gift register on the local government's website?	Yes		Hanna Jolly
13	s5.89A(6)	When a person ceases to be a person who is required to make a disclosure under section 5.87A or 5.87B, did the CEO remove from the register all records relating to that person?	Yes		Hanna Jolly



Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A (6) been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	Yes		Hanna Jolly
15	Rules of Conduct Reg 11(1), (2) & (4)	Where a council member had an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person, did they disclose the interest in accordance with Rules of Conduct Reg 11(2)?	Yes		Hanna Jolly
16	Rules of Conduct Reg 11(6)	Where a council member disclosed an interest under Rules of Conduct Reg 11 (2) was the nature of the interest recorded in the minutes?	Yes		Hanna Jolly
17	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?	Yes		Hanna Jolly
18	s5.71A & s5.71B (5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under s5.71A(1) relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?	N/A		Hanna Jolly
19	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under subsection 5.71B(6) recorded in the minutes of the council meeting at which the decision was considered?	N/A		Hanna Jolly
20	s5.103 Admin Regs 34B & 34C	Has the local government adopted a code of conduct in accordance with Admin Regs 34B and 34C to be observed by council members, committee members and employees?	Yes		Hanna Jolly
21	Admin Reg 34B(5)	Has the CEO kept a register of notifiable gifts in accordance with Admin Reg 34B(5)?	Yes		Hanna Jolly

### Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) (unless section 3.58(5) applies)?	Yes		Hanna Jolly
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property?	Yes		Hanna Jolly



<b>Elections</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	Elect Regs 30G(1) & (2)	Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate?	N/A		Hanna Jolly
2	Elect Regs 30G(3) & (4)	Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years?	N/A		Hanna Jolly
3	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with Elect Reg 30G(6)?	N/A		Hanna Jolly

<b>Finance</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act?	N/A	Established in 2019	Hanna Jolly
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority?	N/A		Hanna Jolly
3	s7.3(1) & s7.6(3)	Was the person or persons appointed by the local government to be its auditor appointed by an absolute majority decision of council?	N/A	Auditors appointed by OAG	Hanna Jolly
4	s7.3(3)	Was the person(s) appointed by the local government under s7.3(1) to be its auditor a registered company auditor or an approved auditor?	N/A	Auditors appointed by OAG	Hanna Jolly
5	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2020 received by the local government by 31 December 2020?	Yes	15/12/2020	Hanna Jolly
6	s7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	Yes		Hanna Jolly



Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
7	s7.12A(4)(a)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters?	Yes	15/12/2020 Motion 9665	Hanna Jolly
8	s7.12A(4)(b)	Where the local government was required to prepare a report under s.7.12A(4)(a), was a copy of the report given to the Minister within three months of the audit report being received by the local government?	Yes	Report sent to the Minister 22/1/2021	Hanna Jolly
9	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under s7.12A(4)(b), did the CEO publish a copy of the report on the local government's official website?	Yes		Hanna Jolly
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives and scope of the audit, a plan for the audit, details of the remuneration and expenses paid to the auditor, and the method to be used by the local government to communicate with the auditor?	Yes		Hanna Jolly
11	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June received by the local government within 30 days of completion of the audit?	Yes		Hanna Jolly

### Integrated Planning and Reporting

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 19C	Has the local government adopted by absolute majority a strategic community plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	Adoption: 26/09/2017 Review: Currently undertaking the review	Hanna Jolly
2	Admin Reg 19DA (1) & (4)	Has the local government adopted by absolute majority a corporate business plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	Adoption: 19/12/2017 Review: Currently undertaking the review	Hanna Jolly
3	Admin Reg 19DA (2) & (3)	Does the corporate business plan comply with the requirements of Admin Reg 19DA(2) & (3)?	Yes		Hanna Jolly



<b>Local Government Employees</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	Admin Reg 18C	Did the local government approve a process to be used for the selection and appointment of the CEO before the position of CEO was advertised?	N/A		Hanna Jolly
2	s5.36(4) & s5.37 (3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Admin Reg 18A?	Yes		Hanna Jolly
3	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	N/A	CEO appointed 2016	Hanna Jolly
4	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4)?	N/A	CEO appointed 2016	Hanna Jolly
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	Yes		Hanna Jolly
6	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?	N/A		Hanna Jolly

<b>Official Conduct</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.120	Has the local government designated a senior employee as defined by section 5.37 to be its complaints officer?	No	CEO is the complaints officer	Hanna Jolly
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a)?	Yes		Hanna Jolly
3	s5.121(2)	Does the complaints register include all information required by section 5.121 (2)?	N/A	No complaints received	Hanna Jolly
4	s5.121(3)	Has the CEO published an up-to-date version of the register of the complaints on the local government's official website?	Yes		Hanna Jolly

<b>Optional Questions</b>					
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No	Reference	Question	Response	Comments	Respondent
1	Financial Management Reg 5 (2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with Financial Management Reg 5(2)(c) within the three years prior to 31 December 2020? If yes, please provide the date of council's resolution to accept the report.	Yes	27/08/2019	Hanna Jolly
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Audit Reg 17 within the three years prior to 31 December 2020? If yes, please provide date of council's resolution to accept the report.	Yes	Audit Committee resolution 10/12/2019	Hanna Jolly
3	s5.87C(2)	Where a disclosure was made under sections 5.87A or 5.87B, was the disclosure made within 10 days after receipt of the gift?	N/A		Hanna Jolly
4	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B, did the disclosure include the information required by section 5.87C?	N/A		Hanna Jolly
5	s5.90A(2)	Did the local government prepare and adopt by absolute majority a policy dealing with the attendance of council members and the CEO at events?	Yes		Hanna Jolly
6	s.5.90A(5)	Did the CEO publish an up-to-date version of the attendance at events policy on the local government's official website?	Yes		Hanna Jolly
7	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4)?	Yes		Hanna Jolly
8	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?	Yes		Hanna Jolly
9	s5.127	Did the local government prepare a report on the training completed by council members in the 2019/2020 financial year and publish it on the local government's official website by 31 July 2020?	Yes		Hanna Jolly
10	s6.4(3)	By 30 September 2020, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2020?	Yes		Hanna Jolly





### Tenders for Providing Goods and Services

No	Reference	Question	Response	Comments	Respondent
1	F&G Reg 11A(1) & (3)	Does the local government have a current purchasing policy that complies with F&G Reg 11A(3) in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250,000 or less or worth \$250,000 or less?	Yes		Hanna Jolly
2	F&G Reg 11A(1)	Did the local government comply with its current purchasing policy in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	Yes		Hanna Jolly
3	s3.57 F&G Reg 11	Subject to F&G Reg 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in F&G Reg 11(1)?	Yes		Hanna Jolly
4	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with F&G Reg 14(3) and (4)?	Yes		Hanna Jolly
5	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than a single contract?	N/A		Hanna Jolly
6	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer notice of the variation?	Yes		Hanna Jolly
7	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Regs 15 and 16?	Yes		Hanna Jolly
8	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	Yes		Hanna Jolly
9	F&G Reg 18(1)	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	No		Hanna Jolly



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No	Reference	Question	Response	Comments	Respondent
10	F&G Reg 18(4)	Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?	Yes		Hanna Jolly
11	F&G Reg 19	Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?	Yes		Hanna Jolly
12	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of F&G Regs 21 and 22?	Yes		Hanna Jolly
13	F&G Reg 23(1) & (2)	Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?	N/A		Hanna Jolly
14	F&G Reg 23(3)	Were all expressions of interest that were not rejected assessed by the local government?	N/A		Hanna Jolly
15	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services as an acceptable tenderer?	N/A		Hanna Jolly
16	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with F&G Reg 24?	N/A		Hanna Jolly
17	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with F&G Reg 24AD(4) and 24AE?	N/A		Hanna Jolly
18	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?	N/A		Hanna Jolly
19	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application?	N/A		Hanna Jolly
20	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of F&G Reg 24AG?	N/A		Hanna Jolly



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No	Reference	Question	Response	Comments	Respondent
21	F&G Reg 24AH(1)	Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?	N/A		Hanna Jolly
22	F&G Reg 24AH(3)	Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept?	N/A		Hanna Jolly
23	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	N/A		Hanna Jolly
24	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of F&G Regs 24E and 24F?	Yes		Hanna Jolly

I certify this Compliance Audit Return has been adopted by council at its meeting on \_\_\_\_\_

\_\_\_\_\_  
Signed Mayor/President, Dalwallinu

\_\_\_\_\_  
Signed CEO, Dalwallinu

## 9.4 CHIEF EXECUTIVE OFFICER

### 9.4.1 Review of Delegated Authority Register\*

<b>Report Date</b>	23 March 2021
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	GO/21 – Governance - Delegations
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	Updated Delegated Authority Register

#### **Purpose of Report**

Council is requested to endorse the updated Delegated Authority Register for the 2020-2021 financial year.

#### **Background**

In accordance with Section 5.46 of the *Local Government Act 1995*, delegations are to be reviewed at least once every financial year. The 2019-2020 review was presented to Council in March 2020.

The Senior Management Team have undertaken a review of the Delegated Authority Register and the 2021 register is now presented to Council for review and endorsement.

#### **Consultation**

Senior Management Team

#### **Legislative Implications**

##### State

*Local Government Act 1995 – section 5.46*

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

#### **Site Inspection**

Site inspection undertaken: Not applicable

#### **Triple Bottom Line Assessment**

##### Economic implications

There are no known significant economic implications associated with this proposal.



### Social implications

There are no known significant social implications associated with this proposal.

### Environmental implications

There are no known significant environmental implications associated with this proposal.

### **Officer Comment**

The existing Delegated Authority Register has been reviewed and any amendments made are listed below:

Delegation #	Comment
1001	Deleted – Replaced by new Policy 1.19
6005	Included new delegation relating to Council's Sea Container Policy – LPP8
7001	Removed Manager Planning & Development as CEO cannot on-delegate
9001	Added MPDS to Officers that the CEO can on- delegate to

It is to be noted that any reference to the Deputy Chief Executive Officer has been removed throughout the document.

### **Officer Recommendation**

That Council endorse the Delegated Authority Register 2021 as attached.

### **Resolution**

#### **MOTION 9687**

Moved Cr KM McNeill

Seconded Cr KJ Christian

That Council endorse the Delegated Authority Register 2021 as attached.

**CARRIED BY ABSOLUTE MAJORITY 8/0**



# DELEGATED AUTHORITY REGISTER

## DOCUMENT CONTROL

DOCUMENT CONTROL			
Version	Approved by		Date
	Name	Title/Resolution	
1	Council	Register of Delegations (Annual Review)	27 October 2015
2	Council	Register of Delegations (Annual Review)	28 March 2017
3	Council	Register of Delegations (Annual Review)	27 March 2018
4	Council	Register of Delegations (Annual Review)	26 March 2019
5	Council	Register of Delegations (Annual Review)	24 March 2020

AMENDMENTS		
Document Version	Date of Amendment	Amendment details
1	27 October 2015	Review - 27 October 2015
2	28 March 2017	Review - 28 March 2017 (M8798)
3	27 March 2018	Added 2012 Gravel Royalties 27 March 2018 (M9128)
3	27 March 2018	Amended 3001 – Addition of Manager of Works & Services and Manager Planning & Development Services 27 March 2018 (M9128)
3	27 March 2018	Added 9002 Collection of Native Flora 27 March 2018 (M9128)
4	26 March 2019	Amended 3005 - Ordering Thresholds (M9343) – <i>“Removed ordering threshold for Mechanic”</i>
4	26 March 2019	Added 3007 – Debt write Offs (M9343)
5	24 March 2020	Review – 24 March 2020 (M9524)



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## INTRODUCTION

### **Purpose of Delegating Authority**

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the Shire's commitment to a strong customer service focus. The register details the related document(s) where the power to delegate is derived from, including legislation and policies of the Council. This enables easier cross-referencing. This delegated authority register will be reviewed in accordance with the **Local Government Act 1995** (the Act) on an annual basis. The coordination of the review will be performed by the Chief Executive Officer.

### **Legislation**

The **Local Government Act 1995** allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act, except those listed in section 5.43. All delegations made by the Council must be by absolute decision [section 5.42(1)].

### **Associated legislation**

Legislation other than the Act, its regulations and the local government's local laws created under the Act where delegations or authorisations may occur are as follows:

- Planning and Development Act 2005 including regulations and adopted policies
- Dog Act 1976 and regulations
- Bush Fires Act 1954 regulations and local laws created under that Act)
- Health Act 1911 (as amended) regulations and local law created under that Act
- Freedom of Information Act 1992
- Land Administration Act 1997 as amended and regulations
- Litter Act 1979 and regulations
- Local Government (Miscellaneous Provision) Act 1960 as amended
- Caravan Parks and Camping Grounds Act 1995
- Control of Vehicles (Off-Road Areas) Act 1978 and regulations
- Strata Titles Act 1985
- Food Act 2008
- Environmental Protection Act 2005
- Building Act 2011

*Note - this is not an exhaustive list*

### **Delegation by the Chief Executive Officer**

The Act allows for the Chief Executive Officer to delegate any of the powers to another employee [Section 5.44 (1)]. This must be done in writing [Section 5.44 (2)]. The Act allows for the Chief Executive Officer to place conditions on any delegations if desired [Section 5.44 (4)].

A register of delegations relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year [Section 5.46 (1) and (2)]. If a person is exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is used [Section 5.46 (3)].

The record is to contain the following information:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than Council or committee members or employees of the local government, directly affected by the exercise of the power of the discharge of the duty [**Local Government (Administration) Regulations 1996, regulation 19**].
- Service unit's responsible for a work process are to ensure that data is captured and recorded managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation. This includes recording of delegated authority of the Chief Executive Officer where applicable, once approved through a signed authority by the Chief Executive Officer.
- A person to whom a power is delegated under the Act is considered to be a 'designated employee' under S.5.74(b) of the Act and is required to complete a primary and annual return each year.
- There is no power for a person other than the Chief Executive Officer to delegate a power [Section 5.44 (1)].

**Acting through another person**

**Local Government Act 1995 - section 5.45 (2)**

Nothing in this Division (Division 4 - Local Government Employees) is to be read as preventing:

- (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
- (b) *a CEO from performing any of his or her functions by acting through another person.*

The key difference between a delegation and "acting through" is that a delegated exercises the delegated decision making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the "acting through" concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

The difference between a delegated authority to exercise discretion on behalf of the Shire and acting through another person to undertake a function on behalf of the Shire where not discretion exists is reinforced by *Section 56* of the **Interpretation Act 1984** which states:

56. *"May" imports a discretion, "shall" is imperative*
- (1) *Where in a written law the word "may" is used in conferring a power, such word shall be interpreted to imply that the power so conferred may be exercised or not, at discretion.*
  - (2) *Where in a written law the word "shall" is used in conferring a function, such word shall be interpreted to mean that the function so conferred must be performed.*

## 1000 ADMINISTRATION

### 1001 ACTING CHIEF EXECUTIVE OFFICER

**Objective of Delegation:** Appointment of an Acting Chief Executive Officer.

**Extent of Delegation:** The authority to appoint an Acting Chief Executive Officer during periods of absence.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	On making any appointment under this delegation the Chief Executive Officer shall inform the Council of the details of the appointment. Recorded in central records system (Personnel file)
<b>Heads of Power:</b>	◆ <del>Local Government Act 1995 – Section 5.39, 5.42</del>
<b>Last Reviewed:</b>	27 October 2015 (formally Delegation A05) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)



**1002 NATIVE TITLE**

<b>Objective of Delegation:</b>	To register an interest in any native title claim.
<b>Extent of Delegation:</b>	The power to register an interest in any native title claim affecting the Shire in order for Council to have sufficient interest to become a party to the native title application.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42</i></b></li> <li>• <b><i>Native Title (State Provisions) Act 1999</i></b></li> </ul>
<b>Last Reviewed:</b>	27 October 2015 (formally Delegation A02) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

### 1003 REMOVE AND IMPOUND GOODS

<b>Objective of Delegation:</b>	To remove and impound goods.
<b>Extent of Delegation:</b>	The power to remove and impound goods from a public place if the goods present a hazard to public safety or they obstruct the lawful use of any place.
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Deputy Chief Executive Officer</del> /Manager Corporate Services Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42,5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation A03) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

**1004 SALE OF IMPOUNDED GOODS**

- Objective of Delegation:** To expedite the disposal of any vehicles, animals or goods.
- Extent of Delegation:** The power to sell or otherwise dispose of impounded/confiscated/seized goods.
- Conditions imposed:**
1. Any goods confiscated may be sold by public auction or after calling public tenders as per Part 4 of the *Local Government (Functions & General) Regulations 1996*.
  2. The Chief Executive Officer is authorised to accept any tender up to the value of \$2,000. Tenders for amounts exceeding \$2,000 shall be referred to Council for consideration.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Deputy Chief Executive Officer</del> /Manager Corporate Services
<b>Formal Record:</b>	Receipt of payment Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 3.47, 3.58, 5.42, 5.44</b></li> <li>• <b>Local Government (Functions &amp; General) Regulations 1996</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation A04) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)



## 1005 NOTICES TO OWNERS AND OCCUPIERS OF LAND AND POWER OF ENTRY

**Objective of Delegation:** To exercise all of the powers and duties of the local government in respect to the powers of entry upon land.

**Extent of Delegation:** The power to authorise a person to issue and enforce owners or occupiers to do anything prescribed in Schedule 3.1 - Powers under Notices to Owners and Occupiers of Land and the Powers of Entry as per Part 3 Division 3 Sub Division 3 of the *Local Government Act 1995*.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Deputy Chief Executive Officer/</del> Manager Corporate Services Manager Planning & Development Services Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b><i>Local Government Act 1995 - Section 3.28 – 3.36, 5.42 and 5.44</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation A06) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 1006 TENDERS / QUOTATIONS

- Objective of Delegation:** To expedite the calling of quotations and tenders.
- Extent of Delegation:** The power to:
- make the decision to invite quotations and tenders for goods and services;
  - call quotations and tenders before the Shire enters into a contract of a prescribed kind;
  - accept a quotation where the consideration is less than \$150,000
- Conditions Imposed:**
- All decisions to call for quotations or tenders for goods or services must relate to a proposal that is specifically authorised in the budget or by a specific Council decision.
  - The Chief Executive Officer must be satisfied before making the decision to call for quotations or tenders that an appropriate specification and information package is available and that there are appropriate assessment criteria specified.
  - That the process is conducted fairly and impartially and in strict compliance with the *Local Government Act 1995* and the associated regulations, and any appropriate Council policy, direction or guidelines.
  - That any decision to accept a quotation or tender is made fairly, impartially and based upon a proper assessment of the stipulated criteria, and that represents the best value for the Shire.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b><i>Local Government Act 1995 - Section 3.57, 5.42, 5.44</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally part of Delegation A01) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 1007 ENTERING INTO CONTRACTS

<b>Objective of Delegation:</b>	To enter into contracts on behalf of the Shire of Dalwallinu.
<b>Extent of Delegation:</b>	<p>The administrative duty to prepare the necessary documentation to execute documents taking into account any specific policy requirements of Council where:</p> <ul style="list-style-type: none"> <li>• The Council has authorised entering into a formal contract; or</li> <li>• A formal contract is considered necessary by the Chief Executive Officer as part of the day to day operation of the Council and where the consideration under the contract is less than \$150,000.</li> </ul>
<b>Conditions Imposed:</b>	All contracts where the consideration is greater than \$150,000 must be subject to specific authorisation of the Council.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 - Section 5.42</i></b></li> </ul>
<b>Last Reviewed:</b>	<p>New delegation 28 March 2017 (M8798)  27 March 2018 (M9128)  26 March 2019 (M9343)  24 March 2020 (M9524)</p>

## 1008 WESTERN AUSTRALIAN TREASURY CORPORATION BORROWINGS

**Objective of Delegation:** To sign documents in relation to borrowings for the Shire of Dalwallinu.

**Extent of Delegation:** To sign schedule documents under the Master Lending Agreement and give instructions to Western Australian Treasury Corporation on behalf of the Shire of Dalwallinu.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b><i>Local Government Act 1995 - Section 5.42, 9.49A(4)</i></b></li> </ul>
<b>Last Reviewed:</b>	New delegation (OCM 22 April 2014) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 1009 APPOINTMENT OF AUTHORISED OFFICERS

**Objective of Delegation:** To expedite the appointment of authorised officers.

**Extent of Delegation:** The power to appoint authorised officers/persons to enforce local laws of the Shire made in accordance with the *Local Government Act 1995* and the following Acts (including their relevant regulations):

- *Bush Fires Act 1954*
- *Cemeteries Act 1986*
- *Dog Act 1976*
- *Health Act 1911*
- *Litter Act 1979*
- *Building Act 2011*
- *Fines, Penalties and Infringement Notices Enforcement Act 1994*
- *Cat Act 2011*

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 - Section 5.42</i></b></li> <li>• <b><i>Acts as listed above</i></b></li> </ul>
<b>Last Reviewed:</b>	New delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 2000 WORKS

### 2001 REGULATORY SIGNS

**Objective of Delegation:** To expedite the process of applying for regulatory signage to Main Roads WA.

**Extent of Delegation:** The power to make applications to Main Roads WA for the installation of regulatory signs and markings at such places as the Chief Executive Officer considers warranted.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b><i>Local Government Act 1995 – Section 5.42,5.44</i></b></li> </ul>
<b>Last Reviewed:</b>	New Delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 2002 TEMPORARY ROAD CLOSURES

**Objective of Delegation:** To expedite the process of approving temporary road closures if and when required.

**Extent of Delegation:** The power to temporarily close a thoroughfare or a portion of a road for a period not exceeding twenty eight (28) days (without providing local public notice) if of the opinion that by reason of heavy rain a road is likely to be damaged by the passage of traffic generally or traffic of any particular class, in accordance with Section 3.50 of the *Local Government Act 1995*. When considering implementation of this delegation the Chief Executive Officer is required to comply with the requirements of Council Policy 5.14.

The power to temporarily close a road or a portion of a road for repairs and maintenance in accordance with Section 3.50A of the *Local Government Act 1995*.

The power to close a thoroughfare for a period in excess of twenty eight (28) days by providing local public notice in accordance with Section 3.50 of the *Local Government Act 1995*.

**Conditions imposed:** 1. Council to be advised of all temporary road closures.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 3.50 &amp; 3.50A, 5.42, 5.44</i></b></li> <li>• <b><i>Shire of Dalwallinu Policy 5.15</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E02) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 2003 DISPOSAL OF SURPLUS EQUIPMENT, MATERIALS, TOOLS

**Objective of Delegation:** To expedite the disposal of surplus equipment, materials and tools belonging to the Shire of Dalwallinu.

**Extent of Delegation:** The power to dispose of Shire surplus equipment, materials and tools by calling for expressions of interest, holding of a surplus goods sale at the Shire depot, or any other fair means.

**Conditions imposed:** Goods are to have a value of less than \$5,000. Any items with a value of more than \$5,000 are to be referred to Council for a decision.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Deputy Chief Executive Officer</del> / Manager Corporate Services Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42,5.43,5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation F04) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)



## 2004 EVENTS ON ROADS

**Objective of Delegation:** To expedite the process for approving temporary road closures for the purpose of conducting events.

**Extent of Delegation:** The power to determine applications for the temporary road closure of roads for the purpose of conducting events in accordance with the *Road Traffic (Events on Roads) Regulations 1991*. The Chief Executive Officer shall have regard to Section 3.50 of the *Local Government Act 1995* and Council's Local Law.

**Conditions imposed:** Council to be advised of any approved temporary road closures.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 3.50, 5.42, 5.44</i></b></li> <li>• <b><i>Road Traffic Regulations 1991 – Section 4 (1) &amp; (2)</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E03) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 2005 HEAVY HAULAGE PERMITS

- Objective of Delegation:** To expedite the processing of any referrals from Main Roads WA for the use of local roads by heavy haulage vehicles.
- Extent of Delegation:** The authority to determine any application referral from Main Roads WA to use heavy vehicles up to and including Network 7 Restricted Access Vehicles, on any local road within the district, recommending approval or refusal.
- Conditions imposed:**
1. The Chief Executive Officer to have regard for any applicable Council policy.
  2. Council to be advised of all approved applications.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42 and 5.44</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E01) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 2006 GATES AND PIPES ACROSS PUBLIC THOROUGHFARES

**Objective of Delegation:** To expedite the approval of installation of gates and pipes across/under public thoroughfares.

**Extent of Delegation:** The authority to approve the installation of gates across, or pipes under, Council controlled thoroughfares.

**Conditions imposed:** 1. A register of gates to be maintained as per Regulations.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system Recorded in Gate Register
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42, 5.44, Schedule 9.1</b></li> <li>• <b>Local Government (Uniform Local Provisions) Regulations 1996 – Regulation 9</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E04) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 2007 STREET TREES - REMOVAL

- Objective of Delegation:** To expedite the approval to remove street trees under the care, control and maintenance of Council.
- Extent of Delegation:** The authority to authorise the removal of any tree on any townsite street or road reserve where the street or road is under the care, control and maintenance of the Council.
- Conditions imposed:**
1. This authority shall only be exercised when the Chief Executive Officer, after obtaining technical advice when appropriate, is of the opinion that the tree is dead, diseased, structurally dangerous or creating a traffic hazard by restricting the vision of motorists or is required by a public utility in accordance with its legislative authority.
  2. The removal of any tree or vegetation must comply with the requirements of the *Environmental Protection Act 1986* and associated legislation.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services Works Supervisor
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42 and 5.44</i></b></li> <li>• <b><i>Environmental Protection Act 1986</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E05) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 2008 ROAD CLOSURES

- Objective of Delegation:** To commence the process for the closure of any road in the district.
- Extent of Delegation:** The authority to initiate the road closure process by seeking comment from affected landowners, service authorities, etc and advertising the proposal for public comment.
- Conditions imposed:**
1. All notices and advertisements are to clearly demonstrate Council is not committed to the closure proposal but is simply seeking comment to assist in determining whether to proceed further with the closure or not.
  2. When all responses are received and the advertising period has expired, the Chief Executive Officer is to submit a report to Council for formal consideration.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42 and 5.44</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E06) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 2009 CROSSOVERS – APPLICATIONS/REPAIRS

**Objective of Delegation:** To expedite the application process for the construction of a crossover and to authorise repairs.

**Extent of Delegation:** The authority to determine applications for the construction of a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land and may agree to construct the crossing for the applicant subject to Council policy.

The authority to give notice to an owner or occupier of private land requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land. If the person fails to comply with the notice, the Chief Executive Officer is delegated authority to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services Works Supervisor
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42 and 5.44</i></b></li> <li>• <b><i>Local Government (Uniform Local Provisions) Regulations 1996 – Regulations 12-15</i></b></li> <li>• <b><i>Shire of Dalwallinu Policy 5.8</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E07) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

**2010 PUBLIC THOROUGHFARES – FIXING OR ALTERING LEVELS OR ALIGNMENTS OR DRAINAGE ONTO ADJOINING LAND**

**Objective of Delegation:** To expedite the process of giving required notice before fixing or altering the level or the alignments of a public thoroughfare and before draining water from a public thoroughfare or other public places onto adjoining land.

**Extent of Delegation:** The authority to give the required notices as specified in the *Local Government Act 1995* Section 3.51 (3) and (4) before fixing or altering the level of, or the alignment of a public thoroughfare and before draining water from a public thoroughfare or other public place into adjoining land.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b><i>Local Government Act 1995 – Section 3.51, 5.42, 5.44</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2016 (formally Delegation E08) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 2011 LICENCE TO DEPOSIT MATERIALS ON OR EXCAVATE ADJACENT TO A STREET

**Objective of Delegation:** To expedite licence approvals to deposit materials on or excavate adjacent to a street.

**Extent of Delegation:** The authority to issue licences to deposit materials on a street, way or other public place and to excavate on land abutting or adjoining a street, way or other public place pursuant to Section 6 of the Local Government (Uniform Local Provisions) Regulations 1996.

**Conditions imposed:** The Chief Executive Officer shall first obtain confirmation from appropriate staff that the proposed activity will not create undue interference with the operation of the street way or public place.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services Works Supervisor
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42 &amp; 5.44</b></li> <li>• <b>Local Government (Uniform Local Provisions) Regulations 1996 – Section 6</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E10) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)



## 2012 GRAVEL ROYALTIES

**Objective of Delegation:** To expedite the process of acquiring gravel from landowners.

**Extent of Delegation:** The authority to negotiate compensation to landowners for the acquisition of gravel associated with road making and maintenance purposes within the Shire of Dalwallinu.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system Listed on monthly payments to Council
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b><i>Local Government Act 1995 – Section 5.42, 5.44, Schedule 3.2</i></b></li> </ul>
<b>Last Reviewed:</b>	New delegation 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 3000 FINANCE

### 3001 PAYMENT OF ACCOUNTS

- Objective of Delegation:** To expedite the payment of accounts.
- Extent of Delegation:** The authority to make payments from the Municipal or Trust Fund.
- Conditions imposed:** Each payment from the Municipal fund or Trust fund is to be noted on a list compiled each month showing:
1. The payee's name
  2. The amount of the payment
  3. The date of the payment
  4. Sufficient information to identify the transaction
- The list referred to above is to be presented to the Council at the next Ordinary meeting of Council and is to be recorded in the minutes.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Deputy Chief Executive Officer</del> / Manager Corporate Services Manager Works & Services Manager Planning & Development
<b>Formal Record:</b>	Recorded in monthly Council minutes
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42 and 5.44</b></li> <li>• <b>Local Government (Financial Management) Regulations – Reg 12 and 13</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation F02) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 3002 DONATION REQUESTS

- Objective of Delegation:** To expedite donation requests.
- Extent of Delegation:** The power to determine requests for the donation of monies up to the value of \$300.
- Conditions imposed:** The group or individual must demonstrate:
- a) Significant direct benefit to the local community;
  - b) That the group is an incorporated community group or nonprofit making organisation;
  - c) That the group's financial status is such as to justify a donation and Council has previously recognised the group as deserving of assistance;
  - d) That available funding exist in Council's budget

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42 and 5.44</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation F01) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

### 3003 INVESTMENT OF FUNDS

<b>Objective of Delegation:</b>	To oversee the investing of funds.
<b>Extent of Delegation:</b>	The power to invest any monies held in the Municipal Fund that is not, for the time being, required by the local government for any other purpose.
<b>Conditions imposed:</b>	<ol style="list-style-type: none"> <li>1. To observe Council Policy 3.4 relevant to the investment of funds.</li> <li>2. To observe any regulations relating to investments by local government.</li> <li>3. To act in a prudent manner and to exercise regular management control and oversight of the investment of funds.</li> <li>4. To conduct regular reviews of the investment performance and controls.</li> <li>5. Internal control procedures to be followed by employees to ensure control over investments and should identify <ol style="list-style-type: none"> <li>a) Nature and location of all investments</li> <li>b) The transactions related to each investment</li> </ol> </li> </ol>

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Deputy Chief Executive Officer</del> / Manager Corporate Services
<b>Formal Record:</b>	Included in monthly Financial Statements in the Ordinary Council agenda Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42,5.44,6.14</b></li> <li>• <b>Local Government (Financial Management) Regulations 1996 – Reg 19c</b></li> <li>• <b>Shire of Dalwallinu Policy 3.4</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation F07) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

### 3004 RECOVERY OF UNPAID DEBTORS

<b>Objective of Delegation:</b>	To recover debt from unpaid rates, debtors and infringements.
<b>Extent of Delegation:</b>	The authority to take legal action necessary to recover unpaid infringement notices, rates and other debtor accounts, in accordance with the requirements of the <i>Local Government Act 1995</i> .
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Deputy Chief Executive Officer</del> / Manager Corporate Services
<b>Formal Record:</b>	Included in the Ordinary Council Meeting agenda Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42, Division 5 &amp; 6</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation F08) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

### 3005 ORDERING THRESHOLDS

- Objective of Delegation:** To authorise Officers to sign purchase orders.
- Extent of Delegation:** The authority to authorise Officers to sign purchase orders on behalf of Council provided such proposed purchases are contained within the budget and are within the officer's area of activity.
- Conditions imposed:**
1. All purchase orders with a value of more than \$150,000 must be through the tender process and supported by a Council resolution.

<b>Delegation by Council to:</b>	Chief Executive Officer - Unlimited
<b>Delegation by Chief Executive Officer to:</b>	<del>Deputy Chief Executive Officer</del> / Manager Corporate Services - \$50,000 Manager Planning & Development Services - \$50,000 Manager Works & Services - \$50,000 Works Supervisor - \$20,000
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995 – Section 5.42, 5.43(b), 5.44</i></li> <li>• <i>Local Government (Financial Management) Regulations 1996 – Reg 13</i></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally part of Delegation A01) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 3006 PUBLIC LIABILITY CLAIMS

<b>Objective of Delegation:</b>	To consider claims for property damage.
<b>Extent of Delegation:</b>	The authority to consider claims against Council for property damage that do not exceed the insurance policy excess levels and to accept or deny liability on behalf of Council.
<b>Conditions imposed:</b>	In cases where liability is accepted, payment may only be made up to the value of Council's relevant insurance excess amount and then only upon receipt of an appropriate release form prepared by Council's Insurers.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Deputy Chief Executive Officer</del> / Manager Corporate Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42, 5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation F03) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

**3007 DEBT WRITE OFFS**

- Objective of Delegation:** To expedite the process of writing off small debts for rates and sundry debtors.  
To alleviate the need for an agenda item for such an immaterial amount.
- Extent of Delegation:** The authority to write off debts to the value of \$100 or less, subject to appropriate follow up action having been undertaken.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Nil
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b><i>Local Government Act 1995 – Section 5.42, 5.44, Schedule 3.2, Section 6.12</i></b></li> </ul>
<b>Last Reviewed:</b>	New delegation 26 March 2019 (Motion 9343) 24 March 2020 (M9524)



## 4000 BUSHFIRE CONTROL

### 4001 FIREBREAK ORDER-VARIATIONS

<b>Objective of Delegation:</b>	To expedite approvals for firebreak variations.
<b>Extent of Delegation:</b>	The authority to approve or refuse applications to provide firebreaks in alternative positions and to approve or refuse applications to provide alternative fire protection measures on land.
<b>Conditions imposed:</b>	Consultation with the Chief Bush Fire Control Officer at all times.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Deputy Chief Executive Officer</del> / Manager Corporate Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42, 5.44</b></li> <li>• <b>Bush Fires Act 1954</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation O01) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 4002 BURNING – PROHIBITED TIMES VARIATIONS

<b>Objective of Delegation:</b>	To manage the prohibited burning periods.
<b>Extent of Delegation:</b>	The authority to vary the prohibited and restricted burning times in place from time to time.
<b>Conditions imposed:</b>	Officer in charge of Department Water & Environment Regulation (DWER) to be consulted before the delegation is exercised.

<b>Delegation by Council to:</b>	Chief Bush Fire Control Officer Shire President
<b>Delegation by Chief Executive Officer to:</b>	Nil
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42, 5.44</b></li> <li>• <b>Bush Fires Act 1954</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation O02) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

#### 4003 OFFENCES – BUSH FIRE ACT

**Objective of Delegation:** To consider allegations of offences.

**Extent of Delegation:** The authority to consider allegations of offences alleged to have been committed against the *Bush Fires Act 1954* within the district, and if the Chief Executive Officer thinks fit, to institute and carry out proceedings in the name of the Shire against any person alleged to have committed any of those offences.

The authority to issue infringement notices in accordance with the provisions of Section 59A of the Bush Fires Act 1954.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Deputy Chief Executive Officer</del> / Manager Corporate Services Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42, 5.44</b></li> <li>• <b>Bush Fires Act 1954</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation O03) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 5000 PLANNING

### 5001 DETERMINATION OF APPLICATIONS FOR PLANNING APPROVAL

<b>Objective of Delegation:</b>	To expedite the approval of Planning Applications
<b>Extent of Delegation:</b>	<p>The authority to perform the functions of Council in respect of determining applications for development approval as per the Town Planning Scheme Zoning Table where the use is:</p> <p>‘P’ – that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.</p>
<b>Conditions imposed:</b>	Where the use is classed as a ‘D’ and ‘A’ as per the zoning table, these are to be referred to Council.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system Presented in Monthly Councillor Information Bulletin
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42, 5.44</b></li> <li>• <b>Local Government (Miscellaneous provisions) Act 1960</b></li> <li>• <b>Planning and Development Act 2005</b></li> </ul>
<b>Last Reviewed:</b>	New delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 5002 SUBDIVISIONAL CLEARANCE

<b>Objective of Delegation:</b>	To expedite the issuing of subdivision clearances.
<b>Extent of Delegation:</b>	The authority to issue subdivision clearances where the subdivision complies with the requirements of the Town Planning Scheme and Council Policies in place from time to time and the conditions have been complied with to the satisfaction of the Manager Planning and Development Services.
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system Presented in Monthly Councillor Information Bulletin
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42, 5.44</i></b></li> <li>• <b><i>Local Government (Miscellaneous Provisions) Act 1960</i></b></li> <li>• <b><i>Planning and Development Act 2005</i></b></li> </ul>
<b>Last Reviewed:</b>	New delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 6000 HEALTH AND BUILDING

### 6001 POWERS UNDER THE BUILDING ACT 2011

<b>Objective of Delegation:</b>	To expedite the issuing of approvals for building applications.
<b>Extent of Delegation:</b>	To undertake the powers of the Local Government under the <i>Building Act 2011</i> subject to any Council policies that apply.
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system Presented in Monthly Councillor Information Bulletin
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42,5.44</i></b></li> <li>• <b><i>Building Act 2011, Section 127</i></b></li> </ul>
<b>Last Reviewed:</b>	New delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

**6002 POWERS UNDER THE HEALTH ACT 1911 & PUBLIC HEALTH ACT 2016**

<b>Objective of Delegation:</b>	To expedite the approval of health applications.
<b>Extent of Delegation:</b>	To undertake the powers of the Local Government under the <i>Health Act 1911</i> and the <i>Public Health Act 2016</i> subject to any Council policies that apply.
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system Presented in Monthly Councillor Information Bulletin
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42,5.44</i></b></li> <li>• <b><i>Health Act 1911</i></b></li> <li>• <b><i>Public Health Act 2016</i></b></li> </ul>
<b>Last Reviewed:</b>	New delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

### 6003 POWERS UNDER THE CARAVAN PARKS AND CAMPING ACT 1995

**Objective of Delegation:** To expedite approvals for caravan park and camping licence approvals.

**Extent of Delegation:** To undertake the powers of a Local Government under the *Caravan Parks & Camping Grounds Act 1995, Caravan Parks & Camping Grounds Regulations 1997 and Residential Parks (Long Stay Tenants) Act 2006 and Regulations 2007*, subject to any Council Policies that apply in the following sections of the Act and regulations:-

1. Act Sections 17 (1) (a) – appointment of authorised persons to undertake the provisions of the Act
2. Caravan Parks & Camping Grounds Regulation 11 (2) (a) – Use of property for caravan camping for a maximum of three months in any period of twelve months.
3. Caravan Parks & Camping Grounds Regulation 12 (2) (a) – Use of property for more than one caravan camping for a maximum of three months in any period of twelve months.
4. Caravan Parks & Camping Grounds Regulation 20 – Approval of overflow areas for Caravan Parks and Camping
5. Caravan Parks & Camping Grounds Regulation 30 (1) (c) – Approval to allow park homes on Caravan Parks
6. Caravan Parks & Camping Grounds Regulation 34 (1) (b) (ii) – Approval to allow Annexes to be attached homes on Caravan Parks
7. Caravan Parks & Camping Grounds Regulation 38 (b) – Approval to allow the use of a Park Home or rigid Annexe to be changed
8. Caravan Parks & Camping Grounds Regulation 48 – Approval to allow an area to be used for an overflow facility
9. Caravan Parks & Camping Grounds Regulation 50 – License to specify numbers and types of site and other conditions

**Conditions imposed:** Nil



<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system Presented in Monthly Councillor Information Bulletin
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42,5.44</i></b></li> <li>• <b><i>Caravan Parks &amp; Camping Grounds Act 1995</i></b></li> <li>• <b><i>Caravan Parks &amp; Camping Grounds Regulations 1997</i></b></li> <li>• <b><i>Residential Parks (Long Stay Tenants) Act 2006 and Regulations 2007</i></b></li> </ul>
<b>Last Reviewed:</b>	New delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 6004 ADVERTISING SIGNAGE

<b>Objective of Delegation:</b>	To expedite approvals for the erection of advertising signage.
<b>Extent of Delegation:</b>	<p>The authority to approve the erection of advertising signage that complies with the Town Planning Scheme and the Local Laws of the Council.</p> <p>The authority to approve advertising signage on roads controlled by Main Roads WA. (Delegated to local governments from Main Roads WA).</p>
<b>Conditions imposed:</b>	Where an application does not comply with the Town Planning Scheme or the Local Laws of the Council, the application is to be refused.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b><i>Local Government Act 1995 – Section 5.42,5.44</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation B03) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 6005 SEA CONTAINERS

- Objective of Delegation:** To expedite approvals for the use of sea containers.
- Extent of Delegation:** The authority to approve sea containers subject to compliance with Local Planning Policy No.8.
- Applications that do not comply with LPP No.8 must be taken to Council for a decision.
- Conditions imposed:** Approvals are subject to Council's Local Planning Policy – No.8.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Planning &amp; Development Act 2005</i></li> <li>• <i>State Planning Policy 7.3 – Residential Design Codes of WA</i></li> <li>• <i>Shire of Dalwallinu Local Planning Scheme No2</i></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation B03) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 7000 ANIMAL CONTROL

### 7001 ENFORCEMENT OF DOG ACT AND LOCAL LAW

**Objective of Delegation:** To enforce the *Dog Act 1976* and Shire of Dalwallinu Dog Local Law.

**Extent of Delegation:** Authority to exercise the powers or discharge the duties of the local government under the *Dog Act 1976*.

Authority to enforce the provisions of the Dog Act and Local Laws.

Court proceedings will be instituted administratively, with the provision that legal advice be obtained if necessary.

The Chief Executive Officer is authorised to instruct the Shire's solicitors to commence proceedings against a person who is reported to have:

- a) Unlawfully rescued or released, or attempted to rescue or release, cattle or dogs lawfully impounded or seized for the purpose of being impounded;
- b) Damaged a Municipal pound, or
- c) Committed pound breach by reason of which cattle or dogs may escape from a Municipal pound.

**Conditions imposed:** In all cases that the Chief Executive Officer instructs Shire's solicitors to commence proceedings, he/she shall report particulars to the next Council meeting.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Manager Planning &amp; Development Services</del>
<b>Formal Record:</b>	Recorded in Central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42,5.44</i></b></li> <li>• <b><i>Dog Act (1976)</i></b></li> <li>• <b><i>Shire of Dalwallinu Dog Local Law 2014</i></b></li> </ul>
<b>Last Reviewed:</b>	New Delegation (23 February 2016) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 7002 ENFORCEMENT OF CAT ACT

<b>Objective of Delegation:</b>	To enforce the <i>Cat Act 1911 and Cat Regulations 2012</i> and the <i>Cat (Uniform Local Provisions) Regulations 2013</i> .
<b>Extent of Delegation:</b>	<p>Authority to exercise the powers or discharge the duties of the local government under the <i>Cat Act 2011, Cat Regulations 2012</i> and the <i>Cat (Uniform Local Provisions) Regulations 2013</i>.</p> <p>The authority to grant, renew, refuse or cancel an application for cat registration.</p> <p>The authority to cancel a cat registration.</p> <p>The authority to issue a cat control notice as per the <i>Cat Act 2011, Section 26</i>.</p>
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Nil
<b>Formal Record:</b>	<p>Cat Register</p> <p>Recorded in central records system</p>
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42,</i></b></li> <li>• <b><i>Cat Act 2011, Section 44</i></b></li> <li>• <b><i>Cat (Uniform Local Provisions) Regulations 2013</i></b></li> <li>• <b><i>Cat Regulations 2012</i></b></li> </ul>
<b>Last Reviewed:</b>	<p>25 October 2015 (formally Delegation A07)</p> <p>28 March 2017 (M8798)</p> <p>27 March 2018 (M9128)</p> <p>26 March 2019 (M9343)</p> <p>24 March 2020 (M9524)</p>

## 8000 COUNCIL PROPERTIES

### 8001 SALE AND CONSUMPTION OF LIQUOR ON COUNCIL PROPERTY

**Objective of Delegation:** To expedite applications for the sale of liquor on Council property.

**Extent of Delegation:** The authority to determine applications for the sale of liquor from property under the care, control and management of the Council and to approve applications to consume liquor on property under the care, control and management of Council.

In exercising this delegation, the Chief Executive Officer shall have regard to the provisions of the appropriate State Legislation regarding consumption and sale of liquor and shall, when appropriate, consult with the local Police.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Deputy Chief Executive Officer</del> / Manager Corporate Services Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42, 5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation PR01) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 8002 EXTENDED TRADING PERMITS – LIQUOR LICENCE PREMISES

<b>Objective of Delegation:</b>	To expedite applications for extended trading permits.
<b>Extent of Delegation:</b>	The authority to comment on applications for an Extended trading Permit.
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Deputy Chief Executive Officer</del> / Manager Corporate Services Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42, 5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation PR03) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 8003 LICENCES AND PERMITS – LOCAL LAWS

<b>Objective of Delegation:</b>	To expedite applications for the issues and/or renewal of licences and permits that are provided for in Council local laws.
<b>Extent of Delegation:</b>	The authority to determine applications for licences and permits
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Deputy Chief Executive Officer</del> / Manager Corporate Services Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42, 5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation O06) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)



## 9000 OTHER

### 9001 MINING TENEMENTS

**Objective of Delegation:** To expedite the process of lodging objections to the granting of mining tenements that may affect Shire property.

**Extent of Delegation:** The authority to:

- Lodge an objection to the granting of a mining tenement
- Negotiate/impose appropriate conditions to be applied to the granting of any mining tenement.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	<del>Deputy Chief Executive Officer</del> / Manager Corporate Services Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42,5.44</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation O05) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

## 9002 COLLECTION OF NATIVE FLORA

**Objective of Delegation:** To expedite the process of approving the collection of native flora from Shire owned properties and Reserves vested in the name of the Shire.

**Extent of Delegation:** The authority to approve the collection of native flora will be subject to the following conditions:

1. A copy of the current flora licence to be provided to the Chief Executive Officer;
2. Permission is for a twelve (12) month period commencing from date of approval;
3. A list of all members collecting the flora to be provided to the Chief Executive Officer;
4. Appropriate hygiene measures to be followed at all times to prevent the spread of plant disease and weeds;
5. All care to be taken to avoid disturbance of any fauna habitat;
6. All care to be taken to avoid any disturbance that may lead to soil degradation.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Nil
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42, 5.44, Schedule 3.2</i></b></li> </ul>
<b>Last Reviewed:</b>	New delegation 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524)

#### 9.4.2 Review of Register of Policies\*

<b>Report Date</b>	23 March 2021
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	GO/20 – Governance - Policies
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Updated Register of Policies</li><li>2. DRAFT Policy 1.19</li><li>3. Amended Policy 3.14</li><li>4. DRAFT Policy 1.20</li><li>5. DRAFT Closed Circuit Television</li></ol>

#### Purpose of Report

Council is requested to endorse the reviewed and updated Shire of Dalwallinu Register of Policies.

#### Background

In accordance with Section 2.7 (2)(b) of the *Local Government Act 1995*, Council is to determine the Shire's policies.

The last review of the Shire of Dalwallinu Register of Policies was conducted in May 2020.

The Senior Management Team have undertaken a review of the Register of Policies and the updated version is now presented to Council for review and endorsement.

#### Consultation

Senior Management Team

#### Legislative Implications

State

*Local Government Act 1995 – section 2.7(2)(b)*

#### Policy Implications

Local

Shire of Dalwallinu Policy 1.1

#### Financial Implications

Nil

#### Strategic Implications

Nil



### Site Inspection

Site inspection undertaken: Not applicable

### Triple Bottom Line Assessment

#### Economic implications

There are no known significant economic implications associated with this proposal.

#### Social implications

There are no known significant social implications associated with this proposal.

#### Environmental implications

There are no known significant environmental implications associated with this proposal.

### Officer Comment

The existing Register of Policies has been reviewed and amendments made to any policies are listed below:

Policy #	Comment
1.6	Amended to reflect the Salaries & Allowances tribunal determination
1.9	Repealed and replaced by new Code of Conduct for Council Members (Adopted Feb 21 OCM)
1.14	Inclusion of wording relating to OSH Inductions for Contractors and Employees
1.19	<b>New Policy</b> – as required under section 5.39C of the <i>Local Government Act 1995</i>
1.20	<b>New Policy</b> – Complaints Management
3.2	Amended by removing reference to fair value revals for Plant & Equipment as this is no longer applicable
3.14	Amended as required for DWER Water License. Removed any reference to Covid-19 pandemic
4.15	Amended to include a provision for when Officers stay at their own accommodation or with friends and family. This is potentially a cost saving for the Shire.
7.14	Amended to include different membership options to the gymnasium. Included a 6 and 3 month option. Plus the ability for the CEO to suspend memberships when members go on leave etc.
7.15	New Policy required for CCTV on Shire facilities

It is to be noted that throughout the document any reference to the Deputy Chief Executive Officer has been deleted.

### Officer Recommendation

That Council endorse the Shire of Dalwallinu Register of Policies.

### Resolution

#### **MOTION 9688**

Moved            Cr KL Carter  
Seconded       Cr MM Harms

That Council endorse the Shire of Dalwallinu Register of Policies.

**CARRIED BY ABSOLUTE MAJORITY 8/0**



DOCUMENT CONTROL			
Version	Approved by		Next Review Date
	Name	Title/Resolution	
1	Council	M8814 – Annual Review 18 April 2017	March 2018
2	Council	M9129 – Annual Review 27 March 2018	March 2019
3	Council	M9342 – Annual Review 26 March 2019	March 2020
4	Council	M9556 – Annual Review 26 April 2020	March 2021
AMENDMENTS			
Document Version	Date of Amendment	Amendment details	
1	27 June 2017	Addition of Policy 3.9 – Overdue Rates and Charges Collection (M8841)	
1	27 June 2017	Addition of Policy 3.10 – Medical Centre – Private Billing (M8842)	
1	27 June 2017	Addition of Policy 4.10 – Unfit for Work (M8846)	
2	25 July 2017	Amendment of Policy 3.10 - Medical Centre – Private Billing (M8864)	
3	22 August 2017	Addition of Policy 3.11 – Related Party Disclosures (M8891)	
4	27 September 2017	Addition of Policy 3.12 – Purchasing Shire owned properties by staff members (M9007)	
5	28 November 2017	Addition of Policy 5.16 – Waste Management (M9054)	
6	19 December 2017	Amendment of Policy 1.11 - Honorary Freeman of the Municipality	
7	27 March 2018	Addition of Policy 3.13 – Debt Collection – Sundry debtors (M9129)	
7	27 March 2018	Addition of Policy 4.11 – Staff Uniforms (M9129)	
7	27 March 2018	Addition of Policy 5.17 – Infrastructure Bonds (M9129)	
7	27 March 2018	Addition of Policy 7.13 – Social Media (M9129)	
7	27 March 2018	Amendment of Policy 4.1 – Staff Housing Rental Subsidy (M9129)	
8	26 June 2018	Addition of Policy 6.6 – Trading in Public Places (M9183)	
9	28 August 2018	Amendment of Policy 4.10 – Drug & Alcohol (M9231)	
9	28 August 2018	Addition of Policy 4.12 - Disciplinary Action (M9231)	
9	28 August 2018	Addition of Policy 4.13 – Grievances, Investigations & Resolution (M9231)	
10	18 December 2018	Addition of Policy 7.14 – 24/7 Gymnasium (M9297)	
11	26 March 2019	Amendment of Policy 1.5 – Christmas/New Year Closure of Council Facilities (M9342) – <i>Exclusion of Dalwallinu Medical Centre</i>	
11	26 March 2019	Amendment of Policy 1.6 – Members Travel Expenses (M9342) - <i>Removed reference to the Committee meetings</i>	



11	26 March 2019	Amendment of Policy 2.4 – Community Grants Scheme(M9342) – <i>Current policy expended on to explain eligible and ineligible projects and amendment made to remove “capital infrastructure”.</i>
11	26 March 2019	Revocation of Policy 3.6 - Payment of Fees – Dalwallinu and Kalannie Caravan Parks (M9342) – <i>Fees for Kalannie are honour system.</i>
11	26 March 2019	Revocation of Policy 3.10 – Medical Centre Billing (M9342) – <i>“No longer applicable.”</i>
11	26 March 2019	Amendment of Policy 3.13 - Debt Collection – Sundry Debtors M9342) – <i>“Removed reference to Medical centre.”</i>
11	26 March 2019	Amendment of Policy 4.1 – Voluntary Service (M9342) – <i>“Amended to clarify extent of volunteer service.”</i>
11	26 March 2019	Amendment of Policy 4.3 - Staff Housing – Rental Subsidy (M9342) – <i>“Amended to allow the Chief Executive Officer the right to terminate the eligibility for the rebate should the Shire property not be well maintained and to include ‘will be subject to six month rental inspections’.”</i>
11	26 March 2019	Amendment of Policy 4.4 - Designated Senior Employee (M9342) – <i>“Amended ‘Manager Regulation &amp; Development Services’ to ‘Manager Planning &amp; Development Services’.”</i>
11	26 March 2019	Amendment of Policy 4.5 - Water Consumption for Council Staff Houses (M9342) – <i>“Amended to allow the Chief Executive Officer to charge the tenant for water usageshould the gardens not be maintained (lawns green and mowed, gardens weeded.)”</i>
11	26 March 2019	Revocation of Policy 7.8 - Dalwallinu Caravan Park Overflow (M9342) – <i>“No longer required”</i>
11	25 June 2019	Amendment to Policy 3.2 Significant Accounting Policies
11	12 August 2019	Amendment to Policy 7.11 Risk Management Policy - updated Australian Standard.
12	24 September 2019	New Policy – 4.14 Secondary Employment
13	28 July 2020	Revocation of Policy - 6.3 Development of Moveable Buildings – Including Relocated Buildings (M9588)
13	28 July 2020	New Policy – 1.18 Elected Members Continuing Professional Development.



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# 1. Governance



## 1.1 Policy Manual Amendments

Policy	Additions, deletions or amendment to Council Policy shall only be effected by a specific Council resolution stating the proposed policy and that the manual be updated.
Objective	To ensure that the Policy Manual is up to date, relevant and reflects only Council's specific instructions.
Guidelines	If it is not in the Policy Manual, it may be usual practice, but it is not Policy. Unless it is specifically stated that the authority is to be included in the Policy Manual, it will be assumed that the authority to act is for a specific matter and not a general or ongoing Policy.

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 1.2 Elected Members Fees & Allowances

Policy	<p>Elected Members Fees and Allowances are set annually during budget deliberations.</p> <p>The Elected Members Fees, President's and Deputy President's allowance, as set in Council's annual budget, is to be paid quarterly in arrears.</p>
Objective	To ensure that the Elected Members Fees & Allowances are paid at regular intervals.
Guidelines	<p>Payment arranged by the <del>Deputy Chief Executive Officer</del>/Manager Corporate Services.</p> <p>Payment to be made quarterly.</p> <p><i>Local Government Act 1995 – Section 5.98(5)</i>  <i>Local Government (Administration) Regulations – Reg 33</i></p>

Person Responsible	<del>Deputy Chief Executive Officer</del> /Manager Corporate Services
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Amended May 2020 (M9556)</p>



### 1.3 Council Committee Reception Area

Policy	The Council Committee/Reception area is to be used only for Council related activities.
Objective	To control access and use of Council facilities.
Guidelines	Activities not clearly meeting the criteria, but involving a Councillor or staff member, may be approved by the President or Chief Executive Officer.

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 1.4 Administration Centre Opening Hours

Policy	The Administration Centre shall be open to the general public from 8.30am to 4.30pm, five (5) days per week, excluding weekends, public holidays and the Christmas closure period.
Objective	To control access and use of Council facilities.

Person Responsible	<del>Deputy Chief Executive Officer</del> /Manager Corporate Services
History	Reviewed April 2016 Reviewed April 2017 (M8814) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Amended May 2020 (9556)



## 1.5 Christmas/New Year Closure of Council Facilities

Policy	<p>The Administration Centre, Discovery/Library and Depot will be closed for business from 3.00pm on the last working day before Christmas and re-open on the first working day following New Year's Day.</p> <p>Shire employees will take leave entitlements during this closure period for those days that are not designated public holidays.</p> <p>An outside skeleton crew is to be on duty during this closure period.</p>
Objective	<p>This policy is for the authorisation for the Administration Centre, Discovery/Library and Depot to close over the Christmas and New Year period.</p>

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 1.6 Members Travel Expenses

Policy	<p>Council shall reimburse Members for travel to Council meetings and other Council business approved by Council or the President.</p> <p>Reimbursement of travel expenses referred to in Reg 31(1)(b) of the <i>Local Government (Administration) Regulations 1996</i>, if claimed by the Councillor, is to be made in accordance with the <i>Local Government Officers' (Western Australia) Interim Award 2011</i>.</p> <p>Reimbursement of travel expenses referred to in Reg 32(1) of the <i>Local Government (Administration) Regulations 1996</i>, if claimed by the Councillor, is to be made in accordance with the <i>Public Service Award 1992</i>.</p> <p>The rates in Schedule F – Motor Vehicle Allowance are to be as per the South West Land Division.</p> <p>Claims will be reimbursed on a quarterly basis in the months of July, October, January and April.</p>
Objective	To set Councillor's expense parameters when travelling on official business.
Guidelines	Claims for expenses are to be forwarded to the <del>Deputy Chief Executive Officer</del> /Manager Corporate Services.

Person Responsible	<del>Deputy Chief Executive Officer</del> /Manager Corporate Services
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Amended May 2020 (M9556)</p>





## 1.7 Elected Members Conference/Course Attendance and Partners Expenses

Policy	<p>Council shall pay registration fees for elected members attending approved conferences.</p> <p>Council shall not pay conference registration fees for partners.</p>
Objective	To clarify what costs can be incurred/recouped by elected members.
Guidelines	Members wishing to attend a course/conference will obtain a Council resolution at a convened meeting. Elected members will seek authority from the Shire President and Chief Executive Officer before committing approval of registration.

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 1.8 Elected Members Accommodation/M Meal Expenses

Policy	<p>Council shall pay all accommodation costs for elected members and partners plus in house meal expenses up to \$200 per day.</p> <p>On those days where no accommodation is required, meal expenses as evidenced by receipts, shall be reimbursed.</p> <p>Council shall pay WALGA conference dinner expenses for elected members and partners subject to prior approval by Council.</p>
Objective	To clarify what costs can be incurred/recouped by elected members.
Guidelines	<p>Members wishing to attend a course/conference will obtain Council resolution at a convened meeting of Council prior to committing to attend.</p> <p>In circumstances requiring a decision before the next monthly Council meeting, elected members will seek authority from the Shire President and Chief Executive Officer.</p>

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 1.9 Code of Conduct

**Policy** ~~The Code of Conduct for Elected members and employees on the following pages is adopted as policy.~~

**Objective** ~~Council is required under the provision of the Local Government Act 1995 to adopt such a policy.~~

**Guidelines** ~~Local Government Act 1995 – s5.103 Code of Conduct~~

~~Local Government Act 1995 – s5.82 Gifts~~

~~Local Government (Administration) Regulations 1996 – reg.34B~~

~~Local Government Rules of Conduct Regulations 2007~~

### **Preamble**

~~The Code of Conduct provides Council members and staff of the Shire of Dalwallinu with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issues of ethical responsibility and encourages greater transparency and accountability.~~

~~The Code is complementary to the principles adopted in the Local Government Act 1995 and regulations which incorporates four fundamental aims to result in:-~~

- ~~a) Better decision making;~~
- ~~b) Greater community participation in the decisions and affairs of the Council;~~
- ~~c) Greater accountability of the Council to its community; and~~
- ~~d) More efficient and effective local government~~

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

### **Statutory Environment**

~~The Code of Conduct observes statutory requirements of the Local Government Act 1995 (s5.103 – Codes of Conduct) and Local Government (Administration) Regulations 1996 (Regs 34B and 34C).~~



### *Rules of Conduct*

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

## ~~1. ROLES~~

### ~~1.1 Role of Council Members~~

~~A Council Members primary role is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Shire of Dalwallinu will be the focus of the Councillor's public life.~~

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

~~"A Councillor —~~

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

~~A Council Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives.~~

~~In fulfilling the various roles, Council Members' activities will focus on:~~

- ~~• Achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;~~
- ~~• Achieving sound financial management and accountability in relation to the Council's finances;~~
- ~~• Ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;~~
- ~~• Working with other governments and organisations to achieve benefits for the community at both a local and regional level;~~
- ~~• Having an awareness of the statutory obligations imposed on Council Members and on the Shire of Dalwallinu.~~



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

## ~~1.2 — Role of Employees~~

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

~~“The CEO’s functions are to —~~

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



### **~~1.3 — Role of Council~~**

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

~~“(1) The council —~~

~~(a) governs the local government’s affairs; and~~

~~(b) is responsible for the performance of the local government’s functions.~~

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

~~(a) oversee the allocation of the local government’s finances and resources; and~~

~~(b) determine the local government’s policies.”~~

### **~~1.4 — Principles affecting the employment of employees by the Shire~~**

~~The following principles, set out in section 5.40 of the Act, apply to the employment of the Shire’s employees:~~

~~(a) employees are to be selected and promoted in accordance with the principles of merit and equity; and~~

~~(b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and~~

~~(c) employees are to be treated fairly and consistently; and~~

~~(d) there is to be no unlawful discrimination against employees or persons seeking employment by the Shire on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and~~

~~(e) employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and~~

~~(f) such other principles, not inconsistent with this Division, as may be prescribed.~~

### **~~1.5 — Relationships between Council Members and Employees~~**

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



- ~~accept that their role is a leadership, not a management or administrative one;~~
- ~~acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;~~
- ~~refrain from publicly criticising employees in a way that casts aspersions on their professional competence and credibility.~~

## ~~2. CONFLICT AND DISCLOSURE OF INTEREST~~

### ~~2.1 Conflict of Interest~~

- a) ~~Council Members and employees will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.~~
- b) ~~Employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.~~
- c) ~~Council Members and employees will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the Shire of Dalwallinu or which may otherwise conflict with the Council's functions (other than purchasing the principal place of residence);~~
- d) ~~Council Members and employees who exercise recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.~~
- e) ~~Employees will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti-discriminatory legislation.~~

### ~~2.2 Financial Interest~~

~~Council Members and employees will adopt the principles of disclosure of financial interests as contained within the Local Government Act 1995.~~

### ~~2.3 Disclosure of Interest~~

*Definition:*

*In this clause, and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996-*

*"interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.*

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



- ~~(b) — A person who is an employee and who has given, or will give, advice in respect of any matter to be discussed at a Council or Committee meeting not attended by the person is required to disclose the nature of any interest the person has in the matter –
  - ~~(i) — in a written notice given to the CEO before the meeting; or~~
  - ~~(ii) — at the time the advice is given.~~~~
- ~~(c) — A requirement described under items (a) and (b) exclude an interest referred to in Section 5.60 of the Local Government Act 1995.~~
- ~~(d) — A person is excused from a requirement made under items (a) or (b) to disclose the nature of an interest if –
  - ~~(i) — the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or~~
  - ~~(ii) — the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.~~~~
- ~~(e) — If a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of items (a) or (b), then –
  - ~~(i) — before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and~~
  - ~~(ii) — immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.~~~~
- ~~(f) — If –
  - ~~(i) — to comply with a requirement made under item (a), the nature of a person's interest in a matter is disclosed at a meeting; or~~
  - ~~(ii) — a disclosure is made as described in item (d)(ii) at a meeting; or~~
  - ~~(iii) — to comply with a requirement made under item (e)(ii), a notice disclosing the nature of a person's interest in a matter is brought to the attention of the persons present at a meeting, the nature of the interest is to be recorded in the minutes of the meeting.~~~~

### ~~3 — PERSONAL BENEFIT~~

#### ~~3.1 — Use of Confidential Information~~

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

~~Due discretion shall be exercised by all those who have access to confidential or sensitive information. Every matter dealt with by, or brought before, a meeting sitting behind closed doors, shall be treated as strictly confidential, and shall not without the authority of the Council be disclosed to any person other than the Council members and/or employees of the Shire (and in the case of employees only so far as may be necessary for the performance of their duties) prior to the discussion of the matter at a meeting of the Council held with open doors.~~





~~Nothing in this section prevents a Council member or officer from disclosing confidential information:~~

- ~~• to a legal practitioner for the purpose of obtaining legal advice; or~~
- ~~• if the disclosure is permitted by law.~~

### **~~3.2 Intellectual Property~~**

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

### **~~3.3 Improper or Undue Influence~~**

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

~~Council Members and employees shall not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body. Similarly, Council members, and employees shall not take advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.~~

### **~~3.4 Gifts Employees~~**

*~~Definitions:~~*

*~~In this clause, and in accordance with Regulation 34B of the Local Government (Administration) Regulations 1996—~~*

*~~“activity involving a local government discretion” means an activity—~~*

- ~~(a) that cannot be undertaken without an authorisation from the local government; or~~*
- ~~(b) by way of a commercial dealing with the local government;~~*

*~~“gift” has the meaning given to that term in S 5.57 except that it does not include—~~*

- ~~(a) a gift from a relative as defined in S 5.74(1); or~~*
- ~~(b) a gift that must be disclosed under Regulation 30B of the Local Government (Elections) Regulations 1997; or~~*
- ~~(c) a gift from a statutory authority, government instrumentality or non profit association for professional training;~~*



~~(d) a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876) or the Local Government Professionals Australia WA (ABN 91 208 607 072)~~

~~“notifiable gift”, in relation to a person who is an employee, means—~~

~~(a) a gift worth between \$50 and \$300; or~~

~~(b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;~~

~~“prohibited gift”, in relation to a person who is an employee, means—~~

~~(a) a gift worth \$300 or more; or~~

~~(b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.~~

~~(a) A person who is an employee is to refrain from accepting a prohibited gift from a person who—~~

~~(i) is undertaking or seeking to undertake an activity involving a local government discretion; or~~

~~(ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion.~~

~~(b) A person who is an employee and who accepts a notifiable gift from a person who—~~

~~(i) is undertaking or seeking to undertake an activity involving a local government discretion; or~~

~~(ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion,~~

~~is to notify the CEO, in accordance with item (c) and within 10 days of accepting the gift, of the acceptance.~~

~~(c) The notification of the acceptance of a notifiable gift must be in writing and include—~~

~~(i) the name of the person who gave the gift; and~~

~~(ii) the date on which the gift was accepted; and~~

~~(iii) a description, and the estimated value, of the gift; and~~

~~(iv) the nature of the relationship between the person who is an employee and the person who gave the gift; and~~



- ~~(v) if the gift is a notifiable gift under paragraph (b) of the definition of “notifiable gift” (whether or not it is also a notifiable gift under paragraph (a) of that definition) –~~
- ~~(1) a description; and~~
- ~~(2) the estimated value; and~~
- ~~(3) the date of acceptance,~~
- ~~of each other gift accepted within the 6 month period.~~
- ~~(d) The CEO is to maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under item (c).~~
- ~~(e) This clause does not apply to gifts received from a relative (as defined in S 5.74(1) of the Local Government Act 1995) or an electoral gift (to which other disclosure provisions apply).~~
- ~~(f) This clause does not prevent the acceptance of a gift on behalf of the local government in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the CEO, entered into the Register of Notifiable Gifts and used or retained exclusively for the benefit of the local government.~~

#### ~~4 CONDUCT OF COUNCIL MEMBERS~~

##### ~~4.1 Personal Behaviour~~

- ~~(a) Council Members and employees will:~~
- ~~• act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;~~
  - ~~• perform their duties impartially and in the best interests of the Shire of Dalwallinu and the community;~~
  - ~~• act in good faith (i.e. honestly, for the proper purpose and without exceeding their powers) in the interests of the Shire of Dalwallinu and the community;~~
  - ~~• make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any conduct, in the performance of their official duties, which may cause any reasonable person unwarranted offence or embarrassment; and,~~
  - ~~• always act in accordance with their obligation of fidelity to the Shire of Dalwallinu.~~



- ~~(b) — Members will represent and promote the interests of the Shire of Dalwallinu, while recognising their special duty to their own constituents.~~

#### ~~4.2 — Honesty and Integrity~~

~~Members and employees will:~~

- ~~(a) — observe the highest standards of honesty and integrity and avoid conduct which might suggest any departure from these standards;~~
- ~~(b) — bring to notice of the President any dishonesty or possible dishonesty on the part of any other member and, in the case of an employee, to the Chief Executive Officer;~~
- ~~(c) — Be frank and honest in their official dealing with each other.~~

#### ~~4.3 — Personal Communications and Social Media~~

- ~~(a) — Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.~~
- ~~(b) — Employees must not, unless undertaking a duty in accordance with their employment, disclose information, make comments or engage in communication activities about or on behalf of the Shire of Dalwallinu, its Council Members, employees or contractors, which breach this Code of Conduct.~~
- ~~(c) — Council Member comments which become public and breach the *Local Government (Rules of Conduct) Regulations 2007* may constitute a breach of the *Local Government Act 1995* and may be referred for investigation.~~
- ~~(d) — Employee comments which become public and breach the Code of Conduct, or any other operational policy or procedure, may constitute a disciplinary matter and may also be determined as misconduct and be notified in accordance with the *Corruption, Crime and Misconduct Act 2003*.~~

#### ~~4.4 — Performance of Duties~~

- ~~(a) — While on Duty, employees will give their whole time and attention to the Shire of Dalwallinu's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Shire of Dalwallinu.~~
- ~~(b) — Council Members will at all times exercise reasonable care and diligence in their decision making but treating all matters on individual merits. Council members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.~~



#### **~~4.5 — Compliance with Lawful Orders~~**

- ~~(a) — Council Members and employees will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.~~
- ~~(b) — Council Members and employees will give effect to the lawful decisions and policies of the Shire of Dalwallinu, whether or not they agree with or approve of them.~~

#### **~~4.6 — Administrative and Management Practices~~**

~~Council Members and employees will ensure compliance with proper and reasonable administrative practices and conduct and professional and responsible management practices.~~

#### **~~4.7 — Corporate Obligations~~**

##### ~~(a) — Standard of Dress~~

~~Council Members and employees are expected to comply with neat and responsible dress standards at all times. Accordingly:~~

- ~~(i) — Council Members will dress in a manner appropriate to their position, in particular when attending meetings or representing the Shire of Dalwallinu in an official capacity;~~
- ~~(ii) — Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual employees.~~

##### ~~(b) — Communication and Public Relations~~

- ~~(i) — All aspects of communication by employees (including verbal, written or personal), involving the Shire of Dalwallinu should reflect the status and objectives of the Shire of Dalwallinu. Communications should be accurate, polite and professional.~~
- ~~(ii) — As a representative of the community, Council members need to be not only responsive to community views, but to adequately communicate the attitudes and decision of the Council. In doing so Council Members should acknowledge that:
  - ~~— as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;~~
  - ~~— information of a confidential nature ought not be communicated until it is no longer treated as confidential;~~~~



- ~~— information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council~~
- ~~— information concerning adopted policies, procedures and decision of the Council is conveyed accurately.~~
- ~~(iii) Committee Members accept and acknowledge it is their responsibility to observe any direction the Local Government may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.~~

#### ~~4.8 Appointments to Committees~~

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

- ~~• Clearly understand the basis of their appointment; and~~
- ~~• Provide regular reports on the activities of the organisation.~~

### ~~5 DEALING WITH COUNCIL PROPERTY~~

#### ~~5.1 Use of Local Government Resources~~

~~Council Members and employees will:~~

- ~~• Be scrupulously honest in their use of the Shire of Dalwallinu's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;~~
- ~~• Use the Shire of Dalwallinu resources entrusted to them effectively and economically in the course of their duties; and~~
- ~~• Not use the Shire of Dalwallinu's resources (including the services of Council employees) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).~~

#### ~~5.2 Travelling and Sustenance Expenses~~

~~Council Members and employees will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Shire of Dalwallinu in accordance Council policy, awards and the provisions of the Local Government Act 1995.~~

#### ~~5.3 Access to Information~~

- ~~(a) Employees will ensure that Members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities;~~



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

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Amended April 2020 (M????)</p> <p>Amended May 2020 (M9556)</p>



## 1.10 Legal Representation Cost Indemnification

### Policy

The Shire may provide financial assistance to elected members and employees in connection with the performance of their duties provided that the elected member or employee has acted reasonably and has not acted dishonestly, against the interest of the Shire or otherwise in bad faith.

The Shire may provide such assistance in the following types of legal proceedings:

- Proceedings brought by elected members and employees to enable them to carry out their local government functions (e.g. where an Elected member or employee seeks a restraining order against a person using threatening behaviour)
- Proceedings brought against Elected Members or employees (this could be in relation to a decision of Council or an employee which aggrieves another person (e.g. refusing a development application) or where the conduct of an Elected member or employee in carrying out his or her functions is considered detrimental to the person (e.g. defending defamation actions).
- Statutory or other inquiries where representation of an Elected member or employee is justified.

The Shire will not support any defamation actions seeking the payment of damages for individual Elected Members or employees in regard to comments or criticisms levelled at their conduct in the respective roles. Elected members or employees are not precluded, however, from taking their own private action. Further, the Shire, through the Chief Executive Officer, may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.

The legal services, the subject of assistance under this policy will usually be provided by the Shire's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest, then the service may be provided by other solicitors at the Chief Executive Officer's discretion.

### Applications for financial assistance

1. Decisions as to financial assistance under this policy are to be made by Council.





2. An Elected member or employee requesting personal financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Chief Executive Officer, providing full details of the circumstances of the matter and the legal services required.
3. An application to the Council is to be accompanied by an assessment of the request and with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer.
4. An Elected member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the *Local Government Act 1995*.
5. Where there is a need for the provision of urgent legal services before an application can be considered by Council, the Chief Executive Officer may give authorisation to the value of \$5,000.
6. Where it is the Chief Executive Officer which is seeking urgent financial support for legal services, the Council shall deal with the application.
7. The Elected member or employee shall sign an agreement between him or her and the Shire, agreeing that the financial assistance shall be provided on the terms and conditions of this policy.

#### **Repayment of assistance**

1. Any amount recovered by an Elected member or employee in proceedings, whether for costs or damages, will be off set against any monies paid or payable by the Shire.
2. Assistance will be withdrawn where the Council determines, upon legal advice that a person has acted dishonestly.
3. Where assistance is so withdrawn, the person who obtained financial support is to repay any monies already provided. The Shire may take action to recover any such monies in a court of competent jurisdiction.



## Objective

This policy aims to protect the interests of individual Elected members and employees (including past elected members and former employees), where they become involved in civil legal proceedings because of their official functions. In most situations, the Shire may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

In each case, it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good government of the Shire of Dalwallinu.

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 1.11 Honorary Freeman of the Municipality

### Policy

Subject to the eligibility and selection criteria of this policy being met, Council may, by resolution, confer the title of 'Honorary Freeman of the Municipality' or 'Freeman of the Municipality' to a person who has rendered exceptional services to the community.

The process for nomination and selection for the title are as follows:

#### ***Eligibility Criteria for 'Freeman of the Municipality'***

Nominees for the conferring of the title 'Freeman of the Municipality' should have lived within the Shire of Dalwallinu for a significant number of years (significant is taken to mean at least twenty (20) years) and who have given extensive and distinguished service to the community (e.g. service to other organisations, voluntary and community groups) in a largely voluntary capacity.

#### ***Selection Criteria***

Nominees are to be judged on their record of service to the community. The selection criteria are to include:

- a) Length of service in a field (or fields) of activity;
- b) Level of commitment to the field (or fields) of activity;
- c) Personal leadership qualities;
- d) Benefits to the community of the Shire of Dalwallinu resulting from the nominee's work;
- e) Specific achievements of the nominee

#### ***Nomination Procedure***

- a) Nominations are to be made by Elected members, individuals or organisations and are to be supported by at least one third of the number of Elected members of the Shire of Dalwallinu;
- b) Nominations are to be made in the strictest confidence without the knowledge of the nominee;
- c) On receipt of a nomination, the Chief Executive Officer is to present an agenda item to Council. The matter is to be considered behind closed doors;
- d) Once Council has accepted the nomination, the nominee shall be contacted by the Chief Executive Officer on a confidential basis to determine whether the award will be accepted. Should a nominee decline to accept the award, all Elected members will be informed and the matter will lapse;



- e) Once a nomination has been accepted by Council, the nominees and any person(s) or organisation(s) involved in the nomination are to be informed of the decision and a media release is to be distributed.

#### ***Title of 'Honorary Freeman of the Municipality'***

A person who has acted as President of the Shire of Dalwallinu for a period of eight (8) consecutive years is to be made an Honorary Freeman automatically in recognition of their service and leadership given to the Shire.

A person who has acted as an Elected member at the Shire of Dalwallinu for a period of twenty (20) years is to be made an Honorary Freeman automatically in recognition of their service and leadership given to the Shire.

#### ***Awarding the Titles***

The formal conferring of these titles is to be carried out with a reception by Council. This may be a special reception for this purpose, or the ceremony may form a focal point of any other suitable reception host by Council. The decision on the occasion and format of the ceremony is to rest with the President, in consultation with the Chief Executive Officer.

#### ***Privileges***

The recipient shall be presented with a special badge depicting 'Honorary Freeman' or 'Freeman of the Shire', together with a plaque and certificate to commemorate receiving the award.

The successful nominee is to have their name displayed on the Shire's Honour Board.

Freeman and Honorary Freeman shall be invited to attend civic functions of the Shire at the discretion of the President.

#### ***Revocation of Title of Freeman or Honorary Freeman***

Council, by resolution, shall have the ability to revoke the title bestowed upon a person if;

A criminal matter for which the Freeman or Honorary Freeman in question was found guilty of, or for any other matter, was considered by Council to have caused embarrassment to the Shire or that the ongoing recognition of such a title on this person by the Shire was inappropriate.



The removal of the name from the Honour Board and other places and any other such items will be at the discretion of Council and conducted through liaison with the Chief Executive Officer.

**Objective** This policy stipulates the procedure for the nomination, selection and awarding of the prestigious title to a person designated as ‘Honorary Freeman’ or ‘Freeman’ of the Shire of Dalwallinu.

**Guidelines** This policy may bestow the title upon any person who has served the Shire of Dalwallinu community in an exceptional and meritorious manner, and whose activities have substantially improved the quality of life of the Shire’s residents.

**Freeman** means a person which has been bestowed certain privileges by the Shire.

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 1.12 Use of Common Seal

Policy	A document is validly executed by the Shire of Dalwallinu when the seal of the Shire is affixed to it by the President and the Chief Executive Officer, and the President and Chief Executive Officer attest the fixing of the seal.
Objective	To validate the procedure for the executive of legal documents.
Guidelines	The authority to affix the Common Seal must be by Council Resolution. ( <i>Local Government Act 1995 – Section 9.49A (2)</i> ).

Person Responsible	Chief Executive Officer
History	Reviewed April 2016 Reviewed April 2017 (M8814) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)



### 1.13 Council Blazers

Policy	Council shall provide a blazer with the Shire of Dalwallinu logo on the pocket to each elected member.
Objective	To provide uniform attire for Members reflecting their office as a Councillor.
Guidelines	After (8) years' service, when re-elected for a further term, should the original blazer show significant wear and deterioration, it is considered appropriate that it be replaced.

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 1.14 Occupational Health and Safety

**Policy**

The Shire of Dalwallinu regards the promotion of sound and effective occupational Safety and Health practices as a common objective for the Chief Executive Officer, Managers, Supervisors, Employees and Contractors.

This policy is to ensure that every employee and contractor works in an environment where direct efforts are made to prevent accidents, injury and disruption to employee's health from foreseeable work hazard.

### Objective

- Providing and maintain a safe working environment;
- Providing adequate training and instruction to enable employees to perform their work safely and effectively;
- Investing all actual and potentially injurious occurrences in order to eliminate the cause, and reduce the level of risk;
- Compliance with As/NZs 4801 Occupational Health and Safety management Systems audit tool;
- Compliance with *Occupational Safety and Health (OSH) Act 1984*, 2005 amendments and Regulations 1995, relevant OSH Australian Standards, Codes of Practice and Guidance Notes.

**Guidelines**

Local Government Insurance Services Occupational Safety and Health Management Systems Manual.

**Part A & Part B OSH Inductions for Contractors and Employees**

Person Responsible	<del>Manager Planning &amp; Development Services/</del> Chief Executive Officer
History	Reviewed April 2016 Reviewed April 2017 (M8814) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)





## 1.15 Media and Communications

Policy	The President is the spokesperson on all Local Government policy and decision making matters and the Chief Executive Officer is the spokesperson on all administration matters.
Objective	To ensure that a consistent message is portrayed to the media and community.
Guidelines	<p>The role of the President is to speak on behalf of the Local Government (<i>Local Government Act 1995 – Section 2.8(1)(d)</i>)</p> <p>The purpose is for a single person to provide a consistent explanation and be answerable to Council for its accuracy and consequences. All media releases are to be authorised by the President and no comments are to be provided by other Shire persons as background information, even if comments are deemed to be off the record.</p> <p>The role of the Chief Executive Officer is to officially advise the parliamentarians, government agencies, affected parties and the public of Council policy and to refrain from engaging in discussion or debate on the merits or otherwise of Council motions/policy. The Chief Executive Officer is to be responsible for the public communications necessary to implement and administer Council motions/policy and be the Shires spokesperson on all administration matters.</p> <p>The Chief Executive Officer is to ensure that Council is provided with general details of the Facebook communications, the resources that are required to maintain it and whether it provides a useful purpose.</p>

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 1.16 Gravel Quarry Pits

Policy	A gravel quarry plan is to be developed for each gravel pit before the commencement of the removal of gravel.
Objective	To ensure that gravel pits are rehabilitated correctly at the end of their life.
Guidelines	<p>Before commencement of a new gravel pit, a plan is to be developed addressing the following issues:</p> <ul style="list-style-type: none"> <li>• The removal, storage and retention of the topsoil</li> <li>• The proposed replacement of the topsoil at the end of the useful pit life</li> <li>• The expected rehabilitation outcome.</li> </ul>

Person Responsible	Manager Works & Services
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 1.17 Attendance at Events by Elected Members, Chief Executive Officer & Employees

**Policy** This policy applied to Elected Members, the Chief Executive Officer and all employees of the Shire of Dalwallinu (the Shire) in their capacity as an Elected Member or employee of the Shire.

Elected Members, the Chief Executive Officer and Managers occasionally receive tickets or invitations to attend events to represent the Shire to fulfil their leadership roles in the community. The event may be a paid event or a ticket/invitation may be gifted in kind, or indeed it may be to a free/open invitation for the community in general.

### 1. Pre- Approved Events

In order to meet the policy requirements, tickets and invitations to events must be received by the Shire (as opposed to in the name of a specific person in their role with the Shire).

Note: Individual tickets and associated hospitality with a dollar value above \$500 (inclusive of GST and if relevant, travel) provided to the Shire are to be referred to Council for determination.

The Shire approves attendance at the following events by Elected Members, the Chief Executive Officer and employees of the Shire:

1. Advocacy, lobbying or Members of Parliament or Ministerial briefings (Elected Members, the Chief Executive Officer and Managers only);
2. Meetings of clubs or organisations within the Shire of Dalwallinu;
3. Any free event held within the Shire of Dalwallinu;
4. Australian or West Australian Local Government events;
5. Events hosted by Clubs or Not for Profit Organisations within the Shire of Dalwallinu to which the Shire President, Elected Members, Chief Executive Officer or employee has been officially invited;
6. Shire hosted ceremonies and functions;
7. Shire hosted events with employees;
8. Shire run tournaments or events;
9. Shire sponsored functions or events;
10. Community art exhibitions within the Shire of Dalwallinu or district;
11. Cultural events/festivals within the Shire of Dalwallinu or district;
12. Events run by a Local, State or Federal Government;
13. Events run by schools within the Shire of Dalwallinu;



14. Major professional bodies associated with local government at a local, state or federal level;
15. Opening or launch of an event or facility within the Shire of Dalwallinu or district;
16. Events run by WALGA, LGIS or a recognised WA based local government professional association;
17. Where Shire President, Elected Members or Chief Executive Officer representation has been formally requested.

All Elected Members, the Chief Executive Officer and employees with the approval of the Chief Executive Officer or their respective Manager, are entitled to attend a pre-approved event.

If there is a fee associated with a pre-approved event, the fee, including the attendance of a partner, may be paid for by the Shire out of the Shire's budget by way of reimbursement, unless the event is a conference which is dealt with under clause 4 of this policy.

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

## **2. Approval Process**

Where an invitation is received to an event that is not pre-approved, it may be submitted for approval prior to the event as follows:

- Events for the Shire President may be approved by the Deputy Shire President;
- Events for Elected Members may be approved by the Shire President;
- Events for the Chief Executive Officer may be approved by the Shire President; and
- Events for employees shall be approved by the Chief Executive Officer.

Considerations for approval of the event include:

- Any justification provided by the applicant when the event is submitted for approval;
- The benefit to the Shire of the person attending;
- Alignment to the Shire's strategic objectives;
- The number of Shire representatives already approved to attend.

When an Elected Member has an event approved through this process and there is a fee associated with the event, then the cost of the event, including the attendance of a partner, is to be paid out of the Members Receptions budget.



Where the Chief Executive Officer or employee has an event approved through this process and there is a fee associated with the event, then the cost of the event is to be paid for out of the Shire's relevant budget line.

### **3. Non-Approved Events**

Any event that is not pre-approved, is not submitted through any approval process or is received personally is considered a non-approved event.

If the event is a free event to the public then no action is required;

If the event is ticketed and the Elected Member, Chief Executive Officer or employee pays the full ticketed price and does not seek reimbursement, then no action is required;

If the event is ticketed and the Elected Member, Chief Executive Officer or employee pays a discounted rate, or is provided with a free ticket(s) with a discount value, then the recipient must disclose receipt of the tickets (and any other associated hospitality) within ten (10) days to the Chief Executive Officer (or President for the Chief Executive Officer) if the discount or free value is greater than \$50 for employees, other than the Chief Executive Officer, and greater than \$300 for Elected Members and the Chief Executive Officer.

### **4. Conference Registration, Bookings, Payments and Expenses**

Shall be dealt with in accordance with Council Policy 1.7, 1.8 and 4.15.

### **5. Dispute Resolution**

All disputes regarding the approval of attendance at events are to be resolved by the Shire President in relation to Elected Members and the Chief Executive Officer and the Chief Executive Officer in relation to other employees.

## **PROCEDURES**

Organisations that desire attendance at an event by a particular person (s), such as the President, Deputy President, Elected Member, Chief Executive Officer or particular officer of the Shire, should clearly indicate that on the offer, together with what is expected of that individual, should they be available and whether the invite/offer or ticket is transferable to another Shire representative.

Free or discounted invitations/offers or tickets that are provided to the Shire without denotation as to who they are for, are to be provided to the Chief Executive Officer and attendance determined by the Chief Executive Officer in liaison with the Shire President, based on relative benefit to the organisation in attending the event, the overall cost in attending the event, inclusive of travel or accommodation, availability of representatives, and the expected role of the relevant Elected Member or employee.



## Forms and Templates

Declaration of Gifts/Contributions to Travel Form is required to be completed and lodged within ten (10) days if the gift is provided in their name due to or part of their role with the Shire of Dalwallinu as follows:

- If the gift is provided to the Elected Member and the discount or free value is over \$300 (inclusive of GST), with the Chief Executive Officer;
- If the gift is provided to the Chief Executive Officer and the discount or free value is over \$300 (inclusive of GST) with the Shire President; and
- If the gift is provided to an employee, other than the Chief Executive Officer, and the discount or free value is over \$50 (inclusive of GST) with the Chief Executive Officer.

**Objective** The Shire of Dalwallinu is required under the *Local Government Act 1995* to approve and report on attendance at events for Elected Members and the Chief Executive Officer. The purpose of this policy is to outline the process associated with attendance at an event.

This policy addresses attendance at any events, including concerts, functions or sporting events, whether free of charge, part of a sponsorship agreement or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events of Elected Members, the Chief Executive Officer and other employees.

Attendance at an event in accordance with this policy will exclude the gift holder from the requirements to disclose a potential conflict of interest if the ticket is above \$300 (inclusive of GST) and the donor has a matter before Council. Any gift received that is \$300 or less (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest.

**Note:**

If an Elected Member receives a ticket in their name, in their role as an Elected Member, of \$300 or greater value, they are still required to comply with normal gift disclosure requirements.

Whilst the law permits gifts greater than \$300 to be accepted by the Chief Executive Officer (but not other employees), in their role with the Shire, the Chief Executive Officer and all other employees, by operation of this policy, are prohibited from accepting any gift greater than \$300, unless from the Shire as the organiser of the event, or as a gift pursuant to Section 5.50 of the *Local Government Act 1995* (gratuity on termination).

If the Chief Executive Officer or an employee receives a ticket in their name, in their role as an employee, of between \$50 and \$300, they are required to



comply with normal gift disclosure requirements and the Code of Conduct re notifiable and prohibited gifts.

Nothing in this policy shall be construed as diminishing the role of the Chief Executive Officer in approving attendance at activities or events by other employees that in the opinion of the Chief Executive Officer are appropriate, relevant and beneficial to the Shire of Dalwallinu and its employees.

Guidelines Definitions

District: is defined as the Wheatbelt region of Western Australia

Elected Members: includes the Shire President and all Elected Members

In accordance with Section 5.90A of the *Local Government Act 1995*, an event is defined as a:

- Concert
- Conference
- Function
- Sporting Event
- Occasions prescribed by the *Local Government (Administration) Regulations 1996*

Person Responsible	Chief Executive Officer
History	New Policy February 2020 (M9508)
	Reviewed May 2020 (M9556)



## 1.18 Elected Members Continuing Professional Development

### Policy

The Shire of Dalwallinu recognises the importance of providing Elected Members with the knowledge and resources that will enable them to fulfil their role in accordance with statutory compliance and community expectations and make educated and informed decisions.

#### **1. Elected Members Mandatory Training**

An Elected Member must complete the course titled *Council Member Essentials*, in accordance with section 5.126(1) of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*, within a period of twelve (12) months beginning the day on which the Elected Member commences their term of office. The *Council Member Essentials* incorporates the following modules:

1. Understanding Local Government
2. Conflicts of Interest
3. Serving on Council
4. Meeting Procedures
5. Understanding Financial Reports and Budgets

The mandatory training is valid for five (5) years.

An Elected Member is exempt from the requirements outlined in section 5.126 (1) of the *Local Government Act 1995* if the Elected Member passed either of the following courses within the period of five (5) years immediately before the day on which the Elected Member commences their term of office:

- Council Members Essentials;
- 52756WA Diploma of Local Government (Council Member);
- The Elected Member passed the course titled LGASS00002 Council Member Skill Set before 1 July 2019 and within a period of five (5) years ending immediately before the day on which the Elected Member commences their term of office.

Council's preferred provider for the training is Western Australian Local Government Association (WALGA).

All modules and associated costs will be paid for by the Shire.

The Shire will publish, on the Shire's website, training undertaken by all Elected Members within one month after the end of the financial year pursuant to Section 5.127 of the *Local Government Act 1995*.





It is Council's preference that the training is undertaken via the eLearning method which is the more cost efficient form of delivery. It is acknowledged however that there may be Elected Members who prefer to receive training face-to-face and/or opportunities to attend training which is being delivered in the region or in the Perth metropolitan area.

## ***2. Elected Members Non Mandatory Training***

Training and professional development activities which this policy applies shall generally be limited to the following:

- WA Local Government Association (WALGA) and Australian Local Government Association (ALGA) conferences;
- Special 'one off' conferences called for or sponsored by WALGA and/or ALGA on important issues;
- Annual conferences of the major professions in local government and other institutions of relevance to local government activities;
- Accredited organisations offering training relevant to the role and responsibilities of Elected Members;
- WALGA Council Member training and development;
- Other local government-specific training courses, workshops and forums, relating to such things as understanding the roles/responsibilities of Elected Members, meeting procedures etc;
- Subscriptions for professional memberships that assist an Elected Member in fulfilling their role on Council;
- Conferences or study tours that address the initiatives and projects that have been outlined in the Shire of Dalwallinu Strategic Community Plan, advocacy statements or Council resolutions.

## ***3. Continuous Professional Development***

In accordance with section 5.128 of the *Local Government Act 1995*, Elected Members are encouraged to identify their individual continuing professional development needs to enhance their effectiveness and address skill gaps as required.

As the needs of individual Elected Members may vary, each Elected member is encouraged to seek the assistance of the Chief Executive Officer and President in analysing their particular requirements and in



identifying appropriate courses, seminars and training to meet those ends.

In determining the professional development activities for individuals, Elected Members should consider the current or future strategic direction and activities of the Shire and its priorities and the skills that will be needed to give effect to the direction.

#### **4. Budget Allocations**

Each year an allocation is made within the Shire of Dalwallinu Annual budget for Elected Members training.

#### **5. Procedures**

Considerations for approval of the training or professional development activity include:

- The costs of attendance including registration, travel and accommodation, if required;
- The budget provisions allowed and the uncommitted or unspent funds remaining;
- Any justification provided by the applicant when the training request is submitted for approval;
- The benefits to the Shire of the person attending;
- Identified skills gaps of Elected Members both individually and as a collective;
- Alignment to the Shire's Strategic Objectives; and
- The number of Shire representatives already approved to attend.

Consideration of attendance at training or professional development courses, other than the online Council Member Essentials, which are deemed to be approved, are to be assessed as follows:

- Events for the Shire President must be approved by the Deputy Shire president, in conjunction with the Chief Executive Officer; and
- Events for Elected Members must be approved by either the Council or the Shire President, in conjunction with the Chief Executive Officer.

#### **Objective**

To ensure that Elected Members of the Shire of Dalwallinu receive appropriate information and training to enable them to understand and undertake their responsibilities and obligations.



Person Responsible	Chief Executive Officer
History	New Policy July 2020 (M9598)



## 2. Community Support



## 2.1 Charitable Works

Policy	All donations of “in kind” work exceeding \$1,000 in value, by way of use of Council staff and equipment, to charitable organisations is to be a decision of Council.
Objective	To determine the level of support and use of Council equipment for charitable purposes.
Guidelines	This excludes private works for which the Shire is to be reimbursed.

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 2.2 School Bus Subsidy – Swimming Lessons

Policy	Council will reimburse half (50%) of the cost of the bus hire to and from the Dalwallinu Aquatic Centre for the transportation of school children attending schools within the Shire.
Objective	<p>To encourage and assist school children from outlying schools within the Shire to attend term time swimming lessons in order to improve swimming ability and to learn basic life – saving techniques.</p> <p>To promote the Dalwallinu Aquatic Centre.</p>
Guidelines	Receipts for bus hire are to be provided.

Person Responsible	<del>Deputy Chief Executive Officer</del> /Manager Corporate Services
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 2.3 Concessions – Hall Hire Charges – Not for profit groups

Policy	<p>There will be no subsidising, reducing or waiving of Council charges, unless upon written application and the Chief Executive Officer is of the opinion that the extenuating circumstances apply, in which the case the application will be considered on its merits by Council.</p> <p>Council may at its discretion authorise a donation to offset the hall hire charges.</p>
Objective	To maintain the integrity of the Fees and Charges set in Councils annual budget.
Guidelines	<p>Council heavily subsidises its fees and charges for the use of the recreation facilities and is of the view that no additional subsidy is warranted.</p> <p><i>Local Government Act 1995 – Section 6.16</i></p> <p>Shire of Dalwallinu Fees and Charges Schedule</p>

Person Responsible	<del>Deputy Chief Executive Officer</del> /Manager Corporate Services
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 2.4 Community Grants Scheme

**Policy** In recognition of the pivotal role that community groups and organisations play in developing vibrant and diverse communities, Council is committed to the provision of support and assistance through the Shire of Dalwallinu Community Grants Scheme. The Shire will make available a provision of \$20,000 in its annual budget. Community grant funding will consist of two rounds of funding in each financial year (\$10,000 available each round).

Provision of grants will be solely at the discretion of Council.

**Objective** To provide financial assistance to community based clubs and organisations.

### Guidelines

#### **Application**

1. Applications, in writing, to be received and approved prior to commencement of the project;
2. Applicants to provide full details of the project and financial documentation of the actual or estimated cost;
3. Only one application for assistance towards one project will be assessed each financial year for the provision of minor sporting, recreation cultural or other project;
4. The applicant organisation must operate from the Shire of Dalwallinu and beneficiaries must be residents of the Shire of Dalwallinu;
5. Only groups who can demonstrate that they are a not for profit community organisation will be considered eligible for funding.

#### **Funding amounts**

For funding requests over \$500, a copy of your group's current financial statement must be attached;

1. Grants will be up to a maximum of 50% of total costs net of other grants, subsidies and donations;
2. The value of in kind work undertaken by volunteers may not exceed one third of the completed value of the project. The voluntary work should be described and valued at a rate of no more than \$20 per hour.





### **Retrospective Funding**

1. No application for retrospective funds will be considered as part of this grant scheme;
2. Projects are not to commence before the announcement of successful applicants.

### **Eligible Projects**

Projects will be considered if they can demonstrate that:

1. All other potential funding sources have been sought, and/or
2. They are able to demonstrate benefit to the wider community and/or
3. Provide benefit to Shire residents through recreational, social or cultural means.

### **Ineligible Projects**

Some projects will be considered ineligible for funding through this scheme. These include:

1. Any project which is deemed by Council to be of direct benefit of a business, person or any other profit making venture, or any government department or agency (school P&C groups are excepted);
2. Projects that have already commenced;
3. Projects that cannot demonstrate a contribution by the group, organisation or community which will benefit from the granting of funds for the project;
4. Salaries or recurrent operational costs;
5. Any project submitted from a religious group, for a religious purpose or for the provision or improvements of religious infrastructure.

### **Other conditions**

1. Council reserves the right to consider and allocate funds without the right of appeal.
2. Council reserves the right to request further information.
3. All applicants will be advised, in writing, of the success or otherwise of their application within one month of Councils decision.

### **Advertising**

The Community Grants Scheme will be advertised to coincide with the opening of each funding round. The advertisement will be placed on



the Shire website and advertised in the Shire Newsletter, Totally Locally and Kalannie Kapers.

### **Funding agreement**

If the organisation is successful in gaining grant assistance it will be expected to enter into a funding agreement. This will require the organisation to:

1. Adhere to the project budget as stated in the application. Significant variations need to be reported to the Economic & Community Development Officer as soon as they are known to the organisation;
2. Expend the funds made available only on the agreed project, event or activity;
3. Provide the Shire with a statement of expenditure certified by the organisation's President and Treasurer, and copies of relevant invoices on completion of the project, so that the approved funding can be reimbursed to the organisation. If the group are registered for GST, a tax invoice will be required;
4. Acknowledge the funding provided by the Shire;
5. Indemnify the Shire insofar as any activities relevant to the funding are concerned.

### **Acquittal**

All grants are to be acquitted by **31 May** of each financial year. If this date is not achievable, the group must notify the **Community Support Economic & Community Development Officer**.

If the organisation is unable to acquit by 31 May, they **MUST** contact the Shire to request that the funds be carried over to the next financial year.

Person Responsible	Economic & Community Development Officer
History	Reviewed April 2016 Reviewed April 2017 (M8814) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)



## 2.5 Collocation of Sporting Clubs

Policy	The Shire will not support or approve any construction or extension to sporting facilities that will result in duplication of existing facilities or where collocation within existing facilities will provide a better outcome.
Objective	To encourage collocation where the net benefits are significant to the Shire and the clubs involved.
Guidelines	<p>When application for grants, support or permission to build facilities on Shire controlled land are received, an assessment will be undertaken to ascertain whether a more beneficial outcome will be achieved through collocation of with existing facilities.</p> <p>In cases where collocation provides a net benefit, the Council will generally not support standalone applications for facilities.</p>

Person Responsible	<del>Deputy Chief Executive Officer</del> /Manager Corporate Services
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 2.6 Business Investment

Policy	<p>The Shire will support new business ventures to start up within the Shire boundaries provided it meets the below criteria.</p> <p>The business must:</p> <ul style="list-style-type: none"> <li>• Not be able to use participation in program to influence completion in the market place; and</li> <li>• Offer services that are in high demand.</li> </ul>
Objective	<p>To encourage business investment in the Shire and ensure that all new business (in line with the above criteria) are supported during their start-up phase.</p>
Guidelines	<p>When businesses show interest in setting up within the Shire boundaries they approach the Shire administration staff to be part of the program.</p> <p>The business owner is assisted with their application which is put to the next Ordinary Council Meeting.</p> <p>Council is to decide whether the business will be accepted onto the program and which of the following areas they are willing to assist:</p> <ul style="list-style-type: none"> <li>• Rates Concession</li> <li>• Marketing and Promotional Pack</li> <li>• “Open Day” for the new business</li> <li>• Assistance with Site works</li> <li>• Discounted application fee.</li> </ul>
Terms & Conditions	<ol style="list-style-type: none"> <li>1. All applicants will be assessed on a case by case basis which Council has the authority to refuse entry onto the Business Investment Program at any time.</li> <li>2. There is no guarantee that businesses will be granted the assistance requested on page three (3) of the application as it is at the</li> </ol>



discretion of Council at all times. See the below conditions for each requested area of assistance.

Rates holidays – are typically available for 36 months where the businesses pay no rates within this period. 50% of rates are paid by the business for the following twelve (12) months and full rates are paid to the Shire thereafter.

Marketing & Promotional Pack – assistance and advices by the Economic & Community Development Officer on marketing in the local area. Cost of all marketing and promotional materials to be at the businesses cost unless otherwise informed by Council.

Open Day – held by the business at the new business premises. The Shire of Dalwallinu will contribute to the value of contribution determined on a case by case basis, limited to a maximum of \$300.

Site Works – if required Council will assist, depending on the capacity of works needed and the availability of staff at the time. An exact cost and detailed drawings of the site plan must be included in this application.

Discounted Application Fees – a discount of up to 50% of application fees will be offered to the business at Councils discretion.

If the applicant is not granted approval onto the Business Investment Program they will be advised in writing.

Application must also be coupled by a cover letter outlining the businesses details and including their corporate logo.

Person Responsible	Economic & Community Development Officer
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Amended May 2020 (M9556)</p>



## 2.7 Harvest & Movement of Vehicles in Paddock Ban

Policy	The Shire will set conditions that will apply when Bush Fires Regulation 38A (for Restricted and Prohibited Burning Times) and Bush Fires Regulation 24C (for Total Fire Ban Days) – (Use of engines, vehicles, plant or machinery likely to cause bush fire) of the Bush Fire Regulations 1954 (commonly called Harvest & Movement of Vehicles in Paddocks Ban) is used.
Objective	To provide clarity on what activities are/are not allowed when a Harvest & Movement of Vehicles in Paddocks Ban has been called.
Guidelines	<p>When a Harvest &amp; Movement of Vehicles in Paddocks Ban has been called the following conditions will apply:</p> <ul style="list-style-type: none"> <li>• Harvesting and associated operations are not permitted;</li> <li>• Movement of any vehicles through, or on, vegetated land is not permitted;</li> <li>• Any “hot works” (e.g. welding, grinding, cutting, heating etc.) in the “open air” is not permitted.</li> </ul>

Person Responsible	<del>Deputy Chief Executive Officer</del> / Manager Corporate Services
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 2.8 Pioneer's and Past Resident's Wall – Contents of Plaque

Policy	Families can arrange through the Shire to have plaques placed on the Pioneers and Past Residents Wall that contain historical information on their family and/or a significant relative.
Objective	To provide a guide to the public on purpose of the wall as well as what kind of information should be displayed on it.
Guidelines	<p>When applications for plaques for the Pioneer Wall are received, they will be considered by the Chief Executive Officer, and in cases where they are deemed to fit the policy as stated and are not considered in any way offensive or defamatory, an appropriate plaque will be arranged and placed on the wall.</p> <p>In cases where an application is made that does not, strictly speaking, fit the policy, a report will be submitted to Council for their consideration.</p> <p>The applicant is to be responsible for all costs associated with the placement of the plaques.</p>

Person Responsible	<del>Deputy Chief Executive Officer</del> / Manager Corporate Services
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 3. Finance





### 3.1 Self-Supporting Loans

Policy	Council will consider making available loan funds on a “self – supporting” basis.
Objective	To identify Council’s willingness to provide support.
Guidelines	Self-supporting loans are subject to the same administrative requirements as other loans raised by Council.

Person Responsible	<del>Deputy Chief Executive Officer</del> / Manager Corporate Services
History	Reviewed April 2016 Reviewed April 2017 (M8814) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)



## 3.2 Significant Accounting Policies

Objective	To establish financial management procedures which provide full compliance with all local government statutory requirements and accepted accounting principles.
Policy	The significant accounting policies which have been adopted in the preparation of the financial report are:

### (a) Basis of Preparation

The financial report comprises general purpose financial statements which have been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities), Australian Accounting Interpretations, and other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 1995* and accompanying regulations. Material accounting policies which have been adopted in the preparation of this financial report are presented below and have been consistently applied unless stated otherwise.

Except for cash flow and rate setting information, the report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities. All amounts are stated in Australian dollars.

#### *Critical Accounting Estimates*

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other services.

Actual results may differ from these estimates. All figures are presented in Australian Dollars.



*The Local Government Reporting Entity*

All Funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between funds) have been eliminated.

All monies held in the Trust Fund are excluded from financial statements. A separate statement of those monies appears at Note 19 to these financial statements.

**(b) Goods and Services Tax (GST)**

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).

Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to the ATO are presented as operating cash flows.

**(c) Cash and Cash Equivalents**

Cash and cash equivalent include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.

Bank overdrafts are reported as short term borrowings in current liabilities in the statement of financial position.

**(d) Trade and Other Receivables**

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.



Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non – current assets.

Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

#### **(e) Inventories**

General Inventories are measured at the lower cost and net realisable value.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

#### **Land held for Resale**

Land held for development and sale is valued at the lower cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.

Gains and losses are recognised in profit or loss at the time of signing and unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed onto the buyer at this point.

Land held for sale is classified as current except where it is held as non-current based on the Councils intentions to release for sale.

#### **(f) Fixed Assets**

Each class of fixed assets within either property, plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

#### **Mandatory requirements to re value non-current assets**

Effective from 1 July 2012, the Local Government (Financial Management) Regulations 1996 were amended and the measurement of non-current assets at Fair Value became mandatory.



During the year ended 30 June 2013, the Shire commenced the process of adopting Fair Value in accordance with the Regulations.

Whilst the amendments initially allowed for a phasing in of Fair Value in relation to fixed assets over three years, as at 30 June 2015 all non-current assets were carried at Fair Value in accordance with the requirements. Therefore, the Shire of Dalwallinu will revalue each asset class in accordance with the table below.

Class	Last Val Date	Next Val Date	Interval
P&E	30/6/2016	30/6/2020	4 years
L&B	30/6/2017	30/6/2022	5 years
Roads & Other Infrastructure	30/6/2018	30/6/2023	5 years

Relevant disclosures, in accordance with the requirements of Australian Accounting Standards, have been made in the financial reports necessary.

#### *Land under control*

In accordance with *Local Government (Financial Management) Regulations 1996* 16(a) (ii), the Shire was required to include as an asset by (30 June 2013), Crown land operated by the Local Government as a golf course, showground, racecourse or other sporting or recreational facility of State or Regional significance.

Upon initial recognition, these assets were recorded at cost in accordance with AASB 116. They were then classified as Land and revalued along with other land in accordance with the other policies detailed in this Note.

#### *Initial recognition and measurement between mandatory revaluation date*

All assets are initially recognised at cost and subsequently revalued in accordance with mandatory measurement framework detailed above.

In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Shire includes costs of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.



Individual assets acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework detailed above, are carried at cost less accumulated depreciation as management believes this approximates fair value. They will be subject to subsequent revaluation at the next anniversary date in accordance with the mandatory measurement framework detailed above.

#### *Revaluation*

Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same asset are recognised against revaluation surplus directly in equity. All other decrease are recognised in profit or loss.

#### *Land under roads*

In Western Australia, all land under roads is Crown Land, the responsibility for managing which, is vested in the local government.

Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact *Local Government (Financial Management) Regulations 16(a)(i)* prohibits local governments from recognising such land as an asset.

In respect of land under roads acquired on or after 1 July 2008, as detailed above, *Local Government (Financial Management) Regulations 1996 4(2)* provides, in the event of such an inconsistency, the *Local Government (Financial Management) Regulations 1996* prevail.

Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Shire.

#### *Depreciation*

The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.



When an item of property, plant and equipment is revalued, any accumulated depreciation at the date of the revaluation is treated in one of the following ways:

- (a) Restated proportionately with the change in the gross carrying amount of the asset so that the carrying amount of the asset after revaluation equals its revalued amount; or
- (b) Eliminated against the gross carrying amount of the asset and the net amount restated to the revalued amount of the asset.

Major depreciation periods for each class of depreciable asset are:

Buildings	30 - 50 Years
Furniture and Equipment	4 – 10 Years
Plant & Equipment	5 – 20 Years
Infrastructure Assets – Roads, Streets & Kerbing	
Clearing and earthworks	Not depreciated
Pavement	40 Years
Seal	15 – 20 Years
Kerbing	50 Years
Footpaths	20 Years
Infrastructure Assets – Gardens	Not depreciated
Infrastructure Assets – Parks & Ovals	10 – 40 Years
Infrastructure Assets – Other Structures	10 – 50 Years

The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in the statement of comprehensive income in the period in which they arise.

#### *Capitalisation threshold*

Expenditure on items of equipment under \$5,000 is not capitalised. Rather, it is recorded on an asset inventory listing.



### **(g) Fair Value of Assets and Liabilities**

When performing a revaluation, the Shire uses a mix of both independent and management valuations using the following as a guide:

Fair value is a market-based measure, the closed equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset or liability. The fair value of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.

To the extent possible, market information is extracted from either the principle market for the asset or liability (i.e. the market with the greatest volume and level of activity for the asset or liability) or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (i.e. the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs).

For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.

#### *Fair value hierarchy*

AASB 13 requires the disclosure of fair value information by level of the fair value hierarchy, which categorises fair value measurement into one of three possible levels based on the lowest level that an input that is significant to the measurement can be categorised into as follows:

Level 1	Measurements based on quoted prices (unadjusted) in active markets for identical asset or liabilities that the entity can access at the measurement date.
Level 2	Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.
Level 3	Measurements based on unobservable inputs for the asset or liability.





The fair value of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data. If all significant inputs required to measure fair value are observable, the asset or liability is included in Level 2. If one or more significant inputs are not based on observable market data, the asset or liability is included in Level 3.

#### *Valuation techniques*

The Shire selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured. The valuation techniques selected by the Shire are consistent with one or more of the following valuation approaches:

Market approach	Valuation techniques that use process and other relevant information generated by market transactions for identical or similar assets or liabilities.
Income approach	Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.
Cost approach	Valuation techniques that reflect the current replacement cost of an asset at its current service capacity.

Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Shire gives priority to those techniques that maximise the use of observable inputs and minimise the use of in observable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability are considered observable, whereas inputs for which market data is not available and therefore are developed using the best information available about such assumptions are considered unobservable.

As detailed above, the mandatory measurement framework imposed by the local government (Financial Management) Regulations requires,



as a minimum, all assets carried at a revalued amount to be revalued in accordance with the regulatory framework.

#### **(h) Financial instruments**

##### *Initial recognition and measurement*

Financial assets and financial liabilities are recognised when the Shire becomes a party to the contractual provisions to the instrument, for financial assets, this is equivalent to the date that the Shire commits itself to either purchase or sale of an asset (i.e. trade date accounting is adopted).

Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit loss', in which case transaction costs are expensed to profit or loss immediately.

##### *Classification and subsequent measurement*

Financial instrument are subsequently measured at fair value, amortised cost using the effective interest rate method, or at cost.

Amortised cost is calculated as:

- (a) The amount in which the financial asset or financial liability is measured at initial recognition;
- (b) Less principle repayments and any reduction for impairment; and
- (c) Plus or minus the cumulative amortisation of the difference, if any, between the amounts initially recognised and the maturity amount calculated using the effective interest rate method.

The effective interest method is used to allocate interest expense over the relevant period and is equivalent to the rate that discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.

##### **(i) Financial assets at fair value through profit and loss**

Financial assets are classified at "fair value through profit or loss" when they are held for trading for the purpose of short-term profit taking. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss. Assets in this category are classified as current assets.



(ii) Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss. Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.

(iii) Held-to-maturity investments

Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Shire has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Held-to-maturity investments are included in current assets, where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as non-current.

(iv) Available-for-sale financial assets

Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.

They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain or loss pertaining to that asset previously recognised in other comprehensive income is reclassified into profit or loss. Available-for-sale financial assets are included in current assets, where they are expected to be sold within 12 months after the end of the reporting period. All other available-for-sale financial assets are classified as non-current.

(v) Financial liabilities



Non-derivative financial liabilities (excluding financial guarantees) are subsequently measured at an amortised cost. Gains or losses are recognised in profit or loss.

#### *Impairment*

A financial asset is deemed to be impaired if, and only if, there is objective evidence of impairment as a result of one or more events (a “loss event”) having occurred, which will have an impact on the estimated future cash flows of the financial asset(s).

In the case of available-for-sale financial assets, a significant or prolonged decline in the market value of the instrument is considered a loss event. Impairment losses are recognised in profit or loss immediately. Also, any cumulative decline in fair value previously recognised in other comprehensive income is reclassified to profit or loss at this point.

In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or group of debtors are experiencing significant financial difficulty, default or delinquency in interest or principle payments; indications that they will enter bankruptcy or other financial reorganisation; and changes in arrears or economic conditions that correlate with defaults.

For financial assets carried at amortised cost (including loans and receivables), a separate allowance account is used to reduce the carrying amount of financial assets impaired by credit losses. After having taken all possible measures of recovery, if management establishes that carrying amount cannot be recovered by any means, at that point the written-off amounts are charges to the allowance account or the carrying amount of impaired financial assets is reduced directly if no impairment amount was previously recognised in the allowance account.

#### *Derecognition*

Financial assets are derecognised where the contractual rights to receipt of cash flows expire or the asset is transferred to another party whereby the Shire no longer has any significant continual involvement in the risks and benefits associated with the asset. Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and fair value of the consideration paid, including the transfer of non-cash assets or liabilities, is recognised in profit loss.



**(i) Impairment of Assets**

In accordance with Australian Accounting Standards the Shire's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.

Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount on the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.

Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another Standard (e.g. AASB116) whereby any impairment loss of a revalued asset is treated as a revaluation decrease in accordance with that other Standard.

Or non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.

**(j) Trade and Other Payables**

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the financial year that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.

**(k) Employee Benefits**

*Short-term employee benefits*

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the statement of financial position. The Shire's obligations for employee's annual leave and long service leave



entitlements are recognised as provisions in the statement of financial position.

*Other long-term employee benefits*

Provision is made for employee's long service leave and annual leave entitlements not expected to be settled wholly within 12 month after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any re measurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.

The Shire's obligations for long-term employee's benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

**(l) Borrowing Costs**

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a quality asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

**(m) Provisions**

Provisions are recognised when the Shire has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required so settle the obligation at the end of the reporting period.

**(n) Leases**

Leases of fixed assets where substantially all the risks and benefits incidental to the ownership of the asset, but not legal ownership, are transferred to the Shire, are classified as finance leases.



Finance leases are capitalised recording an asset and a liability at the lower amounts equal to fair value of the leased property or the guaranteed residual values. Lease payments are allocated between the reduction of the lease liability and the lease interest expense for the period.

Leased assets are depreciated on a straight line basis over the shorter of their estimated useful lives or the lease term.

Lease payments for operating leases, where substantially all the risks and benefits remain with the lessor, are charged as expenses in the periods in which they are incurred.

Lease incentives under operating leases are recognised as a liability and amortised on a straight line basis over the life of the lease term.

**(o) Investment in Associates**

An associate is an entity over which the Shire has significant influence. Significant influence is the power to participate in the financial policy decisions of that entity but is not control or joint control of those policies. Investments in associates are accounted for the financial statements by applying the equity method of accounting, whereby the investment is initially recognised at cost and adjusted thereafter for the post-acquisition change in the Shire's share of net assets of the associate. In addition, the Shire's share of the profit or loss of the associate is included in the Shire's profit or loss.

The carrying amount of the investment includes, where applicable, goodwill relating to the associate. Any discount on acquisition, whereby the Shire's share of the net fair value of the associate exceeds the cost of the investment, is recognised in profit or loss in the period in which the investment is acquired.

Profits and losses resulting from transactions between the Shire and the associate are eliminated to the extent of the Shire's interest in the associate.

When the Shire's share of losses in an associate equals or exceeds its interest in the associate, the Shire discontinues recognising its share of further losses unless it has incurred legal or constructive obligations or made payments on behalf of the associate. When the associate subsequently makes profits, the Shire will resume recognising its share



of those profits once its share of the profits equals the share of the losses recognised.

**(p) Interest in Joint Arrangements**

Joint arrangements represent the contractual sharing of control between parties in a business venture where unanimous decisions about relevant activities are required.

Separate joint venture entities providing joint ventures with an interest to net assets are classified as a joint venture and accounted for using the proportionate consolidation method of accounting.

Joint venture operations represent arrangements whereby joint operators maintain direct interests in each asset and exposure to each liability of the arrangement. The Shire's interests in the assets, liabilities, revenue and expenses of joint operations are included in the respective line items of financial statements. Information about the joint ventures is set out in Note 16.

**(q) Rates, Grants, Donations and Other Contributions**

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions.

Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

Where contributions recognised as revenues during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at the reporting date, the nature of and amounts pertaining to those undischarged conditions are disclosed in Note 2(c). That note also discloses the amount of contributions recognised as revenues in a previous reporting period which were obtained in respect of the local governments operation for the current reporting period.

**(r) Superannuation**

The shire contributes as a number of Superannuation Funds on behalf of employees. All funds to which the Shire contributes are defined contribution plans.





**(s) Current and Non-Current Classification**

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Shire's operation cycle. In the case of liabilities where the Shire does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for resale where it is held as non-current based on the Shire's intentions for release or resale.

**(t) Rounding Off Figures**

All figures shown in this annual financial report, other than a rate in the dollar, are rounded to the nearest dollar.

**(u) Comparative Figures**

Where required, comparative figures have been adjusted to conform to changes in presentation for the current financial year.

When the Shire applies an accounting policy retrospectively, makes a retrospective restatement or reclassifies items in its financial statement, an additional (third) statement of financial position as at the beginning of the preceding period in addition to the minimum comparative financial statements is presented.

**(v) Budget Comparative Figures**

Unless otherwise stated, the budget comparative figures shown in this annual financial report relate to the original budget estimate for the relevant item of disclosure.

**(w) New Accounting Standards and Interpretations for Application in Future Periods**

The AASB has issued a number of new and amended Accounting Standards and Interpretations that have mandatory application dates for future reporting periods, some of which are relevant to the Shire.





Management's assessment of the new and amended pronouncements that are relevant to the Shire, applicable to future reporting periods and which have not yet been adopted are set out as follows:

Title	Issued/Compiled	Applicable (1)	Impact
(i) AASB 9 Financial Instruments (incorporating AASB 2014-7 and AASB 2014-8)	December 2014	1 January 2018	Nil – The objective of this Standard is to improve and simplify the approach for the classification and measurement of financial assets compared with the financial assets of the Shire, it is not anticipated the Standard will have any material affect.
(ii) AASB 15 Revenue from Contracts with Customers	December 2014	1 January 2018	This Standard establishes principles for entities to apply to report useful information to users of financial statements about the nature, amount timing and uncertainty of a revenue and cash flows arising from a contact with a customer. The effect of this Standard will depend upon the nature of the future transactions the Shire has with those third parties it has dealings with. It may or may not be significant.
(iii) AASB 16 Leases	February 2016	1 January 2019	Under AASB 16 there is no longer a distinction between finance and operating leases. Lessees will now bring to account a right-to-use asset and lease liability onto their statement of financial position for all leases. Effectively this means the vast majority of operating leases as defined by the current ASB 117 leases which currently do not impact the statement of financial position will be required to be



			<p>capitalised on the statement of financial position once AASB 16 is adopted.</p> <p>Currently, operating lease payments are expensed as incurred. This will cease and will be replaced by both depreciation and interest charges. Based on the current number of operating leases held by the Shire, the impact is not expected to be significant.</p>
(iv) AASB 1058 Income of Not-for-Profit Entities (incorporating AASB 2016-7 and AASB 2016-8)	December 2016	1 January 2019	<p>These standards are likely to have a significant impact on the income recognition for NFP's. Key areas for consideration are:</p> <ul style="list-style-type: none"> <li>- Assets received below fair value;</li> <li>- Grants received</li> <li>- Prepaid rates</li> <li>- Leases entered into at below market rates; and</li> <li>- Volunteer services</li> </ul> <p>Whilst it is not possible to qualify the financial impact (or if it is material) of these key areas until the details of the future transactions are known, they will all have application to the Shire's operations.</p>

Person Responsible	Manager Corporate Services
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



### 3.3 Regional Price Preference

Policy	<p>Council's Regional Price Preference for locally produced goods and services will apply to all goods and services for which tenders/<b>quotes</b> are let, unless the Shire of Dalwallinu determines otherwise, and is to be:</p> <ul style="list-style-type: none"> <li>• Up to 10% when the contract is for goods and services, up to a maximum price reduction of \$50,000.</li> <li>• Up to 5% when the contract is for construction (building) services, up to a maximum price reduction of \$50,000.</li> <li>• Up to 10% when the contract is for goods and services, including construction (building) services, up to a maximum price reduction of \$500,000, if the local government is seeking tenders from the private sector for the provision of those goods and services for the first time. That is, when a function is being outsourced by the Shire.</li> </ul>
Objective	To establish Council's support for local businesses.
Guidelines	<p><i>Local Government Act 1995 – Section 3.57</i>  <i>Local Government (Functions &amp; General) Regulations 1996 – Part 4A</i>  <i>Local Government (Administration) Regulations 1996</i></p>

Person Responsible	<del>Deputy Chief Executive Officer</del> / Manager Corporate Services
History	<p>Reviewed April 2016  Reviewed April 2017 (M8814)  Reviewed March 2018 (M9129)  Reviewed March 2019 (M9342)  Reviewed May 2020 (M9556)</p>



### 3.4 Investment of Surplus Funds

Policy	Surplus Council funds to be deposited with any savings bank operating under the banking Act 1959 (Commonwealth) section 5, in accordance with the Trustees Act 1962 Part III as amended from time to time.
Objective	To ensure funds of Council are diligently invested in the securest possible manner to ensure the maximum safe return of investment earnings whilst still complying with current legislative requirements.
Guidelines	The <del>Deputy Chief Executive Officer</del> Manager Corporate Services is to maintain control over investments and to record the details of principal, interest, bank rates and maturity date in a register for same and report to Council, monthly as to the status of investments and details of each lodgement in terms of the Financial Management Regulations 1996.

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

Person Responsible	<del>Deputy Chief Executive Officer</del> / Manager Corporate Services
History	Reviewed April 2016 Reviewed April 2017 (M8814) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)



### 3.5 Purchasing

#### Policy

The Shire of Dalwallinu is committed to applying the objectives, principles and practices outlined in this Policy, to all purchasing activity and to ensure alignment with the Shire's strategic and operational objectives.

#### 1. Purchasing

##### 1.1 Objective

The Shire's purchasing activities will:

- a) Achieve best value for money that considers sustainable benefits, such as: environmental, social and local economic factors;
- b) Foster economic development by maximising participation of local businesses in the delivery of goods and services;
- c) Use consistent, efficient and accountable purchasing processes and decision-making, including; competitive quotation processes, assessment of best value for money and sustainable procurement outcomes for all purchasing activity, including tender exempt arrangements;
- d) Apply fair and equitable competitive purchasing processes that engage potential suppliers impartially, honestly and consistently;
- e) Commit to probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest;
- f) Comply with the *Local Government Act 1995*, *Local Government (Functions and General) Regulations 1996*, other relevant legislation, Codes of Practice, Standards and the Shire of Dalwallinu's policies and procedures;
- g) Ensure purchasing outcomes contribute to efficiencies (time and resources) for the Shire of Dalwallinu;
- h) Identify and manage risks arising from purchasing processes and purchasing outcomes in accordance with the Shire of Dalwallinu Risk Management framework;
- i) Ensure records evidence purchasing activities in accordance with the State Records Act 2000 and the Shire of Dalwallinu's Record Keeping Plan;



- j) Ensure confidentiality that protects commercial-in-confidence information and only releases information where appropriately approved.

## **1.2 Ethics & Integrity**

The Shire of Dalwallinu's Code of Conduct applies when undertaking purchasing activities and decision making, requiring Council Members and employees to observe the highest standards of ethics and integrity and act in an honest and professional manner at all times.

## **1.3 Value for Money**

The Shire of Dalwallinu will apply value for money principles in critically assessing purchasing decisions and acknowledges that the lowest price may not always be the most advantageous.

### *1.3.1 Assessing Value for Money*

Value for money assessment will consider:

- All relevant Total Costs of Ownership (TCO) and benefits including; transaction costs associated with acquisition, delivery, distribution, and other costs such as, but not limited to; holding costs, consumables, deployment, training, maintenance and disposal;
- The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality. This includes but is not limited to an assessment of compliances, the supplier's resource availability, capacity and capability, value-adds offered, warranties, guarantees, repair and replacement policies and response times, ease of inspection and maintenance, ease of after sales service, ease of communications, etc;
- The supplier's financial viability and capacity to supply without the risk of default, including the competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history;
- A strong element of competition by obtaining a sufficient number of competitive quotations consistent with this Policy, where practicable;
- The safety requirements and standards associated with both the product design and the specification offered by suppliers and the evaluation of risk arising from the supply, operation and maintenance;





- The environmental, economic and social benefits arising from the goods, services or works required, including consideration of these benefits in regard to the supplier's operations, in accordance with this Policy and any other relevant Shire of Dalwallinu Policy including Local Economic Benefit; and
- Analysis and management of risks and opportunities that may be associated with the purchasing activity, potential supplier/s and the goods or services required.

## **1.4 Purchasing Thresholds and Practices**

### **1.4.1 Defining the Purchasing Value**

The Shire of Dalwallinu will apply reasonable and consistent methodologies to assess and determine Purchasing Values, which ensure:

- (a) The appropriate purchasing threshold and practice is applied in all purchasing activities; and
- (b) Wherever possible, purchasing activity for the same category of supply is aggregated into single contract arrangements to achieve best value and efficiency in future purchasing activities where the requirements are able to be provided by a single supplier.

A **category of supply** can be defined as groupings of similar goods or services with common: supply and demand drivers; market characteristics; or suppliers.

## **1. Strategic Purchasing Value Assessments**

The Shire of Dalwallinu will periodically review recent past purchasing activity across its operations to identify categories of supply for which the Shire of Dalwallinu will have continuing need and which can be aggregated into single contract arrangements in order to achieve best value for money and efficiency in future purchasing activity.

## **2. Individual Purchasing Value Assessments**

In any case, where there is no relevant current contract, each purchasing activity is to assess the Purchasing Value based upon the following considerations:

- (a) Exclusive of Goods and Services Tax (GST); and
- (b) The estimated total expenditure for the proposed supply including the value of all contract extension options and where applicable, the total cost of ownership considerations;



- (c) The appropriate length of a contract is to be determined based on market volatility, ongoing nature of supply, historical purchasing evidence and estimated future purchasing requirements;
- (d) Requirements must not be split to avoid purchasing or tendering thresholds (F&G Reg.12).

The calculated estimated Purchasing Value will determine the applicable threshold and purchasing practice to be undertaken.

#### 1.4.2 Table of Purchasing Thresholds and Practices

##### (1) Supplier Order of Priority

The Shire of Dalwallinu will consider and apply, where applicable, the following Supplier Order of Priority:

<b>Priority 1:</b>	<p><b>Existing Prequalified Supplier Panel or other Contract</b></p> <p>Current contracts, including a Panel of Prequalified Suppliers or contracted supplier, must be used where the Shire of Dalwallinu's supply requirements can be met through the existing contract.</p> <p>If the Shire of Dalwallinu does not have a current contract relevant to the required supply, then a relevant WALGA PSA is to be used.</p>
<b>Priority 2:</b>	<p><b>Local Suppliers</b></p> <p>Where the Purchasing Value does not exceed the tender threshold and a relevant local supplier is capable of providing the required supply, the Shire of Dalwallinu will ensure that wherever possible, quotations are obtained from local suppliers permanently located within the District as a first priority, and those permanently located within surrounding Districts as the second priority.</p> <p>If no relevant local supplier is available, then a relevant WALGA PSA may be used.</p>
<b>Priority 3:</b>	<p><b>Tender Exempt – WALGA Preferred Supplier Arrangement (PSA)</b></p> <p>Use a relevant WALGA PSA regardless of whether or not the Purchasing Value will exceed the tender threshold.</p>



	<p>However, if a relevant PSA exists but an alternative supplier is considered to provide best value, then the CEO, or an officer authorised by the CEO, must approve the alternative supplier. Reasons for not using a PSA may include:</p> <p>a) Local supplier availability (that are not within the PSA); or</p> <p>b) Social procurement – preference to use Aboriginal business or Disability Enterprise,</p> <p>If no relevant WALGA PSA is available, then a relevant State Government CUA may be used.</p>
<b>Priority 4:</b>	<p><b>Tender Exempt – WA State Government Common Use Agreement (CUA)</b></p> <p>Use a relevant CUA regardless of whether or not the Purchasing Value will exceed the tender threshold.</p> <p>However, if a relevant CUA exists, but an alternative supplier is considered to provide best value for money, then the proposed alternative supplier must be approved by the CEO, or an officer authorised by the CEO.</p> <p>If not relevant CUA is available, then a Tender Exempt (F&amp;G Reg.11(2)) arrangement may be used.</p>
<b>Priority 5:</b>	<p><b>Other Tender Exempt arrangement (F&amp;G Reg.11(2))</b></p> <p>Regardless of whether or not the Purchasing Value will exceed the tender threshold, the Shire of Dalwallinu will investigate and seek quotations from tender exempt suppliers, and will specifically ensure that wherever possible, quotations are obtained from a WA Disability Enterprise and/or an Aboriginal Owned Business that is capable of providing the required supply.</p>
<b>Priority 6:</b>	<p><b>Other Suppliers</b></p> <p>Where there is no relevant existing contract or tender exempt arrangement available, purchasing activity from any other supplier is to be in accordance with relevant Purchasing Value Threshold and Purchasing Practice specified in the table below.</p>

## (2) Purchasing Practice Purchasing Value Thresholds



The Purchasing value, assessed in accordance with clause 1.4.1, determines the Purchasing Practice to be applied to the Shire of Dalwallinu's purchasing activities.

<b>Purchase Value Threshold (ex GST)</b>	<b>Purchasing Practice</b>
Up to \$10,000	Obtain at least one (1) verbal or written quotation from a suitable supplier in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1).
From \$10,000 and up to \$39,999	<p>Seek at least two (2) verbal or written quotations from suitable suppliers in accordance with the Supplier Order of Priority detailed in clause 1.4.2 (1).</p> <p>If purchasing from a WALGA PSA, CUA or other tender exempt arrangement, a minimum of two (2) written quotation is to be obtained.</p> <p>The purchasing decision is to be based upon assessment of the suppliers response to:</p> <ul style="list-style-type: none"> <li>• A brief outline of the specified requirement for the goods, service or works required; and</li> <li>• Value for money criteria, not necessarily the lowest price.</li> </ul> <p>The purchasing decision is to be evidenced using the Evaluation Report Template and retained in accordance with the Shire of Dalwallinu's Record Keeping Plan.</p>
From \$40,000 up to \$249,999	<p>Seek at least three (3) written responses from suppliers by invitation under a formal Request for Quotation in accordance with the Supplier Order of Priority detailed in clause 1.4.2 (1).</p> <p>The purchasing decision is to be based upon assessment of the suppliers response to:</p>



	<ul style="list-style-type: none"> <li>• A detailed written specification for the goods, services or works required; and</li> <li>• Pre-determined selection criteria that assesses all best and sustainable value considerations.</li> </ul> <p>The procurement decision is to be evidenced using the Evaluation Report Template and retained in accordance with the Shire of Dalwallinu's Record Keeping Plan.</p>
Over \$250,000	<p><b>Tender Exempt</b> arrangements (i.e. WALGA PSA, CUA or other tender exemption under F&amp;G Reg.11(2) require at least three (3) written responses from suppliers by invitation from suppliers by invitation under a formal Request for Quotation in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1).</p> <p><b><u>OR</u></b></p> <p><b>Public Tender</b> undertaken in accordance with the <i>Local Government Act 1995</i> and relevant Shire of Dalwallinu Policy and procedures.</p> <p>The Tender exempt or Public Tender purchasing decision to be based on the suppliers response to:</p> <ul style="list-style-type: none"> <li>• A detailed specification; and</li> <li>• Pre-determined selection criteria that assesses all best and sustainable value considerations.</li> </ul> <p>The purchasing decision is to be evidenced using the Evaluation Report template and retained in accordance with the Shire of Dalwallinu's Record Keeping Plan.</p>
Emergency Purchases (within budget) Refer to Clause 1.4.3	<p>Where goods or services are required for an emergency response and are within scope of an established Panel of Pre-qualified Supplier or existing contract, the emergency supply must be obtained from the Panel or existing contract using relevant unallocated budgeted funds.</p>



	<p>If there is no existing Panel or contract, then clause 1.4.2 (1) Supplier Order of Priority will apply wherever practicable.</p> <p>However, where due to the urgency of the situation; a contracted or tender exempt supplier is unable to provide the emergency supply OR compliance with this Purchasing Policy would cause unreasonable delay, the supply may be obtained from any supplier capable of providing the emergency supply. However, an emergency supply is only to be obtained to the extent necessary to facilitate the urgent emergency response and must be subject to due consideration of best value and sustainable practice. The rationale for policy non-compliance and the purchasing decision must be evidenced in accordance with the Shire of Dalwallinu's Record Keeping Plan.</p>
<p>Emergency Purchases (No budget allocation available) Refer to Clause 1.4.3</p>	<p>Where no relevant budget allocation is available for an emergency purchasing activity then, in accordance with s6.8 of the <i>Local Government Act 1995</i>, the President must authorise, in writing, the necessary budget amendment adjustment prior to the expense being incurred.</p> <p>The CEO is responsible for ensuring that an authorised emergency expenditure under s6.8 is reported to the next Ordinary Council Meeting.</p> <p>The Purchasing Practices prescribed for Emergency Purchases (within budget) above, then apply.</p>
<p>LGIS Services Section 9.58(6)(b) LG Act</p>	<p>The suite of LGIS insurances are established in accordance with s.9.58(6)(b) of the <i>Local Government Act 1995</i> 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-based service and is not defined as a purchasing activity subject to this Policy.</p> <p>Should Council resolve to seek quotations from alternative insurance suppliers, compliance with this Policy is required.</p>



***Tender Exemptions:***

Tenders to not have to be publicly invited according to the requirements of the *Local Government (Functions and General) Regulations 1996* if:

- a) The supply of goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the *Local Government Act 1995*; or
- b) The supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or
- c) Within the last 6 months –
  - i) The local government has, according to the requirements of the Regs, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
  - ii) The local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer; or
- d) The contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or
- e) The goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
- f) The goods or services are to be supplied –
  - i) In respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
  - ii) By a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph: or
- g) The local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
- h) The goods to be supplied under the contract are –
  - i) Petrol or oil; or



- ii) Any other liquid, or any gas, used for internal combustion engines; or
- i) The following apply –
  - i) The goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation established under the *Small Business Development Corporation Act 1983*; and
  - ii) The consideration under the contracts is \$250,000 or less, or worth \$250,000 or less; and
  - iii) The local government is satisfied that the contract represents value for money; or
- j) The goods or services are to be supplied by an Australian Disability Enterprise; or
- k) The contract is a renewal or extension of the term of a contract (the original contract) where -
  - i) The original contract was entered into after the local government, according to the requirements of the Regs, publicly invited tenders for the supply of goods or services; and
  - ii) The invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
  - iii) The original contract contains an option to renew or extend its term; and
  - iv) The supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised; or
  - v) The goods or services are to be supplied by a pre-qualified supplier under Division 3 of the Regs.

### **1.4.3 Emergency Purchases**

Emergency purchases are defined as the supply of goods or services associated with:

- (a) a local emergency and the expenditure is required (within existing budget allocations) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets; OR
- (b) a local emergency and the expenditure is required (with no relevant available budget allocation) to respond to an imminent risk to public safety, or to protect or make safe property or





infrastructure assets in accordance with s.6.8 of the *Local Government Act 1995* and Functions and General Regulation 11(2)(a); OR

(c) A state of emergency declared under the *Emergency Management Act 2005* and therefore, Functions and General Regulations 11(2)(aa), (ja) and (3) apply to vary the application of this policy.

Time constraints, administrative omissions and errors do not qualify for definition as an emergency purchase. Instead, every effort must be made to research and anticipate purchasing requirements in advance to allow sufficient time for planning and scoping proposed purchases and to then obtain quotes or tenders, as applicable.

#### **1.4.4 Inviting Tenders Though not Required to do so**

The Shire of Dalwallinu may determine to invite Public Tenders, despite the estimated Purchase Value being less than the \$250,000 prescribed tender threshold, but only where an assessment determines that the purchasing requirement cannot be met through a tender exempt arrangement and the use of a public tender process will enhance; value for money, efficiency, risk mitigation and sustainable procurement benefits.

In such cases, the tender process must comply with the legislative requirements and the Shire of Dalwallinu's tendering procedures (F&G Reg.13).

#### **1.4.5 Expressions of Interest**

Expressions of Interest (EOI) will be considered as a prerequisite to a tender process (F&G Reg.21) where the required supply evidences one or more of the following criteria:

- Unable to sufficiently scope or specify the requirement;
- There is significant variability for how the requirement may be met;
- There is potential for suppliers to offer unique solutions and/or multiple options for how the purchasing requirement may be obtained, specified, created or delivered;
- Subject to a creative element; or
- Provides a procurement methodology that allows for the assessment of a significant number of potential tenderers leading to a shortlisting process based on non-price assessment.



All EOI processes will be based upon qualitative and other non-price information only.

#### **1.4.6 Unique Nature of Supply (Sole Supplier)**

An arrangement with a supplier 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 only be approved where the:

- a) Purchasing value is estimated to be over \$10,000; and
- b) Purchasing requirement has been documented in a detailed specification; and
- c) Specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirements; and
- d) Market testing processes and outcomes of supplier assessments have been evidenced in records, inclusive of rationale for why the supply is determined as unique and why quotations/tenders cannot be sourced through more than one potential supplier.

An arrangement of this nature will only be approved by Council, for a period not exceeding one (1) year. For any continuing purchasing requirements, the approval must be re-assessed before expiry, to evidence that only one potential supplier still genuinely exists.

#### **1.4.7 Anti-Avoidance**

The Shire of Dalwallinu will not conduct multiple purchasing activities with the intent (inadvertent or otherwise) of “splitting” the purchase value or the contract value, so that the effect is to avoid a particular purchasing threshold or the need to call a Public Tender. This includes the creation of two or more contracts or creating multiple purchase order transactions for a similar nature.

#### **1.4.8 Contract Renewals, Extensions and Variations**

Where a contract has been entered into as the result of a publicly invited tender process, then *Functions and General Regulation 21A* applies.

For any other contract, the contract must not be varied unless:

- The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or



- The variation is a renewal or extension of the term of the contract where the extension or renewal options were included in the original contract.

Upon expiry of the original contract, and after any options for renewal or extension included in the original contract have been exercised, the Shire of Dalwallinu is required to review the purchasing requirements and commence a new competitive purchasing process in accordance with this Policy.

## **2. Sustainable Procurement**

The Shire of Dalwallinu is committed to implementing sustainable procurement by providing a preference to suppliers that demonstrate sustainable business practices (social advancement, environmental protection and local economic benefits).

The Shire of Dalwallinu may apply Sustainable Procurement criteria as part of the value for money assessment to ensure that wherever possible our suppliers demonstrate outcomes which contribute to improved environmental, social and local economic outcomes.

Sustainable Procurements can be demonstrated as being internally focussed (i.e. operational environmental efficiencies or employment opportunities and benefits relating to special needs), or externally focussed (i.e. initiatives such as corporate philanthropy).

Requests for Quotations and Tenders will include a request for Suppliers to provide information regarding their sustainable practices and/or demonstrate that their product or service offers enhanced sustainable benefits.

### **2.1 Local Economic Benefit**

The Shire of Dalwallinu promotes economic development through the encouragement of competitive participation in the delivery of goods and services by local suppliers permanently located within its District first, and secondly, those permanently located within its broader region. As much as practicable, the Shire of Dalwallinu will:

- Consider buying practices, procedures and specifications that encourage the inclusion of local businesses and the employment of local residents;
- Consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- Ensure that procurement plans, and analysis is undertaken prior to develop Requests to understand local business capability and local content availability where components of



goods or services may be sourced from within the District for inclusion in selection criteria;

- 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 Request for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid;
- Consider the adoption of Key Performance Indicators (KPIs) within contractual documentation that require successful Contractors to increase the number of employees from the District first; and
- Provide adequate and consistent information to local suppliers.

To this extent, a weighted qualitative criterion will be included in the selection criteria for Requests for Quotation and Tenders where suppliers are located within the boundaries of the Shire of Dalwallinu, or substantially demonstrate a benefit or contribution to the local economy.

The Shire of Dalwallinu has adopted a Regional Price Preference Policy, which will be applied when undertaking all purchasing activities.

## **2.2 Socially Sustainable Procurement**

The Shire of Dalwallinu will support the purchasing of requirements from socially sustainable suppliers such as Australian Disability Enterprises and Aboriginal businesses wherever a value for money assessment demonstrates benefit towards achieving the Shire of Dalwallinu's strategic and operational objectives.

A qualitative weighting will be used in the evaluation of Requests for Quotes and Tenders to provide advantages to socially sustainable suppliers in instances where the below tender exemptions are not exercised.

### **(1) Aboriginal Businesses**

*Functions and General Regulations 11(2)(h)* provides a tender exemption if the goods or services are supplied by a person in the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia, or Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation), where the consideration under contract is \$250,000 or less, or worth \$250,000 or less.



The Shire of Dalwallinu will first consider undertaking a quotation process with other suppliers (which may include other registered Aboriginal Businesses as noted in *F&G Reg. 11(2)(h)*) to determine overall value for money for the Shire of Dalwallinu.

Where the Shire of Dalwallinu makes a determination to contract directly with an Aboriginal Business for any amount up to and including \$250,000 (ex GST), it must be satisfied through alternative means that the offer truly represents value for money.

If the contract value exceeds \$40,000 (ex GST), a formal Request for quotation will be issued to the relevant Aboriginal business. The rationale for making the purchasing decision must be recorded in accordance with the Shire of Dalwallinu's Record Keeping Plan.

## **(2) Australian Disability Enterprise**

*Functions and General Regulations 11(2)(i)* provides a tender exemption if the goods or services are supplied by an Australian Disability Enterprise.

The Shire of Dalwallinu will first consider undertaking a quotation process with other suppliers (which may include other Australian Disability Enterprise) to determine overall value for money for the Shire of Dalwallinu.

Where the Shire of Dalwallinu make a determination to contract directly with an Australian Disability Enterprise for any amount, including an amount over the Tender threshold of \$250,000 (ex GST), it must be satisfied through alternative means that the offer truly represents value for money.

If the contract value exceeds \$50,000 (ex GST), a formal Request for Quotation will be issued to the relevant Australia Disability Enterprise. The rationale for making the purchasing decision must be recorded in accordance with the Shire of Dalwallinu's Record Keeping Plan.

## **2.3 Environmentally Sustainable Procurement**

The Shire of Dalwallinu may support the purchasing of recycled and environmentally sustainable products whenever a value for money assessment demonstrates benefit toward achieving the Shire's strategic and operational objectives.

Qualitative weighted selection criteria may be used in the evaluation of Requests for Quote and Tenders to provide advantages to suppliers which:



- Demonstrate policies and practices that have been implemented by the business as part of its operations;
- Generate less waste material by reviewing how supplies, materials and equipment are manufactured, purchased, packaged, delivered, used, and disposed; and
- Encourage waste prevention, recycling, market development and use of recycled/recyclable materials.

### **3. Record Keeping**

All Local Government purchasing activity, communications and transactions must be evidenced and retained as local government records in accordance with the *State Records Act 2000* and the Shire of Dalwallinu's Record Keeping Plan.

In addition, the Shire of Dalwallinu must consider and will include in each contract for the provision of works or services, the contractor's obligations for creating, maintaining and where necessary the transferral of records to the Shire of Dalwallinu relevant to the performance of the contract.

### **4. Purchasing Policy Non-Compliance**

The Purchasing Policy is mandated under the *Local Government Act 1995* and Regulation 11A of the *Local Government (Functions and General) Regulations 1996* and therefore the policy forms part of the legislative framework in which the Local Government is required to conduct business.

Where legislative or policy compliance is not reasonably able to be achieved, records must evidence the rationale and decision making processes that substantiate the non-compliance.

Purchasing activities are subject to internal and external financial and performance audits, which examine compliance with legislative requirements and the Shire of Dalwallinu's policies and procedures.

If non-compliance with; legislation, this Purchasing Policy or the Code of Conduct, is identified, it must be reported to the Chief Executive Officer or the Manager Corporate Services.

A failure to comply with legislation or policy requirements, including compliance with the Code of Conduct when undertaking purchasing activities, may be subject to investigation, with findings to be considered in context of the responsible person's training, experience, seniority and reasonable expectations for 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 under the *Public Sector Management Act 1994*; or
- Where the breach is also identified as potentially serious misconduct, the matter will be reported in accordance with the *Corruption, Crime and Misconduct Act 2003*.

Person Responsible	<del>Deputy Chief Executive Officer/</del> Manager Corporate Services
History	Reviewed April 2016 Reviewed April 2017 (M8814) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)



### **3.6 REVOKED - Payment of Fees – Dalwallinu and Kalannie Caravan Parks**

POLICY REVOKED - MARCH 2019 (M9342)

REASON – The Shire of Dalwallinu no longer operates either the Dalwallinu or Kalannie Caravan Parks.





### 3.7 Direct Electronic Payments and Electronic Investments

**Policy** Payments made by electronic transfer through the Shire bank accounts which include payroll, monthly fees, contracts, loan repayments and purchases made through the suppliers that will only accept the payment by electronic transfer shall be made jointly by the Chief Executive Officer and any one of the following:

Shire President  
Deputy Shire President  
Chief Executive Officer  
~~Deputy Chief Executive Officer~~/Manager Corporate Services  
Manager Works & Services  
Manager Planning & Development Services

In the absence of the Chief Executive Officer, then payment by electronic transfer shall be made by the ~~Deputy Chief Executive Officer~~/Manager Corporate Services and one other from the list above.

Any surplus funds in the Municipal Account are to be invested by transferring electronically to a Business TeleNet Saver Account.

**Objective** To ensure payment of accounts are made in an efficient and timely manner.  
To maximise the return on invested funds.

**Guidelines** The ~~Deputy Chief Executive Officer~~/Manager Corporate Services is to maintain control over payments and investments as per Delegation 3001 and Policy 3.4.

Person Responsible	<del>Deputy Chief Executive Officer</del> / Manager Corporate Services
History	Reviewed April 2016 Reviewed April 2017 (M8814) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)



### 3.8 Corporate Credit Card usage

Policy	Sets out buying conditions that relate to purchases made with any corporate credit cards that carry the Shire of Dalwallinu name.
Objective	To ensure that all expenditure on corporate credit cards are limited to approved uses.
Guidelines	<p>Corporate credit cards issued by the Shire can only be used for the business purposes of the Shire. Among the approved uses are:</p> <ul style="list-style-type: none"> <li>• In person, across the counter retail purchases,</li> <li>• Facsimile/telephone/internet business related purchases,</li> <li>• Mail order purchases and subscriptions,</li> <li>• Official travel, accommodation and related expenses,</li> <li>• Entertainment and business hospitality expenses.</li> </ul>

The Corporate credit card must not be used for –

- Personal or non-work related expenditure,
- Purchase of fuel (unless the relevant fuel card is not able to be used),
- Obtaining cash advances,

Purchase of goods or services where the cardholder gains personal advantage through the transaction (e.g. special offers such as “Fly Buys” that benefit individuals).

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



### 3.9 Overdue Rates and Charges Collection

**Policy** This policy has been developed to treat ratepayers fairly and consistently while recognising the Shire has the responsibility to recover all outstanding rates and charges in a timely manner to finance delivery of its services.

Legal proceedings will continue until full payment has been received.

#### Issue Final Notices

A final Notice will be issued at least fourteen (14) days after the due date of the Rate Notice, to those persons who have made either no payment, or insufficient payment, to cover the first instalment. The Final Notice is to specify that the property owner/s have seven (7) days to pay in full or to enter into a special repayment arrangement.

Final Notices will not be issued to eligible persons registered to receive a pensioner or senior rebate under the *Rates and Charges ( Rebates and Deferments) Act 1992* as such persons have until 30 June in the year of rating to make payment, without incurring any late payment penalties.

#### 7 Day reminder Letter

A 7 Day Reminder Letter will be issued at least fourteen (14) days after the due date of the Final Notice, to those persons who did not respond appropriately to the Final Notice.

The 7 Day Reminder Letter is to specify that the property owner/s have seven (7) days to pay in full or to enter into a special repayment arrangement – failure to do so will result in further debt collection proceedings without further notice.

#### Notice of Intention to Summons

A Notice of Intention to Summons will be issued at least (14) days after the due date of the 7 Day Reminder Letter to those persons who do not respond accordingly to the 7 Day Reminder Letter.

The Notice of Intention to Summons is to specify that the property owner/s have seven (7) days to pay in full or to enter into a special repayment arrangement – failure to do so will result in a General Procedure Claim being issued without further notice.



#### Issue of a General Procedure Claim

If no response is received in relation to the Notice of Intention to Summons a General Procedure Claim is to be lodged through the Midland Magistrates Court. In accordance with Section 6.56 of the *Local Government Act 1995*, the costs of issuing a General Procedure Claim are recoverable from the property owner/s and are to be debited to the rates account.

Following the issue of a General Procedure Claim, a reasonable offer to discharge the total debt by repayment arrangement will be accepted.

If an arrangement is made, agreement on the amount, frequency and commencement date of repayments is required noting that total debt is to be repaid by 30 June. Any arrangements are subject to acceptance by the Chief Executive Officer.

If the proposed payment arrangement is not acceptable, the Shire will advise via letter that the proposed arrangement is not sufficient to repay the debt within a reasonable timeframe and will request the property owner/s to contact the Shire's Rates Officer to discuss a more appropriate arrangement.

If no payment arrangement has been entered into or the Admission of Claim is not returned within fourteen (14) days of the issue of the General Procedure Claim, a letter will be sent requesting the property owner/s to pay the account (plus fees) in full. If, after a further period of at least seven (7) days, there is still no payment or arrangement in place, a Property Seizure and Sale Order may be issued.

If payment of the General Procedure Claim is received and a small balance remains on the rate account or the legal fees have not been paid, a letter will be sent to the ratepayer requesting payment of the outstanding balance.

If the agreed repayment arrangement is not honoured, a letter will be sent advising that the repayment arrangement is overdue and, if payment is not received within 14 days, a Property Seizure and Sale Order may be issued.



#### Non-Service of General Procedure Claim

When a General Procedure Claim is unable to be served a Non-Service Certificate will be issued by the bailiff. As an outcome, the bailiff may; advise the Shire if the property is unoccupied or is a rental property; or provide an alternative address for the General Procedure Claim to be re-issued.

If the property is tenanted, the property manager must be contacted to ascertain the correct postal address of the property owner. If the property manager is responsible for the payment of rates, the postal address is to be updated on the Shire's rating system and a new Rate Notice is to be sent to the property manager for payment.

If neither payment nor an acceptable arrangement has been received by the Shire after fourteen (14) days, a Property Seizure and Sale Order may be issued.

If a new address is supplied by the Bailiff, the new postal address is to be recorded on the Shire's rating system. A letter is to be sent to inform the owner/s of the General Purpose Claim and, if not responded to within seven (7) days, the Shire will re-issue the General Procedure Claim. The additional costs in reissuing the General Procedure Claim will be added to the rates account.

#### Property Seizure and Sale Order/Goods

If the property owner/s has not responded to the General Procedure Claim, a Property Seizure and Sale Order/Goods may be issued within fourteen (14) days after the date of service of the General Procedure Claim.

The Property Seizure and Sale Order authorises the Bailiff to seize and sell as much of the debtors real or personal property as necessary to repay the debt.

#### Property Seizure and Sale Order/Land

Where a Property Seizure and Sale Order involves the land that constitutes the primary residence of the rateable owner, the approval of Council must be obtained before the Property Seizure and Sale Order is lodged.

Where a Property Seizure and Sale Order involves the land that constitutes an investment property, the approval of Council is not required.



Lodging a Caveat on the Title of the Land

Where rates remain unpaid for a period in excess of one year, a caveat may be lodged to preclude dealings in respect of the land to protect Council's interests.

Where rates or service charges remain unpaid

Where previous actions to collect outstanding rates and service charges have not been successful and the rates and/or service charges remain unpaid for at least three (3) years, Council in accordance with S6.64 of the *Local Government Act 1995* take possession of the land and hold the land as against a person having an estate or interest in the land and:

- a) from time to time lease the land; or
- b) sell the land; or
- c) cause the land to be transferee to the Crown; or
- d) cause the land to be transferred to the Shire of Dalwallinu

**Objective** To outline the process for efficient and effective collection of outstanding rates and service charges.

**Guidelines** A General Procedure Claim can only be lodged through the Magistrates Court to recover amounts owing of \$10,000 or less.

Person Responsible	Deputy Chief Executive Officer
History	New Policy June 2017 (M8841) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)



### **3.10 REVOKED - Medical Centre Billing**

POLICY REVOKED MARCH 2019 (M9342)

REASON – The Shire of Dalwallinu no longer operates the Dalwallinu Medical Centre.



### 3.11 Related Party Disclosures

**Policy** This policy outlines what is expected of elected members and staff in relation to the *Australian Accounting Standard AASB 124 Related Party Disclosures (AASB 124)*.

**Guidelines** The scope of AASB 124 was extended in July 2015 to include application by not-for-profit entities, including local governments. The operative date for Local Government is 1 July 2016, with the first disclosures to be made in the Financial Statements for year ended 30 June 2017. This policy outlines required mechanisms to meet the disclosure requirements of AASB 124.

The objective of the standard is to ensure that an entity's financial statements contain disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and transactions.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire must make an informed judgement as to who is considered to be a related party and what transactions need to be considered, when determining if disclosure is required.

The purpose of this procedure is to stipulate the information to be requested from related parties to enable an informed judgement to be made.

**Policy** **IDENTIFICATION OF RELATED PARTIES:**  
AASB 124 provides that the Shire will be required to disclose in its Annual Financial reports, related party relationships, transactions and outstanding balances. Related parties includes 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 has identified the following persons as meeting the definition of *Related Party*.

- An elected Council member.
- Key management personnel being a person employed under section 5.36 of the *Local Government Act 1995* in the capacity of:
  - Chief Executive Officer
  - ~~Deputy Chief Executive Officer~~/Manager Corporate Services
  - Manager Works & Services
  - Manager Planning & Development Services
  - Works Supervisor
- 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, dependants of that persons spouse or domestic partner.
- Entities that are controlled or jointly controlled by a Council member, KMP or their close family members. (Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).

Those persons identified as KMP will complete an annual declaration which outlines the entities, if any, that are controlled or jointly controlled by that KMP or their close family members and which are likely to have transactions with the Shire.

It is the responsibility of the Chief Executive Officer to seek a declaration upon change of KMP.

It is the responsibility of all identified KMP to update their declaration should they become aware of a change, error or omission.

The Shire will be required to assess all transactions made with these persons or entities and may determine other family members, such as parent, grandparent, sibling, cousin etc., who may be expected to influence, or be influenced by, that person in their dealings with the Shire or a Shire entity.

#### **IDENTIFICATION OF RELATED PARTY TRANSACTIONS:**

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

For the purposes of determining whether a related party transaction has occurred, the following transactions or provision of services have been identified as meeting this criteria:



- Paying rates
- Fines
- Use of Shire owned facilities such as Recreation Centre, Discovery Centre, Library, Parks, Ovals and other public open spaces (whether charged a fee or not)
- Attending Council functions that are open to the public
- Employee compensation whether it is for KMP or close family members of KMP
- Application fees paid to the Shire for licences, approvals or permits
- Lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a Real Estate Agent).
- Lease agreements for commercial properties
- Monetary and non-monetary transactions between the Shire and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Shire (trading arrangement)
- Sale or purchase of any property owned by the Shire, to a person or party identified above.
- Sale or purchase of any property owned by a person or party identified above, to the Shire.
- Loan arrangements
- Contracts and agreements for construction, consultancy or services.

Some of the transactions listed above, 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 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.

#### **REGISTER OF RELATED PARTY TRANSACTIONS:**

The ~~Deputy Chief Executive Officer~~/Manager Corporate Services is responsible for maintaining and keeping up to date a register of related party transactions that captures and records the information for each existing or potential related party transaction (including OCTs assessed as being material in nature) during a financial year.



### **DISCLOSURE REQUIREMENTS:**

For the purpose of determining relevant transactions, elected Council members and key management personnel as identified above, will be required to complete a *Related Party Disclosures – Declaration* form.

#### **1. Ordinary Citizen Transactions (OCTs)**

The following OCT that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Council's financial statements make. As such no disclosure in the *Related Party Disclosures – Declaration* form will be required.

- Paying rates
- Transactions relating to the registration and control of domesticated animals as defined in the *Dog Act 1976* and *Cat Act 2011*
- Transactions whereby a Fee or Charge is incurred and that are included as part of Councils endorsed Schedule of Fees and Charges
- Fines
- Use of Shire owned facilities such as Recreation centre, Discovery Centre, library, parks, ovals and other public open spaces (whether charged a fee or not)
- Attending council functions that are open to the public.

Where these services were not provide at arm's length and under the same terms and conditions applying to the general public, elected Council members and KMP will be required to make a declaration in the *Related Party Disclosures – Declaration* form about the nature of any discount or special terms received.

#### **2. All other transactions**

For all other transactions identified as Related Party transactions above, elected Council members and KMP will be required to make a declaration in the *Related Party Disclosures – Declaration* form.

#### **3. Frequency of disclosures**

- Elected Council members and KMP will be required to complete a *Related Party Disclosures – Declaration* form annually.
- Disclosures must be made by all Councillors immediately prior to an ordinary or extraordinary election.



- Disclosures must be made immediately prior to the termination of employment of/by a KMP.

#### 4. 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 materiality. Individuals may be specifically identified, if the disclosure requirements of AASB 124 so demands.

#### 5. Materiality

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

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

Person Responsible	Chief Executive Officer
History	New Policy August 2017 (M8891) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Amended May 2020 (M9556)



### 3.12 Purchasing Shire Owned Residential Properties

**Policy** The Shire of Dalwallinu is willing to sell residential properties to any of its employees that have been employed by the Shire for a minimum of three (3) years. Following is the process and conditions that apply:

#### Properties for Sale

The only residential properties that are able to be purchased are either vacant properties or they are the property that the employee resides within. For clarity, an employee may not make an offer for a Shire of Dalwallinu property that is currently tenanted by another person unless both parties come to an agreement that is satisfactory to Council.

#### Process for Purchase

1. Employees make an offer to purchase in writing to the Shire of Dalwallinu;
2. The Shire of Dalwallinu will have the property valued for “market value” by a licensed valuer at the Shire’s expense;
3. A report to be presented to Council for their consideration quoting both the “market value” and “fair value”;
4. Should Council accept the offer, the Chief Executive Officer is to dispose of the property as per Section 3.58 of the *Local Government Act 1995*.

**Objective** To provide clarity as to the process of purchasing residential properties from the Shire of Dalwallinu by employees.

To provide an incentive to attract and retain employees.

To proactively turnover the Shire of Dalwallinu residential assets.

**Guidelines** *Local Government Act 1995 – Section 3.58*

Person Responsible	Chief Executive Officer
History	New September 2017 (M9007) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)



### 3.13 Debt Collection – Sundry Debtors

#### Policy

This policy has been developed to treat debtors fairly and consistently while recognising the Shire has the responsibility to recover all outstanding sundry debts in a timely manner to finance delivery of its services.

Legal proceedings will continue until full payment has been received.

The Shire provide trade debtors and miscellaneous debtors thirty (30) days from the invoice date to settle any outstanding accounts.

The Chief Executive Officer may allow persons experiencing financial difficulties to make suitable arrangements for payment of sundry debtor changes only.

Where no alternative arrangements have been made, the following actions are to occur:

After thirty (30) days has expired, contact is to be made by telephone to the sundry debtor seeking a commitment to pay the outstanding debt and a memo to this effect entered on the Debtors record.

If the debt is still outstanding after a further seven (7) days, a letter is to be sent requesting payment of the outstanding balance within seven (7) days of receipt of the letter.

Where the debt remains unpaid after seven (7) days, a final demand letter is to be sent stating payment is due within seven (7) days and the failure to pay will result in the matter being placed in the hands of the Shire's debt collection agency.

Debtors remaining unpaid after the expiry date of the final demand letter and not subject to any approved arrangement will be subject to the issue of a Claim through the Shire's debt collection agency to effect recovery.

The debtor will not be allowed to incur any further debt with the Shire.



**Objective**                      this policy is designed to provide guidelines for the timely collection of money owed to the Shire of Dalwallinu.

Person Responsible	Deputy Chief Executive Officer/Manager Corporate Services
History	New Policy March 2018 (M9129) Reviewed March 2019 (M9342) Amended May 2020 (M9556)



### 3.14 Financial Hardship

#### Policy

#### Scope

This policy applies to:

- ~~Outstanding rates and service charges as at the date of adoption of this policy; and~~
- ~~Rates and service charges levied for the 2020-2021 financial year.~~

~~It is a reasonable community expectation, as we deal with the effects of the pandemic that those with the capacity to pay rates will continue to do so. For this reason the Policy is not intended to provide rate relief to ratepayers who are not able to evidence financial hardship and the statutory provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996 will apply.~~

#### Statement

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~~Payment Difficulties, hardship and vulnerability~~

~~Payment difficulties, or short term financial hardship occur when a change in a person's circumstances result in an inability to pay a rates or service charge debt.~~

~~Financial hardship occurs when a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants. The Shire of Dalwallinu recognises the likelihood that COVID19 may increase the occurrence of payment difficulties, financial hardship and vulnerability in our community. This policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.~~

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~~Anticipated Financial Hardship due to COVID19~~

~~We recognise that many ratepayers are already experiencing financial hardship due to COVID19. We respect and anticipate the probability that additional financial difficulties will arise when their rates are received.~~

~~We will write to ratepayers at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible ratepayers to apply for hardship consideration. Where~~





~~possible and appropriate, we will also provide contact information for a recognised financial counsellor and/or other relevant support services.~~

#### ~~*Financial Hardship Criteria*~~

~~While evidence of hardship will be required, we recognise that not all circumstances are alike. We will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:~~

- ~~• Recent unemployment or under employment~~
- ~~• Sickness or recovery from sickness~~
- ~~• Low income or loss of income~~
- ~~• Unanticipated circumstances such as caring for and supporting extended family~~

~~Ratepayers are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying with our statutory responsibilities.~~

#### ~~*Payment Arrangements*~~

~~Payment arrangements facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:~~

- ~~• that a ratepayer has made a genuine effort to meet rate and service charge obligations in the past;~~
- ~~• the payment arrangement will establish a known end date that is realistic and achievable;~~
- ~~• the ratepayer will be responsible for informing the Shire of Dalwallinu of any change in circumstance that jeopardises the agreed payment schedule.~~

~~In the case of severe financial hardship, we reserve the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).~~

#### ~~*Interest Charges*~~

~~A ratepayer that meets the financial hardship criteria and enters into a payment arrangement may request a suspension or waiver of interest charges. Applications will be assessed on a case by case basis.~~



### *Deferment of Rates*

~~Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Cared registered on their property. The deferred rates balance:~~

- ~~• remains as a debt on the property until paid;~~
- ~~• becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;~~
- ~~• may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and~~
- ~~• does not incur penalty interest charges.~~

### *Debt recovery*

~~We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the 3<sup>rd</sup> due payment, then we will continue to suspend debt recovery processes.~~

~~Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any rates and service Charge debts that remain outstanding on 1 July 2021, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of the 2021-2022 financial year.~~

~~Rates and service charge debts that remain outstanding at the end of the 2021-2022 financial year, will then be subject to rates debt recovery procedures prescribed in the *Local Government Act 1995*.~~

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### *Review*

~~We will establish a mechanism for review of decisions made under this policy, and advise the applicant of their right to seek review and the procedure to be followed.~~

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### *Communication and Confidentiality*

~~We will maintain confidential communications at all times and we undertake to communicate with a nominated support person or third party at your request.~~



~~We will advise ratepayers of this policy and its application, when communicating in any format (i.e written or verbal) with a ratepayer that has an outstanding rates or service charge debt.~~

~~We recognise that applicants for hardship consideration may be 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.~~

~~Objective — To give effect to our commitment to support the whole community to meet the unprecedented challenges arising from the COVID19 epidemic, the Shire of Dalwallinu recognises that these challenges may result in financial hardship for our ratepayers.~~

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

Person Responsible	Chief Executive Officer
History	New Policy April 2020 Reviewed May 2020 (M9556)



## 4. Staff



## 4.1 Voluntary Service

### Policy

#### **Paid Leave Entitlements**

All staff who are bona fide members of local volunteer emergency service groups, (i.e. Fire Brigade, Fire and Rescue, St John Ambulance, Local Emergency Management Committee or armed services reserves duties), who are required for emergency service by those groups during ordinary working hours, shall be paid for time absent up to the total of ordinary working hours usually worked in that day or period during the emergency, but not including time in excess of ordinary working hours, weekends (unless part of their normal roster of working hours) or public holidays.

For the purpose of this policy, ordinary working hours shall be the time ordinarily worked.

#### **Conditions of Volunteering**

1. Shire employees either volunteering, or as members of volunteer organisations, are required to obtain permission from their Manager, or the Chief Executive Officer, to attend an emergency during ordinary working hours.
2. Any Shire employee attending an emergency before or after their ordinary working hours, will be considered to be a volunteer and will not be paid by the Shire. Shire employees will only be paid when volunteering if it is during normal working hours.
3. When a specific request has been made by the Chief Bush Fire Control Officer for Shire heavy equipment and approved by the Manager or Chief Executive Officer, the Shire employees operating this equipment will be paid the appropriate award rate for the length of time required. This arrangement is limited to ten (10) hours continuous time, after which time the operator should be relieved of duty. Should the operation continue, then he/she will be a volunteer.
4. Volunteers for St John Ambulance may only attend ambulance call outs for priority calls (not patient transfer) during normal working hours.



5. Should the Shire employee volunteer outside their normal working hours (late into the evening/early morning), there is the expectation they are to present for work that day. If this is not possible, the employee is to use annual leave.

**Objective**

To identify Council's support for volunteer service from Shire employees.

To ensure that the Shire employees who are members of volunteer groups are paid whilst attending emergencies.

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Amended March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 4.2 Housing Incentive – Owner Occupied Housing

Policy	<p>All permanent full time staff who purchase their first home within the Shire (whilst employed by the Shire) and who live in that home shall receive:</p> <p>A once only payment of \$2,600.00; and</p> <p>Whilst owning and residing in that home as an employee of the Shire, a further subsidy equal to an over award payment of \$3,900pa (paid at \$150.00 per fortnight).</p> <p>To qualify for the once only payment of \$2,600 an employee must first complete twelve (12) months continuous service.</p> <p>The subsidy is payable once the eligible staff member meets the required owner and occupier status.</p>
Objective	To encourage staff to stay in Dalwallinu Shire and to assist employees to purchase a land asset.
Guidelines	<p>This policy applies to employees who commence employment with the Shire after 12 January 1998.</p> <p>Where the employee has been a full time employee for more than twelve (12) months at the time of purchasing their home, the once only payment will be payable on evidence of ownership.</p> <p>Termination of employment within two (2) years of the purchase (settlement) of an eligible home, whether by resignation or termination by the employer, will result in a pro-rata repayment to the Shire.</p>

Person Responsible	<del>Deputy Chief Executive Officer</del> Manager Corporate Services
History	<p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



### 4.3 Staff Housing – Rental Subsidy

Policy	<p>Council staff housing, when available will be provided to permanent full time staff members and a subsidy of \$75.00 per week will be deducted from the current market value of the property.</p> <p>Where there is a shortage of suitable staff housing, a rental subsidy may be paid on private rental accommodation subject to the approval of the Chief Executive Officer. (A copy of the lease agreement AND proof of rental payment is required eg. Copy of bank statement)</p> <p>This subsidy is available to part time employees on a pro-rata basis (calculated on base part time hours).</p> <p>Should the Shire housing not be maintained to an acceptable standard (both inside and outside), the Chief Executive Officer reserves the right to discontinue the weekly rental subsidy.</p> <p>Employees who own their own house in the Shire of Dalwallinu are not entitled to the subsidy.</p> <p>Council does not permit employees to sublet any rooms in Shire housing without permission from the Chief Executive Officer.</p> <p>Shire housing is subject to six monthly rental inspections.</p>
Objective	To provide an incentive for staff to remain within the employ of the Shire.
Guidelines	Rental housing is provided in accordance with the requirements of the Residential Tenancy Act 1987.

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2017 (M8814)</p> <p>Amended March 2018 (M9129)</p> <p>Amended March 2019 (M9342)</p> <p>Amended May 2020 (M9556)</p>





#### 4.4 Designated Senior Employees

Policy	<p>For the purposes of Section 5.37 of the <i>Local Government Act 1995</i>, the Council shall designate the following employees to be “senior employees”:</p> <ul style="list-style-type: none"> <li>• <del>Deputy Chief Executive Officer</del>/Manager Corporate Services</li> <li>• Manager Works &amp; Services</li> <li>• Manager Planning &amp; Development</li> </ul>
Objective	<p>The designation of senior employees in accordance with Section 5.37 of the <i>Local Government Act 1995</i>.</p>
Guidelines	<p>The Chief Executive Officer is a senior employee under the provision of Section 5.36 of the <i>Local Government Act 1995</i>.</p>

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2017 (M8814)  Reviewed March 2018 (M9129)  Amended March 2019 (M9342)  Amended May 2020 (M9556)</p>



#### 4.5 Water Consumption for Council Staff Houses

Policy	Council will meet the full cost of water usage for Council owned staff housing.
Objective	To ensure that Council housing gardens are maintained.
Guidelines	The Chief Executive Officer reserves the right to charge the tenant for water usage should the gardens not be maintained (lawns green/mowed and gardens free of weeds).

Person Responsible	<del>Deputy Chief Executive Officer</del> Chief Executive Officer
History	Reviewed April 2017 (M8814) Reviewed March 2018 (M9129) Amended March 2019 (M9342) Reviewed May 2020 (M9556)



## 4.6 Severance Pay

### Policy

#### **Voluntary Terminations**

Employees leaving the organisation of their own volition for the purposes of retirement or career change will not be paid an ex-gratia or severance payment except as provided for in this policy.

#### **Entitlement**

A terminating employee is entitled to severance pay and benefits in accordance with:

1. Any federal or state award, industrial agreement or contract applicable to that employee;
2. Any applicable provisions within the employees contract of employment;
3. Any applicable award order made by a federal or state industrial tribunal arising from the circumstances of that employee being specifically brought before that tribunal, subject to any right of appeal;
4. Where Council so agrees, any recommendation made by a federal or state industrial commissioner arising from the circumstances of that employee being specifically brought before that commissioner.

#### **Dismissal**

Where a dismissed employee has taken or is proposing to take litigation for alleged unfair dismissal, Council may decide to settle to avoid expensive litigation (see Guidelines below).

#### **Redundancy**

Where an employee's position is made redundant then he/she shall receive a redundancy payment as per the award, industrial agreement or employee contract.

#### **Unforeseen circumstances**

Nothing in this policy prevents Council from determining that in unforeseen circumstances, terminating employees may be paid additional monies or provided additional benefits where justified and where it is demonstrably in the best interests of the Shire of Dalwallinu.



If Council so determines to provide a payment, details of the severance pay and benefits shall be published in accordance with Section 5.50(2) of the Act.

**Payments in addition to a contract or award**

Where an employee has displayed exemplary service over a period of not less than seven (7) year service to the Shire, a payment, not exceeding 25% of the employees average final year's salary, may be made.

Each case to be determined, by Council, on its merits.

The value of the payment or payments made under this policy, for an employee whose employment with a local government finishes after 1 January 2010, is not to exceed in total:

- a) If the person accepts voluntary severance by resigning as an employee, the value of the persons final annual remuneration, as defined by Regulation; or
- b) In all other cases \$5,000

**Objective** The purpose of this policy is to set down the severance payable to terminating employees for the purpose of Section 5.50(1) of the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996* – Reg19A.

**Guidelines** Matters to be taken into consideration by Council as to whether it will seek a settlement and if so, the extent of any financial offers may include:

- The strength of the respective cases in any litigation
- The cost of legal advocacy and support
- The cost of witnesses
- The cost of travel and accommodation in running the case
- The cost of having staff involved in the preparation and hearing of a case
- The disruption to the operations
- The cost of witnesses
- The cost of travel and accommodation in running the case



- The cost of having staff involved in the preparation and hearing of a case
- The disruption to the operations

Person Responsible	Chief Executive Officer
History	Reviewed April 2017 (M8814) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)



## 4.7 Sick Leave 'Cash Out' Scheme

Policy	Eligible qualifying employees may, each financial year, elect to cash out up to five (5) days, the equivalent of one week's sick leave at the ordinary rate of pay.
Objective	To encourage employees to limit the number of sick days taken in any one year whilst recognising that it is in the best interest of all employees to take sick leave when required.
Guidelines	<p>For every sick day taken during the preceding twelve (12) months, a day will be deducted from the five (5) days available to be cashed out.</p> <p>Therefore, an employee having five (5) or more sick days during the twelve month period will not be eligible for the cash out option.</p> <p>The cash out is to be taxed at the appropriate rate as determined by the Taxation Office.</p> <p>The employees accrued sick leave entitlement is to be amended, reducing sick leave accruals by the number of days cashed out.</p> <p>Permanent part time employees receive the same benefit based on the daily rate for each day taken.</p> <p>A qualifying employee is a permanent employee of the Shire, who has been employed by the Shire for twelve (12) months prior to the offer.</p> <p>Employees are to be given the option, in writing, whether to cash out or not.</p>

Person Responsible	<del>Deputy Chief Executive Officer</del> /Manager Corporate Services
History	<p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 4.8 Staff Superannuation

Policy	The Shire of Dalwallinu will match voluntary employee contributions dollar for dollar to a maximum of 5%.
Objective	To provide an incentive for employees to contribute to their superannuation fund.
Guidelines	<p>All employees shall have the option to salary sacrifice a nominated percentage of their salary or make additional contributions to superannuation, but there is no obligation on the Shire of Dalwallinu to match employee contributions other than in accordance with this policy.</p> <p>Variation to Policy</p> <p>Council may vary this policy from time to time with respect to legislative changes and any other mitigating circumstances.</p>

Person Responsible	<del>Deputy Chief Executive Officer</del> /Manager Corporate Services
History	<p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 4.9 Study Assistance

Policy	<p>Study assistance relates to any qualification gained through University/TAFE/College which has a national recognisable attainment.</p> <p>Permanent employees who have completed their probationary period may be eligible for study assistance subject to the conditions of this Policy.</p> <p>Approval may be granted only where there is clear relevance between current or prospective duties and the studies to be undertaken.</p> <p>The Chief Executive Officer is authorised to approve Study Assistance based on advice from the relevant Manager.</p> <p>Applications for study assistance must be annually.</p> <p>The Shire will allocate in the Annual budget a sum to assist with the costs associated with employee study assistance.</p> <p>This assistance is provided for training that is over and above the normal training that employees are required to do to perform their job.</p>
Objective	<p>The Shire supports employees who endeavour to further their education (as it related to their position), through the provision of a financial subsidy and time off for study.</p>
Guidelines	<p><b>Financial Assistance</b></p> <p>The Shire will consider reimbursement to the maximum value of \$2,500 in any year for education through a recognised provider (i.e. University/Tafe/College):</p> <ul style="list-style-type: none"> <li>• Authorisation from the Chief Executive Officer, prior to commencement of the program is required, in order that the contents of the program can be assessed to ascertain the relevance to current work duties and responsibilities;</li> <li>• Employees must pay for the approved unit(s) upfront and pass the unit(s), prior to any reimbursement claim being made.</li> <li>• In order to claim reimbursement, employees must complete the study assistance claim form, provide the receipt of payment</li> </ul>





and a copy of the results obtained showing that they gained the qualification.

- If the employee leaves within twelve (12) months of obtaining the qualification they are required to pay back 50% of the financial assistance granted by the Shire.

### **Time off for study**

The Shire will consider up to five (5) hours per week, paid time off for employees who wish to gain higher education through a recognised provider (i.e. University or Tafe):

- For time off to study to be approved, employees must satisfy the Shire that all endeavours have been made to study outside working hours, e.g. evening classes, correspondence etc., and that rostered days are being utilised.
- The five (5) hours per week shall include travel time to and from the place of study.
- Reasonable time for examinations will be considered.
- A study assistance application form must be completed and approved prior to time off for study being commenced.
- Time off for study must be applied for on an annual basis.
- Employees cannot apply for financial assistance plus time off for study leave. Application is to be for one or the other.

Person Responsible	Chief Executive Officer
History	New Policy April 2017 (M8814) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)



## 4.10 Drug and Alcohol

### Policy

#### 1.0 COMMITMENT

##### 1.1 Shire of Dalwallinu

The Shire of Dalwallinu and its employees must take all reasonable care not to endanger the safety of themselves or others (including customers) in the workplace. Alcohol and other drug usage becomes an occupational safety and health issue if a workers ability to exercise judgement, coordination, motor control, concentration and alertness at the workplace is impaired. For the purposes of this policy, the term “employee/s” shall extend to cover contractors, volunteers and any person performing work for the Shire of Dalwallinu in any capacity.

The Shire of Dalwallinu is committed to providing the safest possible workplace for its employees and to achieve the highest standards of safety and health, all employees are encouraged and expected to be free of alcohol and or other drugs whilst carrying out their duties. The underlying principles of the Shire of Dalwallinu are fairness and transparency and providing a safe workplace that promotes and protects the well-being of all employees within the Shire of Dalwallinu.

##### 1.2 The Individual’s Responsibility

Under the *Occupational Safety and Health Act 1984 (the OSH Act)*, workers must take reasonable care of their own safety and health of others at the workplace. The consumption of alcohol and/or drugs while at work is unacceptable, except in relation to any authorised and responsible use of alcohol at workplace functions.

Employees are required to present themselves for work and remain, while at work, capable of performing their work duties safely. An employee who is impaired by alcohol and/or drugs at the workplace, may face disciplinary action including possible termination of employment.

All employees are expected to comply with the Shire of Dalwallinu’s Code of Conduct at all times. They should carry out their duties in a professional, responsible and conscientious manner and refrain from any conduct (including alcohol abuse or substance misuse) which could



adversely affect their personal work performance or the safety and well-being of others.

## **2.0 Reporting Requirements**

Under the *Occupational Safety and Health Act 1984*, employees must report to their employer any situation where they genuinely believe that an employee may be affected by alcohol and/or other drugs, as this presents a hazard in the workplace.

## **3.0 Drug use on the Premises**

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

### *Prescribed and Over the Counter Medications:*

The employee must follow the instructions in respect of prescribed or over the counter medications. If the medication affects their ability to perform a task they must advise their supervisor or manager. Employees taking prescribed or over the counter medication must not commence duties if their doctor or pharmacist indicates that it would not be safe to do so.

The categories of drugs and substances prohibited by the Shire of Dalwallinu are outlined as per the Australian Standard AS 4308 for drugs of abuse.

## **4.0 Consumption of Alcohol on Shire Premises**

Except in situations where the Shire of Dalwallinu holds a function on Shire premises and alcohol is provided, employees must not bring in and/or consume/or sell alcohol in the workplace.

## **5.0 Drug/Alcohol Treatment Programs**

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the Shire of Dalwallinu will provide assistance to the employee.

The Shire of Dalwallinu will allow an employee to access any accrued personal or annual leave while they are undergoing treatment and;

The Shire of Dalwallinu will take steps to return an employee to their position after completion of the treatment program, if practicable in the circumstances.



Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the line manager or members of senior management, will review the full circumstances and agree on a course of action to be taken. This may include redeployment to suitable alternative employment, or is possible termination from employment if the employee is unable to safely carry out the requirements of their role.

## **6.0 Responsibilities**

The Shire of Dalwallinu considers that the use of alcohol or other drugs is primarily a health issue for individual employees, however, where an employee's performance or conduct affects his/her health and safety, and/or others in the workplace, the Shire of Dalwallinu is committed to appropriately managing the issue.

A likely outcome for any breach of this policy will be disciplinary action (up to and including termination of employment), however the Shire of Dalwallinu may also manage the issue by:

- Providing appropriate education and training to employees;
- Providing professional counselling and support where needed.

### **6.1 Managers Responsibilities – Consumption of Alcohol at Work Sponsored Functions**

- Encourage their people to make alternative arrangements for transport to and from work prior to the function;
- Ensure that the following is made available: - Low alcohol beer, soft drinks, water and other beverages such as tea and coffee and food;
- If the manager believes a person may be over the legal alcohol limit, assist the person with safe transport home (including contacting a family member); and
- If the manager has to leave the function early, appoint a delegate to oversee the rest of the function.

## **7.0 Pre-Employment Medical Tests**

As part of their recruitment selection criteria, preferred candidates for employment positions may be required to attend a medical assessment which includes drug and alcohol testing.

## **8.0 Basis for Testing**

### **8.1 Random Testing**



Random testing may also be conducted. Random testing may utilise a variety of methods for randomly selecting names such as software, lottery of selection through coloured marbles in a bag drawn by each employee. All staff on site must participate in the random selection.

## **8.2 Blanket Testing**

Blanket testing of the entire organisation may be conducted. All members of the workforce must participate in this process if instigated.

## **8.3 Testing as the Result of an Incident**

The employee/s will be tested if an accident or incident occurs and it is suspected that the cause may have been alcohol or drug related.

## **8.4 Reasonable Suspicion**

The employee/s will be tested upon reasonable suspicion that the employee/contractor is under the influence of drugs and/or alcohol.

## **9.0 Identification of Impairment & Testing**

If the manager/supervisor has reasonable grounds to believe that an employee is affected by drugs and/or alcohol they will take steps to address the issue.

Reasonable grounds may include (but are not limited to), where an employee's coordination appears to be affected, has red or bloodshot eyes or dilated pupils, smells of alcohol, acts contrary to their normal behaviour, or otherwise appears to be affected by drugs and/or alcohol.

If the manager/supervisor suspects that an employee is under the influence of drugs and/or alcohol they may pursue any or all of the following actions:

- Direct an employee to attend a medical practitioner and submit to a medical assessment to determine whether the employee is fit to safely perform their duties;
- Require that an employee undergo drug and alcohol testing administered by a representative of the Shire of Dalwallinu. The saliva and/or urine testing will be set at **zero tolerance** for all staff.
- Direct an employee to go home and invite them to take annual leave.



A medical assessment may include drug and/or alcohol test. Testing shall be conducted in accordance with the Australian Standard AS/NZS 4308:2008 – Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.

In circumstances where an employee indicates the consumption of prescription or pharmacy drugs, the manager/supervisor may request further information from the medical practitioner conducting the assessment about the effects and proper usage of the prescription or pharmacy drugs being taken. The manager/supervisor may direct the employee to go home following the medical assessment until it can be established that they are fit to undertake their duties.

If an employee refuses to attend a medical examination or refuses to submit to an alcohol or drug test, the employee will be immediately directed to go home. Refusals to attend a medical assessment or refusal to go home constitutes a breach of this policy and may result in disciplinary action being taken against the employee up to and including the termination of employment.

The following steps are to be taken where an employee who has submitted to a medical assessment returns a positive test for alcohol and/or drugs:

- The Shire of Dalwallinu has a policy of “zero tolerance “for any illicit substance and should a laboratory confirmed drug test return positive this will result in the employees instant dismissal.
- The employee tested and the supervisor (or manager) will be informed of the result;
- A disciplinary discussion will take place in accordance with the disciplinary policies and procedures of the Shire of Dalwallinu.

An employee who returns a positive test will be in breach of this policy.

### **10.0 Education, Training & Awareness**

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

The Shire of Dalwallinu engages the services of an external Employee Assistance Provider who can provide the organisations people with free and confidential counselling.



### 11.0 Consequences of Breaching this Policy

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

### 12.0 Variation to this Policy

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

## Guidelines

### Definitions

For the purpose of this Policy, being “under the influence of alcohol and/or other drugs” the following definition and interpretations shall apply:

**Impaired Work Performance** – means sudden or gradual deterioration of a person’s ability to function appropriately at work.

**Unfit for Work** – means being impaired for work and therefor unable to perform duties in a safe manner.

**Use** – means eating, drinking, inhaling, injecting or dermal absorption of any substance or drug.

**Misuse** – means inappropriate use of a substance on the Shire of Dalwallinu premise or property, including overdose of a drug or the failure to take a drug in accordance with medical advice.

**Alcohol** – means any beverage containing alcohol. In chemistry an alcohol is any organic compound in which the hydroxyl functional group is bound to a saturated carbon atom.

**Drugs** – means Amphetamines, Cannabinoids THC, Barbiturates, Cocaine, Opioids, Methadone, Benzodiazepines and other narcotics. The categories of drugs and substances prohibited by the Shire of Dalwallinu are outlined as per the Australian Standard AS 4308 for drugs of abuse.

**Substance** – means a person employed by the Shire of Dalwallinu in a permanent, part-time or casual role.

**Contractor** – means a person engaged by the Shire of Dalwallinu (includes sub-contractor personnel) to perform works on Shire of Dalwallinu property through the Shire of Dalwallinu property through the issue of a purchase order.



**Organisation** – means the Shire of Dalwallinu

**Incident** – means a workplace accident or event which is subject to an OSH investigation.

**Over the Counter** – means purchases from a pharmacy or retail outlet.

**Explanatory Note**

Notwithstanding, this Policy incorporates a procedure for disciplinary action under Statement 5.0 to address matters where an employee is deemed 'unfit for work', the Council acknowledges that the Chief Executive Officer may, at his/her discretion, accounting for a particular circumstance or situation, deviate from this procedure in managing the daily operations of the Shire pursuant to Section 5.41 of the *Local Government Act 1995*.

Person Responsible	Chief Executive Officer
History	New Policy June 2017 (M8846) Amended March 2018 (M9129) Amended August 2018 (M9231) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)





#### 4.11 Staff Uniforms

Policy	<p>Uniforms purchased by an approved local government uniform supplier will be covered up to a maximum of \$500.00 per financial year. Any additional expenses over \$500.00 will be covered by the employee.</p> <p>Uniforms purchased under this policy must have the Shire logo or the logo of the approved supplier on the clothing.</p> <p>Any employee who does not utilise the full \$500.00 per financial year is not entitled to receive a cash refund for any shortfall at the end of the financial year and the shortfall cannot be carried over to the following year.</p>
Objective	<p>This policy provides guidelines in respect to the maximum allowance given to employees not provided uniforms as part of their role.</p>

Person Responsible	<del>Deputy Chief Executive Officer</del> /Manager Corporate Services
History	<p>New Policy March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 4.12 Disciplinary Action

### Policy

#### 1.0 Commitment

The Shire of Dalwallinu may from time to time consider that issues of employee behaviour, misconduct or unacceptable performance levels require disciplinary action.

The Shire of Dalwallinu is committed to providing the best possible service and ensuring its employees perform and conduct themselves in accordance with Shire of Dalwallinu policies, procedures and guidelines. Any disciplinary procedure will be applied in a consistent, fair and objective manner, and it will ensure that, where reasonable, employees are given an opportunity and assistance to improve.

#### 2.0 Authority to take Disciplinary Action

Disciplinary action may only be taken when authorised by the Chief Executive Officer in consultation with the Managers.

#### 3.0 When the Disciplinary Policy Applies

Some examples of when this policy may be invoked include breaches of Shire of Dalwallinu policy and procedures including, but not limited to:

- Breaches of the Code of Conduct such as failing to disclose a conflict of interest, or accepting a prohibited gift; or
- Poor performance such as frequently attending for work late or producing a poor quality of work; or
- Inappropriate personal behaviour such as theft, discrimination, harassment, bullying or wilfully disobeying a lawful instruction.

#### 4.0 General Disciplinary Principles

The following principles will apply to any disciplinary action take.

##### **Nature of allegation and investigation**

Before formal disciplinary action is taken against an employee, the nature of the allegations made against an employee will be put to the employee and an investigation may ensure, in accordance with the Grievances, Investigations & Resolution Policy & Procedure.



### **Right to a support person**

Where an employee is required to attend a formal meeting regarding a disciplinary matter or procedure, the employee may be accompanied by a support person where practicable. The role of the support person is not to advocate on behalf of anyone, but to simply provide emotional or other support.

### **Confidential**

All parties must keep matters related to a disciplinary process confidential.

### **Fair and impartial**

The Shire of Dalwallinu strives to keep the disciplinary process fair and impartial, meaning that all parties involved will have an opportunity to put their case forward and be given an opportunity to respond.

## **5.0 Serious Misconduct**

Serious misconduct pursuant to the *Fair Work Regulations 2009 (Cth)* includes, but is not limited to:

- wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment;
- conduct that causes serious and imminent risk to:
  - The health or safety of a person; or
  - The reputation, viability or profitability of the Shire of Dalwallinu's organisation;
- the employee, in the course of the employee's employment, engaging in:
  - theft; or
  - fraud; or
  - assault;
- the employee being verified, intoxicated at work;
- the employee returning a positive result for drugs, confirmed by a laboratory test; or
- the employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment.

If an employee engages in serious misconduct, disciplinary action that may be taken includes, but is not limited to, summary dismissal (termination of employment without notice).



## 6.0 Other Disciplinary Action

With the exception of serious misconduct, where an employee has engaged in an act or omission which is inconsistent with any of the Shire of Dalwallinu's policies, the employee could be disciplined as follows:

- **Verbal warning** – Where an employee engages in an act or omission which is inconsistent with the Policies, management has the discretion to issue the employee with a verbal warning. The verbal warning should be noted in a file note and placed on the employee's personnel file.
- **Written warning** – If the employee engages in a more serious act or omissions, or acts in a manner which is inconsistent with the Policies, management has the discretion to issue the employee with a written warning. The employee must be given a copy of the written warning.
- **Termination of employment with notice** – In cases other than summary dismissal, an employee's employment may be terminated with notice or payment in lieu of notice provided the Shire of Dalwallinu has a valid reason for terminating the employee's employment and the employee has an opportunity to response to the reasons for termination.

Whenever an employee is required to attend a meeting regarding a disciplinary issue, the employee may have a support person present where practicable. The type of disciplinary action taken against an employee is at the Shire of Dalwallinu's discretion and the type of disciplinary action will depend on the seriousness and frequency of any misconduct or performance issue.

## 7.0 Principles to be applied

Where disciplinary action is taken, the principles of procedural fairness must prevail. These principles are expanded on in the Shire of Dalwallinu's Grievances, Investigations and Resolutions Policy.

## 8.0 Investigation procedures for alleged misconduct

Investigations into alleged misconduct should follow the processes details in the Shire of Dalwallinu's Grievances, Investigations and Resolutions Policy.



## 9.0 Reporting Obligations

If an officer or employee of the Shire of Dalwallinu has reporting obligations pursuant to the *Corruption and Crime Commission Act 2003 (WA)* and suspects on reasonable grounds that a matter arises which concerns or may concern misconduct, the Corruption and Crime Commission must be notified of that matter as soon as reasonably practicable.

Employees must also be aware of and adhere to any obligations pursuant to the *Public Interest Disclosure Act 2003 (WA)*.

## 10. Variation 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.

Person Responsible	Chief Executive Officer
History	New Policy August 2018 (M9231) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)



## 4.13 Grievances, Investigations & Resolution

### Policy

All employees have a right to express any genuine grievances or complaints via an impartial internal process. All employees involved in a grievance process are expected to participate in good faith. For the purposes of this policy, the term “employees” will extend to cover contractors, volunteers and any person performing work for or with the Shire of Dalwallinu in any capacity.

### ROLES

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

**Respondent** – An employee who is alleged to have acted in a manner which caused the complainant to raise a complaint.

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

**Witness** – A person (including an employee) who is requested by the Local Government to assist the process by providing relevant information regarding the complaint.

### 1.0 What to do if you have a complaint?

If an employee (Complainant) is the victim of behaviour of another employee (Respondent) which is inconsistent with the Local Government’s policies, procedures or guidelines, the Complainant should, where reasonable or practicable, first approach the Respondent for an informal discussion. If the nature of the complaint is deemed to be sufficiently serious, the Complainant should contact the Manager directly.

If the inappropriate behaviour continues, the Complainant is encouraged to make a formal complaint to their direct manager. If the direct manager is the Respondent in the matter or if the employee feels uncomfortable approaching their Manager, the Complainant should approach the Chief Executive Officer.

The employee who receives the complaint must contact the Chief Executive Officer and decide upon the most appropriate way to take the matter forward, whether it is an informal discussion



with the Complainant and/or the Respondent, or the commencement of a formal investigation of the complaint.

## **2.0 Key principles in the Complaint Resolution Process**

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

**Confidential** – Only the employees directly investigating or addressing the complaint will have access to the information about the complaint. The Shire of Dalwallinu may inform or appoint a third party to investigate or advise on the investigation. All parties involved in dealing with a complaint are required to keep the matter confidential. Information will only be placed on an employee's personal file if they are disciplined as a result of the complaint;

**Impartial (fair/unbiased)** – Both parties will have an opportunity to put their case forward. No assumptions are made and no action will be taken until available and relevant information has been collected and considered;

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

**Timely** - The Shire of Dalwallinu aims to deal with all complaints as quickly as possible and in accordance with any legislative requirements;

**Documented** – All complaints and investigations must be documented. In formal grievance processes, records must be kept of all documents collected and/or drafted as part of that process. For more informal processes, a file note or note in a diary may be sufficient.

**Natural Justice** – The principles of natural justice provide that:

- a respondent against who allegations are made as part of a grievance process has the right to respond to the allegations before any determination is made;
- a respondent against whom an allegation is made has the right to be told (where possible and appropriate) who made the allegation;
- anyone involved in the investigation should be unbiased and declare any conflict of interest;
- decisions must be based on objective considerations and substantial facts; and



- the Complainant and Respondent have the right to have a support person present at any meetings where practicable.

**Procedural Fairness** – The principles of procedural fairness provide that:

- the Respondent is advised of the details (as precisely and specifically as possible) of any allegations when reasonably practicable;
- a Respondent is entitled to receive verbal or written communication from the Shire of Dalwallinu of the potential consequences of given forms of conduct, as applicable to the situation;
- the Respondent is given an opportunity to respond to any allegations made against them by a Complainant;
- any mitigating circumstances presented to the Shire of Dalwallinu through the grievance process are investigated and considered;
- the Respondent has the right to have an appropriate support person present during any inquiry or investigation process where practicable or necessary;
- any witnesses who can reasonably be expected to help with an inquiry or investigation process should be interviewed; and
- all interviews of witnesses are conducted separately and confidentially.

### **3.0 Outcome of Making a Complaint**

If a complaint is substantiated, there are a number of possible outcomes. If the complaint involves a performance issue, the Manager of the Respondent may commence a formal or informal performance management process with the Respondent or elect to discipline the Respondent in accordance with the Disciplinary Policy.

If the complaint involves a breach of a Policy or any other behaviour that is inconsistent with the employment relationship, the Manager of the Respondent, in conjunction with Human Resources, may elect to discipline the Respondent in accordance with the Disciplinary Policy.

### **4.0 Vexatious or Malicious Complaints**

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





## 5.0 Victimisation of Complainant

A Complainant must not be victimised by the Respondent or any other employee of the Shire of Dalwallinu for making a complaint. Anyone responsible for victimising a Complainant may be subject to disciplinary action, including but not limited to, termination of employment.

## 6.0 Variation to this Policy

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

Person Responsible	Chief Executive Officer
History	New Policy August 2018 (M9231) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)



#### 4.14 Secondary Employment

Policy	<p>The Shire of Dalwallinu recognises that its employee's may engage in secondary employment outside of their employment with the Shire of Dalwallinu. This policy aims to provide guidance to the disclosure, implications and limitations regarding 'secondary employment' in the context of perceived and actual conflicts with the work conducted at the Local Government.</p> <p>For the purposes of this policy, secondary employment includes paid employment with another organisation, running a business, maintaining a professional practice or consultancy, contract work and being a director of an organisation. It may also include voluntary activities if those activities have the potential to affect employment with the Shire of Dalwallinu.</p>
Objective	To provide guidance to employees when considering secondary employment.
Guidelines	<p><i>Commitment</i></p> <p>The Shire of Dalwallinu will exercise the discretion to consent to an employee's application for secondary employment, unless the secondary employment will, or is likely to have an adverse impact on their employment with the Shire of Dalwallinu. In considering any such application, the Shire of Dalwallinu will have due regard to principles affecting employment by Local Governments under Section 5.40 of the <i>Local Government Act 1995</i>.</p> <p><i>Requirement</i></p> <p>An employee must not engage in secondary employment outside the service of the Shire of Dalwallinu without first informing the Chief Executive Officer. The Chief Executive Officer will review the nature of the secondary employment and provide the employee with an outcome. If the Chief Executive Officer elects not to give consent to secondary employment, the Chief Executive Officer must provide an explanation outlining any perceived or actual adverse impact the secondary employment may have on their employment with the Shire of Dalwallinu.</p> <p><i>Conflicts of Interest with the Local Government</i></p> <p>Secondary employment can lead to conflicts of interest and/or conflicts of duties. An employee must not use Shire of Dalwallinu</p>



time, resources, or information obtained from the Shire of Dalwallinu in the course of secondary employment, or otherwise take advantage of their position at the Shire of Dalwallinu for the benefit of their secondary employment.

An assessment of any secondary employment will be undertaken annually or more regularly if required in order to minimise risks including but not limited to:

- the creation of an actual or perceived conflict of interest between official and private business interests;
- misuse of Shire of Dalwallinu resources, especially telephone, email and office stationery and material;
- unauthorised use of information and intellectual property;
- absenteeism due to competing commitment;
- diminished work performance resulting from tiredness, distraction or time pressures;
- increased loan on co-workers who must 'cover' the reduced performance of one employee; and
- adverse effects on the public's perception of the integrity of the Shire of Dalwallinu.

#### *Responsibility of Employee*

An employee must avoid and appropriately resolve any conflict or incompatibility between his or her private or personal interests and the impartial performance of his or her public or professional duties.

Employees with approval to engage in secondary employment have a duty to notify the Chief Executive Officer of any change in circumstances which might give rise to a conflict of interest, incompatibility with their Shire of Dalwallinu employment or any real or perceived adverse impact on their performance of professional duties.

#### *Responsibility of the Chief Executive Officer*

The Chief Executive Officer may deny an application to engage in secondary employment where it presents a conflict with their Shire of Dalwallinu duties.

The Chief Executive Officer may take the termination of secondary employment a condition of commencement or continuation of employment with the Shire of Dalwallinu. Further, the Chief Executive Officer may place any necessary restrictions on secondary employment so as to not interfere with the position with the Shire of Dalwallinu.



An employee who engages or continues to engage in secondary employment after being informed that their application has been denied may be subject to disciplinary action. In some circumstances, the Shire of Dalwallinu may be obliged to notify an external agency, such as the Corruption and Crime Commission, if the secondary employment arrangements requires further investigation.

#### *Voluntary & Community Organisations*

Shire of Dalwallinu employees are encouraged to contribute to the community and be involved in voluntary and community organisations. Within the context of this Policy, an employee is free to fully participate in voluntary and community organisations, charities and in professional associations. However, this must be in the employee's own time, except where permission is granted by the Chief Executive Officer for participation during work hours. Refer Policy 4.1 Voluntary Service.

#### *Appeals*

If an employee who does not receive approval from the Shire of Dalwallinu to undertake secondary employment wishes to appeal the decision, they are entitled to make their appeal in writing to the Chief Executive Officer for reconsideration.

#### *Variation to this Policy*

This policy may be cancelled or varied from time to time. All the Shire of Dalwallinu employees will be notified of any variation to this policy by the normal correspondence method. All employees are responsible for reading this policy prior to engaging in secondary employment.

Person Responsible	Chief Executive Officer
History	New Policy September 2019 (M9439) Reviewed May 2020 (M9556)



## 4.15 Employee Professional Development

### Policy

The Council and Shire acknowledges that professional development is an important factor in personal job satisfaction, workplace productivity, reward and recognition and plays an essential part in continuous improvement of the quality of its programs and services.

The Shire is committed to providing a supportive and rewarding environment for its employees and recognises that the quality of responsiveness and professionalism of its workforce are linked to the further development of their skills and competencies.

This commitment will include providing employees with:

- the opportunity to plan and develop skills, knowledge and attributes that complement organisational and service area goals;
- the opportunity to participate in career development activities that extend and enhance their capabilities and capacity for advancement within the organisation;
- the opportunity to attend relevant professional organisation conferences;
- the opportunity to participate in relevant study tours;
- equity of access to professional development opportunities.

Professional development opportunities and requirements are an integral component of the annual performance review process.

Employees are encouraged, as part of the performance review process, to take an active role in their own ongoing professional and career development and to apply their learning to its most effective use.

### MANAGEMENT PROCEDURES

#### Application

This policy and Management Procedure applies to all Shire employees.



## Definitions

Conference/Professional Development	Is defined as an activity conducted by a professional body or legitimate group to provide professional interaction and networking designed to improve work related knowledge and skills
Employee	Refers to individual's employed by the Shire at officer, managerial level, including the Chief Executive Officer
Continuing Professional Development (CPD)	Refers to a process of ensuring continual professional and relevant skills related development. Certain professional societies and associations have a formal CPD system, requiring recording of events attended and activities undertaken as evidence of mandatory CPD

## Eligibility

Except where an Employment Contract provides otherwise for a particular staff member, the following eligibility criteria shall apply:

- All members of staff, other than casuals, employed on a continuing or fixed-term basis are eligible to apply for a conference and seminar attendance, provided they have been employed by the Shire for a continuous period of greater than twelve (12) months;
- Attendance at conferences/seminars should have been identified as a learning and development requirement as part of the annual performance review;
- Approval shall be withdrawn should a member of staff tender their resignation from the Shire subsequent to approval being granted but prior to the attendance at the Conference/Seminar.

Members of staff who are due to retire from the Shire will not normally be entitled to apply for approval to attend a conference or seminar.



### *Interstate Conferences*

Attendance at interstate conferences and/or seminars shall be limited to Managers and the Chief Executive Officer, unless extenuating circumstances apply.

### **Attendance at Education courses, seminars, conference, workshops etc**

Members of the Designated Senior Staff are encouraged to attend the Annual State Conference relating to their profession;

Members of the Designated Senior Staff may attend bi- annually (every two years), the National Conference relating to their profession.

The Chief Executive Officer is authorised to approve the attendance of staff at educational courses, seminars, conferences, workshops etc subject to the following guidelines:

- it is specifically provided for in the Officer's employment contract; or
- the staff training budget allocation provides for such attendance; and
- the employee will be away from work for a period of not more than five (5) working days; and
- the Chief Executive Officer is to ensure that attendance at the conference will be beneficial to the Officer and/or the Shire;
- the Officer is to provide a brief report on the conference to colleagues at the next available staff meeting.

The Chief Executive Officer may authorise his/her attendance at appropriate educational courses, seminars, conferences, workshops etc, where:

- it is specifically provided for in the Officer's employment contract; or
- the staff training budget allocation provides for such attendance; and
- the employee will be away from work for a period of not more than five (5) working days; and
- any registration cost is not greater than \$2,000; and
- it is in the state of Western Australia; and
- suitable relief arrangements can be made.



The Shire President may authorise the Chief Executive Officer's attendance at appropriate courses, conferences, professional development etc in accord with the Officer's employment contract. Any conference not included in the Officer's contract is to be approved by Council.

Funds for attendance at State and National Conferences may be provided specifically where known in each annual budget or provided for generically under the provision of Staff training.

**Note:**

1. Conference registration and accommodation costs are not to exceed any amount stated in the individual Officer's employment contract, unless approved by the Chief Executive Officer/Shire President;
2. Attendance by the Chief Executive Officer/Senior Manager at the Annual WALGA conference is not to be included in the calculations for the Officer's annual Professional Development allowance as stated in their contracts.
3. If an employee chooses to stay in their own accommodation or with relatives/friends, prior approval from the Chief Executive Officer is required and if approved, a daily rate of \$85.00 will be paid.

**Objective**

The objective of this Policy is to set out how the Shire of Dalwallinu (the Shire) will encourage and support employees in their professional and career development as part of their employment with the Shire and to provide administrative guidelines to facilitate fairness and equity in the application of these general principles.

Person Responsible	Chief Executive Officer
History	New Policy February 2020 (M9509) Amended May 2020 (M9556)





## 5. Works



## 5.1 Private Works

Policy	<p>All private works are to be subject to a written agreement between the private party and the Shire.</p> <p>At the discretion of the Manager Works &amp; Services/Works Supervisor, where works are to be carried out on behalf of a ratepayer or other private person, the estimated cost of the works shall be pre-paid. Any additional cost is to be met by the private party and any balance remaining on completion of the works shall be refunded.</p>
Objective	<p>To ensure a proper record of works undertaken and to substantiate the Shire's obligation.</p> <p>To ensure that the Shire is not left with unpaid debts for private works.</p>
Guidelines	<p>A request in the prescribed form is to be completed by the applicant and lodged with the Manager Works &amp; Services/Works Supervisor.</p>

Person Responsible	<del>Deputy Chief Executive Officer/Manager Corporate Services</del> Manager Works & Services
History	<p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 5.2 Shire Equipment – Private Use

Policy	<p>Shire equipment is not available for use by non-Shire employees.</p> <p>Shire plant items such as loaders, graders and trucks are not available for private use by employees.</p> <p>Shire employees may, with written approval of the Chief Executive Officer, use the Shire's small items of equipment such as lawnmowers, chainsaws and light vehicles subject to:</p> <ul style="list-style-type: none"> <li>• The employee being trained in the use of the equipment (where necessary);</li> <li>• The use being limited to work associated with the employee's/Shire property;</li> <li>• The employee meeting the cost of consumables e.g fuel, discs etc</li> </ul>
Objective	A local government has the right to allow private use of its resources but the use must be open and accountable to the public.
Guidelines	<p>The equipment is not available for employees to undertake works for profit or for non-employees other than recognised charitable groups.</p> <p>The employee is to be responsible for the care, maintenance, damage and repair of the equipment.</p> <p>The employee accepts liability for any injury incurred by themselves or other person or body whilst using the equipment.</p>

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



### 5.3 Hire of Shire Plant

Policy	<p>Shire plant or equipment that has a driver/operator compartment shall not be hired out without its driver/operator.</p> <p>No minor items of plant such as chainsaws, whipper snippers, lawn mowers, turf equipment or tools are available for hire to the public.</p>
Objective	To ensure the safe and careful use of Shire property.
Guidelines	All requests are to be in writing and directed to the Manager Works & Services.

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Amended May 2020 (M9556)</p>



## 5.4 Garden & General Refuse Pick Up

Policy	An annual Garden/Refuse pick up will be carried out for each town within the Shire.
Objective	To provide the community with an opportunity to clear excess household/garden waste.
Guidelines	Collection to be advertised giving a minimum of two (2) weeks' notice.

Person Responsible	Chief Executive Officer
History	Reviewed April 2017 (M8814) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Amended May 2020 (M9556)



## 5.5 Road Making Materials

Policy	Should it be necessary to obtain road making materials from private property, then any compensation is to be at a flat rate per cubic metre and is to be evidenced by a written agreement, signed by the landowner and the Manager Works & Services/ Works Supervisor and countersigned by the Chief Executive Officer.
Objective	To ensure there is written evidence of Council's obligations.
Guidelines	<ul style="list-style-type: none"> <li>• To document agreements with landholders for the supply of road making materials</li> <li>• To outline any conditions relating to the taking of road making materials</li> <li>• Property owner not required to obtain Extractive Industries Licence as it is the Shire that is operating the pit</li> <li>• To specify compensation payable</li> <li>• To prescribe rehabilitation requirements</li> <li>• To prevent disputes arising from removal of road making materials</li> </ul>

Person Responsible	Chief Executive Officer
History	Reviewed April 2017 (M8814) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Amended May 2020 (M9556)



## 5.6 Street Trees (New subdivisions)

Policy	<p>Trees to be planted one tree per twenty (20) metres of frontage.</p> <p>Council will not consider applications for tree planting in ten (10) metre road reserves.</p>
Objective	To ensure uniform planting.
Guidelines	Trees are to be issued free of charge to householders with the species determined by Council.

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 5.7 Property Access and Crossovers

Policy	Access and Crossovers to properties shall be constructed to the specifications attached to this policy.
Objective	To provide uniform specifications.
Guidelines	The Manager Works & Services is to ensure that a complete works request form or other written documentation is obtained prior to the commencement of works.

Person Responsible	Chief Executive Officer
History	Reviewed April 2017 (M8814) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)





## **ATTACHMENT 5.7(A)**

### **Property access and crossover specifications**

Subject to variation at the discretion of Council, the policy regarding access and crossovers shall be:

#### ***BASIC ACCESS***

Construction of 150mm (depth) compacted gravel carriageway from the property boundary to the roadside, including the installation of culverts where necessary as deemed by the Shire.

Council will pay a portion for the cost of the following standard dimensions, as outlined below:

##### *Residential*

Standard width over full length = 3.0m

Standard widening at roadside junction = 45 degrees for 1 metre on both sides with

Maximum allowable width at roadside = 9.0m

##### *Industrial & Commercial*

Standard width over full length = 4.0m

Standard widening at roadside junction = 45 degrees for 1 metre on both sides with

Maximum allowable width at roadside = 13.0m

##### *Rural*

Standard width over full length = 10.0m

Standard widening at roadside junction = 45 degrees for 2 metre on both sides or from culvert to roadside

#### ***General Conditions***

- Multiple access to be separated by a minimum of 3.0 metres at the roadside
- No access to be located within 6.0 metres of an intersection boundary or 3.0 metres of a ROW within a town site
- No access to be located within 50 metres of an intersection for rural crossovers
- Council subsidy of rural access is limited to one (1) per farm
- All variations to be paid in full by owner/applicant

##### *Residential*

Installation of concrete bell and socket reinforced concrete pipes with pre-cast concrete headwalls where a culvert is deemed by the Shire to be required.



Water binding and a two coat seal with the first coat being applied with a minimum 10mm size aggregate and the second coat being applied with a maximum 7mm size aggregate, where footpath is not paved or otherwise sealed.

100mm depth of reinforced (mesh) concrete on 100mm compacted sand where footpath is paved.

#### *Industrial & Commercial*

If the proponent would like a concrete cross over then the minimum standard is 125mm depth of reinforced (mesh) concrete on 100mm compacted sand.

Water binding and a two coat seal with the first coat being applied with a minimum 10mm size aggregate and the second coat being applied with a maximum 7mm size aggregate, where footpath is not paved or otherwise sealed.

Installation of concrete bell and socket reinforced concrete pipes with pre-cast concrete headwalls where a culvert is deemed by the Shire to be required to the size specified by the Shire.

#### *Rural*

Installation of concrete bell and socket reinforced concrete pipes with pre-cast concrete headwalls where a culvert is deemed by the Shire to be required.

To bitumen road: Water binding and a two coat seal with the first coat being applied with a minimum 10mm size aggregate and the second coat being applied with a maximum 7mm size aggregate to standard measurements (at the point of meeting the sealed road) of 10 metre width and 10 metre length.

To gravel road: Installation of concrete bell and socket reinforced concrete pipes with pre-cast concrete headwalls where a culvert is deemed by the Shire to be required to the size specified by the Shire.

#### *General Conditions (Access and Crossovers)*

- PRIOR TO commencing any works pertaining to the installation to a crossover or access point, an application shall be filled out and approval to commence the works sought from the Manager Works & Services;
- BEFORE any access or crossover works commence, the Shire's Manager Works & Services shall be informed to determine the location of the crossover, drainage necessary (if required) and discuss the type of access or crossover to be constructed;
- BEFORE any concrete or bitumen is laid, the manager Works & Services shall be contacted to inspect the preparation works for approval;



- Once the concrete or bitumen has been laid, the Manager Works & Services shall be contacted to inspect the crossover for final approval and confirmation of Council Contribution as per this policy.
- If any drainage works have been deemed by the Shire to be required, then the Manager Works & Services shall inform the proponent of the size of the drainage pipes (and headwalls) required.
- The Shire shall also provide levels or the pipes to be installed at;
- BEFORE any drainage works are covered, the Manager Works & Services shall be contacted to inspect (and approve) the alignment, levels and installation of the drainage products;
- All variations from the specifications are to be paid in full by the owner/applicant;
- Maximum dimensions of access apply.

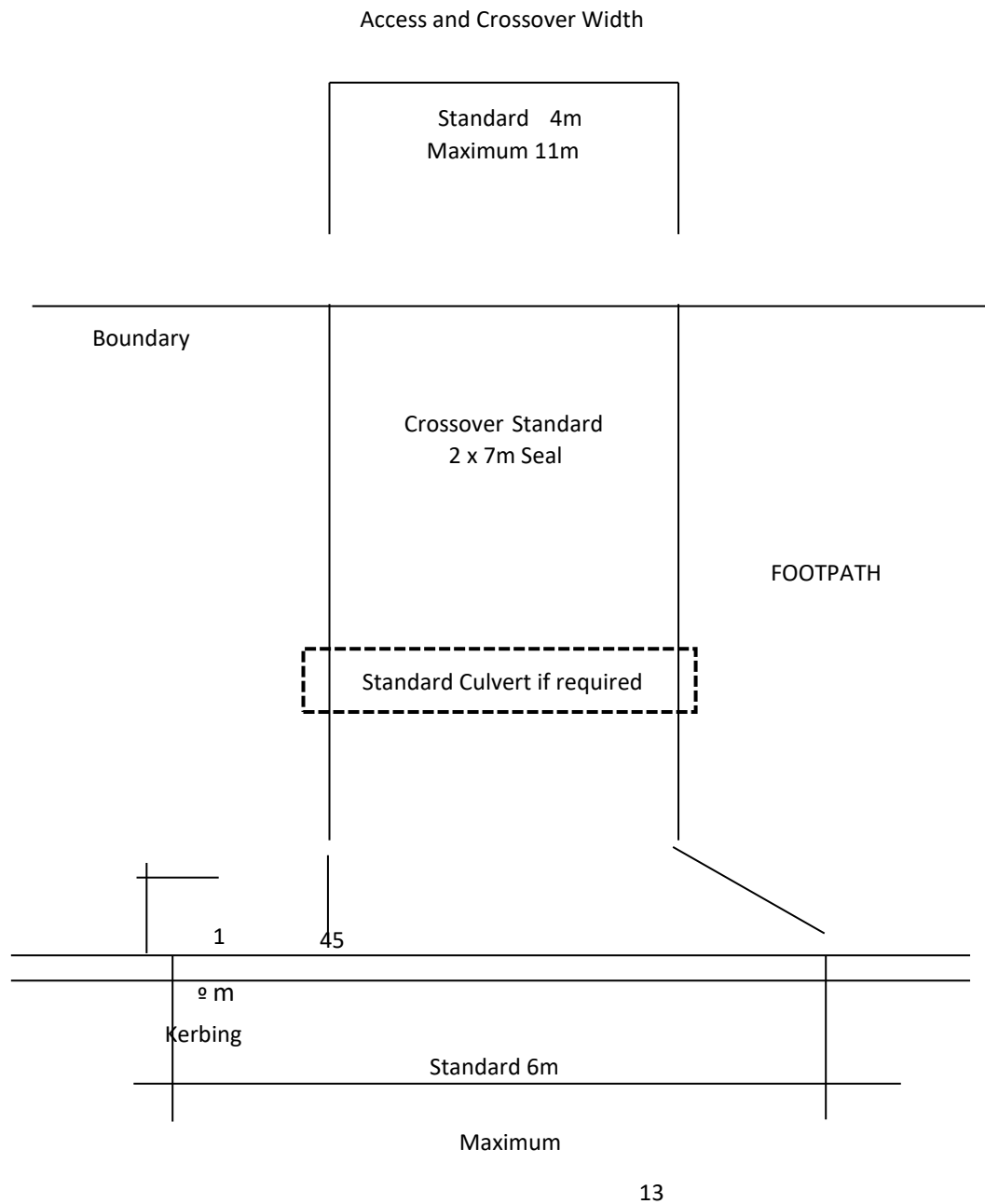
#### *Council Contributions*

Council shall pay a 50% contribution up to a maximum of \$2,000 (including GST) for the installation of a crossover or access point provided that the following has been undertaken and submitted:

- An application for a crossover or access point has been submitted and relevant approvals have been completed, including the final approval being completed;
- Itemised invoice/s to show the expenditure of funds;
- The contribution shall be based on the standard dimensions as per the attachments (5.7A, 5.7B and 5.7C);
- Council shall only contribute to ONE (1) crossover per property;
- In the instance of a 2m concrete dual use concrete path being installed across the crossover, this will be deemed to be the Council contribution for the installation of a crossover;
- Council will not contribute to the maintenance of crossovers, this is the responsibility of the landowner.

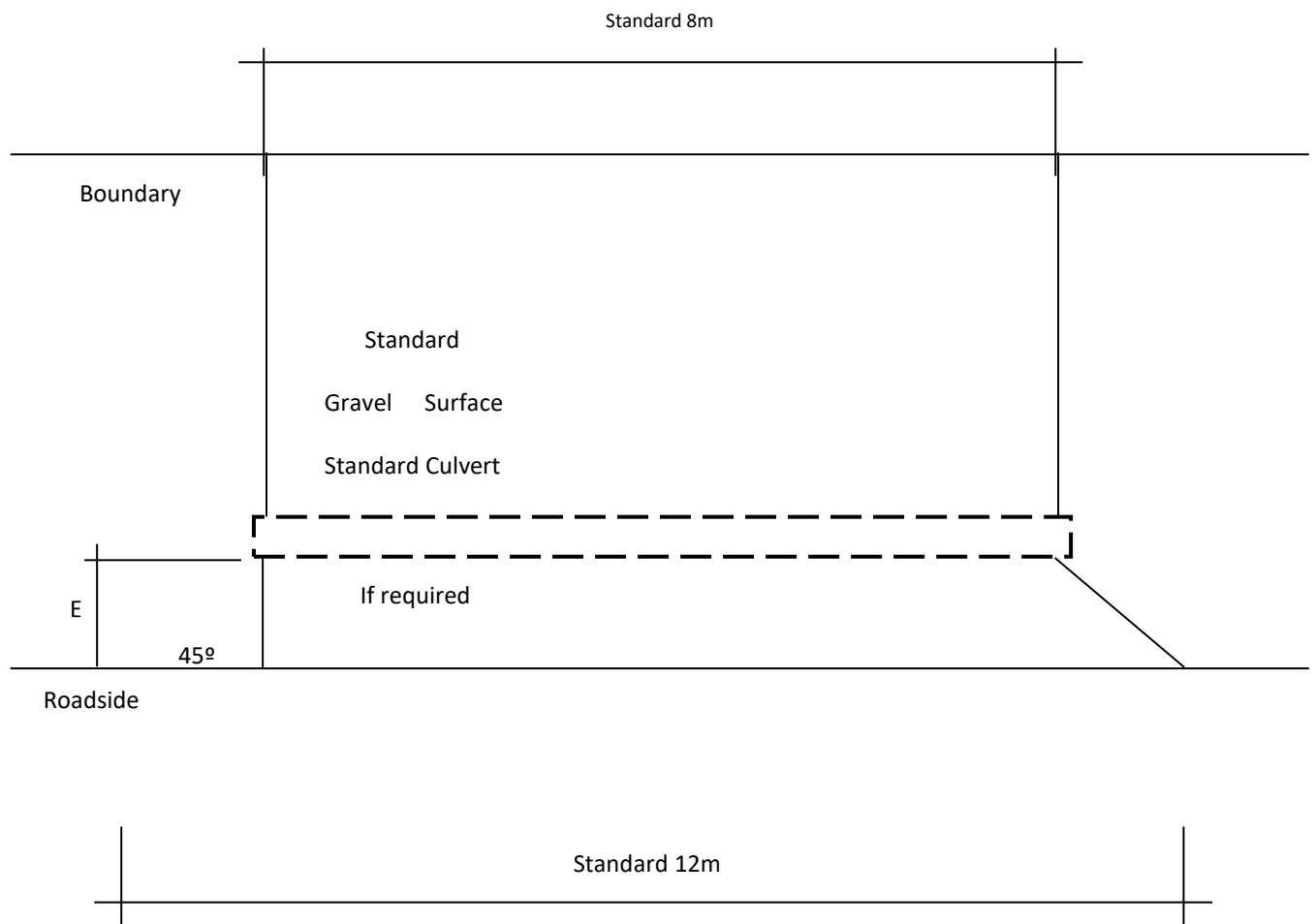


**Attachment 5.7A**  
**DIAGRAM INDUSTRIAL AND COMMERCIAL CROSSOVER**

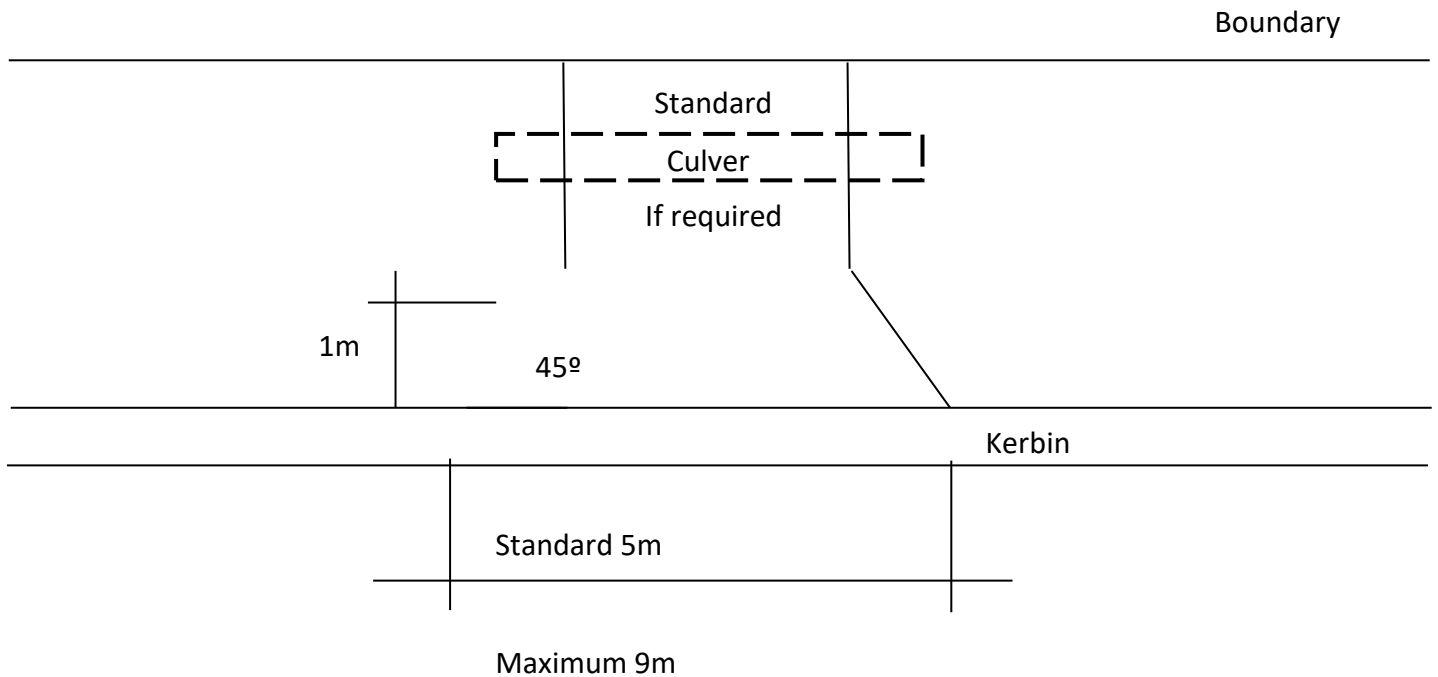


**Attachment 5.7B**  
**DIAGRAM RURAL CROSSOVER**

Access and Crossover



**Attachment 5.7C**  
**DIAGRAM RESIDENTIAL CROSSOVER**



Person Responsible	Manager Works & Services
History	Reviewed April 2017 (M8814) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)



## 5.8 Road Classification

Policy Shire roads, as depicted on the Road Classification Listings (refer to attachment 5.8A) and Road Classification Plan (refer to attachment 5.8B) are categorised into A,B,C,D and E class roads and will be afforded the following criteria:

### **Class A – Regional Distributor**

- Links communities
- Major arterial route
- Designated as a Roads 2025 road
- Minimum standard – 6m wide sealed carriageway, 1.5m wide shoulders each side, 3% cross-fall & back slopes to be clear of suckers annually
- Long Term Development – seal to 7m wide bitumen carriageway (11m wide formation)

### **Class B – Local Distributor**

- Arterial route that links Regional Distributors or other high volume heavy haulage routes (unofficial lime routes, a road that is the culmination of Roads of Local Significance etc)
- Minimum standard – 3.7m wide sealed surface, 3m wide shoulders each side of seal, 3% cross-fall & back slopes to be clear of suckers annually
- Long Term Development – 7 wide seal and 1m wide shoulders each side (10m wide formation)

### **Class C – Road of Local Significance**

- A road that gives access to local points of significance (rural tourist route, a local through route etc)
- Minimum standard – gravel all-weather road to a sealed standard, 4% cross-fall (minimum) and back slopes to be clear of suckers annually. 8m wide formation
- Long Term Development – gravel all-weather road to a sealed standard, 10m wide formation.



#### **Class D – Local Road**

- A road that provides access for residents
- Minimum standard – gravel road or firm natural surface, 7m wide formation and 4% cross-fall (minimum)
- Long Term Development – gravel road or firm natural surface, 8m wide formation and 4% cross-fall (minimum)

#### **Class E – Unformed Road/Track**

- Provides minimal access, generally a dead end road
- Minimum standard – retain existing standard or unformed road reserve
- Long Term Development – Nil

Objective                      To identify priority roads

Person Responsible	Chief Executive Officer
History	Reviewed April 2017 (M8814) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Amended May 2020 (M9556)





### ROAD CLASSIFICATION LISTINGS

Council recognises the following Class A roads:

Road Name	Section
Pithara East Rd (0001)	All
Goodlands Rd (0003)	Dalwallinu-Kalannie Rd to Leeson Rd
Goodlands Rd (0003)	Leeson Rd to GNH (only to be upgraded if and when required) (Yalgoo portion by arrangement with Shire of Yalgoo)
Dalwallinu West Rd (0005)	Great Northern Highway to Locke Rd
Buntine-Marchagee Rd (0008)	All
Locke Rd (0026)	Bell Rd to Dalwallinu West Rd
Bell Rd (0027)	All
Kalannie-Kulja Rd (0045)	All
Dalwallinu-Kalannie Rd (0241)	All
Dowerin-Kalannie Rd (0242)	All
Wubin-Gunyidi Rd (0243)	All

Council recognises the following Class B roads:

Road Name	Section
Dalwallinu West Rd (0005)	Locke Rd to Shire Boundary
Sanderson Rd (0014)	Warren Rd to Dalwallinu-Kalannie Rd
Hourigan Rd (0024)	All
Nugadong West Rd (0029)	All
Wubin East Rd (0030)	GNH to RBF Rd
Pithara West Rd (0033)	GNH to Dickins Rd
Miling North Rd (0085)	All
Rabbit Proof Fence Rd (0094)	GNH to Dalwallinu-Kalannie Rd
Warren Rd (0113)	Sanderson Rd to Goodlands Rd
Glamoff Rd (0116)	RPF to Goodlands Rd



Council recognises the following Class C roads:

Road Name	Section
Nugadong East Rd (0004)	All
Pearse Rd (0007)	Wubin-Gunyidi Rd to Buntine-Marchagee Rd
Buntine East Rd (0009)	All
Carter Rd (0010)	Wubin East Rd to RBF Rd
Sanderson Rd (0014)	Warren Rd to Leeson Rd
Leeson Rd (0015)	All
Nadjimia Rd (0021)	All
Petrudor Rd (0023)	Dalwallinu-Kalannie Rd to Hodgson Rd
Locke Rd (0026)	Dalwallinu West Rd to Thaxter Rd
Goatcher Rd (0031)	All
Thaxter Rd (0032)	All
Dickins Rd (0034)	All
Sheoak Rd (0038)	All
Gypsum Rd (0049)	All
Dalwallinu North Rd (0050)	All
Richards Rd (0059)	All
Wasley Rd (0060)	All
Dinnie Rd (0063)	All
Woolf Rd (0065)	All
Thomson Rd (0087)	All
Rabbit Proof Fence Rd (0094)	Dalwallinu-Kalannie Rd to Southern Shire Boundary
Damboring East Rd (0097)	Northam-Pithara Rd to Hourigan Rd
Warren Rd (0113)	Goodlands Rd to GNH
Lehman Rd (0114)	Sanderson Rd to Kulja Central Rd
Glamoff Rd (0116)	Goodlands Rd to Black Rd
Martin Rd (0119)	Leeson Rd to Lehmann Rd
Meadows Rd (0220)	All
Carot Well Rd (0231)	All



Council recognises the following Class D roads:

Road Name	Section
Wilgie Hills Rd (0006)	All
Pearse Rd (0007)	Buntine-Marchagee Rd to West Rd
Carter Rd (0010)	RPF to Mitchell Rd
Cail Rd (0013)	All
Sanderson Rd (0014)	Leeson Rd to GNH
Tomsett Rd (0019)	All
Dalwallinu North Rd (0020)	All
Kenny Rd (0022)	All
Petrudor Rd (0022)	Hodgson Rd to Jones Rd & Dal-Kalannie Rd to Goatcher Rd
Courtlea Rd (0025)	All
Powell Rd (0028)	All
Wubin East Rd (0030)	RPF Rd to Mitchell Rd
Gatti Rd (0035)	All
Wellburn Rd (0036)	All
Moller Rd (0037)	GNH to Dickins Rd
Lloyd Rd (0039)	All
Pipe McNeill Rd (0040)	All
Marne West Rd (0041)	All
Sutcliffe Rd (0043)	All
Rifle Range Rd (0044)	All
Bunketch East Rd (0046)	All
Pollard Rd (0047)	All
Foyle Rd (0048)	All
Collins Rd (0051)	All
Myers Rd (0054)	All
36 Well Rd (0056)	All
Wegner Rd (0057)	All
Anderton Rd (0058)	All
Short Rd (0061)	All
Symes Rd (0062)	All
Manuel Rd (0064)	All
Sanders Rd (0065)	All
Petersen Rd (0067)	All
Harris Rd (0068)	All
Arbuckle Rd (0069)	All
Gowrie Rd (0070)	All
Birdwood Rd (0071)	All
Monks Rd (0072)	All
O'Dea Rd (0074)	All



Barra Barra Rd (0075)	All
Wilson Rd (0076)	All
Campbell Rd (0077)	All
Elston Rd (0081)	All
Young Rd (0082)	All
Atkinson Rd (0083)	All
Bailey Rd (0086)	All
Jackson Rd (0088)	All
Council Rd (0089)	All
Burgess Rd (0091)	All
Snook Harle Rd (0092)	All
Bunketch West Rd (0095)	All
Damboring East Rd (0097)	Hourigan Rd to Reynolds Rd
Hodgson Rd (0100)	All
Browning Rd (0101)	All
Anderson Rd (0102)	All
Whittingham Rd (0103)	All
Boucher Rd (0105)	All
Fitzsimmons Rd (0106)	All
Bryant Rd (0108)	All
West Rd (0109)	All
Flynn Rd (0110)	All
Clearview Rd (0111)	All
Stewart Rd (0112)	All
Lehmann Rd (0114)	Kulja Central Rd to Black Rd
Black Rd (0117)	All
Martin Rd (0119)	Lehmann Rd to Shire boundary
Kulja Central Rd (0120)	Glamoff Rd to Shire boundary
McCreery Rd (0121)	All
Rolinson Rd (0122)	All
Battaglia Rd (0123)	All
Jones Rd (0135)	All
Johnson Rd (0136)	Pithara East Rd to Jones Rd
Reynolds Rd (0146)	All
Damboring Rd (0167)	All
Sutherland Rd (0217)	All
Stone Rd (0218)	All
Centre Rd (0221)	All
Cottage Rd (0222)	All
Struggle St (0223)	Campbell Rd to Glamoff Rd
Cailbro Rd (0225)	All
Carmichael Rd (0226)	All
Nicholls Rd (0229)	All
Boundary Rd (0234)	All



Simonsen Rd (0236)	All
Mitchell Rd (0240)	All



Council recognises the following Class E roads:

Road Name	Section
Jibberding Hall Rd (0011)	All
Howie Rd (0012)	All
Scally Rd (0016)	All
Holywell Rd (0017)	All
Thornton Rd (0018)	All
Wubin East Rd (0030)	Mitchell St to Struggle St
Pithara West Rd (0033)	Dickins Rd to Shire boundary
Moller Rd (0037)	Dickins Rd to western terminus
Woods Rd (0042)	All
Treasure Rd (0052)	All
Harris North Rd (0053)	All
Davies Rd (0055)	All
Roach Rd (0073)	All
Lake De Courcy Rd (0078)	All
Leahy Rd (0079)	All
Rosalie Rd (0080)	All
Osborne Rd (0084)	All
Smith Rd (0090)	All
McPherson Rd (0093)	All
Nixon Rd (0096)	All
Lacey Rd (0098)	All
Marne McKay Rd (0099)	All
Syme Rd (0104)	All
Noble Rd (0107)	All
Lehmann Rd (0114)	Sanderson Rd west to terminus
Ure Rd (0115)	All
Glamoff Rd (0116)	Black Rd East to terminus
Denton Rd (0118)	All
Kulja Central Rd (0120)	Glamoff Rd north to terminus
Parry Rd (0124)	All
Coles Rd	All
Johnson Rd (0136)	Jones Rd south to terminus
Dodd-Prior Rd (0137)	All
Ray Rd (0145)	All
Quains Rd (0147)	All
Craske Rd (0148)	All
Bradford Rd (0149)	All
Lakeside Rd (0151)	All
Van Driel Rd (0152)	All



Nugadong Town Rd (Osborne Rd) (0152)	All
Day Rd (0153)	All
Schulze Rd (0155)	All
Liebe Rd (0156)	All
Mottolinis Rd (0162)	All
Carlhausen Way (0163)	All
Carlhausen Rd (0165)	All
Wellpark Rd (0165)	All
Pipes Rd (0168)	All
Moore Rd (0169)	All
Dalgary Rd (0170)	All
Dinnie Rd (0063)	Wasley Rd east to terminus
Cheeseman Rd (0171)	All
Muse Rd (0176)	All
Miamoon Rd (0177)	All
Barnes Rd (0178)	All
Bevans Rd (0179)	All
Eaton St (0180)	All
Pelligrini Rd (0214)	All
Cousins Rd (0219)	All
Struggle St (0223)	Glamoff Rd to Wubin East Rd
Leach Rd (0224)	All
Lewis Rd (0228)	All
Un-named Rd (0230)	All (Buntine Rocks access)
Bywaters Rd (0239)	All



## 5.9 REVOKED - Gravel Pavement/Curve Design

POLICY REVOKED – MAY 2020 (M9556)

REASON – Not required as covered by Australian Standards.



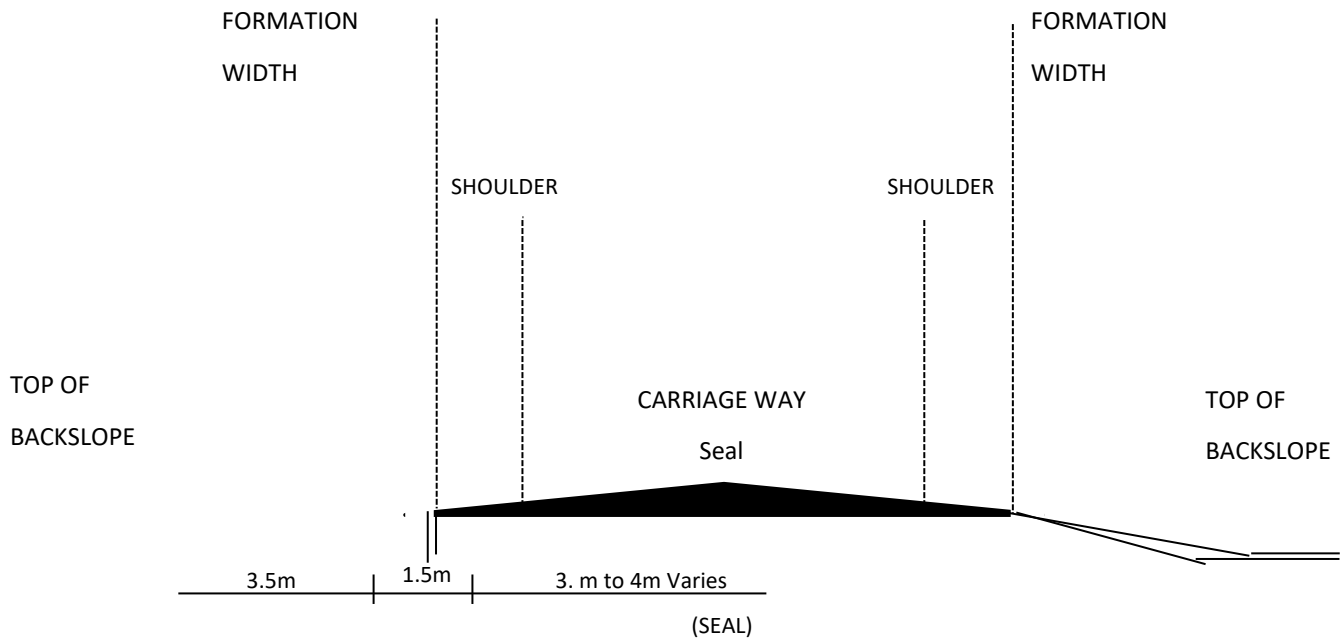


## 5.10 Unsealed Roads - Standards

Policy	Shire roads are to be constructed and maintained in accordance with the guidelines set out in the Unsealed Roads Manual produced by the Australian Road Research Board.
Objective	To construct and maintain safe roads.
Guidelines	<p>See Attachment 5.10a – Road Profile and Specifications for Class A &amp; B roads.</p> <p>See Attachment 5.10b – Road Profile and Specifications for Class C roads.</p>



**ATTACHMENT 5.10(a) sealed/UNSEALED ROADS**  
**ROAD PROFILE AND SPECIFICATIONS "A & B" CLASS ROADS**



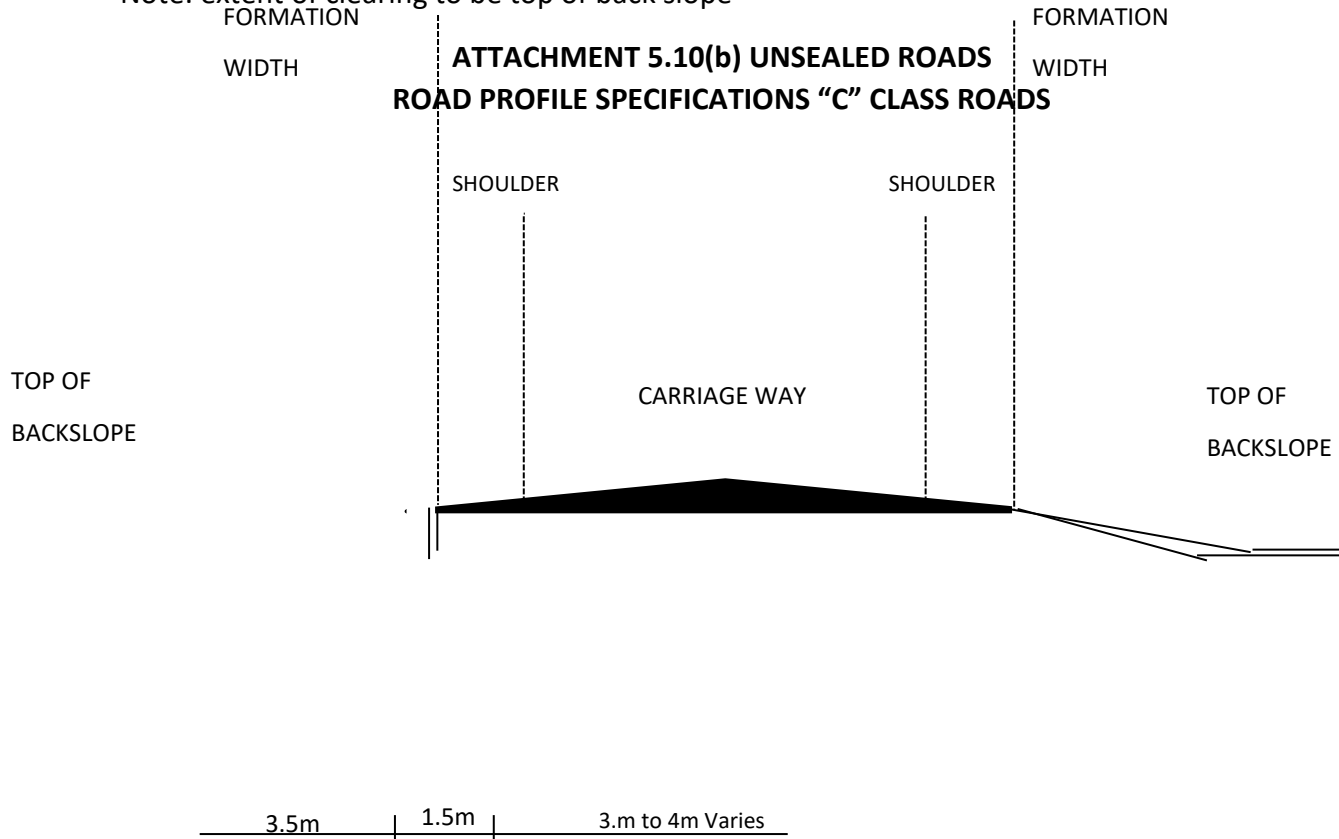
## Specifications

Formation Width	15-18m
Pavement Width	10.00m
	Measurement of the back slope to be decided by the Manager Works & Services taking into account the locality.
Carriageway Width	7.00m
Shoulders	2m x 1.5m
Traffic Lanes	0m x 3.5m
Cross Fall	4 % minimum – 5% maximum
	Road reserve to be kept clear of all regrowth by means of clearing and or by chemical spraying.
	Tree canopy to be cut back to vertical at top of back slope
Batters	1-3 minimum – 1-4 maximum



Shoulders on all bitumen roads need to be graded and chemical sprayed annually.

Note: extent of clearing to be top of back slope



#### Specifications

Formation Width 15-18m

Pavement Width 8.00m

Measurement of the back slope to be decided by the Manager Works & Services taking into account the locality.

Carriageway Width 6.00m

Shoulders 2m x 1.0m

Traffic Lanes 3.00m

Cross Fall 4 % minimum – 5% maximum

Road reserve to be kept clear of all regrowth by means of clearing and or by chemical spraying.



Tree canopy to be cut back to vertical at top of back slope

Batters

1-3 minimum – 1-4 maximum

Shoulders on all bitumen roads need to be graded and chemical sprayed annually.

Note: extent of clearing to be top of back slope

Person Responsible	Chief Executive Officer
History	Reviewed April 2017 (M8814) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)



## 5.11 Storm Water Drainage

Policy	Property owners shall be permitted to drain storm water from their properties into the main roadside drainage subject to a written request being presented to the Shire.
Objective	To provide for control of water given the high clay content of soils.
Guidelines	<p>Requires prior approval from the Manager Works &amp; Services and Manager Planning &amp; Development Services.</p> <p>It is the property owner's responsibility to maintain in good repair, pipes across and under road verges.</p>

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 5.12 Deep Drainage Policy

Policy	The installation of culverts across road reserves is to be the responsibility of the landowner.
Objective	<p>This policy is designed to guide Officers in relation to applications for deep drainage that directly affects Shire controlled land and infrastructure (i.e Shire roads, reserves and townsites).</p> <p>This policy is designed to allow input to drainage proposals that affect Shire infrastructure and private land and inform the community about proposals.</p>
Guidelines	<p>Prior to commencement of drainage works within the Shire of Dalwallinu, a landholder or authorised agent must submit a Notice of Intent to Drain to the Department of Primary Industries &amp; Regional Development pursuant to the <i>Soil and Land Conservation Regulations 1992</i>.</p> <p>Unless otherwise approved by Council, all drains and associated embankments must not encroach onto Shire managed land.</p> <p>At Council's discretion, the landowner may be required to submit a certified report carried out by an appropriately qualified Environmental Consultant identifying what impacts the drainage proposal will have on the environment within the catchment. Catchment being all that area in which surface water would/may affect the proposal from commencement point to terminal point.</p> <p>If the installation does not proceed within twenty four (24) months of approval by Council, the approval lapses, and the application must be resubmitted.</p> <p><b>Structure of Culvert</b></p> <p>The width of the culvert crossing is to be a minimum of twelve (12) metres each side from the centre of the constructed road.</p> <p>Headwalls and silt traps to be installed and located within the boundary of the proponent's property.</p> <p>Any deep drainage system that proposes a development in excess of ten (10) kilometres in length, the Council may require the above mentioned certified report.</p>



### ***Insurance***

Any proposal to carry waters through Shire infrastructure must include the preparedness of the proponent, at the proponents cost, to indemnify the Shire of any liability incurred from any action of law resulting from the development.

### ***Maintenance***

The proponent shall enter in an agreement with the Shire of Dalwallinu that future maintenance costs of the drainage conveyance shall be at the proponent's cost and recorded as an absolute caveat on the affected land. Such remedial works shall be carried out within fourteen (14) days of advice from the Shire of Dalwallinu.

At Council's discretion, proposals to conduct water through Shire infrastructure must be accompanied by an engineering design, as per attachment 5.12a, taking into account the impact on Shire land and/or infrastructure or extra-ordinary events that may cause damage to the integrity of the drainage conveyance.

### ***Procedure***

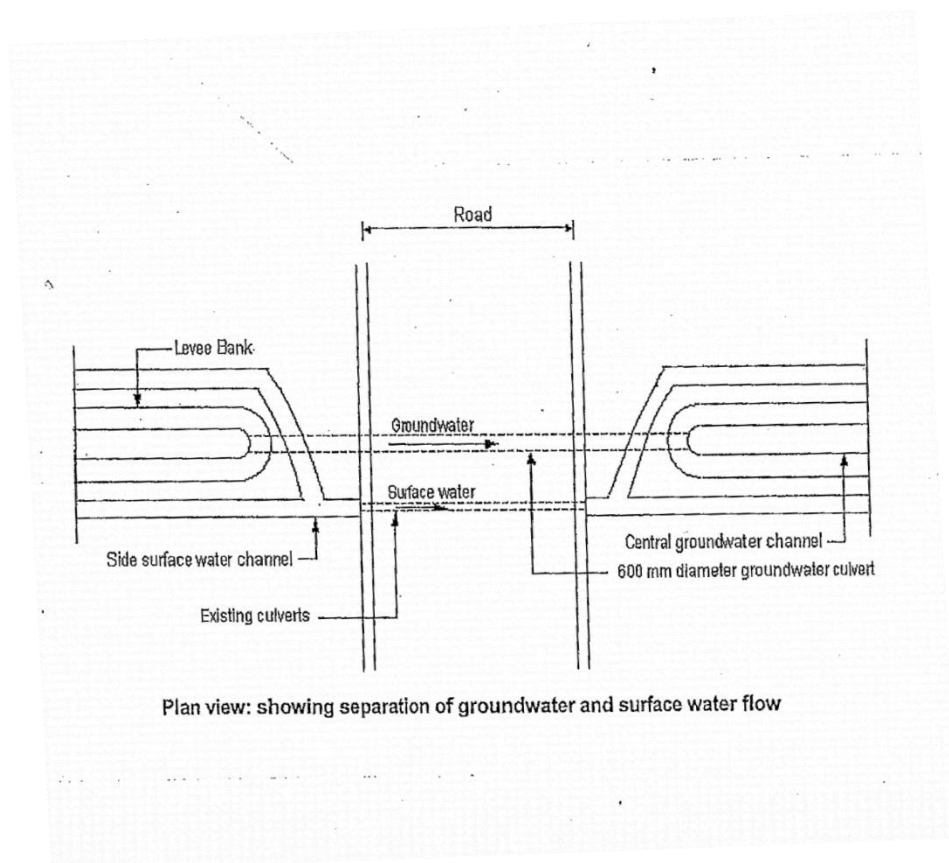
All construction and remedial costs, including traffic management of the drainage conveyance structure, shall be at the proponent's/landowner's cost.

- Proponent/Landowner must provide a copy of the letter of no objection by the Department Primary Industries & Regional Development to the Shire prior to commencing works
- Traffic management means in accordance with the relevant Australian Standards for Traffic Management
- Location and care of utilities i.e. telephone, water, power or others is the landowners responsibility
- Provide the Shire's Works Supervisor a minimum of seven (7) days' notice regarding traffic management
- Only one half of the road to be closed at any time to allow traffic to still pass
- Bitumen to be cut prior to excavation to ensure neat edge
- Trench to be backfilled with suitable gravel material mixed to optimum moisture
- Install a minimum of 600mm diameter Class 4 concrete pipe on all road crossings. (Alternative drainage/pipe suggestions must be submitted and approved by Council ninety (90) days prior to installation).



- Trench to be compacted in no more than 100mm lifts using a standard plate compactor
- Allow to top up material if subsidence is incurred
- Liaise with the Shire to reseal trench

#### **ATTACHMENT 5.12(A)** **ENGINEERING DESIGN**



Person Responsible	Chief Executive Officer
History	Reviewed April 2017 (M8814) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Amended May 2020 (M9556)





### 5.13 Water Pipeline

Policy	<p>Officers will consider applications for installing water pipes under local roads subject to the following:</p> <ul style="list-style-type: none"> <li>• The pipe is to be buried 600mm beneath the roadway</li> <li>• The pipe is to be placed inside a larger diameter pipe</li> <li>• White post marked “Water Pipe” is to be placed at either end of the line where it crosses the road reserve</li> <li>• The landowner is responsible for any damage that may occur</li> </ul>
Objective	To establish guidelines for installation of water pipelines.

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 5.14 Temporary Closure of Unsealed Road During/After Rainfall Events

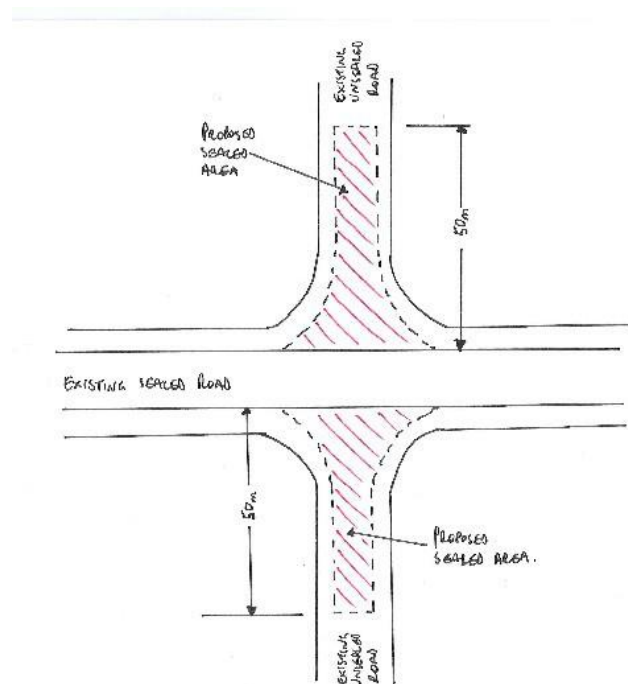
Policy	Unless otherwise stated, the Shire shall practice its rights and obligations to partially or wholly close, and subsequently re-open any road under its responsibility in accordance with the provision of the <i>Local Government Act 1995</i> and the <i>Local Government (Functions and General) Regulations 1996</i> .
Objective	To restrict the use of unsealed roads by certain vehicles to preserve the Shire's assets during and/or after adverse weather conditions.
Guidelines	<p>Specifically, the Shire may close roads to all vehicles greater than three (3) tonnes gross when conditions arise where damage to the structure and/or surface of the road is likely to occur.</p> <p>The Chief Executive Officer will minimise the disruption to the affected proponents (farmers and contractors) while still maintaining a functional unsealed road network by ensuring the least amount of the Shire is affected for the shortest possible period of time.</p> <p>Notification of weather related road closures will be made to adjoining Shires, and noticed will be posted at the Shire Administration, on the Shire website and Facebook page.</p> <p>A media release will be sent to media outlets.</p> <p>Where the Shire is required to issue local public notice, the issue of local public notice shall be in accordance with Section 1.7 of the <i>Local Government Act 1995</i>. Where a road closure inadvertently exceeds a period of twenty eight (28) days, the Council shall meet its obligations under 1.7 &amp; 3.50(4) of the <i>Local Government Act 1995</i> and S4, Part 2 of the <i>Local Government (Functions and General) Regulations 1996</i>.</p>

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Amended May 2020 (M9556)</p>



## 5.15 Sealing of Unsealed Roads at Sealed Road Intersections

Policy	The Shire is to consider sealing a minimum of fifty (50) metres of unsealed road at sealed road intersections. Any sealing works is only to occur at the time of resealing the sealed road or when re-sheeting the unsealed road up to a sealed road intersection.
Objective	To reduce maintenance costs of unsealed roads at sealed road intersections.
Guidelines	<p>The new seal on the unsealed intersection road (under this policy) shall not be wider than the seal width of the existing sealed road.</p> <p>Each occurrence should be considered on its merits based on traffic volumes and maintenance history.</p>



Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Amended May 2020 (M9556)</p>

## 5.16 Waste Management

### Policy

The Shire of Dalwallinu will provide:

#### **Residential Waste (Refuse) Collection Services**

The Shire will provide a weekly waste collection service to all residential premises in the Shire. A green coloured mobile garbage bin (MGB) will be provided on the basis of one (1) 240 litre MGB per single residential premises;

MGB's will be collected between the hours of 6:00am and 6:00pm each collection day;

MGB's should be placed on the verge in front of the premises by 6:00am on the day of collection, in a position that facilitates ease of pickup by the collection vehicle. MGB's should be placed out for collection no earlier than 5:00pm the day prior to collection;

All MGB's must be removed from the verge by 7:00pm on the day of collection and stored within the property;

The following items are prohibited for disposal in the waste MGB:

- Hot/burning ash
- Oil/flammable liquids
- Liquids/paints/solvents
- Bricks/concrete/building rubble/sand
- Personal medical waste (unless in a sealed container)
- Commercial medical wastes

MGB's weighing more than 70kg will not be collected by the Contractor. In such an event, the Contractor shall place a notification sticker on the MGB, and the resident shall be required to empty the MGB to bring it under the 70kg limit before the bin can be collected on the next collection day for that premises.

MGB lids should be closed at all times to prevent litter and odour. MGB's shall not be collected if the lid is not or cannot be closed at the time of collection. The resident shall be required to empty the MGB to enable the lid to be closed before the MGB can be collected on the next collection day for that premises.

The resident should notify the Shire if a MGB is not collected on the scheduled collection day.



All MGB's provided are the property of the Shire and should not be marked or have any item affixed in any way without the prior permission of the Shire of Dalwallinu. This includes marking the MGB with a street number or placing stickers or other identifying marks. The MGB's are stamped with a unique identifying bin number to which the residents can refer to identify the MGB allocated to them.

To account for general wear and tear, the Shire will replace MGB's without charge on a ten (10) year cycle (equivalent to 10% of the Shire's MGB stock per year). If a MGB is lost, stolen or irreparably damaged, the resident should notify the Shire so a replacement MGB can be provided. The resident will be required to pay a MGB replacement fee.

Repairs to MGB lids and wheels will be undertaken by the Collection Contractor free of charge to the resident. The resident will notify the Shire when repairs are required.

Residents can request additional waste MGB services if a single service provides insufficient capacity for the quantity of waste generated on the premises. Fees and charges will apply for additional waste MGB services and approval from the property owner is required, given the invoice is raised against the property owner.

The Shire reserves the right to cancel additional MGB services as it deems necessary, however the standard service will not be cancelled.

### **Residential Recycling Collection Services**

The Shire shall provide a fortnightly recycling collection service to all residential premises in the Shire. A MGB with a light green body and yellow lid will be provided on the basis of one 240 litre MGB per single residential premises.

Recycling MGB's will be collected between the hours of 6:00am and 6:00pm each collection day.

MGB's should be placed on the verge in front of the premises by 6:00am on the day of collection, in a position that facilitates ease of pickup by the collection vehicle. MGB's should be placed out for collection no earlier than 5:00pm the day prior to collection;

All MGB's must be removed from the verge by 7:00pm on the day of collection and stored within the property;

Only the following items are acceptable for disposal in the recycling MGB's:

- Paper and Cardboard



- Aluminium and steel cans
- PET Containers (Code 1 plastics)
- HDPE containers (Code 2 plastics)
- Glass bottles and jars

If unacceptable items are found in the recycling MGB, the Contractor will place a warning sticker on the MGB and not collect it until the unacceptable items (contamination) are removed. The removal of unacceptable items (contamination) from the MGB is the responsibility of the resident, after which the MGB can be placed back out for collection on the next recycling collection day for that premises.

Recycling MGB's weighing more than 70kg will not be collected by the Contractor. In such an event, the Contractor shall place a notification sticker on the MGB, and the resident shall be required to empty the MGB to bring it under the 70kg limit before the bin can be collected on the next collection day for that premises.

MGB lids should be closed at all times to prevent litter and odour. MGB's shall not be collected if the lid is not or cannot be closed at the time of collection. The resident shall be required to empty the MGB to enable the lid to be closed before the MGB can be collected on the next collection day for that premises.

The resident should notify the Shire if a MGB is not collected on the scheduled collection day.

All MGB's provided are the property of the Shire and should not be marked or have any item affixed in any way without the prior permission of the Shire of Dalwallinu. This includes marking the MGB with a street number or placing stickers or other identifying marks. The MGB's are stamped with a unique identifying bin number to which the residents can refer to identify the MGB allocated to them.

To account for general wear and tear, the Shire will replace MGB's without charge on a ten (10) year cycle (equivalent to 10% of the Shire's MGB stock per year). If a MGB is lost, stolen or irreparably damaged, the resident should notify the Shire so a replacement MGB can be provided. The resident will be required to pay a MGB replacement fee.

Repairs to MGB lids and wheels will be undertaken by the Collection Contractor free of charge to the resident. The resident will notify the Shire when repairs are required.

Residents can request additional recycling MGB services if a single service provides insufficient capacity for the quantity of waste



generated on the premises. Fees and charges will apply for additional recycling MGB services and approval from the property owner is required, given the invoice is raised against the property owner.

The Shire reserves the right to cancel additional recycling services as it deems necessary.

### **Commercial Waste (Refuse) Services**

The Shire will provide the standard waste collection service to all commercial premises in the Shire. The standard service is comprised of a single 240 litre green coloured MGB collected on a weekly basis. An additional collection can be arranged to meet the requirements of the premises with additional fees and charges applicable. Billing for additional services will require the approval of the property owner given the notice is raised against the property owner.

MGB's will be collected between the hours of 6:00am and 6:00pm.

MGB's should be placed on the verge in front of the premises by 6:00am on the day of collection, in a position that facilitates ease of pickup by the collection vehicle. MGB's should be placed out for collection no earlier than 5:00pm the day prior to collection;

All MGB's must be removed from the verge by 7:00pm on the day of collection and stored within the property;

The following items are prohibited for disposal in the waste MGB:

- Hot/burning ash
- Oil/flammable liquids
- Liquids/paints/solvents
- Bricks/concrete/building rubble/sand
- Personal medical waste (unless in a sealed container)
- Commercial medical wastes

MGB's weighing more than 70kg will not be collected by the Contractor. In such an event, the Contractor shall place a notification sticker on the MGB, and the occupant shall be required to empty the MGB to bring it under the 70kg limit before the bin can be collected on the next collection day for that premises. This clause does not apply for larger bins collected by front or rear loading collection vehicles.

The occupant should notify the Shire of a MGB is not collected on the scheduled collection day.



All MGB's provided are the property of the Shire and should not be marked or have any item affixed in any way without the prior permission of the Shire of Dalwallinu. This includes marking the MGB with a street number or placing stickers or other identifying marks. The MGB's are stamped with a unique identifying bin number to which the occupants can refer to identify the MGB allocated to them.

To account for general wear and tear, the Shire will replace MGB's without charge on a ten (10) year cycle (equivalent to 10% of the Shire's MGB stock per year). If a MGB is lost, stolen or irreparably damaged, the resident should notify the Shire so a replacement MGB can be provided. The occupant will be required to pay a MGB replacement fee.

Repairs to MGB lids and wheels will be undertaken by the Collection Contractor free of charge to the resident. The occupant will notify the Shire when repairs are required.

Commercial premises can request additional 240 litre waste MGB's if a single service provides insufficient capacity for the quantity of waste generated on the premises. Fees and charges will apply for additional waste MGB services.

Additional waste collection services are optional and the Shire reserves the right to cancel them at its discretion.

### **Commercial Recycling Services**

The Shire will provide the standard recycling collection service to all commercial premises in the Shire. The standard service is comprised of a single 240 litre MGB with a light green body and a yellow lid collected on a fortnightly basis. Collection frequency can be increased to meet the requirements of the premises with additional fees and charges applicable. Billing for additional services will require the approval of the property owner given the invoice is raised against the property owner.

MGB's will be collected between the hours of 6:00am and 6:00pm.

MGB's should be placed on the verge in front of the premises by 6:00am on the day of collection, in a position that facilitates ease of pickup by the collection vehicle. MGB's should be placed out for collection no earlier than 5:00pm the day prior to collection;

All MGB's must be removed from the verge by 7:00pm on the day of collection and stored within the property;

Only the following items are acceptable for disposal in the recycling MGB's:





- Paper and Cardboard
- Aluminium and steel cans
- PET Containers (Code 1 plastics)
- HDPE containers (Code 2 plastics)
- Glass bottles and jars

If unacceptable items are found in the recycling MGB, the Contractor will place a warning sticker on the MGB and not collect it until the unacceptable items (contamination) are removed. The removal of unacceptable items (contamination) from the MGB is the responsibility of the resident, after which the MGB can be placed back out for collection on the next recycling collection day for that premises. This service is optional and contamination may lead to cancellation of the service at any time at the discretion of the Shire.

Recycling MGB's weighing more than 70kg will not be collected by the Contractor. In such an event, the Contractor shall place a notification sticker on the MGB, and the occupant shall be required to empty the MGB to bring it under the 70kg limit before the bin can be collected on the next collection day for that premises. This clause does not apply for larger bins collected by front or rear loading collection vehicles.

The occupant should notify the Shire if a MGB is not collected on the scheduled collection day.

All MGB's provided are the property of the Shire and should not be marked or have any item affixed in any way without the prior permission of the Shire of Dalwallinu. This includes marking the MGB with a street number or placing stickers or other identifying marks. The MGB's are stamped with a unique identifying bin number to which the residents can refer to identify the MGB allocated to them.

To account for general wear and tear, the Shire will replace MGB's without charge on a ten (10) year cycle (equivalent to 10% of the Shire's MGB stock per year). If a MGB is lost, stolen or irreparably damaged, the resident should notify the Shire so a replacement MGB can be provided. The occupant will be required to pay a MGB replacement fee.

Repairs to MGB lids and wheels will be undertaken by the Collection Contractor free of charge to the resident. The occupant will notify the Shire when repairs are required.

Commercial premises can request additional 240 litre recycling MGB's if a single service provides insufficient capacity for the quantity



of waste generated on the premises. Fees and charges will apply for additional waste MGB services.

Commercial premises can also request larger bins for collection by a rear or front loading collection vehicle. Available size is a three cubic metre commercial bin. The only difference for commercial bins when compared to the MGB's is that the commercial bins are owned by the contractor, and the 70kg weight limit will not apply. Fees and charges apply.

Additional recycling collection services are optional and the Shire reserves the right to cancel them at its discretion.

#### Objective

#### To provide:

- An efficient and best value compulsory waste and recycling collection service for all householders/ratepayers within the Shire;
- An efficient and best value compulsory waste and recycling collection service for commercial properties within the Shire requiring such a service
- Churches and Not for Profit organisation's discretion in choosing the compulsory waste services (e.g if the entity requires and wants the service then a fee is payable otherwise the service is not provided).

Person Responsible	Chief Executive Officer
History	New Policy November 2017 (M9054) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)



## 5.17 Infrastructure Bonds

Policy	<p>Builders or Developers (the applicant) involved in building construction within the Shire of Dalwallinu will be required to lodge with the Shire of Dalwallinu, a security bond in accordance with the Schedule of Fees and Charges, as determined annually by Council.</p> <p>The security bond is to be lodged at the time of the building permit application and a pre-construction inspection is to be undertaken and photography recorded.</p> <p>At the completion of the building works, the builder is to request the refund of the security bond which will trigger a second site inspection and further photography is to be recorded.</p> <p>If no damage is recorded, the bond is refunded. If damage is recorded, the builder is given twenty one (21) days to rectify the damage otherwise the Shire will repair the damaged asset using the bond monies.</p> <p>Following completion of the rectification works, if any bond funds remain, they will be refunded to the builder.</p> <p>If the asset damage is more than the bond value, an invoice will be forwarded to the builder for the additional rectification works.</p>
Objective	<p>To provide clear guidance to Developers, Builders and their contractors, of the Shire of Dalwallinu's policy regarding infrastructure bonding arrangements and the applicable penalties and fees.</p> <p>This policy is for bonding of verge infrastructure prior to building approval and is designed to provide financial security against damage which occurs during building construction in the Shire of Dalwallinu.</p>

Person Responsible	Chief Executive Officer
History	<p>New Policy March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 6. Planning



## 6.1 Sheds on Residential Land – Building Permits

Policy	<p>Approval for the erection of out buildings on residential land will be granted only when:</p> <ol style="list-style-type: none"> <li>1. A dwelling is in existence on the lot, or</li> <li>2. Plans for the overall development of the lot, including a dwelling, are submitted to Council in conjunction with the plans for the outbuilding.</li> </ol>
Objective	<p>This policy enables officers to approve the erecting of outbuildings in certain circumstances, without reference to Council.</p> <p>All other scenarios will be referred for Council determination.</p>
Guidelines	Local Planning Scheme No.2

Person Responsible	Manager Planning & Development Services
History	<p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 6.2 Parking of Chemical Spray Units in Townsite

Policy	<p>The parking of chemical spray units on land within a townsite boundary (as defined in TPS No 2) is generally not permitted. Council may however, issue its planning consent for such usage within a townsite boundary under the following circumstances:</p> <ul style="list-style-type: none"> <li>• Where the land, the subject of the application is classified/zoned Commercial, Industrial or Rural;</li> <li>• Where it can be demonstrated that such usage is not likely to have a detrimental impact upon the general amenity of the locality;</li> <li>• Where such usage will not result in the contamination of soils within a townsite boundary.</li> </ul> <p>In issuing any approval to the development of land for this purpose, Council may require the establishment and maintenance of approved landscaping to screen the activities from public view.</p>
Objective	To provide for the safe storage of equipment and visual amenity of the town.
Guidelines	Local Planning Scheme No.2

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 6.3 Development of Moveable Buildings – Including Relocated Buildings

POLICY REVOKED – JULY 2020 (M9588)

Person Responsible	Chief Executive Officer
History	Reviewed April 2017 (M8814) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556) Revoked July 2020 (M9588)



## 6.4 Use of Sea Containers & Other Similar Transportable Structures

Policy	The use of sea containers and similar transportable structure is to be controlled in accordance with the policy as detailed in the Local Planning Scheme No 2 and Policy 8 Sea Containers.
Objective	To control the use of such structures.
Guidelines	Local Planning Scheme No.2

Person Responsible	Chief Executive Officer
History	Reviewed April 2017 (M8814) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)





## 6.5 Town Planning Scheme Policies

Policy	<p>The Dalwallinu Shire under and by virtue of the provision and powers conferred upon it by clause 7.6 of its Local Planning Scheme No 2, has adopted the following Scheme Policies:</p> <ol style="list-style-type: none"> <li>1. Offensive Uses</li> <li>2. Fences</li> <li>3. East Pithara Road</li> <li>4. Stables</li> <li>5. <del>Moveable Buildings</del> – Revoked July 2020</li> <li>6. Aged Accommodation</li> <li>7. Veranda's over footpaths</li> <li>8. Sea Containers</li> </ol>
Objective	<p>To enable Council to more accurately prescribe in fine details, its requirements in areas where it feels the broader definitions of its scheme is lacking.</p>

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2017 (M8814)  Reviewed March 2018 (M9129)  Reviewed March 2019 (M9342)  Reviewed May 2020 (M9556)  Amended July 2020 (M9588)</p>



**SHIRE OF DALWALLINU  
LOCAL PLANNING SCHEME NO.2  
(District Scheme)**

The Dalwallinu Shire under and by virtue of the provisions and powers conferred upon it in the behalf by Local Planning Scheme No.2, more particularly Clause 2.2, hereby adopts the following Policy.

**POLICY NO. 1 – OFFENSIVE USES**

Date Advertised: 29 April 2014

Date Finally Adopted: 3 June 2014

INTERPRETATION	An offensive use includes, an offensive trade as defined under the Health Act, and any other activity that produces a nuisance considered by the Council to be offensive to the continued operation of normal residential and commercial uses. The offensiveness may include undue emission of smell or odour, noise, dust, vapour, smoke, steam, fume, light, electrical interference, vibration, soot, ash, waste water or other waste products.
AREA OF CONTROL	The Council shall not permit offensive uses within two (2) kilometres of a townsite boundary within the Shire, or within a distance of an existing residential or commercial operation such that is cause a nuisance to the normal continuation of that activity.
POLICY	That Council will oppose any development involving an offensive use that it considers will unduly affect the continued operation of an existing use within the Shire.



**SHIRE OF DALWALLINU  
LOCAL PLANNING SCHEME NO.2  
(District Scheme)**

The Dalwallinu Shire under and by virtue of the provisions and powers conferred upon it in the behalf by Local Planning Scheme No.2, more particularly Clause 2.2, hereby adopts the following Policy.

**POLICY NO. 2 – FENCES**

Date Advertised: 29 April 2014

Date Finally Adopted: 3 June 2014

**DEFINITION** For the purposes of this policy a fence shall include a fence, wall, barrier, barricade or any other construction that defines an alignment or protects an area. A boundary fence includes a fence constructed on the boundary of a property.

**BACKGROUND** In most developed areas there is a desire, and sometimes a need, to fence a property or part of a property. The desire comes from a wish to define ones ownership, or exaggerate a boundary for maintenance reasons, aesthetics, privacy or amenity. The need comes from security or safety point of view where it may be necessary to preclude trespassers or criminals.

The two results can vary considerably. The amenity aspect will often produce a symbolic boundary definition that may look aesthetically pleasing or will be consistent with traditional and common materials compatible with the urban environment.

The need to protect a property for security reasons requires a more serious attempt to prevent criminals entering the property. This may often entail the construction of security measures considered incompatible with the existing residential and commercial fabric.

**OBJECTIVES** The objectives of this policy are:

1. To protect the residential and commercial amenity from fences that are incompatible with the scale and visual amenity of an area normally frequented by residents, shoppers and pedestrians;
2. To protect the visual amenity of areas that may have a direct view of fences that the Council deems to be incompatible with a reasonable expectation from a



residential or commercial area. This includes the development of fences on land that abuts, adjoins or faces residential and commercial areas.

3. To control the type of material used in the construction of fences to ensure some degree of integration and to minimise the creation of potential nuisance factors such as reflection, heat or noise.

## POLICY

1. All fencing within the townsites of the Shire shall require the Council's planning consent, except where the fence meets the provisions of the Residential Design Codes of Western Australian Planning Commission.
2. The Council will only grant its planning consent for fences over 1.8 metres where it considers that circumstances justify a departure from this policy. These circumstances may include:
  - a) areas where a potential danger exists;
  - b) areas where plant and equipment are required to be protected;
  - c) areas where a desire for privacy can be justified;
  - d) situations where the materials and scale of the fence are considered appropriate for the circumstances by the Council.

In these cases the Council may impose conditions relating to the style and appearance of the fence.



**SHIRE OF DALWALLINU  
LOCAL PLANNING SCHEME NO.2  
(District Scheme)**

The Dalwallinu Shire under and by virtue of the provisions and powers conferred upon it in the behalf by Local Planning Scheme No.2, more particularly Clause 2.2, hereby adopts the following Policy.

**POLICY NO. 3 – RURAL LAND – PITHARA EAST ROAD Pt Location 2611, Lots 51-55,  
KALANNIE**

Date Advertised: 29 April 2014

Date Finally Adopted: 3 June 2014

**DEFINITION** For the purposes of this policy rural land includes all that land within Pithara East Road, Kalannie, as shown within the Local Planning Scheme Map No.2 Kalannie as Rural Land. The land is bounded by the town boundary west to Jones Road and includes that portion specifically mentioned as Lots 51-55 part Location 2611 Pithara East Road.

**BACKGROUND** In most developed areas there is a desire to ensure that small rural and hobby farm areas are maintained to a standard which complements the general tidiness of the community and instils a sense of pride in the manner to town is presented to the community and the travelling public. Additionally well maintained rural and hobby farm areas can present less of an aesthetic concern and require less inspectorial control.

Hobby farm areas must be maintained to minimise storage areas for disused machinery and materials, harbourage for vermin and pests and should present as a well managed operation with a sense of pride in the community.

The policy addresses the development of a small rural and hobby farms sites, particularly setbacks, waste disposal and general maintenance of the site.

**OBJECTIVES** The objectives of the policy are:

- a) To protect the hobby farm style development and residential amenity from uses that are incompatible with the rural lifestyle of the community and the visual amenity of an area which represents the main approach to the town of Kalannie;



- b) To provide for proper development of Ninghan Location 2611, Lots 51-55, in keeping with the hobby farm and semi rural pursuits originally approved by Council in keeping with the objectives of the defined rural zone.
- c) To ensure the objectives of the defined rural use are maintained and to ensure that future residential development is in keeping with hobby farms and semi rural pursuits and are uniform in size
- d) To protect the visual amenity of areas that may have a direct view of the hobby farm and semi rural are or frequent the area for personal or business purposes
- e) To control the type of development within the defined rural area to ensure a degree of integration to minimise the creation of nuisance factors such a visual pollution, disused material accumulation, offensive odours and operations and noise.
- f) To provide developers with a minimum acceptable standard of operation within the defined rural area which complements the rural lifestyle of the community and enhances the visual amenity of the area.

## POLICY

- a) All applications for development shall submit a planning application detailing building envelope area, landscaping, off street delineated parking, disused materials and waste storage areas, and proposed industry to be established.
- b) The front set back area (minimum setback to be determined) may be used only for the purposes of landscaping, access and visitors parking. Natural vegetation existing within the setback area is to be maintained. Proposed landscaping is to include local flora.
- c) Natural vegetation within 3 metres of the rear boundary is to be maintained and supplemented with local flora where required. Natural vegetation within 1 metre of the side boundaries shall be maintained and supplemented with landscaping.
- d) Side and rear setback distances are as determined by Council dependent on wall heights of structure, modes of access and the requirements of Table II Development Table, of the Local Planning Scheme No.2.
- e) No material or products may be stored or displayed within the front setback area.



- f) A minimum of 10% of the lot shall be landscaped and areas within 1 metre of side boundaries shall be landscaped.
- g) A second dwelling may be constructed on the lot within the building envelope for the purposes of staff accommodation or other purpose approved by Council
- h) Lot sizes are to be maintained at 2.9ha or larger

## BUILDING CONSTRUCTION

- a) Maximum plot ratios are to be determined by Council upon receipt of each application. As a guide, development is limited to 0.5. Applications for development in excess of this ratio should provide supporting documentation to assist Council's determination.
- b) The use of second hand materials in construction of the buildings is not permitted. Second hand dwellings may be erected on the site with the written permission of Council. All applications are to provide supporting documentation regarding improvements to the second hand dwelling such as repainting, waste disposal and shall include two recent photographs and a floor plan.
- c) Where the developments propose to display or on sell goods, shop fronts and offices shall not encroach into the front setback area.
- d) Materials to be used shall be new. Where steel framed construction and cladding is utilised, the wall cladding shall be coloured and roof cladding may be galvanised.
- e) Waste disposal systems shall be constructed to the requirements of the *Health Act 1911 (as amended)* and leach drains shall be trafficable.
- f) Fencing requirements shall be in accordance with Policy No.2 – Fences. All boundary lines are to be fenced during the construction phase of the building. Plastic coated mesh is to be utilised for front setbacks or alternatively, decorative fencing may be installed with the written approval of Council.

The Council may require a bond or bank guarantee from a developer to ensure landscaping, second hand dwellings and/or other development works are designed and carried out to the satisfaction of the Council.

Where Council considers a particular development or use to be incompatible with the predominant uses within that zone, additional requirements may be necessary.



**SHIRE OF DALWALLINU  
LOCAL PLANNING SCHEME NO.2  
(District Scheme)**

The Dalwallinu Shire under and by virtue of the provisions and powers conferred upon it in the behalf by Local Planning Scheme No.2, more particularly Clause 2.2, hereby adopts the following Policy.

**POLICY NO. 4 - STABLES**

Date Advertised: 29 April 2014

Date Finally Adopted: 3 June 2014

**DEFINITION** For the purposes of this policy a stable means a premises used for the keeping, breeding, agistment and rearing of horses and ponies and may include the use of associated building, corrals and compounds.

A fence shall include a fence, wall, barrier, barricade or any other construction that defines an alignment or protects an area. A boundary fence includes a fence constructed on the boundary of a property.

**BACKGROUND** With the establishment of stables within townsites and particularly residential areas, there is a need to maintain a minimum acceptable standard which complements the general tidiness of the area and maintain the stables such that vector, odour and diseases are eliminated and do not pose a nuisance or health concern to residents of the area.

Stables must be maintained to provide a healthy environment for all residents and constructed to a standard which is easily cleaned and maintained. All health issues are governed by the Shire of Dalwallinu Health Local laws 1996 and in particular Division Two and Three – Keeping of Animals and Large Animals. Applicants should liaise with the Council to determine minimum acceptable standards. Construction of stables are governed by the Building Code of Australia and detailed plans must be submitted to the Council for approval.

The Policy addresses the development of stables, minimum lot sizes, setbacks, waste disposal and general maintenance of the site.

**OBJECTIVES** The Objectives of the policy are:





1. To protect the residential amenity and ensure that siting and construction of stables are compatible with the rural lifestyle of the community and the visual amenity of the residential areas where stables are permitted;
2. To control the type of development within the residential area to ensure a degree of integration to minimise the creation of nuisance factors such as visual and faecal pollution, disused material accumulation, offensive odours and noise.
3. To provide applicants with minimum acceptable standard of operation prior to consideration and construction.

POLICY

*Planning Requirements*

- a) All applicants for the construction of stables shall submit a planning consent application detailing the building envelope area, landscaping, waste storage areas and proposed number of horses;
- b) Planning consent applications shall be accompanied by letters from adjoining landowners/residents stating they are aware of the proposal and have sighted the plans;
- c) The setbacks from side and rear boundaries shall be a minimum of 5 metres. No stables shall be constructed within 20 metres of the front setback or within 15 metres of a dwelling or a water course;
- d) The minimum lot size shall be 2,000m<sup>2</sup>;
- e) The number of horses shall be limited to one horse for every 1,000m<sup>2</sup>, with a maximum of three horses per lot;
- f) Disused materials and floats must be stored such that they are not visible from the front boundary of the property and are stored to minimise harbourage of vermin;
- g) Adequate shade shall be provided for the animals;
- h) All fences may be electrified except boundary fences;
- j) Noise and dust emissions from the property shall be minimised by appropriate methods, and where required, the paddocks shall be watered to prevent the spread of dust;
- k) All food containers (including but not limited to wheat, barley, oats and other grain foods) shall be



sealed to prevent ingress of rodents and pests. It is accepted that hay bales may be stored outside of sealed containers.

#### *Building Requirements*

- a) Stables shall be constructed of new materials. No second hand materials are permitted to be used except for recycled wood for framing purposes only.
- b) Fencing requirements shall be as required by Local Planning Policy No.2 and the Fencing Local Laws. Boundary fences shall be constructed to minimise the risk of injury to the animal but shall be of sufficient strength to contain the animal within the property.
- c) Waste disposal systems shall be constructed to dispose of water used for all wash down areas in accordance with the requirements of the *Health Act 1911 (as amended)*.
- d) Plans shall be submitted as required by the *Building Regulations 1989* or such other legislation which may replace the regulations.
- e) Waste containers shall be supplied as required by the Shire of Dalwallinu Health Local Laws and be of sufficient size to contain all waste materials in a sealed environment.
- f) Compliance with all Health Local Laws is required at all times.

Where the Council considers a particular development or use to be incompatible with the predominant uses within the zone, additional conditions and requirements may be imposed.

The Council reserves the right to refuse a planning consent application which is incomplete or in incompatible with the predominant uses within the zone.



**SHIRE OF DALWALLINU  
LOCAL PLANNING SCHEME NO.2  
(District Scheme)**

**POLICY NO. 5 – MOVEABLE BUILDINGS**

REVOKED – July 2020 (M9588)



**SHIRE OF DALWALLINU  
LOCAL PLANNING SCHEME NO.2  
(District Scheme)**

The Dalwallinu Shire under and by virtue of the provisions and powers conferred upon it in the behalf by Local Planning Scheme No.2, more particularly Clause 2.2, hereby adopts the following Policy.

**POLICY NO. 6 – AGED ACCOMMODATION DEVELOPMENT**

Lots 126,125 & 128 McNeill Street, Dalwallinu

Date Advertised: 29 April 2014

Date Finally Adopted: 3 June 2014

**DEFINITION** For the purposes of this policy, the Development comprises that land within McNeill Street, Dalwallinu, comprising Lots 126 – 128 McNeill Street and located adjacent to the existing development known as “Pioneer House”. Further development of Lots 123-125 McNeill Street, Dalwallinu, will also be bound by this policy.

**BACKGROUND** In most developed regions there is a desire and need to ensure that grouped residential development is controlled, maintained and constructed, in a manner which promotes additional development, is aesthetically pleasing, well presented and provides sufficient infrastructure to support the target population to develop the Aged Accommodation.

Census information provided shows that the average age of farmers within Dalwallinu is increasing and there is a lack of suitable accommodation to attract potential retirees to settle within the District. Aged development is occurring outside the region and infrastructure must be in place to retain this target group.

The development must encourage residential development which meets the standards set for aged housing including access and mobility, ease of access to all areas, common themes of construction materials, and address community activities within the development. This policy addresses the development of residence within the prescribed area, particularly setbacks, landscaping, car parking, building construction materials and access mobility.

**OBJECTIVES** To protect the residential development from construction that is not compatible with aged development general



standards. For example 720mm door width, double storey construction, access via ramps (not steps) and materials not keeping with a predetermined general theme.

To protect the visual amenity of areas that may have a direct view of the residential area or frequent the area

To control the type of materials used within the construction of accommodation to ensure a degree of integration to utilise an adhoc undisciplined development of varying colours and materials.

To provide developers of the lots of land with a minimum acceptable standard of planning and construction which complements existing buildings and enhances the visual amenity of the area.

To provide potential purchasers with a policy for development of the Aged Accommodation precinct which complements the proposed use of the area and ensures a planned approach to development.

## POLICY PRINCIPLES

### ***Planning Requirements***

The Shire of Dalwallinu Local Planning Scheme No.2 does not require the submission of plans for a residence for planning approval. As such development within the aged precinct is controlled by the policy.

- All applications for development within the area shall include a planning application detailing a building envelope, front setbacks, proposed landscaping and materials to be used within the building. Information including elevations and colour schemes shall be included;
- All applications shall confirm compliance with Australian Standards relating to Design for Access and Mobility such as door width, level access and bathroom layouts;
- Setbacks shall be determined by the development proposed and in accordance with the Residential Planning Codes, however it is acknowledged that block sizes will require a reduction in setbacks (minimum 3.5m without Council approval). Side setbacks and rear setbacks shall be a minimum of 750mm (eaves – side boundary) and 2,000mm (eaves – rear);
- Fences shall be post and rail colourbond construction with side and rear fences permitted to 1,900mm and front fences limited to 900mm height;



- Pathways and entrances shall be ramped. Where steps are necessary, the provisions of Australian Standards relating to Design and Access and Mobility are applicable;
- Building construction shall only occur between the hours of 7.00am to 6.00pm weekdays and 8.00am to 1.00pm Saturdays;
- Sheds shall be permitted and located behind the dwelling.

### ***Building Construction***

- The use of second hand materials or placement of second hand buildings within the development is not permitted;
- Materials to be used are not strictly controlled, however the use of galvanised iron is not approved. Colourbond materials for roofs and roof plumbing shall be utilised. Tile roofs are permitted;
- Wall materials can be steel framed and clad z (painted), brick veneer or double brick;
- All bedrooms shall be provided with the infrastructure to install a paging system in the future. Infrastructure comprising a blank wall plate with conduit access from the roof space is required;
- All residences shall be connected to the Sewer system;
- All storm water shall be discharged to McNeill Street via the internal road access.

The Council may require a bond or bank guarantee from a developer to ensure development works are designed and carried out to the approved plans and conformity with this policy.

Where Council considers a particular development to be incompatible with the predominant character of the overall development, additional requirements may be necessary.



**SHIRE OF DALWALLINU  
LOCAL PLANNING SCHEME NO.2  
(District Scheme)**

The Dalwallinu Shire under and by virtue of the provisions and powers conferred upon it in the behalf by Local Planning Scheme No.2, more particularly Clause 2.2, hereby adopts the following Policy.

**POLICY NO. 7 – VERANDAH OVER FOOTPATH – DESIGN & MATERIALS CRITERIA**

Date Advertised: 29 April 2014

Date Finally Adopted: 3 June 2014

**DISCUSSION** Since 1994, Council has prepared and submitted for public consultation, a Dalwallinu Town Centre Study, which includes details of proposed aesthetics and infrastructure improvements to Johnston Street. As part of this planning process, proper planning of visual improvements to shops and premises is considered integral with the town centre development.

This policy is proposed to ensure that the expectations of the owners already established are not adversely affected by the construction of verandahs over footpaths. It is considered reasonable to protect the visual integrity of the main street concept, and existing landowner's investments in the town from development that may detract from the amenity of the character of Johnston Street.

**BACKGROUND** The construction and design of verandahs is limited by the imagination of the designer. The proposal to visually improve Johnston Street to provide encouragement to locals and visitors, will ensure a uniform approach is taken to the overall design and a policy relating to verandahs will ensure harmony between the structures and the proposed improvements.

To ensure that Council can review and provide constructive comment of the verandah design, all applications for verandah's over footpaths and road reserves, shall require the Council's planning consent prior to the issue of a building licence.



## POLICY

1. All applications for verandah's over footpaths shall require the Council's planning consent prior to the issue of a building licence;
2. The Council shall not permit the construction of a verandah from second hand materials or materials which are flammable;
3. All applications must show existing verandahs or shop fronts adjacent to the property for which the application is made;
4. Verandahs shall not interfere with the rights of the adjoining property including advertising and access;
5. All applications shall be supported by a structural engineers report on the affixment methods and durability of the existing structure to withstand loads applied by the verandah and to show details of walls to which the verandah shall be affixed;
6. All applications shall include a statement from the insurer advising that the proposed verandah and road reserve area shall be included permanently within the public liability insurance premium applicable to the verandah. The landowner is to ensure that the policy remains current and all new tenants or owners are advised of the requirement accordingly;
7. The application must be lodged with statements from adjoining property landowners that they have sighted the plans of the verandah;
8. Columns shall be located a minimum of 600mm from the footpaths edge;
9. A minimum of 2400mm clear area beneath the verandah shall be provided for public thoroughfare.

## OBJECTIVES

1. To maintain high amenity standards of buildings, especially within the commercial precinct;
2. To ensure that the visual aesthetics of the commercial precinct are not compromised by the introduction of substandard structures that are out of character with the majority of the precinct;
3. To ensure that verandah's when constructed do not use materials or a design considered unacceptable by Council;
4. To protect the visual amenity of the main street of Dalwallinu by not permitting the establishment of visual barriers which are not in keeping with the general intent of the Town Centre Study and values of established businesses.





## **SHIRE OF DALWALLINU**

### **LOCAL PLANNING SCHEME NO.2 (District Scheme)**

The Dalwallinu Shire under and by virtue of the provisions and powers conferred upon it in the behalf by Local Planning Scheme No.2, more particularly Clause 2.2, hereby adopts the following Policy.

#### **POLICY NO. 8 – SEA CONTAINERS**

Date Finally Adopted: 28 July 2020

#### **1. Subject**

Sea Containers are defined as being redundant shipping containers that have been repurposed. Sea Containers are often being used on land in a manner that is unsightly and that is detracting significantly from the amenity of the locality in which the land is situated. Sea containers are used in Residential areas as an alternative to sheds and in Commercial and Industrial areas for storage and other purposes.

#### **2. Objectives**

Ensure that the use of Sea Containers is not unsightly and does not detract significantly from the amenity of the locality in which it is situated.

Establish guidelines for the assessment of applications for a permit to establish Sea Containers within the whole of the Shire local government area.

Set acceptable standards for an application to obtain Shire approval to establish a Sea Container on a particular property relevant to the land use.

#### **3. General Provisions:**

The following provisions, if adopted, will apply to all Sea Containers located within any land use zone.

Sea Containers:

- are only to be used in conjunction with an approved use on the lot
- must not be located over effluent disposal areas/systems
- must not be located over water mains, waste water or storm water drains, or underground power lines.



- must be setback from overhead power lines in compliance with the requirements of the relevant electricity authority
- will not be permitted in a Heritage Conservation Area.
- must not contain sanitary facilities (ablutions)
- must not be used for human habitation
- must not be placed on verges, or road reserves or other public places

#### 4. Specific Zone Provisions:

Land use zones are incorporated into the Scheme to distinguish allowable land uses that do not detract from the amenity or character of a given area. The following provisions (specified criteria), if adopted, will apply to their respective land use zones.

##### **Residential Zone**

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- A maximum of one Sea Container per allotment is allowable provided that it can be demonstrated that it meets the criteria as an 'Outbuilding' as defined in the *State Planning Policy 7.3 – Residential Design Codes Volume 1*
- Sea Containers will not be permitted in the Residential Zone on land where there is no existing dwelling or where there is no dwelling under construction
- Sea Containers are not to be located within the front setback of the property
- Sea Containers must be screened from the streetscape (nearby roads, other public places and adjoining neighbours) by suitable vegetation or other appropriate screening
- Where Sea Containers cannot be screened, the Shire will require additional design features to be incorporated, e.g. roof structures, doors, cladding
- Refrigerated Sea Containers are not permitted on Residential zoned land anywhere within the Shire
- With the exception of an approved Home Occupation, the Sea Container shall not be used for any commercial or industrial purpose.



### **Commercial Zone**

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- A maximum of one Sea Container per allotment is allowable provided that their use is ancillary to the approved land use
- Sea Containers must not be located in areas designated as car parking
- Sea Containers must be screened from the streetscape (nearby roads, other public places and adjoining neighbours) by suitable vegetation or other appropriate screening
- Where Sea Containers cannot be screened, the Shire will require additional design features to be incorporated, e.g. roof structures, doors, cladding
- Refrigerator motors and other cooling devices must be modified to ensure that noise emitted from the unit complies with the *Environmental Protection (Noise) Regulations 1993*.

### **General Industrial Zone**

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- An unlimited number Sea Containers is allowable provided that their use is ancillary to the approved land use
- Sea Containers must not be located in areas designated as car parking or landscaping
- The placement of the Sea Container is to be in compliance with prescribed setbacks in Table II of Part 5 of the Scheme

### **Townsite Zone**

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- A maximum of one Sea Container per allotment is allowable provided that their use is ancillary to the approved land use
- The placement of the Sea Container is to be in compliance with prescribed setbacks in Table II of Part 5 of the Scheme
- Sea Containers must be screened from the streetscape (nearby roads, other public places and adjoining neighbours) by suitable vegetation or other appropriate screening
- Where Sea Containers cannot be screened, the Shire will require additional design features to be incorporated, e.g. roof structures, doors, cladding

### **Rural Residential Zone**

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- A maximum of two Sea Containers per allotment is allowable provided that their use is ancillary to the approved land use
- The placement of the Sea Container is to be in compliance with prescribed setbacks in Table II of Part 5 of the Scheme
- Is used for domestic storage purposes only
- Refrigerated Sea Containers are not permitted on Rural Residential zoned land anywhere within the Shire
- Sea Containers must not be stacked

### **Rural Zone**

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- An unlimited number Sea Containers is allowable provided that their use is ancillary to the approved land use
- Where located within 200m of a boundary of a lot or road, Sea Containers are to substantially screened from the road, neighbouring properties or public vantage points

## **5. Exemptions**

All proposals for the placement of Sea Containers require the planning approval of the Shire prior to being sited on a lot, except where the Sea Container is:

- Placed within a fully enclosed buildings
- Associated with the temporary storage of building materials and/or equipment during approved building work being undertaken. The building works must have substantially commenced and the construction works do not lapse for more than 30 consecutive days.
- Placed temporarily on the property for the purposes of furniture and/or goods removal or delivery where they are located for seven days or less
- Proposed to be modified for a dwelling or commercial building. Once a Sea Container has been modified, it is no longer considered as a Sea Container for the purposes of this Policy.

## **6. Public Consultation**

- Sea Containers that do not comply with the specified criteria will be advertised for public comment before being determined by the Council.
- Owners of property adjoining a proposed development site are to be invited to make comment on all applications for Sea Containers.



- All public consultation is required to be undertaken for a period no less than 14 days.

## 7. Related Local Law/legislation

- *Planning and Development Act 2005*
- *State Planning Policy 7.3 – Residential Design Codes of WA*
- *Shire of Dalwallinu Local Planning Scheme N° 2 (The Scheme)*

## 8. Related Delegation

- Chief Executive Officer
- Manager Planning & Development Services

## 9. Issue Date

Adopted 28 July 2020

## 10. Review/Amendments Dates

Nil



## 6.6 Trading in Public Places

**Policy** This policy is designed to assist the Shire in the facilitation and management of businesses operating as street traders on a temporary basis and to regulate this type of activity to ensure equity and fairness to all business proprietors.

### 1.1 Types of street trader permits

Three types of street trader permits may be issued to accommodate the various street traders that may wish to operate within the Shire:

1. Mobile food vending eg. Ice cream vending
2. Fixed food vending site eg. Burger van, fruit & vegetables van
3. Non-foodstuff vending eg. Flowers

### 1.2 Period of Validity

Permits will be issued for a maximum twelve (12) month period ending on 30 June and reviewed annually.

### 1.3 Fee

An annual fee for the issue of a Street Trader Permit is in the Schedule of Fees and Charges and is set and reviewed by Council each year.

### 1.4 Conditions of Permit

The following conditions, where applicable, will form part of the Street Trader Permit and will be issued under the authority of clause 6.3 of the *Activities on Thoroughfares and Trading on Thoroughfares and Public Places Local Law*:

1. The permit holder agrees to indemnify the Shire from all actions and damages whatsoever that may be brought against them for any wilful or negligent act;
2. The permit holder shall take out and keep current in respect of the vending activity, a public risk insurance policy in the name of the permit holder for a sum of not less than \$20 million against all actions and damages whatsoever connected with the vending activities;
3. A permit will not be issued until evidence of such public risk insurance policy is given to the Shire;
4. The permit holder is only permitted to operate within the section of the Shire to which the permit applies and shall not operate on any declared arterial road or highway;



5. Food vendors to be currently registered under the provisions of the *Food Act 2008*;
6. Music or other audible means, eg. Bell, used for attracting custom is to be kept to a minimum so as not to create a nuisance to residents. The music or bell is not to be used:
  - a. When the vehicle is stationary;
  - b. Before 9.00am or after 9.00pm on any day
7. The permit holder will comply with all laws of the Commonwealth, State and Shire local laws;
8. Permit holders are only to operate between 10.00am and 7.00pm during the months of April to October (inclusive) and between 9.00am and 9.00pm at other times. This can be varied subject to an application in writing to the Shire for approval;
9. Permit holders must ensure that any trading sites are left clean and tidy with all rubbish removed;
10. The permit does not allow vending on a reserve, parkland or adjacent car park;
11. A copy of the permit is to be retained within the vehicle whilst trading within the Shire and produced on demand when requested by an authorised officer;
12. All vehicles including the tow vehicle must be road authority registered and be maintained in a clean non-offensive manner to the satisfaction of the Shire;
13. The permit holder is required to notify the Shire in writing within seven (7) days of any change of address of the business;
14. The permit is non-transferable;
15. The Shire may revoke the permit by written notice to the Permit holder;
16. All permits will expire at the close of business on 30 June in the year in which they are issued.

#### OBJECTIVE

The purpose of this policy is to provide direction to Shire staff in the processing of applications for trading in public places to ensure an appropriate balance between the interest of the Shire, street traders and residents of the Shire of Dalwallinu. The objectives of the policy include:



The designation of areas where vendors will be allowed to operate;

An appropriate spatial separation between an itinerant vendor and a similar business operating from approved commercial premises

Person Responsible	Chief Executive Officer
History	New Policy March 2019 (M9342) Reviewed May 2020 (M9556)





## 7. Administration



## 7.1 Harvest Bans

Policy	Harvesting shall be prohibited on Christmas Day and New Year's Day within the Shire of Dalwallinu.
Objective	To minimise the likelihood of an emergency on Christmas Day or New Year's Day.

Person Responsible	<del>Deputy Chief Executive Officer</del> /Manager Corporate Services
History	Reviewed April 2017 (M8814) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)



## 7.2 Building Facilities

Policy	<p>The Shire will provide a stove and refrigerator of up to 450 litre capacity in each of its halls/supper rooms.</p> <p>(Community Groups may provide other facilities in halls or buildings, at their cost, with the prior approval of Council).</p>
Objective	To define the limit on facilities provided by Council.

Person Responsible	<del>Deputy Chief Executive Officer</del> /Manager Corporate Services
History	<p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



### **7.3 REVOKED - Caravan Parks**

POLICY REVOKED – MAY 2020 (M9556)

REASON – Council no longer operates caravan parks in the Shire.



## 7.4 Liquor of Council Public Property

Policy	<p>No liquor of any type shall be permitted to be stored or consumed on Council controlled public property without the application for and granting of a permit by the Chief Executive Officer or other designated officer.</p> <p>Clubs may apply for a seasonal permit for the consumption of liquor with all dates shown on the permit.</p>
Objective	To provide clarification of the process for the storage/consumption of liquor on Council owned public properties.
Guidelines	<p>The Police are to be advised each time a permit for the consumption of liquor is issued.</p> <p>If liquor is to be sold, either by individual sale or as part of a ticket price, a separate permit from the Department of Local Government, Sport and Cultural Industries is necessary.</p>

Person Responsible	Manager Planning & Development Services
History	<p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Amended May 2020 (M9556)</p>



## 7.5 Freedom of Information Officers

Policy	<p>For the purposes of the <i>Freedom of Information Act 1982</i>:</p> <p>The Chief Executive Officer is the Principal Officer and the Internal Review Officer for the purposes of the Act; and</p> <p>The <del>Deputy Chief Executive Officer</del>/Manager Corporate Services is the Freedom of Information Co-ordinator for the purposes of the Act.</p>
Objective	To ensure that the legislative requirements for Freedom of Information are carried out in accordance with the Act.
Guidelines	In accordance with the <i>Freedom of Information Act 1982</i> , s 13.39 and Schedule 2.

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Amended May 2020 (M9556)</p>



## 7.6 REVOKED - Record Keeping Plan

POLICY REVOKED – MAY 2020 (M9556)

REASON – Council policy not required as it is a requirement under the *State Records Act 2000*.



## 7.7 REVOKED – Pension Rebate Review Officers

POLICY REVOKED – APRIL 2017

REASON – Not required as covered in the *Rates and Charges (Rebates and Deferments) Act 1992*.





## 7.8 Dalwallinu Caravan Park Overflow

Policy	Should the Dalwallinu Caravan Park reach full capacity, the overflow facility is to be at the Dalwallinu Recreation Grounds.
Objective	To establish a protocol for the implementation of the overflow facility for the Dalwallinu Caravan Park.
Guidelines	<p>The maximum capacity of the Dalwallinu Caravan Park is set at 44 caravans/motorhomes. Once this number is reached the overflow facility at the Dalwallinu Recreation Grounds may be utilised.</p> <p>Patrons who make use of the overflow facility will be escorted from the caravan park to the Recreation grounds by the Manager of the caravan park who will assist with the safe positioning of the caravans/motorhomes.</p> <p>Patrons shall not be permitted to utilise the overflow facility for a time period greater than three (3) consecutive days at any one time.</p> <p>Fees for the overflow facility are stated in Council's Fees &amp; Charges Schedule.</p>

Person Responsible	Chief Executive Officer
History	<p>Former Policy</p> <p>Reviewed April 2016</p> <p>Reviewed April 2017 (M8814)</p> <p>Reviewed April 2018 (M9129)</p> <p>Revoked March 2019 (M9342)</p> <p>Reinstated May 2020 (M9556)</p>



## 7.9 Temporary Camping Site

Policy	The Dalwallinu Recreation Grounds may be used as a temporary camping site during approved community events.
Objective	To establish a protocol for the implementation of the use of Recreational Sports Grounds as a temporary camping site during approved community events.
Guidelines	<p>Council may permit the use of the Recreational Sports Grounds for the purposes of a temporary camping site provided approval is sought and granted. Community event organisers may seek approval from Council on behalf of participants at their events, by means of the event application process. Such temporary stays shall be no longer than five (5) consecutive days per event and will be approved on a case by case basis.</p> <p>Event organisers will be responsible for the management of campers during the approved period in accordance with any conditions as stipulated within the approval.</p>

Person Responsible	Manager Planning & Development Services
History	<p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 7.10 Non-Employee Housing Rental

Policy	<p>For all non-employees renting Shire housing, the following conditions apply:</p> <p>Prior to renting:</p> <ul style="list-style-type: none"> <li>• A police clearance (less than six (6) months old) is to be provided;</li> <li>• A proven rental history is to be provided;</li> <li>• Bond of four (4) weeks rental is to be paid period to moving in;</li> <li>• Two (2) weeks rental in advance is to be paid prior to moving in.</li> </ul> <p>While renting:</p> <ul style="list-style-type: none"> <li>• Rent is to be two (2) weeks in advance at all times (or the Shire reserves the right to terminate the rental agreement);</li> <li>• The gardens are to be maintained to at least the standard that they were at the commencement of the lease.</li> </ul> <p>Some of the conditions may be waived by the Chief Executive Officer in specific circumstances (e.g. aged accommodation, joint venture accommodation)</p>
Objective	<p>To determine the requirements for non-employee housing rentals.</p> <p>To ensure that the community's financial interest in the Shire are protected.</p>

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 7.11 Risk Management

Policy	<p>To achieve best practice (aligned with AS/NZS ISO 31000:2018 Risk Management), in the management of all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.</p> <p>Risk Management will form part of the Strategic, Operational, Project and Line Management responsibilities and where possible, be incorporated within the Shire’s Integrated Planning Framework.</p> <p>The Shire’s Management Team will determine and communicate the Risk Management Policy, Objectives and Procedures, as well as direct and monitor implementation, practice and performance.</p> <p>Every employee, Councillor, volunteer and contractor within the Shire is recognised as having a role in risk management, from the identification of risks, to implanting risk treatments and shall be invited and encouraged to participate in the process.</p> <p>Consultants may be retained at times to advise and assist in the risk management process or management of specific risks or categories of risk.</p>
Objectives	<p>To ensure that the legislative requirements for risk management are carried out in accordance with the Act and Regulations.</p>

Person Responsible	Chief Executive Officer
History	<p>Reviewed April 2017 (M8814)</p> <p>Reviewed March 2018 (M9129)</p> <p>Reviewed March 2019 (M9342)</p> <p>Reviewed May 2020 (M9556)</p>



## 7.12 Computer and Mobile Devices

Policy	All Shire employees, Elected Members, contract personnel and volunteers whose access to computer resources are provided by, facilitated by or funded by the Shire or is made available through equipment owned or leased by the Shire must abide by the guidelines listed below.
Objective	<p>To provide guidelines for the acceptable usage of all Shire of Dalwallinu's Information Technology Systems including mobile devices;</p> <p>To ensure the security and integrity of the Shire's electronic data and technology infrastructure.</p>
Guidelines	<p><b>Purpose</b></p> <p>The purpose is to protect the security and integrity of the Shire of Dalwallinu's electronic data and technology infrastructure. It outlines the requirements that all mobile devices must adhere to before being allowed access to the Shire's electronic resources.</p> <p>In addition, the purpose is to ensure that:</p> <ul style="list-style-type: none"> <li>• Users understand that mobile devices are easily lost or stolen and this presents a risk to the Shire of Dalwallinu;</li> <li>• Mobile devices that are provided by the Shire of Dalwallinu are secured appropriately;</li> <li>• Access allowed by personal mobile devices is restricted and documented;</li> <li>• Users are aware of the consequences if their mobile device is lost or stolen;</li> <li>• Users are aware of the implications and consent to the possibility of the mobile device being wiped.</li> </ul>

### **Devices and Support**

Mobile devices include but are not limited to:

- Smart phones such as iPhones, Androids or Windows Mobile phones;
- Tablets such as iPads, Android or Windows devices;
- Laptop or notebook computers

Technical support will only be provided for Shire owned devices.



Employees with personal devices should contact the device manufacturer or their carrier for operating system or hardware related or mobile data network issues.

### ***Purchasing***

All purchases of devices, accessories or software applications (apps) whether capital, operational or grant funded, must be by the Shire's Administration Department to ensure compatibility with the Shire's IT systems and suitability for its intended purpose.

Shire provided mobile devices are only to be used for fulfilling business responsibilities. Users are prohibited from incurring any fees or charges as a result of personal use of Shire provided mobile devices and subsequently billing those fees and charges to the Shire.

### ***Option to keep Devices by Retiring Councillors***

Retiring Councillors who are supplied with a device such as an iPad for example may keep the device subject to the following conditions:

- The device has been completely cleansed of any confidential or sensitive data relating to the Shire of Dalwallinu;
- Passwords issued to the user are deleted;
- Any access to Shire emails or password protected areas is removed;
- Should a Councillor retire before completing their term the iPad would be returned to the Shire or made available at a cost determined by using current depreciation calculations.

### ***Device Access***

All Shire owned devices must be registered with the Shire's contract IT supplier and configured by them with device updates and standard apps, such as office productivity software and security tools, before they can be permitted to access the network.

Users are prohibited from installing offensive apps or ringtones on Shire provided devices. Any software or apps installed on the device must not restrict the ability of the device to be used for normal work purposes and must not incur additional charges to the Shire by exceeding the device's data allowance.

Personal mobile devices will not be permitted to access the Shire's network or email using the devices native mail client unless the Chief Executive Officer has given written permission.

No employee may connect, dock or otherwise synchronise an unapproved mobile device, whether owned personally by the



employee or provided by the Shire, with any Shire computer, laptop, server, system or network, without the prior consent of the Chief Executive Officer.

### **Security**

Users provided with mobile devices by the Shire are wholly responsible for the security of those devices. Users are to keep the devices on their person at all times when travelling.

Additionally, the following applies to Personal and Shire owned devices:

- No sensitive or confidential information is to be unnecessarily stored on mobile devices
- All users must be aware that the user's device may be remotely wiped by the IT Contractor if:
  - The device is misplaced, lost or stolen;
  - The employee or Councillor terminates his or his employment, or
  - The IT Contractor detects a data or policy breach, a virus or similar threat to the security of the company's data and technology infrastructure.
- In the event that a mobile device is lost, stolen or misplaced, the Administration Department must be notified immediately so that appropriate steps can be taken;
- While the IT Contractor will take every precaution to prevent the users personal data from being lost, in the event it must remote wipe a device, it is the users responsibility to take additional precautions, such as backing up their email, contacts, photo's etc;
- A remote wipe can delete all data (including personal data, applications, pictures, files etc) and restore the mobile device to factory default settings.

Person Responsible	Chief Executive Officer
History	New Policy April 2017 (M8814) Reviewed March 2018 (M9129) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)



## 7.13 Social Media

Policy	<p>This policy is intended for use by Councillors, staff members and other representatives of the Shire of Dalwallinu to apply to any online medium where information may reflect back on the image of the Shire of Dalwallinu. Therefore this Social Media policy applies to all forms of social media including, but not limited to, blogs, Facebook, Wikipedia or other wikis, Twitter and LinkedIn. These guidelines also apply to any comments representatives of the Shire of Dalwallinu may leave on other's blogs or Facebook/Twitter pages, edits to wikis, postings on message boards/forums and opinion on online polls.</p> <p>Most conversations on social media platforms are held in an informal manner, so the normal professional writing style is not required for social media communications, however, professional discourse is expected.</p> <p>All social media accounts, blogs and web pages carrying the Shire of Dalwallinu brand identity are to be endorsed by the Shire of Dalwallinu. If the Shire of Dalwallinu is referenced in any media by its representatives, the social media guidelines of this policy apply.</p>
Objective	<p>To give guidelines for engaging in online conversations as representatives of the Shire of Dalwallinu.</p> <p>As a Local Government Authority, the Shire of Dalwallinu and its representatives must follow certain rules when participating in social media.</p>
Guidelines	<p><b>1. The internet is not anonymous, nor does it forget</b></p> <p>Everything written on the Web can be traced back to its author one way or another and very easily.</p> <p><b>2. There is no clear line between your work life and your personal life. Always be honest and respectful in both capacities</b></p> <p>With the ease of tracing authors back from their posts and the amount of information online, finding the actual identity of a poster from a few posts and a screen name is not impossible. This creates an avenue for outside parties to link your personal writings to the Shire of Dalwallinu. Always write as if everyone knows you. Never write anything you wouldn't/couldn't say out loud to all parties involved.</p>





**3. Avoid hazardous materials**

Do not post or link to any materials that are defamatory, harassing or indecent.

**4. Don't promote other brands with our brand**

Do not promote personal projects or endorse other brands, causes or opinion when posting.

**5. Maintain confidentially**

Do not post any confidential information in regards to the Shire of Dalwallinu including personal information of employees, Councillors and other individuals associated with the Shire of Dalwallinu.

**6. Always acknowledge**

When reposting/referencing a post or some else's comments provide a link to the original item or acknowledge the author.

**7. Identify yourself**

When relevant, identify your affiliation with the Shire of Dalwallinu to add credibility to your profile and to increase the visibility of the Shire of Dalwallinu.

**8. Do not qualify your work**

Do not post statements regarding the quality or quantity of your work/load.

**9. Do not return fire**

If a negative post or comment is found online about the Shire of Dalwallinu or one of its representatives, do not counter with another negative post. Publicly offer to remedy the situation through positive action.

**10. Do not action requests made through social media**

Actioning requests must be done only through our regular procedures to avoid conflicts and other ethical problems.

It should be noted that comments considered to be offensive or defamatory will be removed by the Administrator and repeat offenders will be blocked.



Person Responsible	Chief Executive Officer
History	New Policy March 2018 (M9129) Reviewed March 2019 (M9342) Reviewed May 2020 (M9556)



## 7.14 24/7 Gymnasium

### Policy

The gymnasium is provided for the enjoyment of all who use it, irrespective of whether it is recreational for keeping fit, rehabilitation from injury, or as part of a training programme for an individual sport. The gymnasium is available for use 24 hours a day and seven days a week.

### Terms of Use

- No persons under the age of eighteen (18) shall be permitted into the Shire of Dalwallinu gymnasium;
- All members are to complete a membership form to obtain an access swipe fob;
- The gymnasium is for **members only**. Sharing of fobs and allowing non-members access into the facility will not be tolerated and may result in cancellation of the membership;
- Members will be required to complete a Pre Exercise Screening Tool and are urged to seek advice from their Doctor prior to commencing any form of physical activity;
- CCTV will be monitoring the facility at all times;
- ~~• Memberships are for a twelve (12) month period from 1 July – 30 June, and have a 48 hour cooling off period;~~
- The following memberships are available and have a 48 hour cooling off period:
  - Twelve (12) months (with a 10% discount applicable)
  - Six (6) months
  - Three (3) months
  - Casual (non-residents of the Shire of Dalwallinu).
- Memberships may be eligible for suspension (eg. Annual leave) at the discretion of the Chief Executive Officer.
- After the 48 hour cooling off period, members may only terminate their membership if they leave the Shire of Dalwallinu or have a medical issue (medical certificate required).

### Fees

- Fees will be set as annual (to include a 10% discount), monthly or fortnightly;



- Monthly and fortnightly fees are to be via direct debit facility only;
- A casual weekly fee will be available. The casual option is only available for non-shire residents;
- An access fob is applicable;
- A replacement access fob fee is applicable.

Objective

This policy is designed to promote, protect and regulate the use of the Shire of Dalwallinu gymnasium.



Person Responsible	Chief Executive Officer
History	New Policy December 2018 (M9297) Reviewed March 2019 (M9342) Amended May 2020 (M9556)



## 1.19 Appointing an Acting Chief Executive Officer

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Person Responsible:	Chief Executive Officer
History:	New

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**Policy** Pursuant to Section 5.37 of the *Local Government Act 1995*, and as per Policy 4.4, the following employees are designated as senior employees –

- a) Manager Corporate Services
- b) Manager Works and Services
- c) Manager Planning and Development Services

For the purposes of Section 5.36(2) of the *Local Government Act 1995*, Council has determined that employees that are appointed in one of the above positions are suitably qualified to be appointed as Acting Chief Executive Officer by the Chief Executive Officer, from time to time, when the Chief Executive officer is on periods of leave, subject to the following conditions:

1. The Chief Executive Officer is not an interim Chief Executive Officer or Acting in the position;
2. The term of appointment is no longer than twenty (20) consecutive working days;
3. That the employee's employment conditions are not varied other than the employee is entitled at the Chief Executive Officer's discretion, no greater than the salary equivalent to that of the Chief Executive Officer during the Acting period.

In the case of the unavailability of the Chief Executive Officer due to an emergency, the Manager Works and Services is automatically appointed as the Acting Chief Executive Officer for up to two (2) weeks from commencement, and continuation is then subject to determination by Council.

**Objective** To determine the process for appointing an Acting Chief Executive Officer.

**Guidelines** *Local Government Act 1995*

### 3.14 Financial Hardship Policy

#### Policy

#### Scope

This financial hardship policy outlines how Shire of Dalwallinu (“we”) will assist a residential customer (“you”) who cannot pay their rates notice because of financial hardship. This policy applies to:

- Outstanding Shire of Dalwallinu rates, service charges and water services portion as at the date of adoption of this policy; and

Our policy applies only to residential customers. If you are a commercial customer, we encourage you to still talk to us.

We are committed to working with you to find an appropriate payment arrangement that works for both you and us. We understand that it can be difficult to ask for support, and will treat you sensitively and respectfully.

#### Statement

*What is financial hardship?*

You will be considered to be in financial hardship if paying the rates, service charges and water services portion of your rates notice will affect your ability to meet your basic living needs – in short, if you have the intention but not the financial capacity to pay.

Financial hardship may, for example, be caused by:

- Loss of your or a family member’s primary income;
- Separation or divorce from your spouse;
- Loss of your spouse or loved-one;
- Physical or mental health problems;
- a chronically ill child;
- Budget management difficulties because of low income; or
- Other unforeseen factors affecting your capacity to pay, such as a reduction in income or an increase in non-discretionary spending.

*Identifying customers in financial hardship*

If you think you may be in financial hardship we encourage you to contact us as soon as possible. You may ask your financial counsellor to contact us on your behalf.

We will assess within five (5) business days whether we consider you to be in financial hardship. If we cannot make our assessment within five (5) business days, we will refer you to a financial counsellor for assessment.

As part of our assessment we will consider any information provided by you and, if applicable, your financial counsellor. We will also take into account any information we may have on your payment history.

As soon as we have made our assessment, we will advise you of the outcome.

#### *Payment plans*

If we determine that you are in financial hardship, we will offer you more time to pay the rates, service charges and/or water services portion of your rate notice or more time to pay a payment plan for any of these charges. We will not charge you any fees or interest as part of your extension or payment plan.

We will still involve you and, if applicable, your financial counsellor in setting a payment plan. When setting the conditions of the plan, we will consider your capacity to pay and, if relevant, your consumption history.

If you ask us, we will review your payment plan. If your review indicates that you are unable to meet your obligations under the plan, we will revise it.

We do not have to offer you a payment plan if you have had two payment plans cancelled because of non-payment.

#### *Debt reduction and collection*

If you are in financial hardship, we will consider reducing the amount you owe us. The reduction is only applicable for water services portion of your rates notice. Reduction for rates and services charges is not considered under this policy.

We will also not commence or continue proceedings to recover your debt:

- while we are assessing whether or not you are in financial hardship; or
- if you are complying with your payment plan or another payment arrangement you have with us.

If you do not comply with your payment plan or other payment arrangement, we may commence debt recovery proceedings.



We may outsource your debt to a debt collection agency. Additional fees may apply in this case.

#### *Useful information*

- **Redirection of rate notice:** We will advise you of your right to have your rate notice redirected to another person free of charge if you are absent or ill.
- **Payment options:** You may pay your rate notice by Centrepay, Bpay, in person at the Shire of Dalwallinu Administration office, via telephone or by posting a cheque to the Shire of Dalwallinu. Centrepay is only available to customers who receive Centrelink payments. Paying by Centrepay may help you manage your bills more easily, as your bills will be paid through regular deductions.

For more information on your payment options, please refer to your rate notice or contact us.

- **Financial counselling:** We will advise you of any financial counselling services or other organisations that may be available to you.

Financial counsellors offer free, independent information to help you to take control of your financial situation.

The Financial Counsellors' Association of WA (FCAWA) can refer you to a financial counsellor in your area by calling them on the National Debt Helpline. The helpline provides a free confidential service for all Western Australians with financial problems and queries. The helpline can be contacted on 1800 007 007. Alternatively, you can go to the FCAWA website, [www.financialcounsellors.org](http://www.financialcounsellors.org), and enter your postcode to locate your closest financial counselling service.

#### *Complaints handling*

If you have a complaint, please contact us first. Our contact details can be found from Shire of Dalwallinu website [www.dalwallinu.wa.gov.au](http://www.dalwallinu.wa.gov.au).

Our complaints handling process is available at [www.dalwallinu.wa.gov.au](http://www.dalwallinu.wa.gov.au).

#### *Complaints handling for Water Services Portion*

If you are not satisfied with the way we handle your complaint regarding your water services portion, you may refer your complaint to the Energy and Water Ombudsman. The Energy and Water

Ombudsman will investigate your complaint and may mediate the dispute between you and us.

The Energy and Water Ombudsman's contact details are:

Energy and Water Ombudsman WA

Phone: (08) 9220 7588

Freecall: 1800 754 004

Email: [energyandwater@ombudsman.wa.gov.au](mailto:energyandwater@ombudsman.wa.gov.au)

Website: [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au)

#### *Approval and review*

Our policy was approved by the Economic Regulation Authority.

We will review our policy every year to ensure it remains up-to-date and relevant.

Person Responsible	Chief Executive Officer
History	New Policy April 2020 Reviewed May 2020 (M9556) Amended March 2021

## 1.20 Complaints Management

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Person Responsible:	Chief Executive Officer
History:	New

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**Policy** Complaints made by ratepayers, other members of the public (including Shire employees), public and private organisations and received at the Shire are to be responded to and dealt with in accordance with this policy.

### 1. Scope

This policy applies to Shire employees designated to respond to complaints relating to alleged unsatisfactory service, misconduct or a breach of ethics, integrity and discipline.

### 2. Definitions

**Complainant:** a ratepayer, member of the public, Shire employee, or an organisation (whether public or private) concerned or directly and adversely affected by an action or an event for which the Council and/or the Shire's CEO have responsibility and jurisdiction under the legislative framework governing the Shire

**Complaint:** an expression of dissatisfaction conveyed to the President, the Council, the CEO or the Shire relating to:

- An action, whether past, present or intended, or lack thereof; or
- A concern for a likelihood of an action or lack thereof,

That has adversely affected, is adversely affecting or is capable of adversely affecting the complainant, the Shire's ratepayers, members of the public or private or public organisations.

**Service or operations complaint:** A complaint related to the Shire's provision of ratepayer services

**Complaint about a breach of discipline or misconduct:** A complaint against an employee of the Shire who:

- disobeys a lawful order or instruction issued by the CEO or Shire senior employee;
- commits misconduct as defined in section 4 of the *Corruption and Crime Commission Act 2003*;
- is acting in contravention of the Shire of Dalwallinu Code of Conduct (Councillors and Employees);
- is acting in contravention of any provision of a federal, state or local law and/or Council policy applicable to a Shire employee; or
- is committing an act of victimisation within the meaning of the Public Interest Disclosure Act 2003.

**Misconduct:** breaches of discipline as described in:

- Section 4 of the *Corruption and Crime Commission Act 2003*
- Section 80 of the *Public Sector Management Act 1994*

**Complaint about a breach of Rules of Conduct:** a complaint against the President or one or more Councillors covered by the Local Government (Model Code of Conduct) Regulations 2021

**CEO:** the Chief Executive Officer of the Shire, being also the Complaints Officer in accordance with section 11(3) of the Model Code of Conduct and the principal officer of the Shire which is the notifying authority for the purposes of section 28 of the *Corruption and Crime Commission Act 2003*

**Employee:** a Shire employee of any category, including permanent, full, part-time or casual staff, temporary staff, volunteers, contractors and persons under work experience arrangements

### 3. Principles

Principles underlying this policy are:

- Commitment to providing quality services to the Shire's ratepayers;
- Compliance with the local government legislative framework;
- Respect and sensitivity towards the needs of the Shire's ratepayers;
- Transparency and accountability in the delivery of services; and
- Maintenance of confidentiality and respect for natural justice principles.

### 4. Complaints Processing

1. The Shire shall receive, investigate and undertake corrective action (if required) in response to a complaint depending on its type.
2. Complaints shall be dealt with in accordance with the Shire's procedures as follows;
  - a) Complaints about service and operations shall be dealt with by the Managers of the relevant departments following whenever possible, the Complaint Management Procedures;
  - b) Complaints about breach of discipline shall be dealt with under the relevant discipline policy and procedures and provisions of any industrial relations instrument; and
  - c) Complaints about breach of Rules of Conduct shall be dealt with in accordance with the *Local Government (Model Code of Conduct) Regulations 2021* by the Complaints Officer.

3. In establishing the order in which complaints will be attended to, consideration will be given to the urgency of each complaint in terms of public safety implications, seriousness, frequency of occurrence, severity and the need and possibility for immediate action.

**5. Employees Responsible**

- 1) For the purposes of subclauses 4(1) and 4(2) of this policy, and consistent with section 5.43 of the *Local Government Act 1995*, the CEO is the appointed Complaints Officer and is the officer primarily responsible for complaints resolution.
- 2) For the purposes of subclause 4(3) and consistent with section 11.3 of the Model Code of Conduct, the CEO is the complaints officer for the purpose of complaints about breach of Rules of Conduct.

**6. Timeliness Standards**

- 1) All complaints submitted to the Shire must be acknowledged within three (3) working days.
- 2) All complaints submitted to the Shire must be responded to within ten (10) working days, either with a final solution or, if the nature of the complaint requires a longer period to resolve, with an interim reply outlining the reason for the delay.

**7. Accessibility Standards**

- 1) Complaints related documentation, including the Code of Conduct and guidance documents on how to lodge a complaint, must be made readily available to ratepayers and other members of the public in paper and electronic format.
- 2) Provision must be made to accommodate persons with disabilities wishing to lodge a complaint.

**8. Right of Review**

Complainants dissatisfied with the way in which their complaint about a service, or operation, or breach of discipline was handled by the Shire may apply to the CEO for a review of the complaint handling process.

**9. Unreasonable, frivolous or vexatious complaints**

- 1) The Shire strives to provide ratepayers with high quality services, delivered equitably to all ratepayers and residents. Diversion of substantial resources to deal with unreasonable, frivolous or vexatious complaints is not in the interests of the community and cannot be justified.
- 2) Consistent with the views of oversight agencies such as the Ombudsman, the decision to restrict, withhold or withdraw the provision of services to a complainant will be taken if, and only if, the following conditions are met:

- a. A review of the handling of the complaint indicates that the present policy and associated procedures were respected in all material particulars;
- b. All elements of the complaint have been adequately addresses in accordance with their merit;
- c. The behaviour of the complainant became so habitual, obsessive or intimidating that it constitutes an unreasonable demand on Shire resources;
- d. The complainant was advised of other avenues for redress such as appealing to oversight agencies eg the Ombudsman; and
- e. The CEO authorised the decision to restrict, withhold or withdraw the provision of complain services.

#### **10. Annual Review of Complaints**

For the purposes of the Shire's annual complaints management review, the Complaints Officer will compile a report to Shire management:

- a. Specifying the number and classification of all complaints received during that reporting cycle; and
- b. Listing the results of an in-depth analysis of the systemic, recurring and single incident problems and trends and potentially the identification of underlying causes of complaints;
- c. Containing quality indicators such as random sampling of complainants to gauge the level of ratepayer satisfaction with the management of complaints;
- d. Providing the results of audits of the complaints management function
- e. Including recommendations to management regarding the adequacy of the complaints management system and potential improvements to be considered;
- f. Recommending a set of complaints-related data and information to be included in the annual report;
- g. Analysing internal and external factors likely to impact on the complaints management process (changes in legislation, oversight agencies policies or community expectations;
- h. Submitting to management, any other information which may help identify opportunities to improve the efficiency and effectiveness of the Shire's complaints handling processes and procedures.

Objective

To provide guidance to Shire of Dalwallinu employees in dealing with complaints against the Shire.

Guidelines

*Local Government Act 1995*

*Corruptions and Crim Commission Act 2003*

*Local Government (Model Code of Conduct) Regulations 2021*

*Shire of Dalwallinu Code of Conduct*

DRAFT

## 7.15 Closed Circuit Television (CCTV)

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Person Responsible:	Chief Executive Officer
History:	New

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### Policy

#### Introduction

New CCTV systems are to be introduced in consultation with staff, community groups and Council as appropriate, with consideration towards relevant statistical information wherever available.

Where systems are already in operation, these are to be reviewed regularly in consultation with staff, community groups and Council, with consideration to relevant statistical information wherever available.

#### Principle Areas

Wherever relevant, applicable legislation shall be followed. Broadly, this policy aims to clarify the Shire's intent when providing CCTV across the following principle areas:

##### **1. Purpose, Privacy and the Public Interest**

All CCTV's are to be fairly, within applicable law, and for the purposes unto which they were established or subsequently agreed to. Operation should occur with due regard towards the privacy and civil liberties of individual members of the public, and particularly with a view to minimising false association. The public interest in the operation of CCTV's is to be recognised by ensuring the security, review and integrity of operational procedures is maintained.

- i. The purpose of CCTV installation and operation occurs in accordance with this policy;
- ii. The provision of CCTV is intended to assist in the prevention of crimes against a person or property, as well as offences and non-compliance where appropriate under the Local Government Act 1995;
- iii. CCTV's may utilise intelligent surveillance and/or behaviour analysis software. This is to assist Council in the detection of suspicious behaviour, intrusion, crowd and traffic managements, vehicle and facial recognition processes (identification);
- iv. Cameras regulated under this policy may be used by WA Police during emergency situations such as a siege, riot, bomb blast, threat or other controlled operation;
- v. Cameras may be used to monitor individuals, groups or locations where a Shire operator has reason to believe that an offence has been committed, is being committed or is about to be committed in the monitored area;



- vi. Shire operators are to use all reasonable efforts to prevent the occurrence of false association arising from the operation or utilisation of CCTV systems;
- vii. CCTV cameras are not placed with the expectation that all conceivable areas are covered. Rather, cameras are installed at priority locations that take into account a range of criteria. This includes, but is not limited to history of crime, public requests, illumination of area to ensure quality of images, and ability to integrate with existing or planned infrastructure whilst maintaining cost/benefit ratios.
- viii. CCTV cameras installed in locations that are later deemed to be a non-priority area, or are not assisting the Shire to achieve policy objectives, may be removed or relocated.

## **2. Ownership of CCTV's, Responsibilities and Accountability**

The Shire is responsible for complying with the objectives of CCTV provision articulated within this policy, and the protection of public interests that may otherwise be impacted by that provision.

- i. Information is to be publicly available on the Shire's website, where relevant to the effective operation and management of the CCTV program and systems;
- ii. The Shire will either operate the system, or give authority to an appointed contractor to operate the system;
- iii. The Shire has the right of inspection of all CCTV facilities, procedural documentation, files, registers, records and live and recorded material associated with the CCTV program;
- iv. Request from third parties to install CCTV on Shire land or in/on Shire owned facilities can be considered. In all instances, the request must comply with relevant legislative requirements, as well as demonstrate a need and purpose consistent with the Policy objectives. Any request must not exceed a three (3) month period and come at no cost to the Shire.
- v. Where hirers of Shire facilities are subject to being recorded, this should be articulated within the conditions of hire.

## **3. Shire of Dalwallinu CCTV and Police involvement**

As a partner to the Shire's CCTV Program, WA Police are to act in accordance with this policy and related documents. This includes, but is not limited to any Memorandum of Understanding, Agreements, or legislative conditions between the Shire and WA Police.

Contact related to the CCTV Program between Shire staff, any delegated contractors and the Police, is to be conducted in accordance with relevant legislation. The Shire may request information for the Police to:

- i. Identify crime 'hot spots' where cameras may be required;
- ii. Contribute to the Business Operating Procedures

- and/or Manuals that support this policy;
- iii. Assist in determining the level of responses to incidents identified on monitoring screens, according to available resources and existing priorities;
- iv. Provide ongoing information and advice to the Shire on the nature and level of crime in the monitored areas; and
- v. To evaluate the effectiveness of any CCTV provision.

It is noted that Police do not have the ability to record footage shown on the Shire's CCTV system and separate applications will need to be made in line with relevant legislation.

#### **4. Public Information and Community Consultation**

The public is to have access to clear and easily obtained information relevant to the operation of the CCTV Program and systems, without jeopardising or impeding its objectives.

- i. Signs advising that CCTV cameras are operating are to be displayed as legislatively required. This may include, but is not limited to information such as:
  - General advice of CCTV presence
  - Footage is recorded 24 hours a day, 7 days per week; and
  - Identifying the Shire as the owner of the CCTV system.
- ii. The Shire is to retain records of all new, additional, altered or removed cameras.

#### **5. Evaluation of CCTV Provision**

Regular evaluation of the CCTV Program shall be undertaken to identify whether the purpose and relevance of CCTV provision is current.

The evaluation of the CCTV Program should include, but is not limited to a review of:

- Specific locations and associated purpose of CCTV provision;
- Authorised Shire Officer and/or relevant contractors at each CCTV location;
- New or amended legislation relevant to the provision of CCTV;
- Business improvement opportunities;
- Actions that could safeguard or enhance the CCTV Program;
- Feedback received and/or public perception surveys;
- Requests for recorded material;
- System and technology related challenges or opportunities.

## **6. Management of CCTV Monitors, Control Rooms and Associated Infrastructure.**

Staff and contractors, who have responsibilities related to viewing and/or controlling CCTV monitors or equipment are to meet and apply the highest standards of probity.

Access to any control room or equipment is to be restricted to relevant or authorised operating staff. Unauthorised access is not acceptable, and opportunities for inadvertent viewing of any screens or CCTV images by other persons are to be minimised.

- i. Access to control rooms and recordings captured by CCTV are not available to members of the public;
- ii. The circumstances in which visitors are able to access control rooms and equipment is to be limited to extenuating circumstances only such as approved maintenance);
- iii. Shire and/or its security provider/contractors are to main the system;
- iv. Suitable qualifications and licensing requirements for staff to meet all relevant legislation and regulatory requirements;
- v. Clear parameters and documentation for staff that outlines the disciplinary proceedings (including dismissal) for any breach related to the provision and management of CCTV;
- vi. Confidentiality clauses enforceable during and after termination of employment;
- vii. Appropriate systems so as to keep a record for all requests for footage, as well as the response provided.
- viii. CCTV cameras should be installed and housed in manners that minimise ongoing maintenance costs, such as within weather protective casings or domes. However, they are to be clearly apparent to the public and not unduly concealed.
- ix. Cameras are not to be used to look into adjacent or nearby premises, building, commercial premises or private residences unless under special request by WA Police for the purpose of:
  - Following participants of a crime
  - Following participants suspected of being involved in a crime
  - Specific WA Police intelligence gathering or covert operation;
  - Monitoring persons or motor vehicles suspected of being involved in a crime; and/or
  - Monitoring property suspected of being used to accommodate criminal activity.

## 7. Retention of and Access to Recorded Material

All requests for access to recorded material, other than by authorised representatives of the Shire, must be made by means of a CCTV Access Application pursuant to the *(WA) Surveillance Device Act 1998*. CCTV Access applications are to be determined by the Shire's authorised officers in accordance with the provision of that Act.

The retention of and access to recorded materials is only for the purposes articulated within this Policy and not to be kept longer than is necessary. Recorded material no longer required is to be disposed of using approved disposal methods.

- i. Recorded material is not to be sold or used for commercial purposes;
- ii. The showing of recorded material is only permitted in accordance with the needs of WA Police and/or the Shire security provider/contractors in connection with the investigation of a crime or other circumstances provided by law. This includes the release of recorded material to the media, where public information is being requested to identify a person/s wanted.
- iii. Any material released to the media under the above provision is to be accompanied by a signed release that clearly states what the material will be used for and sets out the limits on its use;
- iv. Appropriate security measures are to be taken against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material;
- v. Footage is generally retained for no less than **thirty (30) days**, unless identified as containing an incident and required to be retained as relevant to the investigation of a crime;
- vi. Footage and images may be recorded and retained for a period less than outlined in (v.) above during times of upgrade, repair, changeover of IT or related CCTV infrastructure;
- vii. If in rare circumstances that there is a failure within the CCTV system and recorded images within the stipulated **thirty (30) day** period are deleted, all reasonable efforts to repair or replace equipment will be made;
- viii. The Shire retains ownership of and had copyright of all recordings, photographs and documentation pertaining to the provision and management of its CCTV program.

### Objective

To establish clear parameters for the use of Closed Circuit Television (CCTV) systems across the Shire of Dalwallinu to assist in:

1. Creating a safer environment for residents and visitors to the Shire of Dalwallinu;
2. Protect Shire assets and other assets under the control and

care of the Shire

Whilst CCTV cameras bring benefits to the community, such as a reduction in crime, which can lead to enhanced community safety and property in particular areas, it is recognised that crime will ever totally be prevented.

This policy applies to fixed CCTV cameras that are installed in and on Shire owned infrastructure.

It is acknowledged that CCTV cameras installed in public place locations as part of Shire infrastructure, will capture images of the general public and staff performing work tasks. The provision of CCTV within the Shire of Dalwallinu is not designed to intentionally provide workplace surveillance unless specifically stated.

CCTV cameras are also installed from time to time by tenants or licensees of Shire land and buildings in accordance with the terms of leases and/or licenses, as a separate safety measure by the tenant or licensee. Unless identified as a key site, where the vision is clearly recorded and held by the Shire, such cameras lie outside the scope of this policy. Accordingly all references to CCTV cameras within this policy refer only to cameras operated and monitors by, or on behalf of the Shire of Dalwallinu.

Mobile or temporary cameras that are used in the same manner as fixed CCTV cameras to achieve said objective of CCTV provision, are incorporated into the scope of the policy. This policy does not relate to mobile or temporary cameras (including dash cams or body worn cameras) that are primarily used for activities associated with enforcement by authorised Shire officers in their designated tasks; or for personal safety measures relevant to those tasks.

#### Guidelines

*Western Australia Legislation for Video Surveillance Devices*

#### Definitions

**Closed Circuit Television (CCTV):** an audio visual system in which signals are not publicly distributed but are recorded & monitored, primarily for surveillance and security purposes. CCTV relies on strategic placement of cameras and observation of the camera's input on monitors at some location.

**CCTV Program:** collective provision and administration of the Shire of Dalwallinu's CCTV system/s.

3.34pm Mrs Jean Knight declared a Financial and Impartiality Interest in Item 9.4.3 and left the meeting.

#### 9.4.3 Model Standards for CEO Recruitment, Performance and Termination

<b>Report Date</b>	23 March 2021
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	GR/5 – Governance – State Liaison
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Impartiality & Financial Interests
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination</li><li>2. Local Government (Administration) Amendment Regulations 2021 – Explanatory Notes</li><li>3. DRAFT Shire of Dalwallinu CEO Recruitment and Selection, Performance Review and Termination Standards</li></ol>

#### Purpose of Report

Council is requested to adopt the Model Standards for CEO Recruitment, Performance and Termination.

#### Background

The government has enacted new legislation requiring all local governments to adopt mandatory minimum standards that cover the recruitment, performance review and early termination of local government Chief Executive Officers.

The *Local Government (Administration) Amendment Regulations 2021* (CEO Standards Regulations) bring into effect section 22 of the Amendment Act.

The Model CEO Standards provide a framework for local governments to select a CEO, review their performance and terminate their contracts of employment early, in accordance with the principles of merit, probity, fairness, equity and transparency.

Key features of the regulations relating to recruitment, selection, performance review and early termination of local government Chief Executive Officers include the requirements to:

- establish a selection panel comprised of council members and at least one independent person (cannot be the HR consultant) to conduct the recruitment and selection process for the position the CEO;
- establish a performance review process by agreement between the local government and the CEO; and
- conduct a recruitment and selection process where an incumbent CEO has held the position for a period of ten or more consecutive years on expiry of the CEO's contract.



In addition, requirements for advertising vacant CEO positions have been updated to align with amendments to state-wide public notice provisions.

### **Consultation**

At the Ordinary Council Meeting held 24 November 2020, Council resolved the following:

#### **'MOTION 9651**

*Moved* Cr KL Carter

*Seconded* Cr BH Boys

*That Council:*

1. *does not support:*
  - a) *the requirement to re-advertise CEO positions after ten (10) years of continuous service;*
  - b) *the introduction of an independent panel member for the CEO recruitment process;*
  - c) *the establishment of a selection panel unless it is formed as a Committee of Council;*
  - d) *bypassing Council in the decision making process for the determination of the suitability of a candidate for the CEO position;*
2. *Directs the Chief Executive Officer to provide the above feedback to WALGA by Sunday 6 December 2020.*

***CARRIED 8/0'***

This submission was forwarded to WALGA by the due date.

### **Legislative Implications**

#### **State**

*Local Government Act 1995, section 5.39B;*

*Local Government (Administration) Amendment Regulations 2021; and*

*Local Government (Administration) Regulations 1996*

### **Policy Implications**

Nil

### **Financial Implications**

The adoption of the model standard – which is required by law, with only minor variations permitted will, in all probability, add to the cost of the recruitment costs for a Chief Executive Officer. This by virtue of the additional administrative requirements may require the use of a consultant, as well as the need for an external person (in addition to the consultant) to be on the recruitment panel – which may require remuneration. Typically, prior to these legislative changes, the recruitment of a Chief Executive Officer, for a Band 3 local government, and utilising a consultant (who must be licensed) costs from between \$15,000 to \$35,000, plus advertising, another minimum of \$5,000.

### **Strategic Implications**

Nil

### **Site Inspection**

Site inspection undertaken: Not applicable

### **Triple Bottom Line Assessment**

#### **Economic implications**

There are no known significant economic implications associated with this proposal.



### Social implications

There are no known significant social implications associated with this proposal.

### Environmental implications

There are no known significant environmental implications associated with this proposal.

### **Officer Comment**

The Department of Local Government, Sport and Cultural Industries (DLGSC) has produced Guidelines on the Standards which are attached to this item.

The Chief Executive Officer is of the opinion that they are satisfactory to be adopted without modification, however Council is at liberty to adjust them, as long as they are not inconsistent with the default standards in the regulations.

There is a requirement to adopt a set of standards by 3 May 2021.

The current Chief Executive Officer's contract does not expire until 16 April 2024 and with this new legislative change, is only renewable for nineteen (19) months, if both parties are agreeable, before the Council is legally bound to advertise the position in accordance with the adopted standards of the day or at the expiry of the current contract the position could be advertised.

In the opinion of the author, the current process for review of the current Chief Executive Officers' performance is consistent with the model requirements.

In the opinion of the author, the proposed process for early termination of a Chief Executive Officers' contracts of employment appears fair and reasonable.

### **Officer Recommendation**

That Council, with respect to the new mandatory minimum standards that cover the recruitment, selection, performance review and early termination of local government Chief Executive Officers, pursuant to section 5.39B(2) of the *Local Government Act 1995* and pursuant to section 5.39B(6) of the *Local Government Act 1995*:

1. adopt the new Model Standards for Chief Executive Officer Recruitment, Performance and Termination as attached to this report;
2. request the Chief Executive Officer to publish the standards on the Shire's official website, as soon as practicable.





## Resolution

### **MOTION 9689**

Moved Cr KL Carter

Seconded Cr BH Boys

That Council, with respect to the new mandatory minimum standards that cover the recruitment, selection, performance review and early termination of local government Chief Executive Officers, pursuant to section 5.39B(2) of the *Local Government Act 1995* and pursuant to section 5.39B(6) of the *Local Government Act 1995*:

1. adopt the new Model Standards for Chief Executive Officer Recruitment, Performance and Termination as attached to this report;
2. request the Chief Executive Officer to publish the standards on the Shire's official website, as soon as practicable.

**CARRIED BY ABSOLUTE MAJORITY 7/1**

3.35pm Mrs Jean Knight returned to the meeting.





LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

# **Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination**

***Local Government (Administration) Amendment  
Regulations 2021***

**February 2021**

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## Preface

The *Local Government Legislation Amendment Act 2019* includes a requirement for model standards covering the recruitment and selection, performance review and termination of employment of local government Chief Executive Officers (CEOs). These reforms are intended to ensure best practice and greater consistency in these processes between local governments.

The accompanying guidelines outline the recommended practice for local governments in undertaking these processes. These guidelines will assist local governments in meeting the model standards prescribed in the *Local Government (Administration) Amendment Regulations 2021*.

The standards and guidelines have been developed by the Department of Local Government, Sport and Cultural Industries (Department), in consultation with representatives from the Public Sector Commission, the Ombudsman, the Western Australian Local Government Association (WALGA) and Local Government Professionals WA (LGPro). The Department gratefully acknowledges the participation and contribution of these representatives.

The Department notes that the content of these guidelines does not necessarily reflect the views or policies of the organisations or individuals that have been consulted.

# Part 1 – Recruitment and Selection

One of the fundamental roles of the council is the employment of the local government's CEO. The CEO is responsible for implementing the council's strategic vision and leading the local government administration.

## Principles

A local government must select a CEO in accordance with the principles of merit, equity and transparency. A local government must not exercise nepotism, bias or patronage in exercising its powers. Additionally, a local government must not unlawfully discriminate against applicants. Section 5.40 of the *Local Government Act 1995* (Act) lists a number of general principles of employment that apply to local governments.

### Recruitment and Selection Standard

The minimum standard for recruitment and selection will be met if:

- S1.1** The council has identified and agreed to the qualifications and selection criteria necessary to effectively undertake the role and duties of the CEO within that particular local government context.
- S1.2** The council has approved, by absolute majority, the Job Description Form (JDF) which clearly outlines the qualifications, selection criteria and responsibilities of the position. The JDF is made available to all applicants.
- S1.3** The local government has established a selection panel to conduct the recruitment and selection process. The panel must include at least one independent person who is not a current elected member, human resources consultant, or staff member of the local government.
- S1.4** The local government attracts applicants through a transparent, open and competitive process (this is not necessary for vacancies of less than one year). The local government must advertise a vacancy for the position of CEO in the manner prescribed.
- S1.5** The local government has assessed the knowledge, experience, qualifications and skills of all applicants against the selection criteria.
- S1.6** The local government has verified the recommended applicant's work history, qualifications, referees and claims made in their job application.
- S1.7** The appointment is merit-based, with the successful applicant assessed as clearly demonstrating how their knowledge, skills and experience meet the selection criteria.

## **Recruitment and Selection Standard cont.**

- S1.8** The appointment is made impartially and free from nepotism, bias or unlawful discrimination.
- S1.9** The council has endorsed by absolute majority the final appointment.
- S1.10** The council has approved the employment contract by absolute majority.
- S1.11** The local government re-advertises the CEO position and undertakes a recruitment and selection process after each instance where a person has occupied the position for ten (10) consecutive years.

## **Guidelines**

### **Recruitment and selection process**

The council of the local government should act collectively throughout the recruitment and selection process. To uphold the integrity of the process, the council must resist any attempt to influence the outcome through canvassing or lobbying.

The local government should carefully consider the role of the CEO. This includes the CEO's legislated powers and functions and their role as the head of the administrative arm of the local government. In determining the selection criteria for the position of CEO, it will be important for a local government to consider the needs of the community and the specific skills and experience that will be required of the CEO in that particular local government. The competencies the council looks for in its CEO should reflect the council's strategic community plan.

Once the essential skills and experience which form the selection criteria for the position have been established, the local government must set out the selection criteria (essential and desirable) and the responsibilities of the position in a Job Description Form (JDF). If emphasis is placed on certain selection criteria, this should be highlighted in the JDF so that applicants are aware of this. For example, some level of project management experience will usually be an important criterion, but if the local government is undertaking a major development such as a new recreation centre, added emphasis may need to be given to this criterion.

The JDF must be approved by an absolute majority of the council.

## Advertising

The local government should ensure that applicants are clearly informed about the application process, such as the application requirements, the closing date for applications and how applications are to be submitted. It is essential that this process is transparent and that each step in the process is documented. Associated records must be kept in a manner consistent with the *State Records Act 2000* (WA).

It is a requirement that a local government is to give Statewide public notice if the position of CEO becomes vacant. Statewide public notice must contain:

- details of the remuneration and benefits offered;
- details of the place where applications are to be submitted;
- the date and time applications close;
- the duration of the proposed contract;
- a web address where the JDF can be accessed;
- contact details for a person who can provide further information; and
- any other relevant information.

In order to attract the best possible pool of applicants for the position of CEO, it is recommended that local governments use a diverse range of advertising methods, mediums and platforms (in addition to the advertising requirement under section 5.36(4) of the Act). For example:

- advertising on the local government's website;
- posting on online jobs boards (e.g. SEEK);
- sharing the advertisement via professional networks; and
- undertaking an executive search.

A local government must publicly advertise the CEO position if the same person has remained in the job for 10 consecutive years. This requirement does not prevent the incumbent CEO from being employed for another term, provided they are selected in accordance with the standards for recruitment and selection.

## Selection panel and independent person

Local governments are required to establish a selection panel to conduct and facilitate the recruitment and selection process. The selection panel should be made up of elected members (the number of which is determined by the council) and must include at least one independent person. The independent person cannot be a current elected member, human resources consultant, or staff member of the local government. Examples of who the independent person could be include:

- former elected members or staff members of the local government;
- former or current elected members (such as a Mayor or Shire President) or staff members of *another* local government;
- a prominent or highly regarded member of the community; or
- 408 • a person with experience in the recruitment of CEOs and senior executives.



The panel are responsible for assessing applicants and making a recommendation to council regarding the most suitable applicant or applicants. The essence of the role of an independent panel member is to bring an impartial perspective to the process and reduce any perception of bias or nepotism.

It is essential that prior to a person's appointment to a selection panel they are informed of the duties and responsibilities of their role and that of the panel. It is recommended that local governments develop a policy or terms of reference to facilitate this process that incorporate the standards for recruitment at Division 2 of the *Local Government (Administration) Amendment Regulations (No.2) 2020*. A policy should include important information that outlines:

- The primary functions of the panel;
- Roles and responsibilities panel members;
- Composition of the panel;
- Duration of term;
- Desirable criteria for appointment to the panel;
- A requirement that panel members sign a confidentially agreement and agree to the duties and responsibilities of their role; and
- Any other information the local government deems necessary for the panel to effectively carry out their role.

### **Independent human resources consultant**

A local government should seek independent advice from a human resources consultant where the council lacks the capacity or expertise to facilitate the recruitment and selection process (or any aspect of it). A member of the human resources team within a local government must not be involved in the recruitment of a new CEO.

The consultant should not be associated with the local government or any of its council members. The consultant can be an independent human resources professional, recruitment consultant, or recruitment agency.

An independent human resources consultant can provide advice to the selection panel on how to conduct the recruitment process, or a local government may engage a consultant to support it in undertaking certain aspects of the recruitment process, such as one or more of the following:

- development or review of the JDF;
- development of selection criteria;
- development of assessment methods in relation to the selection criteria;
- drafting of the advertisement;
- executive search;
- preliminary assessment of the applications;
- shortlisting;
- drafting questions for interview;
- coordinating interviews;
- preparing the selection summary assessment and recommendation;

- arranging for an integrity check and/or police clearance; and
- assisting the council in preparing the employment contract.

The consultant is not to be directly involved in determining which applicant should be recommended for the position, their role is not one of decision-maker.

It is recommended that rigorous checks be conducted on any independent consultants before they are engaged to ensure they have the necessary skills and experience to effectively assist the council. Local government recruitment experience may be beneficial but is not a requirement.

The independent human resources consultant must be able to validate their experience in senior executive recruitment and appointments. It is important to note that if the local government uses a consultant or agency to assist in finding applicants, they will require an employment agent licence under the *Employment Agents Act 1976* (WA).

A good independent human resources consultant will bring expertise, an objective perspective and additional human resources to what is a complex and time-consuming process. Given the time and effort involved in finding a competent CEO, and the cost of recruiting an unsuitable CEO, there can be a good business case for spending money on a human resources consultant.

If a decision is made to engage an independent human resources consultant, it is imperative that the council maintains a high level of involvement in the process and enters into a formal agreement (contract) with them. In order to manage the contract efficiently, and ensure an effective outcome, regular contact with the consultant is required during the recruitment process. As with any contractor engagement, the local government must ensure their procurement and tender processes comply with the Act and the procurement policy of the local government.

### **Council's responsibilities**

A human resources consultant cannot undertake the tasks for which the council is solely responsible. An independent consultant cannot and should not be asked to:

- Conduct interviews: This should be done by the selection panel. However, council may decide to interview applicants recommended by the selection panel. A consultant can provide support with interviews, providing advice on the recruitment and selection process and writing up recommendations. The consultant may also arrange referee reports and checks of applicants.
- Make the decision about who to appoint to the position of CEO: Only the council can make this decision, drawing upon advice from the selection panel.
- Negotiate the terms and conditions of employment: Noting that the consultant should be able to provide advice on remuneration constraints and other terms and conditions.

### **Creating Diversity**

In order to ensure all applicants are given an equal opportunity for success, selection methods need to be consistent and objective. In a structured interview, each applicant should have the opportunity to answer the same primary questions with follow-up questions used to illicit further detail or clarification. Behavioural-based interview

questions are objective and gauge the applicants' suitability, reducing biases in assessment (see examples below).

Basing a selection decision on the results of a number of selection methods can help to reduce procedural shortcomings and ensure the best applicant is chosen. Psychometric, ability and aptitude testing are considered to be valid, reliable and objective. While applicants with extensive experience and reputable education may appear to be more qualified, an objective assessment of each person's ability and personal traits can help to provide a clearer picture of the applicant.

Where possible, it is recommended that local governments ensure diversity on the selection panel. This may be achieved by ensuring gender, ethnicity, age and experiential diversity is represented on the panel. Diversity is also a consideration when selecting an independent person for the selection panel, particularly where there is a lack of diversity on the council. A diverse selection panel will assist in making quality decisions regarding suitable applicants.

Individuals are often unaware of biases they may have. For this reason, it is helpful for the selection panel to undertake training about unconscious biases. Awareness of unconscious biases assists individuals in preventing those biases from interfering in their decision making. For example, if there are considerable discrepancies in the assessment scores between two panel members, discussion will be required to ensure bias has not influenced these scores. Allowing team members to acknowledge and recognise prejudices is essential to managing those biases. The following biases should be addressed:

- "Similar-to-me" effect - if interviewers share the same characteristics with the applicants or view those characteristics positively, they are more likely to score them highly;
- "Halo" effect – interviewers may let one quality (such as race, gender, looks, accent, experience, etc.) positively or negatively affect the assessment of the applicant's other characteristics.

## **Due Diligence**

It is essential that the local government ensures that the necessary due diligence is undertaken to verify an applicant's qualifications, experience and demonstrated performance. This includes:

- verifying an applicant's qualifications such as university degrees and training certificates;
- verifying the applicant's claims (in relation to the applicant's character, details of work experience, skills and performance) by contacting the applicant's referees. Referee reports should be in writing in the form of a written report, or recorded and verified by the referee;
- requesting that an applicant obtains a national police clearance as part of the application process; and
- ensuring no conflicts of interests arise by looking to outside interests such as board membership and secondary employment.

A council may wish to contact a person who is not listed as an applicant's referee,

such as a previous employer. This may be useful in obtaining further information regarding an applicant's character and work experience, and verifying related claims. The applicant should be advised of this and be able to provide written comments to the council.

A search of social media and whether an applicant has an online presence may also assist in identifying potential issues. For example, an applicant may have expressed views which are in conflict with the local government's values. This should be made clear in the application information. To ensure the integrity of the recruitment process, a council must act collectively when performing due diligence.

## **Selection**

Once the application period closes, the selection panel, or consultant on behalf of the selection panel, must assess applications and identify a shortlist of applicants to be interviewed.

In shortlisting applicants for the interview phase, the selection panel should consider the transferable skills of applicants and how these would be of value in the role of CEO. The selection panel should not overlook applicants who do not have experience working in the local government sector.

It is important that the assessment process is consistent for all applicants. For example, each applicant is asked the same interview questions which are related to the selection criteria and each are provided with the same information and undertake the same assessments.

Elected members should declare any previous association with an applicant or any potential conflict of interest at the time of shortlisting if they are part of the selection panel. Similarly, if the interviews involve the full council, the elected member should make an appropriate declaration before the interviews commence. If the potential conflict of interest is significant or a member's relationship with an applicant may result in claims of nepotism, patronage or bias, the council may need to consider whether to exclude the elected member from the process. The decision should be documented and recorded for future reference.

Selecting an applicant should be based on merit; that is, choosing an applicant that is best suited to the requirements of the position and the needs of the local government. This involves the consideration and assessment of applicants' skills, knowledge, qualifications and experience against the selection criteria required for the role. As part of the selection process, a council may consider it appropriate for each of the preferred candidates to do a presentation to council.

The appointment decision by the council should be based on the assessment of all measures used, including:

- assessment technique(s) used (e.g. interview performance);
- quality of application;
- referee reports;
- verification and sighting of formal qualifications and other claims provided by the applicant; and
- other vetting assessments used (e.g. police checks, integrity checks, etc.).

## **Employment contract**

In preparing the CEO's employment contract, the council must ensure the contract includes the necessary provisions required under section 5.39 of the Act and associated regulations.

Section 5.39 of the Act provides that a CEO's employment contract must not be for a term exceeding five years. The term of a contract for an acting or temporary position cannot exceed one year.

Further, the employment contract is of no effect unless it contains:

- the expiry date of the contract;
- the performance review criteria; and
- as prescribed under regulation 18B of the Administration Regulations, the maximum amount of money (or a method of calculating such an amount) to which the CEO is to be entitled if the contract is terminated before the expiry date. The amount is not to exceed whichever is the lesser of:
  - the value of one year's remuneration under the contract; or
  - the value of the remuneration that the CEO would have been entitled to, had the contract not been terminated.

It is recommended that the council seeks independent legal advice to ensure that the contract is lawful and able to be enforced. In particular, advice should be sought if there is any doubt as to the meaning of the provisions of the contract.

Councils should be aware that CEO remuneration is determined by the Salaries and Allowances Tribunal and the remuneration package may not fall outside the band applicable to the particular local government.

The CEO's employment contract should clearly outline grounds for termination and the termination process in accordance with the standards in regulations.

The council of the local government must approve, by absolute majority, the employment contract and the person they appoint as CEO.

## **Appointment**

A decision to make an offer of employment to a preferred applicant must be made by an absolute majority of council. If the preferred applicant accepts the offer and the proposed terms of the contract without negotiation, there is no further requirement for council to endorse the applicant and the contract. However, if there is a process of negotiation to finalise the terms and conditions of the contract, council is required to endorse the appointment and approve the CEO's employment contract by absolute majority. In both instances, the employment contract must be signed by all parties.

The council should notify both the successful individual and the remaining unsuccessful applicants as soon as possible before publicly announcing the CEO appointment.

The successful applicant should not commence duties with the local government as CEO until the employment contract has been signed.

The unsuccessful applicants (including those not interviewed) should be notified of the outcome of their application. It is recommended that the local government creates a template letter for unsuccessful applicants that can be easily personalised with the applicants' details and sent out quickly.

The council should keep a record of their assessment of the unsuccessful applicant(s) and provide the unsuccessful applicant(s) with the opportunity to receive feedback on their application, or interview performance if they were granted an interview. Should an unsuccessful applicant request feedback, it is recommended that a member of the selection panel provides this. If a recruitment consultant is used, they may undertake this task.

## **Confidentiality**

The local government should ensure that all information produced or obtained during the recruitment and selection process is kept confidential. This includes applicants' personal details, assessment details, the selection report and outcome of the process. This ensures privacy requirements are met and maintains the integrity of the process. It is recommended that selection panel members and councillors sign a confidentiality agreement to ensure that they are aware of their obligations.

## **CEO induction**

Local governments should ensure that they provide the CEO with all of the necessary information on the local government's processes, policies, procedures and systems at the commencement of the CEO's employment.

New CEOs are eligible to participate in the Local Government CEO Support Program which is a joint initiative of the Department and LG Pro to provide mentoring and general support to those appointed to the position of CEO in a local government for the first time. The program runs for six to nine months from the time a CEO is appointed and involves the CEO being matched with a mentor that best meets their needs.

The program provides the CEO with an opportunity (through meetings and on-going correspondence) to discuss a wide range of issues with their appointed mentor in the strictest confidence. The program is aimed at addressing the individual needs of the CEO. Examples of issues that may be covered include the following:

- Role of the CEO
- Governance
- Strategic and long-term planning
- Legislative framework
- Relationships and dealing with council members
- Risk management
- Resource management
- Managing the business of Council
- Family considerations

## Part 2 – Performance Review

### Principles

The standards regarding CEO performance review are based on the principles of fairness, integrity and impartiality.

#### Performance Review Standards

The minimum standard for performance review will be met if:

- S2.1** Performance criteria is specific, relevant, measurable, achievable and time-based.
- S2.2** The performance criteria and the performance process are recorded in a written document, negotiated with and agreed upon by the CEO and council.
- S2.3** The CEO is informed about how their performance will be assessed and managed and the results of their performance assessment.
- S2.4** The collection of evidence regarding performance outcomes is thorough and comprehensive.
- S2.5** Assessment is made free from bias and based on the CEO's achievements against documented performance criteria, and decisions and actions are impartial and transparent.
- S2.6** The council has endorsed the performance review assessment by absolute majority.

### Guidelines

Section 5.38 of the Act provides that, for a CEO who is employed for a term of more than one year, the performance of a CEO is to be reviewed formally at least once in every year of their employment.

In addition to this minimum requirement, it is recommended that the council engages in regular discussions with the CEO regarding their performance against the performance criteria, including progress and ways that the CEO can be supported. Any changes to the CEO's performance agreement such as changes to the performance criteria should also be discussed, and agreed to, between the council and the CEO, as the matter arises.

#### Employment contract and performance agreement

Section 5.39, of the Act requires the employment contract to specify the performance criteria for the purpose of reviewing the CEO's performance. This will include ongoing permanent performance criteria. A local government may wish to have a separate additional document called a "performance agreement" which includes the



performance review criteria in the employment contract, additional criteria (e.g. the performance indicators in relation to specific projects) and how the criteria will be assessed. The performance agreement should be negotiated and agreed upon by the CEO and the council. The performance agreement may also set out the CEO's professional development goals and outline a plan to achieve these goals.

## **Performance Criteria**

Setting the performance criteria is an important step. One of the CEO's key responsibilities is to oversee the implementation of council's strategic direction, and so it is important to align the CEO's performance criteria to the goals contained in the council's Strategic Community Plan and Corporate Business Plan. Accordingly, as these plans are updated, the CEO's performance criteria should be updated to reflect the changes.

In leading the administrative arm of a local government, the CEO is responsible for undertaking core tasks, the achievement of which will contribute to the effectiveness of the council. It is important that the outcomes associated with these tasks are measurable and clearly defined. These could be in relation to:

- service delivery targets from the council's Strategic Community Plan;
- budget compliance;
- organisational capability;
- operational and project management;
- financial performance and asset management;
- timeliness and accuracy of information and advice to councillors;
- implementation of council resolutions;
- management of organisational risks;
- leadership (including conduct and behaviour) and human resource management; and
- stakeholder management and satisfaction.

Performance criteria should focus on the priorities of the council and, if appropriate, can be assigned priority weighting in percentages. The council and CEO should set goals related to target outcomes for future achievement in the performance criteria. Goals should be specific, measurable, achievable, relevant and time-based.

Following the determination of the performance criteria and goals, the council will need to determine how to measure the outcomes of each criteria. It is important to relate performance indicators to the selection criteria used in selecting the CEO. For example, if the CEO has been selected due to their financial experience and ability to improve the local government's finances, indicators regarding improved revenue and reduced expenses are obvious starting points.

Considering the context within which the local government is operating is important. For example, if a significant financial event occurs, such as a downturn in the economy, financial performance indicators will likely need to be adjusted. It is important that such contextual factors are given appropriate weighting and that goals are flexible to allow regular adjustment. Adjustments may be initiated by either the CEO or the council. Councils need to be realistic in terms of their expectations of a CEO's performance and provide appropriate resources and support to facilitate the



achievement of performance criteria.

### **Performance review panel**

It is recommended that the council delegates the CEO performance review to a panel (e.g. comprising certain council members and an independent observer). The panel has a duty to gather as much evidence as possible upon which to base their assessments. The role of the review panel includes developing the performance agreement in the first instance, conducting the performance review and reporting on the findings and recommendations of the review to council. It is also recommended that council develop a policy to guide the performance review process. A policy might include the composition of the panel, primary functions, the role and appointment of an independent consultant, and the responsibilities of review panel members.

### **Independent consultant**

If a council lacks the resources and expertise to meet the expected standard of performance review, the council should engage an external facilitator to assist with the process of performance appraisal and the development of the performance agreement. The local government should ensure that the consultant has experience in performance review and, if possible, experience in local government or dealing with the performance review of senior executives. The consultant should not have any interest in, or relationship with, the council or the CEO.

With guidance from the performance review panel, a consultant can facilitate the following tasks:

- setting performance criteria;
- preparing the performance agreement;
- collecting performance evidence;
- writing the performance appraisal report;
- facilitating meetings between the performance review panel;
- assisting with the provision of feedback to the CEO;
- formulating plans to support improvement (if necessary); and
- providing an objective view regarding any performance management-related matters between the concerned parties.

### **Assessing performance**

It is a requirement of the regulations that the process by which the CEO's performance will be reviewed is documented and agreed to by both parties. Council and the CEO must also agree on any performance criteria that is in addition to what is specified in the CEO's contract of employment. The option to include additional criteria for performance review purposes by agreement provides a degree of flexibility for both parties in response to changing circumstances and priorities.

It is essential that CEO performance is measured in an objective manner against the performance criteria alone. It is important that reviews are impartial and not skewed by personal relationships between the review panel and the CEO. Close personal relationships between the panel members and the CEO can be just as problematic as extremely poor relationships. Evidence of CEO performance may come from an array of sources, many of which the CEO themselves can and should provide to the

council as part of regular reporting. These sources include:

- achievement of key business outcomes;
- interactions with the council and progress that has been made towards implementing the council's strategic vision;
- audit and risk committee reports;
- workforce metrics (e.g. the average time to fill vacancies, retention rate, information about why people leave the organisation and staff absence rate);
- incident reports (e.g. results of occupational health and safety assessments, the number and nature of occupational health and safety incident reports, and the number and nature of staff grievances);
- organisational survey results;
- relationships (e.g. with relevant organisations, stakeholder groups, and professional networks); and
- insights from key stakeholders (this could be done by way of a survey to obtain stakeholder input).

It is important that, in addition to looking at the achievement of key performance indicators (KPIs), the council considers the following:

- How the CEO has achieved the outcomes. In particular, whether or not their methods are acceptable and sustainable.
- The extent to which current performance is contingent upon current circumstances. Has the CEO demonstrated skills and behaviours to address and manage changes in circumstances which have affected his or her performance? (for example, the impact of COVID-19.)
- What the CEO has done to ensure the wellbeing of staff and to maintain trust in the local government.

The council should consider the attention the CEO has given to ensuring equal employment opportunity, occupational health and safety, privacy, managing potential conflicts of interest, and complying with procurement process requirements.

### **Addressing performance issues**

Once the CEO's performance has been assessed, it is essential that any areas requiring attention or improvement are identified, discussed with the CEO and a plan is agreed and put in place to address these. The plan should outline the actions to be taken, who is responsible for the actions and an agreed timeframe.

The performance review panel must decide on an appropriate course of action that will address the performance issue. This may include professional development courses, training, counselling, mediation, mentoring or developing new work routines to ensure specific areas are not neglected. The performance review panel should then arrange for regular discussion and ongoing feedback on the identified performance issues, ensuring improvements are being made.

It is important to keep in mind that a local government falling short of its goals is not always attributable to the CEO. External factors may have resulted in initial performance expectations becoming unrealistic. Failure to meet performance criteria does not necessarily mean the CEO has performed poorly and, for this reason,

performance and outcome should be considered separately. Where ongoing issues have been identified, the council will need to take a constructive approach and seek to develop the CEO's competency in that area.

While there are obligations on the council to manage the CEO in regard to their performance, when it extends into potential wrongdoing (misconduct), the council should be referring the matter to the Public Sector Commission or Corruption and Crime Commission. This provides an independent process to follow and ensures probity, natural justice and oversight of allegations.

### **Confidentiality**

The council must ensure that accurate and comprehensive records of the performance management process are created. Any information produced must be kept confidential.

## Part 3 – Termination

### Principles

The standards for the termination of a local government CEO's employment (other than for reasons such as voluntary resignation or retirement) are based on the principles of fairness and transparency. Procedural fairness is a principle of common law regarding the proper and fair procedure that should apply when a decision is made that may adversely impact upon a person's rights or interests.

#### Termination Standards

The minimum standards for the termination of a CEO's contract will be met if:

- S3.1** Decisions are based on assessment of the CEO's performance as measured against the documented performance criteria in the CEO's contract.
- S3.2** Performance issues have been identified as part a performance review (conducted within the preceding 12 months) and the CEO has been informed of the issues. The council has given the CEO a reasonable opportunity to improve and implement a plan to remedy the performance issues, but the CEO has not subsequently remedied these issues to the satisfaction of the local government.
- S3.3** The principle of procedural fairness is applied. The CEO is informed of their rights, entitlements and responsibilities in the termination process. This includes the CEO being provided with notice of any allegations against them, given a reasonable opportunity to respond to those allegations or decisions affecting them, and their response is genuinely considered.
- S3.4** Decisions are impartial and transparent.
- S3.5** The council of the local government has endorsed the termination by absolute majority.
- S3.6** The required notice of termination (which outlines the reasons for termination) is provided in writing.

### Guidelines

#### Reasons for termination

The early termination of a CEO's employment may end due to:

- poor performance;
- misconduct; or
- non-performance or repudiation of contract terms.

There is a difference between poor performance and serious misconduct. Poor performance is defined as an employee not meeting the required performance criteria or demonstrating unacceptable conduct and behaviour at work, it includes:

- not carrying out their work to the required standard or not doing their job at all;
- not following workplace policies, rules or procedures;
- unacceptable conduct and behaviour at work;
- disruptive or negative behaviour at work;
- not meeting the performance criteria set out in the employment contract and/or performance agreement unless these are outside the CEO's control;
- not complying with an agreed plan to address performance issues;
- failing to comply with the provisions of the *Local Government Act 1995* and other relevant legislation;
- failing to follow council endorsed policies.

Serious misconduct can include when an employee:

- causes serious and imminent risk to the health and safety of another person or to the reputation or revenue of the local government; or
- behaves unlawfully or corruptly; or
- deliberately behaves in a way that's inconsistent with continuing their employment.

Examples of serious misconduct can include:

- matters arising under section 4(a), (b) and (c) of the *Corruption, Crime and Misconduct Act 2003*;
- theft;
- fraud;
- assault;
- falsification of records;
- being under the influence of drugs or alcohol at work; or
- refusing to carry out appropriate and lawful resolutions of council.

Misconduct is also defined in section 4 of the *Corruption, Crime and Misconduct Act 2003* (WA). Under this Act, misconduct can be either serious or minor and the obligation to notify the Public Sector Commission (PSC) or the Corruption and Crime Commission (CCC) is paramount.

Termination on the basis of misconduct is covered by employment law. A local government should seek independent legal, employment or industrial relations advice prior to a termination. A council should also seek independent advice during the termination process including advice on the relevant employment legislation affecting CEO employment and the application of that legislation to their specific circumstances. This will ensure that a council complies with employment law during the entire termination process.

A local government is required to endorse the decision to terminate a CEO's employment by way of an absolute majority decision. A local government must certify that the termination was in accordance with the adopted standards in regulations.

## **Opportunity to improve and mediation**

If a CEO is deemed to have been performing poorly, the council must be transparent and inform the CEO of this. It is important that the CEO is given an opportunity to remedy the issues within a reasonable timeframe as agreed between the CEO and the council. The council should clearly outline the areas in need of improvement, and with the CEO's input, determine a plan to address any issues. If a plan for improvement is put in place and the CEO's performance remains poor, then termination may be necessary. If a local government decides to terminate the employment of the CEO it must have conducted a performance review in the previous 12 months in accordance with section 5.38 of the Act.

Where the concerns or issues relate to problematic working relationships or dysfunctional behaviour, it is recommended that a council engages an independent accredited mediator to conduct a mediation between the parties. A mediation session may be useful in assisting parties to understand and address issues before the situation escalates to a breakdown in the working relationship (which affects the ability of the CEO to effectively perform their duties) and the subsequent termination of the CEO's employment.

## **Termination report**

The council should prepare a termination report which outlines the reasons for termination, the opportunities and assistance provided to the CEO to remedy any issues, and an explanation of the CEO's failure to do so. Council must provide prior opportunities and support to the CEO to assist them in remedying the issues which form the basis of the termination. It is a requirement of the regulations that council must provide written notice to the CEO outlining the reasons for their decision to terminate. In addition, council must certify that the termination of the CEO's employment was carried out in accordance with the standards set out in regulations.

## **Confidentiality**

Local governments should ensure that the termination process is kept confidential. The CEO is to be informed of their rights and entitlements. Notice of termination of employment is required to be given in writing. Where possible, the news of termination of employment should also be delivered in person. The CEO should be provided with a letter outlining the reasons for, and date of, the termination of their employment.

Before making any public announcements on the termination of the CEO, a council should ensure that the entire termination process is complete, including that the CEO has been informed in writing of the termination.

## **Disclaimer**

It is outside the scope of these guidelines to provide legal advice, and local governments should seek their own legal advice where necessary. Guidance as to legal requirements and compliance in relation to the termination of employment is provided by the Fair Work Commission at [www.fwc.gov.au](http://www.fwc.gov.au), the Fair Work Ombudsman at [www.fairwork.gov.au](http://www.fairwork.gov.au) and the Western Australian Industrial Relations Commission at [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au).

## **LOCAL GOVERNMENT (ADMINISTRATION) AMENDMENT REGULATIONS (No.2) 2020 – EXPLANATORY NOTES**

These regulations will bring into effect **section 22** of the *Local Government Legislation Amendment Act 2019*.

In particular, the following will take effect: sections 5.39A, 5.39B & 5.39C.

<b>Section in Amendment Act</b>	<b>Section in LG Act</b>	<b>Topic</b>
<b>Section 22</b>	<b>5.39A 5.39B 5.39C</b>	Model standards for CEO recruitment, performance and termination. Adoption of Model Standards Policy for temporary employment or appointment of CEO.
<b>Regulation</b>	<b>Amends</b>	<b>Explanation</b>
Regulation 18A – Vacancy in position of CEO or senior employee to be advertised (Act s.5.36(4) and 5.37(3))	18A <i>Local Government (Administration) Regulations 1996</i>	Regulation 18A(1) is being amended to align with the new State-wide public notice provisions. If the position of CEO, or of a senior employee, becomes vacant the local government must give State-wide public notice of the position in accordance with the requirements of the Local Government Act (sections 5.36(4) and 5.37(3)).  Regulation 18A(2)(da) provides that the State-wide public notice must include a website address where the job description form (JDF) for the position can be accessed.
Regulation 18C – Selection and appointment process for CEOs.	18C <i>Local Government (Administration) Regulations 1996</i> – Repealed	Regulation 18C is being repealed. The prescribed model standards for CEO recruitment and appointment outlined at Division 2 (Clauses 3-14) of the <i>Local Government (Administration) Amendment Regulations 2020</i> replace 18C.  Local governments are required to determine the selection criteria for the position of CEO prior to a recruitment process being undertaken. The local government must approve by a resolution of an absolute majority of council, a job description form which sets out the duties and responsibilities of the position (5(2)(a)) and details the selection criteria (5(2)(b)).

		<p>A position vacancy must be advertised in accordance with 5.36(4) of the <i>Local Government Act</i> and 18A of the <i>Local Government (Administration) Regulations 1996</i>. A JDF form must also be made available on the local government's official website.</p> <p>As part of the process of selection, a panel must be established to conduct the recruitment and selection process. The selection panel must be made up of council members and at least one independent person who is not a current councillor or employee of the local government. The independent person should have experience in the recruitment and selection of CEO's and / or senior executives. It is the role of the selection panel to recommend one or more suitable applicants to the position of CEO based on the selection criteria outlined in the JDF.</p> <p>A final decision to make an offer of appointment to the position of CEO must be made by an absolute majority of council. The resolution must also approve the proposed terms of the contract.</p> <p>Appointment of the successful applicant to CEO must also be made by an absolute majority decision of council after negotiation of the final contract terms between the successful applicant and the local government and following the applicant's acceptance of the offer.</p>
Regulation 18D – Performance review of CEO, local government's duties as to	<i>Local Government (Administration) Regulations 1996</i> - 18D Repealed	<p>Regulation 18D is being repealed. The prescribed model standards for performance review outlined at Division 3 of the of the <i>Local Government (Administration) Amendment Regulations 2020</i> (clauses 15-19) replace 18D.</p> <p>Local governments are required to review the performance of a CEO annually in accordance with section 5.38 of the Act. Division 3 sets out the process for performance review, including establishing the performance criteria upon which to base the review and the requirement to endorse the performance review by absolute majority on its completion.</p> <p>The CEO must be notified of the results of the performance review, including any issues identified in relation to the performance of the CEO, and how the local government proposes to address and manage those issues.</p>



Regulation FA – Prescribed model standards for CEO recruitment, performance and termination (Act s.5.39A(1)).	<i>Local Government (Administration) Regulations 1996</i> – 18FA is a new clause.	Regulation 18FA sets out the model standards for local governments in relation to the recruitment, performance review and termination of employment of a local government CEO.
Regulation 18FB – Certification of compliance with adopted standards for CEO recruitment (Act s.5.39B(7))	<i>Local Government (Administration) Regulations 1996</i> – 18FB is a new clause.	<p>Regulation 18FB requires local governments to certify that they have adopted the standards under section 5.39B of the Act. 18FB applies in relation to the recruitment and appointment of a local government CEO.</p> <p>A copy of the resolution to appoint the CEO in accordance with the adopted standards must be provided to the Department of Local Government, Sport and Cultural Industries within 14 days of the decision to appoint.</p>
Regulation 18FC – Certification of compliance with adopted standards for CEO termination (Act s.5.39B(7)).	<i>Local Government (Administration) Regulations 1996</i> – 18FC is a new clause	<p>Regulation FC requires a local government to certify that they have adopted the standards under section 5.39B of the Act. 18FC applies in relation to the termination of a CEO's employment contract.</p> <p>If a local government makes the decision to terminate the employment of the CEO, it must certify that the CEO's employment contract was terminated in accordance with the adopted standards for termination as outlined in regulations.</p>
<b>Division 2 – Standards for recruitment of CEOs</b>  Regulation 4 – Application of Division	<i>Local Government (Administration) Regulations 1996</i> – Reg 4 replaces 18C.	<p>Regulation 18C of the <i>Local Government (Administration) Regulations 1996</i> is repealed. Instead, Regulation 4 applies in relation to Division 2 - the recruitment and selection process of a local government CEO.</p> <p>Division 2 does not apply in the event that the position of CEO is to be filled by a person in a prescribed class or in relation to the renewal of the CEO's contract, unless the CEO has been employed for a period of 10 or more consecutive years and a period of 10 or more years has elapsed since a selection and recruitment process was carried out</p>

		For the purposes of 5.36(5)(a), a person in a prescribed class includes a person who is and will continue to be employed by another local government and is contracted for a period of less than five years, or the person will be acting in the position of CEO for a period of less than one year.
Regulation 5 – Determination of selection criteria and approval of job description form.	<i>Local Government (Administration) Regulations 1996</i> – Reg 5 is a new clause.	<p>Regulation 5 deals with determining the selection criteria for the position of CEO. It is a requirement that the local government base the selection criteria on the necessary skills, knowledge, experience and qualifications necessary to effectively perform the role and responsibilities associated with the position.</p> <p>The local government must approve (by absolute majority) a job description form (JDF) that sets out the duties and responsibilities of the position and the selection criteria.</p>
Regulation 6 – Advertising Requirements	<i>Local Government (Administration) Regulations 1996</i> – Reg 6 is a new clause.	Regulation 6 deals with advertising the position of CEO where the position becomes vacant or the incumbent has held the position for 10 or more consecutive years. It is a requirement of the Local Government Act (s 5.36(4)) that upon the position of CEO becoming vacant, it must be advertised in a manner prescribed. Regulation 18A of the <i>Local Government (Administration) Regulations 1996</i> sets out the requirements for State-wide advertising.
Regulation 7 – Job description form to be made available by local government.	<i>Local Government (Administration) Regulations 1996</i> – Reg 7 is a new clause.	Regulation 7 requires a local government to provide a copy of the JDF to a person upon request. The local government must either provide the web address where the JDF can be downloaded or alternatively if the person is unable to access the website, email a copy, or send a hard copy in the post.
Regulation 8 – Establishment of selection panel for appointment of CEO.	<i>Local Government (Administration) Regulations 1996</i> – Reg 8 is a new clause.	Regulation 8 requires a local government to establish a selection panel to conduct the selection and recruitment process for appointment of a person to the position of CEO.

		<p>The selection panel must comprise of council members and at least one independent person who is not a councillor nor an employee of the local government.</p> <p>It is recommended that the independent person or persons have relevant experience in the recruitment and selection of CEO's and / or senior executives. It is the role of the selection panel to recommend one or more suitable applicants to the position of CEO based on the selection criteria outlined in the JDF.</p> <p>It is at the discretion of the local government to determine the number of people on the selection panel.</p>
Regulation 9 – Recommendation by selection panel.	<i>Local Government (Administration) Regulations 1996 – Reg 9 is a new clause.</i>	<p>It is the role of the selection panel to recommend a preferred applicant or applicants for appointment to the position of CEO. Regulation 9 requires the selection panel to make an assessment of each applicant's ability to perform the role of CEO based on their knowledge, experience, qualifications and skills as measured against the selection criteria outlined in the JDF.</p> <p>If the selection panel considers none of the applicants suitable for appointment to the position, they must advise the local government of that fact.</p> <p>If the selection panel considers none of the applicants suitable for appointment to the position of CEO, they may recommend changes be made to the duties and responsibilities of the position or the selection criteria.</p> <p>The selection panel must act in an impartial and transparent manner and in accordance with the principles set out in section 5.40 of the Act.</p> <p>The selection panel is responsible for ensuring that any applicant or applicants they recommend for appointment have demonstrated they meet the selection criteria and have had their qualifications verified. The selection panel must exercise due diligence in verifying referees, work history, skills and any other claims made by the applicant.</p>

Regulation 10 – New process to be commenced if no suitable applicants.	<i>Local Government (Administration) Regulations 1996 – Reg 10 is a new clause.</i>	<p>If the selection panel finds that none of the applicants are suitable to be appointed to the position of CEO, they must advise the local government in accordance with 9(2)(b).</p> <p>Regulation 10 requires the recruitment and selection process to be undertaken again if the selection panel advises the local government it considers none of the applicants to be suitable for appointment to the position of CEO.</p> <p>Unless the selection panel recommends changes be made to the duties and responsibilities of the position or the selection criteria, clause 5 does not apply. In this instance, the original JDF previously approved by the local government (under clause 5) is the JDF form for the purposes of the new recruitment and selection process.</p>
Regulation 11 – Offer of appointment to position of CEO.	<i>Local Government (Administration) Regulations 1996 – Reg 11 is a new clause.</i>	<p>Regulation 11 requires the decision to make an offer of employment to an applicant to the position of CEO to be made by an absolute majority of council.</p> <p>The council must approve making the offer of employment to the preferred applicant and the proposed terms of the contract to be entered into.</p>
Regulation 12 – Appointment to position of CEO	<i>Local Government (Administration) Regulations 1996 – Reg 12 is a new clause.</i>	<p>Regulation 12 deals with the appointment of the successful applicant to the position of CEO subsequent to the offer of appointment having been made, the final terms of the contract agreed to and the applicant accepting the offer of employment.</p> <p>The appointment of the successful applicant to the position of CEO by the local government must be made by an absolute majority of council. Council must endorse the appointment and approve the terms of the negotiated contract.</p>

<p>Regulation 13 – Recruitment to be undertaken on expiry of certain CEO contracts.</p>	<p><i>Local Government (Administration) Regulations 1996 – Reg 13 is a new clause.</i></p>	<p>Regulation 13 applies if a local government CEO has held the position for a period of 10 or more consecutive years upon expiry of the CEO's contract. Regulation 13 also applies if a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position has occurred and the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.</p> <p>Subclause 13(2)(a)(ii) is drafted to allow for the possibility that a CEO who has, for example, held office for 10 years and has their contract renewed for another 5-year term following the recruitment and selection process. In that case, clause 13(2)(a)(ii) will operate to ensure that another 10 years can pass before another recruitment process is required. In the absence of clause 13(2)(a)(ii), when the renewed term came to an end, the CEO would have held the position for 15 consecutive years and clause 13(2)(a)(i) would operate to require a process to be undertaken.</p> <p>The local government must carry out the recruitment and selection process before expiry of the incumbent CEO's contract.</p> <p>The incumbent CEO may have their contract of employment renewed upon expiry if they are selected in accordance with the recruitment and selection process at subclause (3).</p>
<p>Regulation 14 – Confidentiality of information</p>	<p><i>Local Government (Administration) Regulations 1996 – Reg 14 is a new clause.</i></p>	<p>Regulation 14 requires confidentiality to be observed by the local government as part of the process of recruitment and selection. Information obtained as part of this process must only be used for, or in connection with, recruitment and selection.</p>
<p><b>Division 3 – Standards for review of performance of CEOs</b></p> <p>Regulation 15 sets out the standards to be observed by the local government in relation to the review of the performance of CEOs.</p>	<p><i>Local Government (Administration) Regulations 1996 – Reg 15 replaces regulation 18D which is repealed.</i></p>	<p>Regulation 18D is repealed. Division 3 effectively deals with the requirement to consider the performance review of the CEO in accordance with section 5.38 of the Act.</p>

Regulation 16 – Performance review process to be agreed between local government and CEO.	<i>Local Government (Administration) Regulations 1996</i> – Reg 16 is a new clause.	<p>Regulation 16 requires the local government and the CEO to agree on the process for performance review and any performance criteria that are additional to those specified in the contract. For example, the local government and the CEO may wish to include additional performance criteria after 1 or 2 years into a contract term as circumstances and priorities change.</p> <p>The process for performance review must be consistent with clauses 17 (Carrying out a performance review), 18 (Endorsement of the performance review) and 19 (CEO to be notified of the results of the performance review).</p> <p>The process for performance review and the selection criteria upon which the review will be based must be set out in a written document.</p>
Regulation 17 – Carrying out a performance review	<i>Local Government (Administration) Regulations 1996</i> – Reg 17 is a new clause	Regulation 17 deals with how a review of a CEO's performance must be carried out. A performance review must be carried out in an impartial and transparent manner. It must also be comprehensive, and evidence based. The CEO's performance must be measured against the performance criteria as specified in the CEO's contract and any other performance criteria as agreed and set out in the documented performance review process.
Regulation 18 – Endorsement of performance review by local government	<i>Local Government (Administration) Regulations 1996</i> – Reg 18 is a new clause	Regulation 18 requires that a performance review is endorsed by an absolute majority of council upon completion.
Regulation 19 – CEO to be notified of results of performance review	<i>Local Government (Administration) Regulations 1996</i> – Reg 19 is a new clause	Regulation 19(a) requires a local government to notify the CEO of the results of the performance review in writing. If the review identifies any performance issues, the local government must outline how it proposes to address and manage those issues.

		The local government must notify the CEO of the results of the performance review after it has been endorsed by an absolute majority of council.
<b>Division 4 – Standards for termination of employment of CEOs.</b>  Regulation 20 – sets out the standards to be observed by the local government in relation to the termination of the employment of CEOs.	<i>Local Government (Administration) Regulations 1996</i> – Reg 20 is a new clause	Regulation 20 provides an overview of Division 4 – Standards for termination of employment of CEOs.
Regulation 21 – General principles applying to any termination.	<i>Local Government (Administration) Regulations 1996</i> – Reg 21 is a new clause	Regulation 21 outlines the general principles that must apply to any termination of a CEO's employment contract. Decisions relating to termination of employment must be made in an impartial and transparent manner.  A CEO must be afforded procedural fairness in relation to the process for termination of employment. This includes: <ul style="list-style-type: none"> <li>a) being informed of their rights, entitlements and responsibilities;</li> <li>b) notification of any allegations against the CEO;</li> <li>c) being given a reasonable opportunity to respond to the allegations;</li> <li>d) and genuinely considering any response provided by the CEO to the allegations.</li> </ul>
Regulation 22 – Additional principles applying to termination for performance related reasons.	<i>Local Government (Administration) Regulations 1996</i> – Reg 22 is a new clause	Regulation 22(1) applies if the local government proposes to terminate the employment of a CEO based on the CEO's work-related performance.  Subclauses 22(2)(a)-(d) and 22(3) require that a CEO's employment must not be terminated unless the local government has: <ul style="list-style-type: none"> <li>• previously identified any issues with the CEO's performance as part of the performance review process;</li> <li>• informed the CEO of the performance issues;</li> </ul>

		<ul style="list-style-type: none"> <li>• given the CEO reasonable opportunity to address and implement a plan to remedy the performance issues;</li> <li>• determined that the CEO has not remedied the performance issues to the satisfaction of the local government; and</li> <li>• 22(3) reviewed the performance of the CEO within the preceding 12 months in accordance with 5.38(1) of the Local Government Act.</li> </ul>
Regulation 23 – Decision to terminate.	<i>Local Government (Administration) Regulations 1996</i> – Reg 23 is a new clause	Regulation 23 requires that a decision to terminate the employment of a CEO must be made by an absolute majority of council.
Regulation 24 – Notice of termination of employment.	<i>Local Government (Administration) Regulations 1996</i> – Reg 24 is a new clause	Regulation 24 requires that a local government must provide notice in writing of the decision to terminate the employment of a CEO. Written notice must include the local government's reasons for termination.



Schedule 2 – Model standards for CEO recruitment, performance and termination (*Local Government Act 1995 s5.39A & Local Government (Administration) Regulations 1996 R18FA*).

## **1. Citation**

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

## **2. Terms Used**

(1) In these standards –

**Act** means the *Local Government Act 1995*;

**additional performance criteria** means performance criteria agreed by the local government and the CEO under clause 16 (1) (b);

**applicant** means a person who submits an application to the local government for the position of CEO;

**CEO** means the local government's Chief Executive Officer;

**contract of employment** means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

**contractual performance criteria** means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

**job description form** means the job description form for the position of CEO approved by the local government under clause 592);

**local government** means the Shire of Dalwallinu;

**selection criteria** means the selection criteria for the position of Chief Executive Officer determined by the local government under clause 5(1) and set out in the job description form;

**selection panel** means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

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

## **Division 2 – Standards for recruitment of CEO's**

### **3. Overview of Division**

This division sets out standards to be observed by the local government in relation to the recruitment of CEO's.

### **4. Application of Division**

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

(2) This Division does not apply –

(a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or

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

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

(1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.

(2) The local government must, by resolution of an absolute majority of the Council, approve a job description form for the position of Chief Executive Officer which sets out –

(a) the duties and responsibilities of the position; and

(b) the selection criteria for the position determined in accordance with subclause (1).

#### **6. Advertising requirements**

(1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.

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

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

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

(a) Inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or

(b) If the person advises the local government that the person is unable to access that website address –

i. Email a copy of the job description form to an email address provided by the person;  
or

ii. Mail a copy of the job description form to a postal address provided by the person.

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

(1) In this clause –

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

(a) a council member;

(b) an employee of the local government;

(c) a human resources consultant engaged by the local government.

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

(3) The selection panel must comprise –

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

#### **9. Recommendation by selection panel**

(1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.

(2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government –

- (a) a summary of the selection panel's assessment of each applicant; and
- (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.

(3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government –

- (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
- (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.

(4) The selection panel must act under subclauses (1), (2) and (3) –

- (a) in an impartial and transparent manner; and
- (b) in accordance with the principles set out in section 5.40 of the Act.

(5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has –

- (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
- (b) verified any academic, or other tertiary level qualifications the applicant claims to hold; and
- (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.

(6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

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

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

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

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

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

### **11. Offer of employment in position of CEO**

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

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

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

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

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

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

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

(1) In this clause –

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

(2) This clause applies if –

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

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

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

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

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

#### **14. Confidentiality of information**

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

### **Division 3 – Standards for review of performance of CEO's**

#### **15. Overview of Division**

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

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

(1) The local government and the CEO must agree on –

- (a) a process by which the CEO's performance will be reviewed; and
- (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.

(2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.

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

#### **17. Carrying out a performance review**

(1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.

(2) The local government must –

- (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
- (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

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

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

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

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

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

## **Division 4 – Standards for termination of employment of CEO's**

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

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

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

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including –
  - (a) Informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
  - (b) Notifying the CEO of any allegations against the CEO; and
  - (c) Giving the CEO a reasonable opportunity to respond to the allegations; and
  - (d) Genuinely considering any response given by the CEO in response to the allegations.

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

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has –
  - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the performance issues) related to the performance of the CEO; and
  - (b) informed the CEO of the performance issues; and
  - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
  - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.

(3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12 month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

### **23. Decision to terminate**

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

### **24. Notice of termination of employment**

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

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

-END-

#### 9.4.4 Interim Code of Conduct – Employees\*

**Report Date** 23 March 2021

<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	GR/5 – Governance – State Liaison
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	Interim Code of Conduct

#### **Purpose of Report**

Council is requested to adopt the Interim Code of Conduct for Employees.

#### **Background**

Local Governments are required to adopt a Code of Conduct for Employees of the Shire. Currently there is no model available from WALGA therefore an interim Code of Conduct has been developed.

#### **Consultation**

Nil

#### **Legislative Implications**

State

*Local Government Act 1995 section 5.51A*

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

#### **Site Inspection**

Site inspection undertaken: Not applicable

#### **Triple Bottom Line Assessment**

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

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### Officer Comment

In order to comply with the new regulations it is the Officer's recommendation that Council adopt the Interim Code of Conduct for Employees as attached to this report.

### Officer Recommendation

That Council:

1. Pursuant to section 5.51A(1) of the Local Government Act 1995, adopt the Interim Code of Conduct for Employees as attached to this report;
2. Pursuant to 5.51A(3) of the *Local Government Act 1995*, request the Chief Executive Officer to publish the Interim Code of Conduct on the local government's official website.

### Resolution

#### **MOTION 9690**

Moved            Cr MM Harms  
Seconded       Cr KL Carter

That Council:

1. Pursuant to section 5.51A(1) of the Local Government Act 1995, adopt the Interim Code of Conduct for Employees as attached to this report;
2. Pursuant to 5.51A(3) of the *Local Government Act 1995*, request the Chief Executive Officer to publish the Interim Code of Conduct on the local government's official website.

**CARRIED BY ABSOLUTE MAJORITY 8/0**



A local government's Chief Executive Officer, in accordance with Section 5.51A of the *Local Government Act 1995*, and Regulation 19AF and 19AA of the *Local Government (Administration) Regulations 1996*, is required to adopt a Code of Conduct to be observed by employees.

The Code of Conduct is to contain matters as prescribed by Regulations and can also make further provision for expectations of employees.

The Code of Conduct is a statement of guidance and specific requirements to be observed by employees of the Shire.

The Code of Conduct is to apply, insofar as it is applicable to each employee of the Shire. Any provision in this Code of Conduct is of effect only to the extent that it is not inconsistent with the Act and regulations, and any other statutory power.

This Code of Conduct does not seek to replicate the role of or requirements for employees contained in other legislation, including but not limited to the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*. The Guiding Statements of Responsibility section of the Code requires individuals to be aware of their obligations.

### **Definitions**

**Employee** means any person who is employed by the Shire. For the purposes of the sections of the Code of Conduct in relation to employees' disclosure of interests, this shall include a person who under a contract for services with the local government will provide advice or a report on a matter.

## **1. OBLIGATION TO OBSERVE**

### **Employees**

The obligation for employees to observe a Code of Conduct arises from –

- The *Local Government Act 1995* s 5.103,
- The *Local Government (Administration) Regulations 1996*, and
- The terms and conditions of their employment with the Shire.

The observance of Council policies and this Code is a key responsibility of any employee and any breach of those responsibilities could incur disciplinary action, including termination, via the management framework established in accordance with the CEO's responsibilities under Section 5.41(g) of the *Local Government Act 1995*.

### **Breach of certain provisions**

Where a requirement in the Code of Conduct is prescribed in an Act or Regulations, any alleged breach may be investigated by another statutory body, including but not limited to –

- Department of Local Government, Sports and Cultural Industries; and
- Corruption and Crime Commission.

## 2. GUIDING STATEMENTS OF RESPONSIBILITY

### Principles

a) In acting in the capacity of an employee of the Shire, all persons shall observe the principles outlined in Division 2 of the *Local Government (Model Code of Conduct) Regulations 2021*. Specifically, any person acting in that capacity shall –

- act with reasonable care and diligence;
- act with honesty and integrity;
- act lawfully;
- avoid damage to the reputation of the local government;
- be open and accountable;
- base decisions on relevant and factually correct information; treat others with respect, courtesy and fairness;
- not be impaired by mind affecting substances.

b) Additionally, all employees shall –

- provide relevant and factually correct information to decision-makers;
- fulfil their public and professional duties in a manner that is ethical, impartial, objective, responsible and in the best interests of the local government uninfluenced by fear or favour;
- act in accordance with their obligation of fidelity to the local government;
- not use or attempt to use their positions for personal benefit or the personal benefit of others, either by influencing others, the improper use of information gained in the performance of their duties, or otherwise;
- contribute to the good governance and strategic priorities of the Shire in accordance with the adopted vision, values, plans and budget as amended by Council from time to time;
- Understand and be mindful of their role, responsibilities, empowerment and limitations and act within those parameters
  - Local Government Act 1995 sections 2.7, 2.8, 2.9, 2.10, 5.41, part 5 division 9 and generally;
  - Local Government (Administration) Regulations 1996 Reg part 4A;
  - Committee Terms of reference;
  - Employee Position Descriptions;
  - Delegation Registers et al.
- Refrain from making allegations which are improper or derogatory, unless true, in the public interest and in an appropriate forum;
- Refrain from any form of conduct in the performance of their official or professional duties which may cause any reasonable person unwarranted offence or embarrassment.

### Achievement of priorities

The local government framework of: the Council, the staff body and any Committees that the Council resolves to constitute; is established to ensure the Council's corporate goals are achieved, its strategies are implemented and its statutory obligations met. The achievement of these requirements, in accordance with adopted plans and strategies, requires teamwork, cooperation and respect for the unique role of each component of that framework.

### **3. MATTERS OF CONDUCT**

#### **General – Applicable to Employees**

a) Lawful actions –

It is the responsibility of all employees to act in a manner that is lawful and in accordance with the Acts, Regulations, codes and other policies and procedures that are relevant to their particular position.

Any omission of a specific requirement from this Code of Conduct does not negate a person's responsibility to observe and comply with provisions that are applicable to their position.

b) Compliance with orders and policies

- i) Employees will comply with any lawful and reasonable order given by any person having authority to make or give such an order.
- ii) Any doubts as to the propriety of any such order shall be taken up with the superior of the person who gave the order and, if resolution cannot be achieved, the Chief Executive Officer.
- iii) Employees will give effect to the lawful policies of the local government and/or have due regard for the lawful policies of the local government in decision making, whether or not they agree with or approve of them.

c) Conflicts of interest

An important consideration for any employee is to ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their statutory or contracted civic or professional duties –

- i) Any employee intending to undertake a dealing in land within the local government area that involves an application for planning consent or subdivision approval, or which may otherwise be in conflict with the Shire's functions, shall provide written notice of this intention to the Chief Executive Officer. The notice shall be provided as soon as practicable in all circumstances, but where an application is to be lodged with the local government or another statutory body for approval, then within seven (7) days of the lodgment of that application. This requirement does not extend to the purchase of the principal place of residence.
- ii) Where a relative (refer definition in section 3.2.4.2 of this code) of an employee with that person's knowledge is intending to undertake a dealing in land within the local government area that involves an application for planning consent or subdivision approval, or which may otherwise be in conflict with the Shire's functions, written notice shall also be provided in accordance with section 3.2.1.3(a).
- iii) Where it is the Chief Executive Officer or a relative of the Chief Executive Officer intending to undertake a dealing in land in accordance with this section, the written notification required is to be provided to the President.
- iv) When an application is made by an employee or a relative of any of those persons, the employee has no greater or lesser rights than those of any other member of the public in relation to access to information and access to Shire Officers. Employees shall observe the requirements of seeking information through the usual local

government process for a member of the public and booking appointments in their own time to meet with officers of the Shire.

- v) In receiving a written notice on a matter where a local government decision is required, the Chief Executive Officer or the President as the case may be, shall consult with the most senior officer having responsibility for planning matters who is not otherwise the dealing in land as to the requirement or otherwise of an assessment of the application by a suitable qualified independent person and as to the appropriateness of determining the application under delegation or referring it to Council for a decision.

Nothing in this section negates or replaces the disclosure requirements of any person in accordance with –

- Division 6 of the *Local Government Act 1995* Disclosure of Financial Interests;
- Regulation 11 of the *Local Government (Administration) Regulations 1996* Disclosure of Interest or
- Any other disclosure requirements of this code.

It is not the intention of this requirement to disadvantage any person due to their election to office or their employment. The requirement is to ensure there is minimum potential for perceptions of or actual undue influence, advantage or disadvantage for an employee.

- d) Gifts – Notewell: this section does not relate to the Chief Executive officer, who is bound by separate gift provisions under the *Local Government Act 1995*. In this section the Chief Executive Officer has determined a threshold for the provisions of *Local Government (Administration) Regulations 1996* regulation 19AF as being \$300.

**activity involving a local government discretion** means any activity that cannot be undertaken without an authorization from the local government or by way of a commercial dealing with the Shire.

**gift** means any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel (in that specific requirements for contributions to travel are covered in Section 5.83 of the *Local Government Act 1995*). This definition excludes -

- A gift from a relative;
- A gift that must be disclosed in accordance with *Local Government (Elections) Regulations 1997* reg 30B;
- A gift from a statutory authority, government instrumentality or non-profit organisation for professional training;
- Other exclusions as defined by the Act or Regulations.

**notifiable gift** in relation to an employee means –

- a gift given to the employee that is worth between the relevant minimum threshold and \$300, or
- a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between the relevant minimum threshold and \$300.

**prohibited gift** is a gift worth \$300 or more or a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth of \$300 or more.

**relative** is a parent, grandparent, brother, sister, uncle, aunt, nephew, niece or lineal descendent of the person or of the person's spouse or de facto partner or the spouse or de facto partner of the other specified relatives whether or not the relationship is traced through, or to, a person whose parents were not actually married to each other at the time of the person's birth or subsequently, and whether the relationship is a natural relationship or a relationship established by written law.

**token gift** is not defined in the Acts or Regulations, and for the purposes of this Code of Conduct is taken to mean a gift or multiple gifts that are less than the minimum notifiable gift threshold.

Donor/Giver of gift	Token gift	Notifiable gift	Prohibited gift
<b>IS or is likely to be</b> undertaking an activity involving a local government discretion	Less than \$50	Between \$50 and \$300	More than \$300
<b>Is NOT</b> undertaking an activity involving a local government discretion	Less than \$200	Between \$200 and \$300	
Exclusions from requirement to notify	N/a	<ul style="list-style-type: none"> <li>• donor is a relative;</li> <li>• through a will;</li> <li>• contribution to travel;</li> <li>• from Commonwealth, State or LG funds;</li> <li>• ordinary course of occupation unrelated to duties as elected member or employee;</li> <li>• from a political party where person a member and travelling for political activity or to represent the party;</li> <li>• a gift that must be disclosed under Elections Regs r.30B;</li> <li>• a gift from a statutory authority, government instrumentality or non-profit association for professional training;</li> <li>• a gift from Local Government Professionals Australia WA.</li> </ul>	
Disclosure requirements	None	To be notified to CEO within ten (10) days and declared in Annual return	N/A

- i) The notification of the acceptance of a notifiable gift is required to be in writing and include details of –
- The name of the person who gave the gift;
  - The date on which the gift was accepted;
  - A description and the estimated value of the gift;
  - The nature of the relationship between the employee and the person who gave the gift.
- ii) If the gift is notifiable being one of 2 or more gifts given to the employee by the same person within a period of 6 months that have a cumulative value of above the notifiable threshold, then regardless of the value of each individual gift, the notification is required to include, in relation to all gifts accepted within the 6 month period from that person –
- A description;
  - The estimated value;
  - The date of acceptance.
- iii) The CEO is to maintain a register of notifiable gifts and record in it the details of notifications given to comply with a requirement under this section.
- iv) The CEO is to record details of the gift on the Shire's website.

#### 4. SPECIFIC DIRECTIONS

*The following sections of the Code of Conduct will address specific matters of conduct and, as necessary, provide specific direction on actions that must be taken when and as a matter arises by a person acting in a specific role.*

##### Employees

- a) Disclosure of interest

**Interest** – Any interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership or an association.

This section does not apply to interests referred to in Section 5.60 of the *Local Government Act 1995* (in that a financial interest or a proximity interest must be disclosed in the manner described in Division 6 of Part 5 of that Act).

An employee is excused from a requirement under (i) or (ii) to disclose the nature of an interest if –

- The employee's failure to disclose occurs because they did not know that he or she had an interest in the matter; or
- The employee's failure to disclose occurs because the employee did not know the matter in which he or she had an interest would be discussed at the meeting and the employee discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.

Any interest that arises for an employee on a matter before the Council or a Committee for determination is required to be disclosed in the manner specified in (i) or (ii). However, in recognition of the requirements discharged by employees during the course of their employment, including but



not limited to the exercise of delegated authority, purchasing and tender evaluation, recruitment and selection, inspection and regulation, interests shall also be disclosed in other circumstances.

Disclosures are required to be made to the CEO in these circumstances –

- i) An employee who has an interest in any matter to be discussed at a Council or Committee meeting attended by the employee is required to disclose the nature of the interest –
    - in a written notice to the CEO before the meeting; and/or
    - at the meeting immediately before the matter is discussed.
  - ii) An employee who has given, or will give, advice in respect of any matter to be discussed at a Council or Committee meeting not attended by the employee is required to disclose the nature of any interest the employee has in the matter –
    - in a written notice given to the CEO before the meeting; and/or
    - at the time the advice is given.
  - iii) If in order to comply with the requirements of (i) or (ii) an employee makes a disclosure in a written notice given to the CEO before a meeting, then –
    - before that meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting;
    - immediately before a matter to which the disclosure relates is discussed at the meeting, the person presiding is to bring the notice and its contents to the attention of the persons present.
  - iv) If in order to comply with the requirements of the section –
    - the nature of an employee's interest in a matter is disclosed at a meeting; or
    - a disclosure is made at a meeting if it is realised that an employee has an interest in a matter that they had not previously realised was for discussion at that meeting; or
    - The presiding member brings to the attention of those present at the meeting a written disclosure; then the nature of the interest is to be recorded in the minutes of the meeting.
  - v) If during the course of discharging the requirements of their employment, an employee becomes aware of an interest or a potential interest, that interest or potential interest is to be disclosed in a prompt and full manner to the CEO and direction sought on the ability to continue to discharge the requirements of their employment in this case.
  - vi) If an employee is intending to engage in private work outside of their employment with the Shire, either with a person or body with an interest in a proposed or current contract with the local government, or if the arrangement could, or could reasonably be perceived to, either immediately or in the future, result in an interest for the employee arising in their employment with the Shire, the intention to engage in this work shall be disclosed in a prompt and full manner to the CEO and direction sought on the appropriateness of the arrangement.
- b) Gifts
- i) Employees are required to refrain from accepting a prohibited gift from a person who –
    - is undertaking or seeking to undertake an activity involving a local government discretion; or
    - it is reasonable to believe is intending to undertake an activity involving a local government discretion.



- ii) An employee is required to notify the CEO of the acceptance within 10 days of accepting the gift, when the gift is a notifiable gift from a person who –
- is undertaking or seeking to undertake an activity involving a local government discretion; or
  - it is reasonable to believe is intending to undertake an activity involving a local government discretion.

c) Confidential information

Confidential information must only be disclosed by an employee to another person to the extent that is necessary for the employee to do so in the performance of his or her duties.

Confidential information is that which is discussed during a meeting or that part of a meeting that is closed to members of the public in accordance with the provisions of the *Local Government Act 1995*, or that is in a document of the local government that is marked confidential, or any other information obtained during the performance of duties that could reasonably be considered to be confidential or of a sensitive nature.

Nothing in this section enables the disclosure of any confidential or sensitive information to any Council member or Committee member if the information does not directly relate to a confidential matter that is on the agenda for a meeting of the Council or the Committee, nor to any employee who is not empowered or required by virtue of their position in the organisation to have that information.

The handling of confidential or sensitive information is a significant responsibility for employees with authorised access to such information. Any imparting of such information must be undertaken in strict accordance with the requirements of this code. Where there is any doubt as to the requirements to impart confidential or sensitive information, caution is urged as any unauthorised disclosure of such information is considered a serious breach of the employee's responsibilities.

d) Use of local government resources

An employee shall make proper use of the Shire's resources and shall not use them for personal or private purposes, unless the use is otherwise provided for in a contract of employment, or authorized by the CEO by some other means.

It is acknowledged that minor incidental (not primary and not majority) use of certain resources will be provided for in operational requirements. An example of this would be to conduct an internet search or check a personal email account on a Shire computer during a designated break. This type of minor incidental use is provided for in the Shire's email and internet practice, whereby it is stated these facilities are for almost exclusive business use.

e) Relationships with Council members and Committee members

Employees are employed by and responsible to the CEO. While their direction, supervision and management is the sole responsibility of the CEO in accordance with Section 5.41(g) of the *Local Government Act 1995*, it is also recognised that the CEO has a responsibility to the Council to ensure employees provide it with relevant and quality advice.

Employees shall therefore be aware of their duty to, via the CEO, provide relevant and quality advice to the Council and Committee. They shall also act courteously and with due respect during their dealings with the Council, any Committee, any Council member or Committee member. It is expected

that employees will deal with each other, Council members and Committee members in an honest and respectful manner.

f) Administrative practices

As an overarching principle of employment, employees, in attending to their duties for the Shire in their required and normal hours of employment including approved overtime, shall give their full attention to their duties and requirements throughout that time to ensure that their work is carried out efficiently and effectively. Employees shall comply with any lawful and reasonable order given by any person having the authority to make or give such an order, noting the restrictions on elected members or Committee members in relation to directing local government employees. They will also give effect to the lawful decisions of the Council in a prompt and effective manner.

g) Record Keeping

Employees are required to comply, with the local government's adopted Record Keeping Policies and Procedures adopted and amended from time to time.

-END-

3.36pm Mrs Jean Knight declared a Financial and Impartiality Interest in Item 9.4.5 and left the meeting.

#### **9.4.5 Adoption of Policy – Appointing an Acting Chief Executive Officer\***

<b>Report Date</b>	23 March 2021
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	GR/5 – Governance – State Liaison
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Impartiality & Financial Interest
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	DRAFT Policy 1.19

#### **Purpose of Report**

Council is requested to adopt the DRAFT Policy 1.19 – Appointing an Acting Chief Executive Officer.

#### **Background**

The government has enacted new legislation requiring all local governments to adopt a policy that covers the process to be followed by the local government in relation to the following:

- a) The employment of a person in the position of CEO for a term not exceeding one (1) year;
- b) The appointment of an employee to act in the position for a term not exceeding one (1) year.

The *Local Government (Administration) Amendment Regulations 2021* (CEO Standards Regulations) bring into effect section 5.39C of the *Local Government Act 1995*.

#### **Consultation**

Nil

#### **Legislative Implications**

##### State

*Local Government Act 1995 section 5.39C and 5.36(2)*

*Local Government (Administration) Amendment Regulations 2021*

#### **Policy Implications**

There is no current policy for appointing an Acting CEO, however Council has delegated authority to the CEO for this process. This delegation is proposed to be repealed as it is no longer required if Council adopts this policy.

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

#### **Site Inspection**

Site inspection undertaken: Not applicable

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## Triple Bottom Line Assessment

### Economic implications

There are no known significant economic implications associated with this proposal.

### Social implications

There are no known significant social implications associated with this proposal.

### Environmental implications

There are no known significant environmental implications associated with this proposal.

## Officer Comment

The Department of Local Government, Sports & Cultural Industries has not produced any regulations that stipulate the form or content of the required policy.

There is an expectation that Council should adopt such a policy within a reasonable timeframe (no date has been set).

In the author's opinion, the current process for appointing an Acting Chief Executive Officer is mostly consistent with the new requirements, however it does need to be referenced in 'Policy', rather than being referenced in a delegation as what currently occurs.

## Officer Recommendation

That Council:

1. Pursuant to section 5.39C(1) of the *Local Government Act 1995*, adopt Policy 1.19 – Appointing an Acting Chief Executive Officer as attached to this report;
2. Repeal Delegation 1001 – Acting Chief Executive Officer;
3. Pursuant to 5.39C(4) of the *Local Government Act 1995*, request the Chief Executive Officer to publish the adopted Policy on the local government's official website, as soon as practicable.

## Resolution

### **MOTION 9691**

Moved                Cr AR Dickins  
Seconded           Cr KM McNeill

That Council:

1. Pursuant to section 5.39C(1) of the *Local Government Act 1995*, adopt Policy 1.19 – Appointing an Acting Chief Executive Officer as attached to this report;
2. Repeal Delegation 1001 – Acting Chief Executive Officer;
3. Pursuant to 5.39C(4) of the *Local Government Act 1995*, request the Chief Executive Officer to publish the adopted Policy on the local government's official website, as soon as practicable.

**CARRIED BY ABSOLUTE MAJORITY 8/0**

3.37pm Mrs Jean Knight entered the meeting.

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## 1.19 Appointing an Acting Chief Executive Officer

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Person Responsible:	Chief Executive Officer
History:	New

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**Policy** Pursuant to Section 5.37 of the *Local Government Act 1995*, and as per Policy 4.4, the following employees are designated as senior employees –

- a) Manager Corporate Services
- b) Manager Works and Services
- c) Manager Planning and Development Services

For the purposes of Section 5.36(2) of the *Local Government Act 1995*, Council has determined that employees that are appointed in one of the above positions are suitably qualified to be appointed as Acting Chief Executive Officer by the Chief Executive Officer, from time to time, when the Chief Executive officer is on periods of leave, subject to the following conditions:

1. The Chief Executive Officer is not an interim Chief Executive Officer or Acting in the position;
2. The term of appointment is no longer than twenty (20) consecutive working days;
3. That the employee's employment conditions are not varied other than the employee is entitled at the Chief Executive Officer's discretion, no greater than the salary equivalent to that of the Chief Executive Officer during the Acting period.

In the case of the unavailability of the Chief Executive Officer due to an emergency, the Manager Works and Services is automatically appointed as the Acting Chief Executive Officer for up to two (2) weeks from commencement, and continuation is then subject to determination by Council.

**Objective** To determine the process for appointing an Acting Chief Executive Officer.

**Guidelines** *Local Government Act 1995*

#### 9.4.6 Lease of Office – Badimia Banda Barna\*

<b>Report Date</b>	23 March 2021
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	GR/5 – Governance – State Liaison
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	DRAFT Lease

#### Purpose of Report

Council is requested to endorse the lease between Badimia Bandi Barna Aboriginal Corporation and the Shire of Dalwallinu for the use of the office at the Dalwallinu Discovery Centre for a period of two (2 years) with an option to renew for a further two (2) years.

#### Background

At the Ordinary Council Meeting held 28 April 2020, Council resolved the following:

##### **'MOTION 9542**

*Moved* Cr KL Carter

*Seconded* Cr KM McNeill

*That Council:*

1. Offer the vacant enclosure at the Dalwallinu Discovery Centre to the Badimia Bandi Barna Aboriginal Corporation for office space at a rate of \$50 per month until 31 December 2020, after this time a new formal lease is required to be negotiated and entered into;
2. Offer in-house assistance to the Badimia Bandi Barna Aboriginal Corporation with sourcing funding for projects;
3. Note the offer from the Badimia Bandi Barna Aboriginal Corporation to manage future projects on a fee for service basis.

**CARRIED 8/0'**

#### Consultation

Nil

#### Legislative Implications

State

*Local Government Act 1995 section 9.49a*

#### Policy Implications

Nil

#### Financial Implications

Nil

#### Strategic Implications

Nil



### Site Inspection

Site inspection undertaken: Not applicable

### Triple Bottom Line Assessment

#### Economic implications

There are no known significant economic implications associated with this proposal.

#### Social implications

There are no known significant social implications associated with this proposal.

#### Environmental implications

There are no known significant environmental implications associated with this proposal.

### Officer Comment

The previous lease with Badimia Bandi Barna Aboriginal Corporation expired on 31 December 2020. They have indicated that they wish to renew the lease for a further period of two (2) years with the option to renew for a further two (2) years.

### Officer Recommendation

That Council;

1. Endorse the lease between Badimia Bandi Barna Aboriginal Corporation and the Shire of Dalwallinu for the use of the office at the Dalwallinu Discovery Centre for a period of two (2) years with an option to renew for a further two (2) years at a rate of \$50 per month plus GST;
2. Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to documents pertaining to the above lease.

### Resolution

#### **MOTION 9692**

Moved            Cr KL Carter  
Seconded       Cr KM McNeill

That Council;

1. Endorse the lease between Badimia Bandi Barna Aboriginal Corporation and the Shire of Dalwallinu for the use of the office at the Dalwallinu Discovery Centre for a period of two (2) years with an option to renew for a further two (2) years at a rate of \$50 per month plus GST;
2. Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to documents pertaining to the above lease.

**CARRIED 8/0**





**LEASE FOR A PORTION OF THE DALWALLINU  
DISCOVERY CENTRE – Office**



This agreement is made the                      day of                      2021.

**BETWEEN**

SHIRE OF DALWALLINU a body corporate with perpetual succession constituted pursuant to the provisions of the *Local Government Act 1995* of PO Box 141, Dalwallinu WA 6609 (hereinafter referred to as 'the Shire') of one part

AND

**BADIMIA BANDI BARNA ABORIGINAL CORPORATION** incorporated pursuant to the provisions of the Associations Incorporation Act 1987 and amendments of PO Box 46, WUBIN WA 6612, (hereinafter referred to as 'the Association') of the other part

**WHEREAS** being a portion marked as Office 2 (as per plan at Appendix 1) of Lot 153 Reserve 16810 (hereinafter referred to as Dalwallinu Discovery Centre) located at Lot 153 Johnston Street, Dalwallinu, is to be leased to the Badimia Bandi Barna Aboriginal Corporation for a term of two (2) years with an option to renew for a further two (2) years.

**IT IS HEREBY AGREED** as follows:

1. The Shire agrees to lease and the Association agrees to take a portion of the Dalwallinu Discovery Centre with all other Shire's fixtures and fittings now and hereafter upon or used in connection with the Dalwallinu Discovery Centre or belonging thereto all of which premises with all additions, alterations and improvements thereto are throughout this agreement called 'the said premises' for the term of two (2) years.
2. The rent of \$55.00 (inc GST) per month payable in advance to the Shire at the Shire's address aforesaid. The first such monthly payment is to become payable on signing of this document and payments thereafter becoming due and payable on the same day of each month during the said term of the lease.
3. The Association covenants and agrees with the Shire as follows:
  - a) To pay the rent stated at Point 2 in the manner aforesaid without abatement or deduction;
  - b) During the term and for so long as the Association remains in possession or occupation of the premises, is to maintain, replace, repair, clean and keep the premises clean and in good and substantial repair, order and condition having regard to the age of the premises at the date of commencement provided that:
  - c) This subclause shall not impose on the Lessee any obligation in respect of any structural maintenance, replacement or repair except when rendered necessary by an act, neglect, default or omission on the part of the Association or its employees, agents, contractors or invitees or by the Association's particular use or occupancy of the premises;
  - d) All electric globes and fluorescent tubes in the premises which may be damaged, broken or fail for any reason shall be replaced by the Association at its expense;
  - e) To keep the said premises free from rubbish;
  - f) Not to paint, write, exhibit or placard in or about or affix to the said premises any trade, business, professional or advertising notice except of such nature and in such manner as shall have been approved of in writing by the Shire.

- g) At its own expense, to keep and maintain the said premises including any passageways enjoyed therewith, well cleansed and drained and in good sanitary condition and not to carry on or permit or suffer to be carried on thereon any noxious or offensive or unlawful trade or business and not to do or leave undone or suffer to be done or left undone any act, matter or thing whereby a nuisance or anything which may be deemed a nuisance or dangerous or may be or grow to the annoyance, damage or disturbance of adjoining occupiers or owners may exist, arise or continue upon or in connection with the said premises and forthwith to cease and abate any such nuisance or alleged nuisance, annoyance damage or disturbance;
- h) Not without the previous consent of the Shire in writing first had and obtained, to make or suffer to be made any alterations or additions to the said premises or the construction or arrangement thereof, not to cut, maim or injure nor suffer to be cut, maimed or injured any of the roofs, walls, partitions, timbers or floors or fixtures thereof;
- i) Not to assign, transfer, mortgage, charge, sublet or otherwise part with the possession of the said premises or any part thereof for all or any of the said term to any person or persons whatsoever without the previous consent in writing of the Shire for that purpose in each instance;
- j) To permit a Shire representative or any other person authorised by the Shire at all reasonable times to enter upon the said premises in order to view the condition thereof and upon notice in writing from the Shire, to remedy any way of reparation or otherwise comply with any obligation compulsory upon the Association and herein expressed;
- k) To use the said premises for the purposes of an **office** facilitated by the Association;
- l) The said premises does not cover contents insurance for the Association;
- m) To effect and keep in force at all times during the continuance of this Lease in the names of the Shire and the Association for their respective rights and interests, a public risk insurance policy for not less than ten million dollars (\$10,000,000), against all claims of every nature or injury (including death), damage or loss suffered or alleged to have been suffered by any person whomsoever arising out of the presence of any such person or property on the said premises and to pay all premiums and sums of money necessary for keeping on foot such insurance as and when the same shall become payable and to deliver to the Shire the policy of such insurance on an annual basis;
- n) To indemnify the Shire and keep the Shire indemnified from and against all claims, demands, writs, summonses, actions, suits, proceedings, judgements, orders, decrees, damages, costs, losses and expenses of any nature whatsoever which the Shire may suffer or incur in connection with loss of life, personal injury or damage to property arising from or out of any occurrence in upon or at the said premises or the use by the Association of the said premises or any part thereof or to any person or the property of a person using or entering or near any entrance to the said premises or occasioned (whatsoever it may occur) wholly or in part by any act, neglect, default or omissions by the Association, its agents, contractors, servants, workmen, customers, members or any other person or persons using or upon the said premises with its consent or approval expressed or implied;

Any notice requiring to be served, given or made under this agreement shall be sufficiently served on the Association if addressed to the Association and left at or posted by registered letter addressed to the Association at its address aforesaid shall be deemed served two (2) days after having been posted;

That if the Association with the consent of the Shire remain in possession after expiration of the said term or any extension thereof, the Association shall so remain as a tenant from week to week on the like terms and conditions as in this agreement so far as applicable to a weekly tenancy (and with the express exception of any option of renewal) and at such a weekly rental as shall be determined and in

default of determination prior to the expiration on one (1) week after the expiration of the said term or any extension thereof at a rental each week proportionate to the rental payable immediately prior to the termination of the term aforesaid or any extension thereof;

At the expiration or sooner determination of the term hereby granted or any extension or renewal thereof all additions, alterations, extensions to all buildings, erections and improvements now or hereafter during the said term or any extension or renewal thereof erected or made on the said premises shall belong to the Shire free of all claims by the Association;

And the Shire to the intent to bind the said premises and the register proprietors thereof for the time being but no so as to render the Shire personally liable in damages except for its own acts and defaults while it remains the Lessor of the said premises hereby agrees with the Association that the Association duly paying rent hereby reserved and performing and observing the agreement by the Association herein contained shall peaceably and quietly hold and enjoy the said premises during the said term and any extension without any interruption by the Shire or any persons or persons rightfully claiming under on in trust for it.

The covenants by the Association contained in this agreement to pay the rent and make the payment referred to in Clause 2 hereof at or within the times and in the manner herein provided shall be an essential item of this agreement. Without prejudice to any other right or remedy of the Shire expressly or impliedly contained in this agreement or at law or in equity the breach of any covenant by the Association to pay the rent or any part thereof or to make the said payments or any parts thereof at the time and in the manner herein provided causing the determination of this agreement by the Shire shall entitle the Shire to recover from the Association as and by way of liquidated damages for such breach the aggregate of the rent and other moneys including the balance then due in terms of Clause 2 hereof plus interest as provided herein which would have been payable by the Association for the residue of the term after such determination less the aggregate of the rent and other moneys which the Shire may using reasonable endeavours have obtained or be likely to obtain by re-letting the said premises for the residue of the term after such determination.

The parties agree that the Lessee/Lessor can terminate the lease before the expiry of the term provided that the Lessee/lessor gives the other party written notice of at least one (1) month from the date of early termination of the lease (break date).

In this clause:

- a) 'GST' refers to goods and services under the *Goods and Services Act 1999* and the terms used have meanings as defined in the GST Act;
- b) It is agreed that rent and all other amounts agreed to be paid by the Lessee to the Lessor, being the consideration for the supply expressed in this lease, are inclusive of GST;
- c) In respect of any liability of the lessor for GST under this lease, and the renewal or extension of this lease, including for rent, rates, outgoings, or any consideration for any other taxable supply;  
The Lessee covenants to pay to the Lessor at the same time as any payment is made involving the lessor in GST liability, the additional amount of GST, together with the payment to which it relates
- d) The Lessee's liability under (3) is to reimburse the full amount of GST, disregarding and excluding the Lessor's entitlement to input tax credits which the Lessor's entitlement to input tax credits or other credits or reimbursements for GST;

- e) If the Lessor is entitled to an input tax credit in relation to any amount recoverable from the Lessee under (3), the amount payable by the Lessee shall be reduced by the amount of the input tax credit which the Lessor has received or claims and is entitled to receive;
- f) In respect of each payment by the Lessee under (3), the Lessor agrees to deliver to the Lessee, as required under the GST ACT, tax invoices in a form which complies with the GST Act, and the regulations, to enable the Lessee to claim input tax credits in respect of the taxable supply.

DRAFT

**SIGNING PAGE**

**EXECUTED**

**THE COMMON SEAL of the  
SHIRE OF DALWALLINU**

Was hereunto affixed by authority of  
a resolution of Council and in the presence of

---

**SHIRE PRESIDENT  
STEVEN CLIFFORD CARTER**

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**CHIEF EXECUTIVE OFFICER  
JEAN MAREE KNIGHT**

Executed By  
**Badimia Bandi Barna Aboriginal Corporation**

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CHAIRPERSON

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SECRETARY

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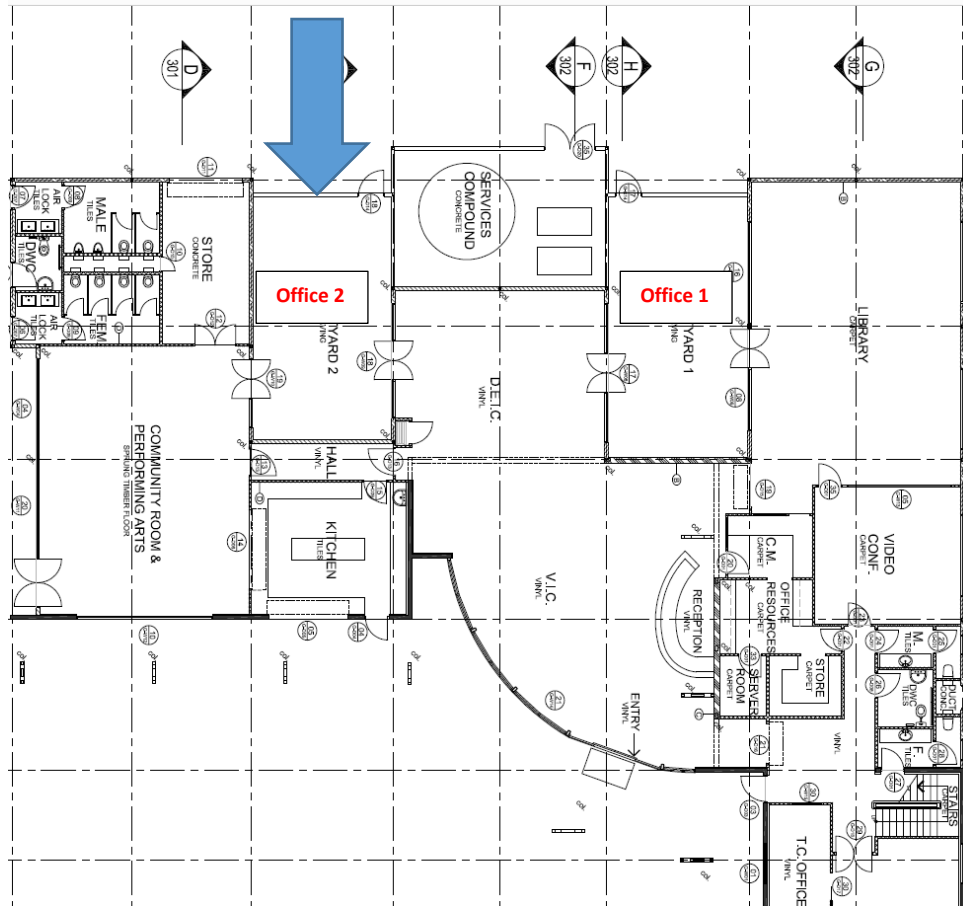
FULL NAME

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FULL NAME

## APPENDIX A

### PLAN OF DALWALLINU DISCOVERY CENTRE



3.42pm Mrs Jean Knight declared a Financial Interest in Item 9.4.7 and left the meeting.

#### **9.4.7 Annual Leave – Chief Executive Officer**

<b>Report date</b>	23 March 2021
<b>Applicant</b>	Shire of Dalwallinu
<b>File ref</b>	PE/139 – Personnel File
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Financial Interest
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	Nil

#### **Purpose of Report**

Council is requested to note the dates for the Chief Executive Officer's approved annual leave.

#### **Background**

At the Ordinary Meeting of Council held 20 December 2016, Council authorised the Shire President to approve all future leave requests for the Chief Executive Officer.

#### **Consultation**

Shire President

#### **Legislative Implications**

Nil

#### **Policy Implications**

##### Local

New Council Policy 1.19 – Appointing an Acting Chief Executive Officer

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

#### **Site Inspection**

Site inspection undertaken: Not applicable

#### **Triple Bottom Line Assessment**

##### Economic implications

There are no known significant economic implications associated with this proposal.

##### Social implications

There are no known significant social implications associated with this proposal.

##### Environmental implications

There are no known significant environmental implications associated with this proposal.



### **Officer Comment**

As at 19 March 2021, the Chief Executive Officer had forty seven (47) annual leave days accrued. This request is for five (5) days.

The Shire President has approved the Chief Executive Officer's leave for Tuesday 6 April 2021 to Monday 12 April 2021 being a total of five (5) days.

Mr Will Taylor, Manager Works & Services will be Acting Chief Executive Officer during this period of leave.

In addition, the Officer has submitted a request to the Shire President to cash out twenty (20) days annual leave to reduce the annual leave liability.

### **Officer Recommendation**

That Council:

1. Notes the Chief Executive Officer's approved annual leave from Tuesday 6 April 2021 to Monday 12 April 2021;
2. Notes that Mr Will Taylor (Manager Works & Services) will be the Acting Chief Executive Officer during the period of leave above.

### **Resolution**

#### **MOTION 9693**

Moved Cr Dickins

Seconded Cr McNeill

That Council:

1. Notes the Chief Executive Officer's approved annual leave from Tuesday 6 April 2021 to Monday 12 April 2021;
2. Notes that Mr Will Taylor (Manager Works & Services) will be the Acting Chief Executive Officer during the period of leave above.

**CARRIED 8/0**

3.43pm Mrs Jean Knight entered the meeting.





**10 APPLICATIONS FOR LEAVE OF ABSENCE**  
Nil

**11 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED**  
Nil

**12 QUESTIONS FROM MEMBERS WITHOUT NOTICE**  
Nil

**13 NEW BUSINESS OF AN URGENT NATURE (INTRODUCED BY DECISION OF THE MEETING)**  
Nil

**14 MEETING CLOSED TO THE PUBLIC – CONFIDENTIAL BUSINESS AS PER LOCAL GOVERNMENT ACT, 1995, SECTION 5.23(2)**  
Nil

**15 SCHEDULING OF MEETING**  
The next Ordinary Meeting of Council will be held on 27 April 2021 at the Shire of Dalwallinu Council Chambers, Dalwallinu commencing at 3.30pm.

**16 CLOSURE**  
There being no further business, the Chairperson closed the meeting at 3.45pm.

**17 CERTIFICATION**  
I, Steven Clifford Carter, certify that the minutes of the Ordinary Council meeting held on the 23 March 2021, as shown on page numbers 1 to 465 were confirmed as a true record at the meeting held on 27 April 2021.

  
CHAIRPERSON

27/5/2021  
DATE

