



COUNCIL POLICY MANUAL

Updated 6 December 2023

(NPP232382)

TABLE OF CONTENTS

Policy Number	Policy Name	Page No
ELECTED MEMBER POLICIES		
1.1.1	Elected Members Entitlements	5
1.1.2	Elected Member Communication	11
	Management Procedure – Elected Member Communication	14
1.1.3	Communication between Elected Members and Staff	17
	Management Procedure – Communication between Elected Members and Staff	18
1.1.4	Code of Conduct for Council Members, Committee Members and Candidates	19
1.1.5	Elected Member Training and Professional Development	25
1.1.6	Elected Member and CEO Attendance at Events	28
1.1.7	CEO Standards for Recruitment, Performance and Termination	31
1.1.8	Code of Conduct Behaviour Complaints Management	38
ADMINISTRATION POLICIES		
1.2.1	Records Management	47
1.2.2	Risk Management	48
	Management Procedure – Risk Management	52
1.2.3	Legal Representation – Costs Indemnification	70
	Management Procedure – Legal Representation – Costs Indemnification	71
1.2.4	Temporary Employment or Appointment of CEO	75
1.2.5	Work Health and Safety	78
1.2.6	Gratuities	80
	Management Procedure – Gratuities	83
1.2.7	REVOKED Discrimination, Harassment and Bullying	-
1.2.8	Information, Communication and Technology (ICT)	85
1.2.9	Prequalified Suppliers	90
	Management Procedure – Prequalified Suppliers	91
1.2.10	Access and Inclusion	93
1.2.11	Accessible Information	94
1.2.12	Reasonable Adjustment	95
1.2.13	Christmas Period Closure	97
1.2.14	Public Interest Disclosures	98
	Management Procedure – Public Interest Disclosures	101
1.2.15	Use of Common Seal	111
1.2.16	Fraud and Misconduct Management	115
FINANCE POLICIES		
1.3.1	Purchasing	121
1.3.2	Asset Management	132
	Management Procedure – Asset Management	133

1.3.3	Investment of Surplus Funds	136
	Management Procedure – Investment of Surplus Funds	137
1.3.4	Significant Accounting Policies	141
1.3.5	Corporate Credit Card	142
	Management Procedure – Corporate Credit Card	143
1.3.6	Related Parties Disclosure	151
	Management Procedure – Related Parties Disclosure	153
1.3.7	Regional Price Preference	164
1.3.8	Employee Superannuation	166
1.3.9	Debt Collection	167
1.3.10	Fees and Charges	169
	Management Procedure – Fees and Charges	171
1.3.11	Financial Hardship	174
COMMUNITY POLICIES		
1.4.1	Community Engagement	177
	Management Procedure – Community Engagement	178
1.4.2	Supporting the Community	182
1.4.3	Community Bus Hire	186
1.4.4	Child Safe Awareness	188
WORKS POLICIES		
1.5.1	Road Building Material Acquisitions	191
	Management Procedure – Road Building Material Acquisitions	192
1.5.2	Road Closure	195
1.5.3	Crossovers	197
1.5.4	Rural Road Verge Vegetation Management	216
LOCAL PLANNING POLICIES		
LPP01	Outbuildings	220
LPP02	Heritage List	223



FOREWORD

Introduction

The Local Government Act 1995 empowers Council in the determination of policy under section 2.7 Role of Council - "(2)(b) determine the local government's policies."

In simple terms policy provides guidance as to what is to be done, procedures provide how it is to be done and delegation provides who can do it.

This manual contains both Council and Shire (Operational) Policies to guide both its direction and operation. It is to be used in conjunction with the:

- I. Shire of Mingenew Delegation Register; and the
- II. Shire of Mingenew Procedure Manual.

Policies within this manual are expressed in broad terms to achieve flexibility within Shire procedures whilst still allowing for good governance.

Definitions

The Shire of Mingenew has defined policy as:

A guiding statement intended to influence decisions and action.

Document Control

Document Control			
Document Name:	Council Policy Manual		
Document Owner:	Governance & Community Manager		
File Number:	CM.POL.1		
Record Number:	NPP232382		
Status of Document:	Reviewed 2023		
Location:	M:\Governance\Policy Manual\Policy Manual (NPP232382) current at 6 December 2023.docx		
Distribution:	Public Document		
Document Revision History			
Version	Author	Version Description	Date Completed
NPP191138	Governance Officer	Combined new/amended policies	17 July 2019
NPP201237	Governance Officer	Combined various new/amended policies	18 December 2019
NPP201316	Governance Officer	Combined new/amended policies	15 April 2020
NPP201409	Governance Officer	Combined new policies	22 July 2020
NPP222127	GCM	Combined to incorporate updated policies	19 October 2022
NPP232382	GCM	Combined to incorporate updated policies	11 December 2023

COUNCIL POLICY
Elected Members

1.1.1

Title:	1.1.1 ELECTED MEMBERS ENTITLEMENTS
Adopted:	20 February 2018
Last Reviewed:	6 December 2023 (amended)
Associated Legislation:	Sections 2.25, 5.98, 5.98A, 5.99, 5.99A and 5.100A of the Local Government Act 1995. Regulations 30, 31, 32 and 34AC of the Local Government (Administration) Regulations 1996 Salaries and Allowances Act 1975
Associated Documents:	
Review Responsibility:	Chief Executive Officer
Delegation:	-

Previous Policy Number/s 1004, 1005, 1006, 1.1.1

Objective:

The Shire of Mingenew's Elected Members are required to carry out certain functions and responsibilities under the Local Government Act. In order to assist in the facilitation of their roles this policy details the entitlements that Elected Members may be provided with in order to be effective in their role.

Policy Statement:

In recognition of the complexity and demands on Elected Members in undertaking their role, the Shire of Mingenew is committed to ensuring adequate funding is included within the Annual Budget to allow for

- a) Elected Member compensation and reimbursement;
- b) The provision of appropriate facilities, equipment, material and information to support professional development; and
- c) Acknowledgement of service.

1. Payment of Fees and Allowances

1.1 Annual Meeting Attendance Fees in lieu of Council Meeting and Committee Meeting Attendance Fees:

- a) In lieu of paying the *President* meeting attendance fee for each prescribed meeting, the Shire will pay a percentage (not less than 33%) of the maximum annual attendance fee set by the Salaries and Allowances Tribunal through a determination published in the Government Gazette from time to time. The amount to be paid will be set by Council as part of the adoption of the Annual Budget.
- b) In lieu of paying *Councillors* a meeting attendance fee for each prescribed meeting, the Shire will pay a percentage (not less than 40%) of the maximum annual attendance fee set by the Salaries and Allowances Tribunal through a determination published in the Government Gazette from time to time. The amount to be paid will be set by Council as part of the adoption of the Annual Budget.
- c) Payments will be made quarterly in arrears on a pro-rata basis throughout the annual period.

1.2 Annual Local Government Allowances — President and Deputy President:

- a) The Shire will pay an Annual Local Government Allowance for the President that is a percentage (not less than 37%) of the maximum set by the Salaries and Allowances Tribunal through a determination published in the Government Gazette from time to time. The amount to be paid will be set by Council as part of the adoption of the Annual Budget.
- b) The Shire will pay an Annual Local Government Allowance for the Deputy President that is equivalent to 25% of the President's Allowance.
- c) Payments will be made quarterly on a pro-rata basis throughout the annual period.

1.3 Meeting fees for Independent Members

Independent members will be paid a per meeting fee based on the maximum threshold provided for in the Determination set by the Salaries and Allowances Tribunal (SAT).

1.4 Expenses to be Reimbursed

Council members may be reimbursed for the following expenses in accordance with s5.98 of the *Local Government Act 1995* and as prescribed under Regulation 31(1) of the *Local Government (Administration) Regulations 1996*, (subject to provision of a tax invoice / receipt and a signed Expenses Claim form):

- Rental charges incurred in relation to one telephone and one facsimile machine; and
- Child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which they are a member.

The extent to which a council member can be reimbursed for these expenses is outlined in s8.2 Extent of Expenses to be Reimbursed of the Determinations the Salaries and Allowances Tribunal (SAT) for Local Government Chief Executive Officers and Elected Members.

1.5 Conditions of Payment

- a) All allowances and fees shall be paid automatically into a nominated bank account unless an Elected Member has advised the Chief Executive Officer (CEO), in writing, that he/she does not want to claim any or part of those fees and allowances.
- b) If an Elected Member advises that he/she does not want all or part of the fees and allowances to which he/she is entitled, any subsequent request for full or additional payment will not be back paid but accrued from the date of the CEO receiving such a request.

1.6 Information, Communication and Technology (ICT) Equipment & Use

- a) The following equipment will be issued to Elected Members upon commencement of role:
 - (i) A mobile device with keyboard or equivalent technology and inclusive of a data SIM Card.
- b) *Conditions*
 - (i) Any damage or loss of the equipment during that time caused by negligence or improper use is the responsibility of the Elected Member to repair and fund or replace. This may include the payment of any insurance excess where applicable.
 - (ii) The equipment is strictly to be used for Shire purposes only including, researching Council related matters, Shire-approved social media, Shire related

- pictures or filming, receiving and despatching email correspondence, diary requests and Council meeting agendas.
- (iii) The CEO, if requested, may provide assistance to Elected Members with user training and support.
 - (iv) All information on Shire issued equipment is subject to Freedom of Information requests.
 - (v) All Councillor's will receive an @mingenew.wa.gov.au email address which is to be used for all Shire related correspondence.
 - (vi) All emails received and sent through the @mingenew.wa.gov.au email account are to be captured in the Shire's Record Keeping System.
 - (vii) Any costs associated with upgrades or additional requirements over and above the standard equipment being offered should be met by the Elected Member.
- c) An Elected Member who incurs an ICT expense, as defined by the SAT, is entitled to be reimbursed for that expense up to \$100.00 per claim, provided sufficient evidence is submitted. As such, the Shire will not pay an ICT Annual Allowance.
 - d) At the end of the operational life of any mobile devices issued to Elected Members or where they are being replaced with updated versions, Elected Members have the opportunity to purchase the obsolete device at market value.

2. Parental leave

Pursuant to s.2.25(5B) of the *Local Government Act 1995*, council members are entitled to parental leave when themselves, or their spouse or de facto partner, either:

- Gives birth
- Adopts a person under 16 years of age
- Becomes the guardian or foster parent of a person under 16 years of age.

A council member is entitled to 6 months of parental leave beginning on the day on which the council member, or their spouse or de facto partner gives birth, adopts or becomes a guardian or foster parent.

The Act does not allow for the period of parental leave to be deferred to a later date.

The period of parental leave can be less than 6 months if desired.

A council member does not need to apply for a leave of absence for their entitlement to take effect.

Note: While an Elected Member is on parental leave, their office on council is not to be counted when determining quorum for a meeting.

3. Attendance at Conferences and Training within Australia

- a) Council will determine, as part of the annual budgetary process, the Annual Conference and Training budget, which is to be in addition to costs associated with attendance at the annual West Australian Local Government Association (WALGA) Convention.

- a) All fees associated with a training event or conference, including travel, meals and accommodation expenses and course fees etc will be covered by the Shire, to the extent listed in clause 2.3. Supporting evidence must be provided.
- b) Travel for any prescribed meeting (as prescribed in 30(3A) of the LG Regulations) or community consultation will be reimbursed by the Shire provided sufficient evidence is submitted.

3.1 3.1 Community and other Consultation

- a) In order for Councillors to consult with communities in an official Shire capacity outside the Mingenew townsite, and in the case of a Council vehicle not being available (private vehicle used) the Shire will reimburse associated vehicle costs at the rate set by the Salaries and Allowances Tribunal through a determination published in the Government Gazette from time to time. Additionally, accommodation and meals will be paid by the Shire or reimbursed at cost.

3.2 Support Activities

- a) The Shire will pay all reasonable costs for Elected Members that are charged by organisers for support activities, including those costs relating to official luncheons, dinners and tours/inspections that are relevant to the conference and training event.

3.3 Extent of Expenses to be reimbursed

- a) The Shire will reimburse all accommodation costs associated with training and conferences providing the nightly rate is fair and reasonable.
- b) An Elected Member attending a Conference and Training event is entitled to be reimbursed for 'normally accepted' living costs while travelling. Such living costs are to be reimbursed in accordance with the Salaries and Allowances Tribunal through a determination published in the Government Gazette from time to time and include, but are not limited to:
 - meals and refreshments for the Elected Member (that are not covered by the conference and Training registration costs);
 - dry-cleaning and laundry expenses; and
 - reasonable telephone, internet and facsimile charges.
- c) Elected Members will generally not be reimbursed for the cost of meals or refreshments for other people with the exception of an accompanying person as specified in 2.8 of this policy.
- d) Expenses will generally be reimbursed from the time an Elected Member leaves home to attend an event to the time the Elected Member returns home. Should an Elected Member extend a visit by leaving prior to the time necessary to arrive for the event or return after the time at which the Elected Member could have returned following the event, reimbursements will be paid:
 - for the days of the Conference and Training event only; and
 - for the cost of travel to and from the event or airport to the accommodation to be used for the Conference and Training.
- e) The extent to which an Elected Member can be reimbursed for intrastate and interstate travel and accommodation costs incurred in any of the circumstances referred to in regulation 32(1) of the Regulations is set by the Salaries and Allowances Tribunal through a determination published in the Government Gazette from time to time.

- f) Costs of taxi fares, ride-share services, vehicle hire and parking, which are reasonable, required and incurred in attending Conferences and Training, will be reimbursed by the Shire in accordance with Salaries and Allowances Tribunal through a determination published in the Government Gazette from time to time.
- g) All reimbursements require substantiation with details of the date, activity attended, the actual costs incurred, and original receipts being provided and attached to the claim form.
- h) Should an Elected Member withdraw their registration from a conference or training course past the last cancellation date, any costs incurred by Council that cannot be recouped from event organisers or recovered through insurance shall be reimbursed to Council by that Elected Member.

3.4 Air Travel

- a) All air travel must be economy class, any upgrades to other classes must be paid by the elected member.

3.5 Elected Member/Delegate Accompanying Person

- a) Where an Elected Member is accompanied at a conference or training event, all costs incurred by the accompanying person, including, but not limited to, travel, breakfast, meals, registration and/or participation in any event programs, are to be borne by the Elected Member / accompanying person and not by the Shire.
- b) The exception to the above being the cost of attending any official conference/training event dinner where partners would normally attend as well as accommodation costs associated with a shared room with the Elected Member, where such costs are not above a room rate for the Elected Member alone.
- c) Where the Shire meets an account containing any expenditure or cost incurred on behalf of the accompanying person attending, such expenditure must be repaid to Shire by the Elected Member / accompanying person within 30 days of being invoiced for such expenditure following the conclusion of the conference / training event.

3.6 Loyalty Rewards or Bonus Points

Consistent with the principle of not using public expenditure for private advantage, where travel and accommodation bookings or associated bookings are made and carry loyalty rewards or bonus points, they should not be personally claimed or used for private purposes. They may be used only for further official purposes.

4. Other Entitlements

4.1 Acknowledgement of Service

- a) Council will, upon retirement of Elected Members, acknowledge their service through the provision of an appropriate gift. The value of any gift provided to a retiring Elected Member is limited to the prescribed amount set out below and is in accordance with Regulation 34AC of the Local Government (Administration) Regulations 1996.
 - (i) Up to 4 years' service:
A certificate of appreciation
 - (ii) Greater than 4 years and up to and including 8 years of service:
A gift up to the value of \$200
 - (iii) Greater than 8 years and up to and including 12 years of service:

- A gift up to the value of \$300
- (iv) Greater than 12 years of service:
 - \$300 plus \$25 per year of service to the maximum value of \$1,000.
 - a) Recognition will not take the form of a cash payment.
 - b) In the event that a sitting or retiring Councillor has performed an extensive range of functions on behalf of the municipality and the community which are beyond that normally associated with a Councillor's day to day duties, the Council may at its discretion grant the title of "Honorary Freeman of the municipality".

COUNCIL POLICY
Elected Members

1.1.2

Title:	1.1.2 ELECTED MEMBER COMMUNICATIONS
Adopted:	21 March 2018
Reviewed:	6 December 2023 (amended)
Associated Legislation:	State Records Act 2000 Freedom of Information Act 2000 Local Government Act 1995 Local Government (Model Code of Conduct) Regulations 2021
Associated Documents:	Shire of Mingenew Code of Conduct for Council Members, Committee Members & Candidates Shire of Mingenew Freedom of Information Statement Shire of Mingenew Recordkeeping Plan Shire of Mingenew Records Management Policy
Review Responsibility:	Governance & Community Manager
Delegation:	

Previous Policy Number/s 2003, 2014.

Objective:

To provide a policy position in respect to the expectation of Elected Members when engaging in communications, whether verbal, written, electronic or via social media, as an Elected Member of the Shire of Mingenew and, in some circumstances, a personal capacity.

Policy Statement:

The Shire of Mingenew supports and implements good governance practices and applies these principals to the appropriate use of, and access to communication systems and information managed and retained by the Shire.

As such, it is the Shire's position that communications made on behalf of the Shire or Council, should be appropriately coordinated to ensure quality and consistency of information is disseminated, and to provide the community and Shire stakeholders with opportunities to be informed, participate, engage and contribute to the decisions made by Council on issues that affect them. In addition, communication should be carried out with regard to the Shire's Code of Conduct, the Local Government Act 1995 and the Local Government (Model Code of Conduct) Regulations 2021.

Any breach of this Policy may also be considered a breach of the Shire of Mingenew Code of Conduct.

- d) maintain the confidentiality of information that has been assigned that status, until the status is removed by either a decision of Council or advice from the CEO;
 - e) ensure that information relating to quasi-judicial decisions (for example: approvals, licences and permits) is communicated only in an official capacity by an authorised employee;
 - f) ensure that information concerning adopted policies, procedures and decisions of the Shire if conveyed accurately; and
 - g) be undertaken in a manner that promotes understanding, participation, accountability and responsibility.
- c) When speaking to the media, the President or delegated spokesperson may only represent the official view of the Shire, having regard to the guidance above and the Shire's Code of Conduct, the Local Government Act 1995 and the Local Government (Model Code of Conduct) Regulations 2021.

2. 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 they were intended to be made public or not.
- b) Therefore, on the basis that personal or private communications may be shared or become public at some point in the future, Elected Members, External Committee Members and Employees must ensure that their personal and private communications do not breach the requirements of this Code of Conduct and for Elected Members, the Local Government (Model Code of Conduct) Regulations 2021. Defamatory, disrespectful or deliberately misleading commentary provided on these platforms may bring staff or Councillors in breach of Council's Code of Conduct.
- c) Elected Members when using personal social media must not:
 - I. Disclose confidential information gained through the course of their duties.
 - II. Adversely reflect on Elected Members, Employees or a Council/Committee decision.
 - III. Compromise public confidence in the Council or Shire
 - IV. Ensure that no copyrighted or trademarked material is published without permission.
 - V. Use an official work email address, or anything else that connects the Elected Member to Council or the Shire.
 - VI. Use external social media tools for Council business related internal communications, excluding corporate networks such as SharePoint and Skype.

3. Correspondence

- a) Each Elected Member is to be provided with a Shire of Mingenew email address and this email must be used for all electronic correspondence between the community, stakeholders and the Elected Member when it relates to the business of the Shire.
- b) Correspondence generated and received by Elected Members, including electronic correspondence, that relates to the business of the Shire is subject to State Records Act 2000, the Shire's Records Management Policy and Recordkeeping Plan, and as such must be retained within the Shire's corporate recordkeeping system.

4. Access to Information

- a) Access to corporate information by Elected Members is managed in accordance with section 5.92 of the Local Government Act and the Shire's Freedom of Information Statement.
- b) Elected Members who wish to view records outside of those records detailed within s5.92 of the Local Government Act 1995 and the Shire's Freedom of Information Statement, must demonstrate to the Chief Executive Officer the relevance of the information to their performance as an Elected Member. Should approval be granted, the Chief Executive Officer will determine the manner in which access is permitted.

5. Local Government Elections

- a) During a Local Government election period some communications including electronic and social media may fall into the category of 'election material'. Election material is any material which is published in any format which is intended to affect the result of the election. All election material must contain the name and the address of the person who authorises the material. Therefore, any communications including social media and email, which may in some way comment on candidates or Council during an election campaign must meet the requirements of the Local Government Act 1995 and associated Regulations (Local Government (Elections) Regulations 1997).

1.1.2 ELECTED MEMBERS COMMUNICATIONS MANAGEMENT PROCEDURE

Relevant Council Policy

1.1.2 Elected Members Communications

Adoption Date: 16 March 2018- CEO

Appendix:

Relevant CEO Directive

N/A

Review: Biennial

Objective:

To guide persons when engaging in communications, whether verbal, written, electronic or via social media, as an Elected Member of the Shire of Mingenew and, in some circumstances, a personal capacity.

Policy Statement:

The Shire of Mingenew supports and implements good governance practices and applies these principals to the appropriate use of, and access to communication systems and information managed and retained by the Shire.

As such, it is the Shire's position that communications made on behalf of the Shire or Council, should be appropriately coordinated to ensure quality and consistent information is disseminated and to provide the community and Shire stakeholders with opportunities to be informed, participate, engage and contribute to the decisions made by Council on issues that affect them. In addition, communication should be carried out with regard to the Shire's Code of Conduct, the Local Government Act 1995 and the Local Government (Model Code of Conduct) Regulations 2021.

Any breach of this Policy may also be considered a breach of the Shire of Mingenew Code of Conduct.

Legislative Provisions:

- a) State Records Act 2000 requires that all correspondence, including email, relating to the business of the Shire and the Council must be retained in the official records of the Shire.
- b) Section 2.8(1)(d) and 5.41(f) of the Local Government Act 1995, provides that only the Mayor/President may speak on behalf of the Shire (or the CEO if authorised by the President to do so).
- c) Freedom of Information Act 2000 requires preservation of correspondence and its availability for Freedom of Information purposes.
- d) Section 5.93 of the Local Government Act 1995 provides that an Elected Member (in addition to employees) must not make improper use of any information acquired.
- e) Regulation 6 of the Local Government (Model Code of Conduct) Regulations 2021 provides for Elected Members to maintain confidentiality.

Procedures:

1. Media Relations

- a) In accordance with the Local Government Act 1995, the President only, can speak on behalf of the Shire, or if authorised by the President, the Chief Executive Officer.
- b) Communications must:
 - a) respect the decision-making processes of the shjre;
 - b) be accurate, polite and professional;
 - c) refrain from publicly criticising whether an Elected Member, a Committee member or an employee in a way that casts aspersions on their competence or credibility;

- d) maintain the confidentiality of information that has been assigned that status, until the status is removed by either a decision of Council or advice from the CEO;
 - e) ensure that information relating to quasi-judicial decisions (for example: approvals, licences and permits) is communicated only in an official capacity by an authorised employee;
 - f) ensure that information concerning adopted policies, procedures and decisions of the Shire is conveyed accurately; and
 - g) be undertaken in a manner that promotes understanding, participation, accountability and responsibility.
- c) When speaking to the media, the President or delegated spokesperson may only represent the official view of the Shire, having regard to the guidance above and the Shire's Code of Conduct, the Local Government Act 1995 and the Local Government (Model Code of Conduct) Regulations 2021.

2. 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 they were intended to be made public or not.
- b) Therefore, on the basis that personal or private communications may be shared or become public at some point in the future, Elected Members, External Committee Members and Employees must ensure that their personal and private communications do not breach the requirements of this Code of Conduct and for Elected Members, the Local Government (Model Code of Conduct) Regulations 2021. Defamatory, disrespectful or deliberately misleading commentary provided on these platforms may bring staff or Councillors in breach of Council's Code of Conduct.
- c) Elected Members when using personal social media must not:
 - I. Disclose confidential information gained through the course of their duties.
 - II. Adversely reflect on Elected Members, Employees or a Council/Committee decision.
 - III. Compromise public confidence in the Council or Shire
 - IV. Ensure that no copyrighted or trademarked material is published without permission.
 - V. Use an official work email address, or anything else that connects the Elected Member to Council or the Shire.
 - VI. Use external social media tools for Council business related internal communications, excluding corporate networks such as SharePoint and Skype.

3. Correspondence

- a) Each Elected Member is to be provided with a Shire of Mingenew email address and this email must be used for all electronic correspondence between the community, stakeholders and the Elected Member when it relates to the business of the Shire.
- b) Correspondence generated and received by Elected Members, including electronic correspondence, that relates to the business of the Shire is subject to State Records Act 2000, the Shire's Records Management Policy and Recordkeeping Plan, and as such must be retained within the Shire's corporate recordkeeping system.

4. Access to Information

- a) Access to corporate information by Elected Members is managed in accordance with section 5.92 of the Local Government Act and the Shire's Freedom of Information Statement.
- b) Elected Members who wish to view records outside of those records detailed within s5.92 of the Local Government Act 1995 and the Shire's Freedom of Information Statement, must demonstrate to the Chief Executive Officer the relevance of the information to their performance as an Elected Member. Should approval be granted, the Chief Executive Officer will determine the manner in which access is permitted.

5. Local Government Elections

- a) During a Local Government election period some communications including electronic and social media may fall into the category of 'election material'. Election material is any material which is published in any format which is intended to affect the result of the election. All election material must contain the name and the address of the person who authorises the material. Therefore, any communications including social media and email, which may in some way comment on candidates or Council during an election campaign must meet the requirements of the Local Government Act 1995 and associated Regulations (Local Government (Elections) Regulations 1997).

COUNCIL POLICY
Elected Members

1.1.3

Title:	1.1.3 COMMUNICATION BETWEEN ELECTED MEMBERS AND STAFF
Adopted:	21 March 2018
Reviewed:	6 December 2023 (amended)
Associated Legislation:	State Records Act 2000 Freedom of Information Act 2000 Local Government Act 1995 Local Government (Model Code of Conduct) Regulations 2021
Associated Documents:	Shire of Mingenew Code of Conduct for Council Members, Committee & Candidates Shire of Mingenew Code of Conduct for Employees
Review Responsibility:	Governance & Community Manager
Delegation:	-

Previous Policy Number/s

Objective:

To provide a policy position in regards to the expectation of Elected Members and Shire Employees when engaging in communications with one another.

Policy Statement:

Elected Members and staff of the Shire are committed to establishing a respectful, harmonious and effective working relationship with one another to achieve the Council's corporate goals and implement Council's strategies.

To achieve that position, communication channels between Elected Members and Shire Employees should be in accordance with the provisions of the Local Government Act 1995, whereby the Chief Executive Officer is the contact point for Elected Members unless otherwise permitted by the CEO.

1.1.3 COMMUNICATION BETWEEN ELECTED MEMBERS AND STAFF MANAGEMENT PROCEDURE

Relevant Council Policy	Relevant CEO Directive
1.1.3 Communication between Elected Members and Staff	N/A
Adoption Date: 16 March 2018- CEO	Review: Biennial

Objective

To ensure that appropriate protocols and guidelines are in place to:

- Provide clearly defined communications and contact channels between Elected Members and shire staff.
- Ensure that duplication and loss of productive time is minimised.
- Facilitate Elected Members performing their role effectively.

Legislation:

- a) State Records Act 2000 requires that all correspondence, including email, relating to the business of the Shire and the Council must be retained in the official records of the Shire
- b) Freedom of Information Act 2000 requires preservation of correspondence and its availability for Freedom of Information purposes.
- c) Regulation 6 of the Local Government (Model Code of Conduct) Regulations 2021 provides for Elected Members to maintain confidentiality.

Procedures:

1. Requesting Information or a Service

- a) Any Elected Member wishing to make an enquiry or obtain any information regarding an operational/strategic issue shall contact the Chief Executive Officer, with email being the preferred method of contact.
- b) Where an Elected Member chooses to make a request via telephone the details of the conversation will be recorded and logged into the Shire's record system if any action is required.

2. Staff Contacting Elected Members

- a) All staff, other than the Chief Executive Officer, are not permitted to contact Elected Members unless:
 - (i) They have been requested to do so by the Chief Executive Officer.
 - (ii) They are dealing with an ongoing matter and the Chief Executive Officer was aware of the ongoing contact.
- b) All staff contact with Elected Members, when approved, should be via email so appropriate records can be kept otherwise file notes may be required.
- c) It is acknowledged that the Manager Corporate Services and Governance & Community Manager are required to contact Elected Members for specific matters.

3. Appointments with the Chief Executive Officer and Employees

Elected Members in acknowledging the everyday responsibilities and pressures placed on Employees, will wherever possible make appointments in advance, to meet with the Chief Executive Officer and/or Employees, at the Chief Executive Officer's discretion, stating the nature of the request for a meeting.

Title:	1.1.4 CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES
Adopted:	16 June 2021
Reviewed:	6 December 2023 (no change)
Associated Legislation:	Local Government Act 1995
Associated Documents:	Separate formatted document issued to Elected Members
Review Responsibility:	Governance & Community Manager
Delegation:	-

Previous Policy Number/s: Nil

PURPOSE

This Policy is adopted in accordance with section 5.104 of the Local Government Act 1995.

Division 1 — Preliminary provisions

1. Citation

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

2. Terms used

(1) In this code —

- Act* means the Local Government Act 1995;
- candidate* means a candidate for election as a council member;
- complaint* means a complaint made under clause 11(1);
- publish* includes to publish on a social media platform.

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

Division 2 — General principles

3. Overview of Division

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

4. Personal integrity

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

- (a) act with reasonable care and diligence; and
- (b) act with honesty and integrity; and
- (c) act lawfully; and
- (d) identify and appropriately manage any conflict of interest; and
- (e) avoid damage to the reputation of the local government.

(2) A council member or committee member should —

- (a) act in accordance with the trust placed in council members and committee members; and
- (b) participate in decision making in an honest, fair, impartial and timely manner; and
- (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
- (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

- (1) A council member, committee member or candidate should —
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. Accountability

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

- (1) A council member, committee member or candidate —
 - (a) must ensure that their use of social media and other forms of communication complies with this code; and
 - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
 - (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
 - (b) must comply with all policies, procedures and resolutions of the local government.

9. Relationship with others

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

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

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and

- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the local government; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) take no further action; or
 - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

- (1) The local government must dismiss a complaint if it is satisfied that —
 - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
 - (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or

- (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
 - (a) in writing; and
 - (b) given to a person authorised under clause 11(3).

15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

Division 4 — Rules of conduct

16. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

17. Misuse of local government resources

- (1) In this clause —
 - electoral purpose* means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the Electoral Act 1907 or the Commonwealth Electoral Act 1918;
 - resources* of a local government includes —
 - (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
 - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
 - (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or The Criminal Code section 83.

19. Prohibition against involvement in administration

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

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

20. Relationship with local government employees

- (1) In this clause —

local government employee means a person —

- (a) employed by a local government under section 5.36(1) of the Act; or
- (b) engaged by a local government under a contract for services.

- (2) A council member or candidate must not —

- (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
- (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
- (c) act in an abusive or threatening manner towards a local government employee.

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

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

- (a) make a statement that a local government employee is incompetent or dishonest; or
- (b) use an offensive or objectionable expression when referring to a local government employee.

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

21. Disclosure of information

- (1) In this clause —

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

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

document includes a part of a document;

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

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

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

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

- (a) at a closed meeting; or
- (b) to the extent specified by the council and subject to such other conditions as the council determines; or
- (c) that is already in the public domain; or
- (d) to an officer of the Department; or
- (e) to the Minister; or
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

22. Disclosure of interests

- (1) In this clause —

interest —

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

- (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
 - (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
 - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
 - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

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

COUNCIL POLICY
Elected Members

1.1.5

Title:	1.1.5 ELECTED MEMBER TRAINING AND PROFESSIONAL DEVELOPMENT
Adopted:	18 December 2019
Reviewed:	6 December 2023 (no change)
Associated Legislation:	Local Government Act 1995 Local Government Amendment Act 2019
Associated Documents:	Shire of Mingenew Code of Conduct for Council Members, Committee Members and Candidates, and Elected Member Entitlements Policy
Review Responsibility:	Governance & Community Manager
Delegation:	-

Previous Policy Number/s: Nil

Objective:

To ensure that Elected Members have equitable access to a range of relevant training and professional development opportunities; to enhance their ability to fulfil their roles and responsibilities as Elected Members.

Policy Statement:

Council shall ensure adequate resources are allocated annually in the Shire's budget to provide the opportunity for Elected Members to participate in appropriate training and development, including the minimum requirements for mandatory training, as legislated.

Mandatory Training

All Elected Members will comply with the requirements of s5.126 of the *Local Government Act 1995* and r55 and r36 of the *Local Government (Administration) Regulations 1996* which outline that Elected Members must complete the Council Member Essentials training course within the first 12 months of being elected.

These requirements are mandatory for newly elected members (an exemption may apply under r36 of the *Local Government (Administration) Regulations 1996*). Nothing in the legislation or this policy precludes an elected member, who is exempt under r36, from undertaking the training. Although approval will be required, and consideration must be had for budgetary implications. Priority may be given to those requiring the training under the legislation.

To ensure costs are kept to a minimum and flexibility in training can be maintained, it is Council's preference that Elected Members participate in the legislated training via an eLearning subscription. Where regional face-to-face training can be offered at a subsidised rate (such as through shared training costs with neighbouring local government's) this method may take precedence, if offering value for money.

The CEO will prepare a report on the training completed by council members following each financial year and publish it on the Shire's website.

Pre-Authorised Training / Conferences

All Elected Members shall be entitled to attend the annual Western Australian Local Government Association (WALGA) Conference, with estimated costs to be included in the annual budget each year.

Council generally authorises the following list of conferences and workshops where sufficient budget allocation has been made:

- West Australian Local Government Association and Australian Local Government Association conferences.
- Special 'once off' conferences called for or sponsored by the West Australian Local Government Association and/or Australian Local Government Association on important / relevant matters.
- Annual conferences of the major professions in local government and other institutions of relevance to local government activities.
- West Australian Local Government Association Elected Member Training and Development.
- Training relating to the role of Elected Members.
- Other local government-specific training courses, workshops and forums, relating to such things as understanding the roles/responsibilities of Elected Members, meeting procedures, etc.

The CEO will administer any requests and approve any reimbursements in accordance with this Policy and the Elected Members Entitlements policy.

Application must be made prior to attendance and each Elected Member is to comply with any requests for information and/or receipts to satisfy the Shire's record keeping and administration/financial management systems.

Alternative or Unbudgeted Training / Conference Opportunities require Council Approval

A Councillor may apply in writing to the CEO to participate in a relevant alternative conference or training program requiring the approval of Council. The CEO will provide a report to Council after assessing the training against the requirements of the training/conference assessment matrix below. A score of fifteen or more will be required to receive a favourable recommendation.

Conference / Training Assessment Matrix

Criteria	1	2	3	4	Comment
Relevance to Councillors' governance role under LGA					
Value for money and cost/benefit					
Alignment with Council's Strategic Community Plan and current priorities					
Meets an identified skill gap					
Level of quality of networking opportunities with peers					

Rate based on how well the training/conference/event meets the statements above: 1 = Disagree/Does not apply, 2 = Neutral / Somewhat applies, 3 = Agree / Mostly applies, 4 = Strongly agree / highly relevant

In the event that there is insufficient time for Council approval to be obtained for a Councillor to attend an identified relevant training opportunity, that is not pre-authorized and sufficient budget funds are available, the CEO is authorised to register the Councillor's attendance in the training program after firstly, completing the evaluation matrix in liaison with the President, and the President and CEO being satisfied

that at least 15 points has been achieved. Where the training request is made by the President, the CEO will liaise with the Deputy President.

The Shire will meet the costs of associated accommodation, travel, conference costs and insurance costs, for approved training and development events, in accordance with the Elected Members Entitlements Policy and relevant legislation.

All interstate and overseas requests will require Council approval. Council's delegate is to provide a written report on the key outcomes from any interstate or overseas conference/event relevant to the Shire of Mingenew within one month of returning from the conference.

Other Matters

The CEO, in liaison with the President, shall bring forward for Council consideration any proposals for "in-house" training and Councillor development opportunities to meet Council's strategic objectives and priorities or to meet perceived gaps in Councillor skill development.

A Councillor shall not be permitted to nominate for attendance at a conference four months prior to their term of office expiring with the exception of WALGA's Local Government Convention.

Application responsibility for the implementation of this policy rests with the President, Councillors and Chief Executive Officer.

Review

The policy is to be reviewed within three (3) months after each ordinary election or at any other time as appropriate.

COUNCIL POLICY
Elected Members

1.1.6

Title:	1.1.6 ELECTED MEMBER AND CEO ATTENDANCE AT EVENTS
Adopted:	18 December 2019
Reviewed:	6 December 2023 (no change)
Associated Legislation:	Local Government Act 1995 Local Government Amendment Act 2019
Associated Documents:	Shire of Mingenew Code of Conduct for Council Members, Committee Members, and Candidates, Elected Member Training and Professional Development Policy, and Elected Member Entitlements Policy
Review Responsibility:	Governance & Community Manager
Delegation:	-

Previous Policy Number/s: Nil

Objective:

To provide guidance and clarify eligibility and responsibilities for Elected Members and the CEO in attending events as representatives of the Shire of Mingenew.

Definitions

An event includes: a concert, conference, function, sporting event and any other occasion as prescribed.

Policy Statement:

Elected Members and the CEO are encouraged to engage with the community and attend events as representatives of the Shire of Mingenew.

The President reserves the right to attend as the key representative/guest on behalf of the Shire of Mingenew. In the event of the President relinquishing attendance at a function to the Deputy President, CEO or Council-delegated alternative Elected Member, the CEO will communicate with the nominated Elected Member to ensure that they are aware of relevant issues and is prepared for the function.

Where the event is of relevance to a group or committee to which an Elected Member has been appointed, then one of the appointed Elected Members will be the designated representative (where there is more than one, Council may appoint a delegate for the event).

Attendance at training and professional development events may be approved and purchased in accordance with the Elected Member Training and Professional Development Policy and Elected Member Entitlements Policy.

Application responsibility for the implementation of this policy rests with the President, Councillors and Chief Executive Officer.

Invitations

Invitations are to be addressed to Council, the CEO or Elected Member Committee delegate, rather than to individual Councillors. Where a specific number of tickets/allocations are provided, an invitation should be referred to a 'Council representative'.

Invitations received by Councillors for events may be forwarded to the CEO/President for eligibility and disclosure requirements to be checked and timely advice provided where necessary. This also enables consideration of whether an officer should accompany the nominated Elected Member, whether a speech needs to be developed for the President/Elected Member, and whether the event should be used as an opportunity for a media release.

Before accepting an invitation, consideration must be given to the political implications and community expectations that may be inadvertently placed on the Elected Member or CEO for attending an event.

Approval

Tickets and associated costs to events may be approved under the following circumstances:

- The applicant is an Elected Member or CEO; and
- They are attending as representatives of the Shire of Mingenew; and
- An appropriate allocation in the budget has been made/Council approval given/costs borne by individual; and
- The disclosure of financial interests and gifts requirements are met; and
- Records are kept in relation to the costs and attendance at the event; and
- The donor does not have a matter before Council or the donor is not expected to have a matter presented to Council (i.e. a pending application or recent known contact suggests a decision of Council may be required) which may imply a real or perceived conflict of interest.

Subject to the requirements above being met, Council pre-approves the attendance to any event that is offered by one of the following organisations:

- WALGA (but not LGIS)
- Local Government Professionals Australia (WA)
- Australian Local Government Association
- A State Government department or agency
- The Federal Government
- A local government or regional local government
- Local community organisation or sporting club (based in the Shire of Mingenew)

Tickets and Associated Costs

This section relates to the purchasing or gifting of tickets, accommodation, travel and any other contributions associated with the attendance at an event.

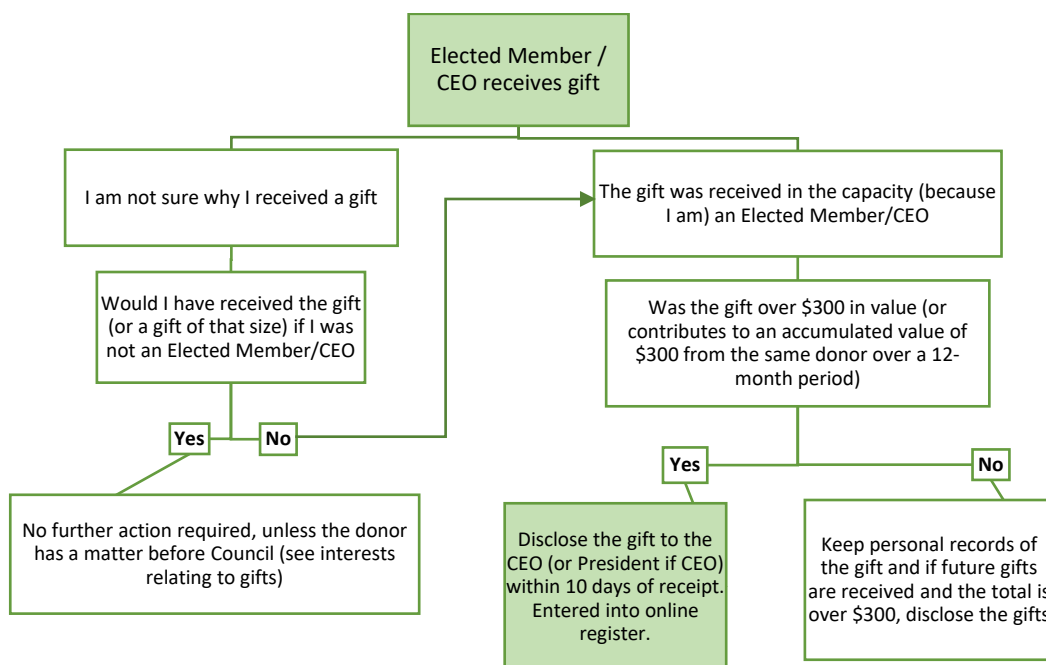
The procedure for purchasing of tickets and associated costs for approved events will be in accordance with the Shire's Elected Member Entitlements Policy.

The acceptance of gifted tickets and associated costs must be approved in accordance with this policy and legislated gift provisions.

The acceptance of any tickets or associated costs for events valued over \$300 (or contributes to an aggregated value of \$300 from the same person/organisation over a 12-month period) must be disclosed. Where tickets or associated costs are offered at no cost to the receiver, the value of the cost/s must first be obtained and considered against the gift provisions.

Elected Members and the CEO may have regard to the following flowchart to assist with their decision making and disclosure:

Gift Disclosure Flowchart



Should an Elected Member or the CEO be attending an event in a private capacity and not performing any official duties, the cost and associated arrangements will be borne by the individual. However, the Elected Member/CEO may still be required to act in a manner that befits their role as an Elected Member/CEO and are beholden to the requirements of the Code of Conduct.

Interests relating to gifts

If a council member receives any gift (or a series of gifts in a 12-month period) valued at \$300 or above and the donor has a matter before Council, the Elected Member must disclose an interest and remove themselves from the meeting (unless approval is granted by the Council or the Minister, depending on the value of the gift). The donor becomes a closely associated person in accordance with section 5.62.

Review

The policy is to be reviewed biennially following each ordinary local government election, and at any other time as deemed appropriate.

Elected Member

Title:	1.1.7 STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION
Adopted:	19 May 2021-
Reviewed:	6 December 2023 (no change)
Associated Legislation:	Local Government Act 1995 s5.39A and B
Associated Documentation:	Local Government (Model Code of Conduct) Regulations 2021
Review Responsibility:	Governance & Community Manager / Council
Delegation:	N/A

 Previous Policy Number/s N/A

DIVISION 1 — PRELIMINARY PROVISIONS

1. Citation

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

2. Terms used

(1) In these standards —

Act means the *Local Government Act 1995*;

additional performance criteria means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

applicant means a person who submits an application to the local government for the position of CEO;

contract of employment means the written contract, as referred to in 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 5(2);

local government means the *[insert name of local government]*;

selection criteria means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

selection panel means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

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

DIVISION 2 — STANDARDS FOR RECRUITMENT OF CEOS

3. Overview of Division

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

4. Application of Division

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.
- (2) This Division does not apply —
 - (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of 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 CEO which sets out —
 - (a) the duties and responsibilities of the position; and
 - (b) the selection criteria for the position determined in accordance with subclause (1).

6. Advertising requirements

- (1) If the position of CEO is vacant, the local government must ensure it complies with 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 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 the expiry of the contract of employment of the person (the *incumbent CEO*) who holds the position of CEO —

- (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
 - (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day;
- and
- (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

14. Confidentiality of information

The local government must ensure that information provided to, or obtained by, the local government 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 CEOS

15. Overview of Division

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

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

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

17. Carrying out a performance review

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.

- (2) The local government must —
 - (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
 - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

18. Endorsement of performance review by local government

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

19. CEO to be notified of results of performance review

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

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

DIVISION 4 — STANDARDS FOR TERMINATION OF EMPLOYMENT OF CEOS

20. Overview of Division

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

21. General principles applying to any termination

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
 - (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.

COUNCIL POLICY

1.1.8

Elected Members

Title:	1.1.8 CODE OF CONDUCT BEHAVIOUR COMPLAINTS MANAGEMENT
Adopted:	16 June 2021
Reviewed:	6 December 2023 (no change)
Associated Legislation:	Local Government Act 1995 Local Government (Model Code of Conduct) Regulations 2021
Associated Documentation:	Shire of Mingenew Code of Conduct Shire of Mingenew Customer Service Charter
Review Responsibility:	Governance & Community Manager
Delegation:	Chief Executive Officer

Previous Policy Number/s N/A

OBJECTIVE

To establish, in accordance with Clause 15(2) of the *Local Government (Model Code of Conduct) Regulations 2021* and the Shire of Mingenew Code of Conduct for Council Members, the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Shire of Mingenew Code of Conduct for Council Members, Committee Members and Candidates.

To give effect to the Shire's commitment to an effective, transparent, fair and accessible complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.

SCOPE

This Policy applies to complaints made in accordance with Clause 11 of the Shire of Mingenew Code of Conduct for Council Members, Committee Members and Candidates.

This Policy applies to Council Members, Committee Members, Candidates and any person who submits a complaint in accordance with this Policy.

DEFINITIONS

Act means the *Local Government Act 1995*.

Behaviour Complaints Committee means the Committee established by the Council in accordance with s.5.8 of the Act for the purpose of dealing with Complaints. The role of the Behaviour Complaints Committee is outlined in Part 2.2 of this Policy.

Behaviour Complaints Officer means a person authorised in writing [*by Council resolution or by the CEO exercising delegated authority*] under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Behaviour Complaints Officer is addressed in Part 2.1 and 3.12 of this Policy.

Breach means a breach of Division 3 of the Shire of Mingenew Code of Conduct for Council Members, Committee Members and Candidates.

Candidate means a candidate for election as a Council Member, whose nomination has been accepted by the Returning Officer under s.4.49 of the Act but does not include a Council Member who has nominated for re-election. A person is a Candidate from the date on which their nomination is accepted, until the Returning Officer declares the election result in accordance with s.4.77 of the Act.

Candidate Complaint means a Complaint alleging a Breach by a Candidate. Candidate Complaints are dealt with in Part 3.2 of this Policy.

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

Committee means a committee of Council, established in accordance with s.5.8 of the Act.

Committee Member means a Council Member, employee of the Shire of Mingenew or other person who has been appointed by the Council to be a member of a Committee, in accordance with s.5.10(1) of the Act. A person is a Committee Member from the date on which they are appointed, until their appointment expires or is terminated by Council resolution.

Complaint means a complaint submitted under Clause 11 of the Code of Conduct.

Complainant means a person who has submitted a Complaint in accordance with this Policy.

Complaint Documents means the Complaint Form and any supporting information, evidence, or attachments provided by the Complainant.

Complaint Form means the form approved under clause 11(2)(a) of the Code of Conduct [by Council resolution or by the CEO exercising delegated authority].

Council means the Council of the Shire of Mingenew.

Council or Committee Meeting means a formal meeting of the Council or a Committee that is called and convened in accordance with the Act. It does not include informal meetings, such as workshops or briefings.

Council Member means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act.

Finding means a finding made in accordance with clause 12(1) of the Code of Conduct as to whether the alleged Breach has or has not occurred.

Plan means a Plan that may be prepared and implemented under clause 12(4)(b) of the Code of Conduct, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.

Response Documents means the response provided by the Respondent to the Complaint and includes any supporting information or evidence that is supplied.

POLICY STATEMENT

1. Principles

1.1. Procedural fairness

The principles of procedural fairness, or natural justice, will apply when dealing with a Complaint under this Policy. In particular:

- the Respondent will be afforded a reasonable opportunity to be heard before any findings are made, or a plan implemented;
- the decision maker should be objective and impartial, with an absence of bias or the perception of bias; and
- any findings made will be based on proper and genuine consideration of the evidence.

1.2. Consistency

The application of this Policy should lead to consistency in process and outcomes. While each Complainant and Respondent will be dealt with according to their circumstances, and each Complaint considered and determined on its merits, similar circumstances will result in similar decisions.

1.3. Confidentiality

The Shire of Mingenew will take all reasonable steps to maintain confidentiality when dealing with the Complaint, in order to protect both the Complainant and Respondent.

Council Members, Local Government employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely and must not disclose or inappropriately use this information.

Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

Information regarding Confidentiality:

- In order to allow the Respondent to understand and respond to the complaint against them, the name of the Complainant will be provided to the Respondent, unless the Complainant provides reasons this should not occur.
- The Complainant's contact information will not be provided to the Respondent.
- The Complainant's name and contact information will not be included in any publicly available documents such as meeting agenda or minutes.
- The Complainant should be aware that Complaint Documents may be subject to an FOI request, noting that they must be consulted before any documents are released, and exemptions may apply.

1.4. Accessibility

The Shire of Mingenew will ensure that information on how to make a complaint, including this Policy, is available at the Shire's Administration Building and on the Shire's website. The Shire will make information available in alternative formats if requested.

Any person wishing to make a complaint may contact the Behaviour Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.

2. Roles

2.1. Behaviour Complaints Officer

The Behaviour Complaints Officer is authorised in accordance with clause 11(3) of the Code of Conduct to accept complaints and withdrawal of complaints.

The Behaviour Complaints Officer is not an advocate for the complainant or the respondent. The Behaviour Complaints Officer provides procedural information and assistance to both Complainant and Respondent.

The Behaviour Complaints Officer will liaise with and provide administrative support to the Behaviour Complaints Committee.

The Behaviour Complaints Officer will liaise with the Local Government to facilitate the calling and convening of Council or Behaviour Complaints Committee meetings if required.

In undertaking their functions, the Behaviour Complaints Officer will apply the Principles of this Policy.

For the purposes of this Policy, the Chief Executive Officer and Governance & Community Manager are authorised Behaviour Complaints Officers.

2.2. Behaviour Complaints Committee

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the Act for the purpose of dealing with Complaints.

The Behaviour Complaints Committee is a Committee of Council Members only. The membership and purpose of the Behaviour Complaints Committee is outlined in 5.01 Behaviour Complaints Committee Terms of Reference.

3. Procedure

3.1. Making a complaint

Any person may make a Complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 3 of the Code of Conduct *[clause 11(1) of the Code of Conduct]*.

A Complaint must be made within one (1) month after the alleged Breach *[clause 11(2)(c) of the Code of Conduct]*.

A Complaint must be made by completing the Behaviour Complaint Form in full and providing the completed forms to the Behaviour Complaints Officer.

A Complaint must be made in accordance with the Behaviour Complaint Form and specify which requirement(s) of the Code of Conduct is alleged to have been breached.

A Complaint is required to include the name and contact details of the Complainant therefore anonymous complaints cannot be accepted.

Where a Complaint Form omits required details, the Behaviour Complaints Officer will invite the Complainant to provide this information in order for the Complaint to be progressed.

Where a Complaint is made more than 1 month after the alleged breach, the Behaviour Complaints Officer will give the Complainant written notice that the Complaint cannot be made *[clause 11(2)(c) of the Code of Conduct]*.

3.2. Candidate Complaints

A Complaint in relation to a Candidate must be made in accordance with 3.1, above, but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.

Within 7 days after receiving a Candidate Complaint, the Behaviour Complaints Officer will provide written notice:

- To the Complainant confirming receipt, and advising of the procedure for candidate complaints; and
- To the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints.

No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date.

If the Respondent is not elected, the Behaviour Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with *[clause 15(1) of the Code of Conduct]*.

3.3. Withdrawing a Complaint

A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint *[clause 14 of the Code of Conduct]*.

A Complainant may withdraw a Complaint by advising the Behaviour Complaints Officer in writing that they wish to do so.

After receiving a written withdrawal of the Complaint, the Behaviour Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

3.4. Notice to Complainant

Within 7 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Complainant that:

- confirms receipt of the Complaint;
- outlines the process that will be followed and possible outcomes;
- explains the application of confidentiality to the complaint;
- includes a copy of this Policy; and
- if necessary, seeks clarifications or additional information.

If the Complaint Form indicates that the Complainant agrees to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will advise the Complainant of the process in accordance with Part 3.6 of this Policy.

3.5. Notice to Respondent

Within 14 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Respondent that:

- advises that a Complaint has been made in accordance with the Code of Conduct and this Policy;
- includes a copy of the Complaint Documents;
- outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes;
- includes a copy of this Policy; and
- if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

If the Complainant has agreed to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will ask the Respondent if they are also willing to participate in accordance with Part 3.6 of this Policy.

3.6. Alternative Dispute Resolution

The Shire recognises that Alternative Dispute Resolution may support both parties reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint. Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances.

To commence the process, the Behaviour Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will pause the formal process.

The objective of Alternative Dispute Resolution will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with Part 3.3 of this Policy. For example, an offer by a Respondent to issue a voluntary apology in response to a Complaint, even in the absence of a request from the Complainant, qualifies for consideration as Alternative Dispute Resolution.

If Alternative Dispute Resolution is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of a third party who is providing assistance to the Local Government, such as a facilitator or mediator.

If Alternative Dispute Resolution is terminated or does not achieve an agreed outcome that results in the withdrawal of the Complaint, the Behaviour Complaints Officer will resume the formal process required under this Policy.

3.7. Order of Complaints

Complaints will normally be dealt with in the order in which they are received.

If more than one Complaint is received that relates to the same alleged behaviour, the Behaviour Complaints Officer may decide to progress those Complaints concurrently.

3.8. Appointment of Complaints Assessor

If Alternative Dispute Resolution is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Behaviour Complaints Officer may appoint a suitably qualified and experienced Complaint Assessor, in accordance with the Shire of Mingenew's Purchasing Policy (if applicable). A Complaints Assessor may be offered as a voluntary role, for example to another appropriately qualified and experienced local government officer or elected member, independent from the Shire of Mingenew and its business.

The Behaviour Complaints Officer will endeavour to appoint a Complaint Assessor within a reasonable period. The Behaviour Complaints Officer will provide written notice of the appointment to the Complainant and the Respondent.

3.9. Search of Local Government Records

The Behaviour Complaints Officer may conduct a search for any relevant records in the Shire's Record Management System as part of an investigation and at the request of the Complaints Assessor.

In particular, if the behaviour is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Officer will be requested to identify any Local Government records that provide evidence that may support a decision as to whether:

- the behaviour occurred at a Council or Committee Meeting,
- the behaviour was dealt with by the person presiding at the meeting, and/or
- the Respondent has taken remedial action in accordance with the Shire of Mingenew Standing Orders Local Law 2017

The Behaviour Complaints Officer must provide the Respondent with a copy of any records that are identified. In addition, where a clarification or additional information has been sought from the Complainant by either the Behaviour Complaints Officer or the Complaint Assessor, copies must also be provided to the Respondent.

3.10. Assessment of the Complaint

The Behaviour Complaints Officer or Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under Part 3.4 and Part 3.5 of this Policy.

The Behaviour Complaints Officer / Complaint Assessor must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions or drafting the Complaint Report or recommendations.

3.11. Complaint Report

The Behaviour Complaints Officer / Complaint Assessor will prepare a Complaint Report that will:

- outline the process followed, including how the Respondent was provided with an opportunity to be heard;

- include the Complaint Documents, the Response Documents and any relevant Local Government Records as attachments; and
- include recommendations on each decision that may be made by the Behaviour Complaints Committee; and
- include reasons for each recommendation, with reference to Part 4 of this Policy.

If the Complaint Report recommends that a Plan is prepared and implemented in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy, the Complaint Report must include a Proposed Plan.

The Behaviour Complaints Officer / Complaint Assessor will include the Complaint Report in the Agenda for a meeting of the Complaints Committee. The Behaviour Complaints Officer will be responsible for preparation of an Officer Report with the Complaint Report provided as a confidential attachment. The recommendations of the Complaint Report will be provided as the Officer Recommendations.

3.12. Complaints Committee Meeting

The Agenda will be prepared on the basis that the part of the meeting that deals with the Complaint Report will be held behind closed doors in accordance with s.5.23(2) of the Act.

The Behaviour Complaints Committee will consider the Complaint Report and attachments and give due regard to the recommendations.

In accordance with Regulation 11(d)(a) of the *Local Government (Administration) Regulations 1996*, reasons for any decision that is significantly different from the Officer Recommendation must be recorded in the meeting minutes.

If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Committee will determine whether or not to dismiss the Complaint in accordance with Clause 13 of the Code of Conduct and Part 4.2 of this Policy.

If the Behaviour Complaints Committee dismisses a Complaint, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the decision and the reasons for the decision in accordance with clause 13(2) of the Code of Conduct. This concludes the process for this Complaint.

If the Complaint is not dismissed, the Behaviour Complaints Committee will consider the Complaint and make a Finding as to whether the alleged Breach that is the subject of the Complaint has or has not occurred, in accordance with clause 12 of the Code of Conduct and Part 4.3 of this Policy.

If the Behaviour Complaints Committee finds that the alleged Breach **did not** occur, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the Finding and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee finds that the alleged breach **did** occur, the Committee will decide whether to take no further action in accordance with clause 12(4)(a) of the Code of Conduct or prepare a plan to address the behaviour in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy.

If the Behaviour Complaints Committee decides to take no further action, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of this decision and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee decides to prepare a Plan, the Committee will first consult with the Respondent in accordance with clause 12(5)* of the Code of Conduct. The Behaviour Complaints Committee will consider any submissions made by the Respondent before preparing and implementing a Plan.

3.13. Compliance with Plan Requirement

The Behaviour Complaints Officer will monitor the actions in timeframes set out in a Plan.

Failure to comply with a requirement included in a Plan is a minor breach under section 5.105(1) of the Act and clause 23 of the Code of Conduct.

The Behaviour Complaints Officer must provide a report advising Council of any failure to comply with a requirement included in a Plan.

4. Decision Making

4.1. Objective and Principles

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 1 of this Policy.

4.2. Dismissal

The Behaviour Complaints Committee must dismiss a Complaint in accordance with clause 13(1)(a) and (b) of the Code of Conduct if it is satisfied that -

- (a) the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and
- (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the Respondent has taken remedial action in accordance with the Shire of Mingenew Standing Orders Local law 2017.

4.3. Finding

A Finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [*clause 12(3) of the Code of Conduct*].

This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a breach of a requirement of Division 3 of the Code of Conduct.

4.4. Action

In deciding whether to take no further action, or prepare and implement a Plan, the Complaints Committee may consider:

- the nature and seriousness of the breach(es);
- the Respondent's submission in relation to the contravention;
- whether the Respondent has breached the Code of Conduct knowingly or carelessly;
- whether the Respondent has breached the Code of Conduct on previous occasions;
- likelihood or not of the Respondent committing further breaches of the Code of Conduct;
- personal circumstances at the time of conduct;
- need to protect the public through general deterrence and maintain public confidence in Local Government; and
- any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

4.5. Plan Requirements

The Proposed Plan may include requirements for the Respondent to do one (1) or more of the following:

- engage in mediation;
- undertake counselling;
- undertake training;

- take other action the Complaints Committee considers appropriate (e.g. an apology).

The Proposed Plan should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.

The Proposed Plan may also outline:

- the actions to be taken to address the behaviour(s);
- who is responsible for the actions;
- any assistance the Local Government will provide to assist achieve the intent of the Plan; and
- a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

1.2.1 RECORDS MANAGEMENT POLICY

Administration

Title:	1.2.1 RECORDS MANAGEMENT POLICY
Adopted:	16 March 2018
Reviewed:	Biennially (last reviewed 14 December 2022)
Associated Legislation:	<i>State Records Act 2000</i> <i>Local Government Act 1995</i> <i>Freedom of Information Act 1992</i> <i>Electronic Transactions Act 2011</i> <i>Financial Management Act 2006</i> <i>Corruption and Crime Commission Act 2003</i> <i>Criminal Code Act 1913</i>
Associated Documents:	Shire of Mingenew Recordkeeping Plan
Review Responsibility:	Finance & Administration Manager
Delegation:	Nil.

Previous Policy Number/s 2014

Objective:

To ensure that the Shire of Mingenew meets the statutory requirements provided for by the State Records Act 2000.

Policy Statement:

The Shire of Mingenew is committed to creating and maintaining full and accurate records of its business transactions and official activities and managing them in accordance with the State Records Act 2000, the Shire of Mingenew Recordkeeping Plan, Policy and Procedures.

Elected Members

Records must be created and kept (by elected members) by forwarding to the Chief Executive Officer for retention and disposal in accordance with the requirements of the State Records Office of WA if:

- The subject matter is in relation to their participation in the decision making processes of Council or Committees of Council, and
- Deemed to be a significant or vital record. (See Recordkeeping Procedure).

Activities or transactions that are not directly relevant to the decision making processes of Council or Committees of Council are not subject to mandatory recordkeeping requirements. Accordingly, the creation and retention of records relating to these activities or transactions is at the discretion of the Elected Member.

Workers

All workers (includes employees, volunteers and contractors) are to create, collect and retain records relating to the business activities they perform on behalf of the Shire. They are to ensure significant records are captured into the Recordkeeping System and that all records are handled in a manner commensurate with legislation and the Shire's policies and procedures for recordkeeping.

COUNCIL POLICY

1.2.2

Administration

Title:	1.2.2 RISK MANAGEMENT
Adopted:	20 February 2019
Reviewed:	19 October 2022
Associated Legislation:	Local Government Act 1995 Local Government (Audit) Regulations 1996 Risk Management Standard AS/NZS ISO 31000:2018
Associated Documents:	Risk Assessment and Acceptance Criteria Tables: Risk Management Framework
Review Responsibility:	Audit & Risk Committee; Chief Executive Officer & Governance Officer
Delegation:	Nil

Previous Policy Number/s 2013, 1.2.2

Objective:

To detail the Shire's level of commitment towards the concept and resourcing of risk management and define its risk appetite, risk acceptance and control evaluation criteria.

Policy Statement:

It is the Shire's Policy to aim for best practice (aligned with AS/NZS ISO 31000:2018 Risk Management Guidelines), in the management of all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.

Risk management functions will be resourced appropriately to meet the size and scale of the Shire's operations and will form part of the Strategic, Operational, and Project responsibilities and be incorporated within the Shire's Integrated Planning Framework.

The Shire is committed to:

- Utilising the principles and guidelines outlined in the standard AS/NZS ISO 31000:2018;
- Appointing and resourcing the Audit & Risk Committee.
- Providing adequate budgetary provision for the financing of risk management including approved risk mitigation activities.
- Promoting a culture within the Shire of awareness and active management of risks;
- Providing regular education to its staff in risk management practices;
- Implementation of these principles in the Shire's operations through the Risk Management Framework and Procedures;
- Providing transparent and formal oversight of the risk and control environment to enable effective decision making.
- Embedding appropriate and effective controls to mitigate risk.
- Providing for the continuity of critical operations.
- Doing all the above to the best of our ability within the constraints imposed by resource availability.

Risk Appetite

As a public authority the Shire has a natural and, in some cases, statutory predisposition to a conservative appetite for risk. In particular, the Shire has little or no appetite for risk which will;

- a) Have a moderate (or higher) negative impact on the Shire's long-term financial sustainability;
- b) Result in moderate (or higher) breaches of legislative requirements and/or successful litigation against the Shire;
- c) Compromise the safety and welfare of staff, contractors and/or members of the community.
- d) Cause significant and irreparable damage to the environment;
- e) Result in moderate (or higher) disruption to the delivery of key Shire's services;
- f) Result in any negative impact on the Shire's reputation;
- g) Result in the loss of, or otherwise unauthorised or accidental access or disclosure of confidential information.

Quantified Risk Assessment and Acceptance Criteria

The Shire's Risk Assessment and Acceptance criteria (fig1-5) has been developed to align with its conservative risk appetite. All organisational risks are to be assessed against these criteria to allow consistency and informed decision making.

For operational requirements such as projects, or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisations risk acceptance criteria and are to be noted within the individual risk assessment.

Monitoring and Reporting of Organisational Risk

- a) The Shire will develop and maintain a Risk Profile (register), which will evaluate risk at an organisational level using the quantified Risk Assessment and Acceptance Criteria contained within this policy;
- b) The CEO will report to the Audit & Risk Committee on the status of the Risk Profile at least twice yearly, with the report to include:
 - I. A review of any risk escalation; and
 - II. Provide a summary of risk maturity;
- c) The Audit & Risk Committee is to review this policy on a Biennial Basis;
- d) The CEO will conduct a triennial review of financial management systems and submit to the Audit & Risk Committee as per Regulation 5 of the Local Government (Financial Management) Regulations 1996;
- e) The CEO will conduct a triennial review on risk management, legislative compliance, and internal control and submit to the Audit & Risk Committee as per Regulation 17 of the Local Government (Audit) Regulations 1996.

Figure 1- Risk Assessment Criteria- Measures of Consequence

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Legal & Compliance	Reputational	Property	Environment
Insignificant (1)	First aid injuries	Less than \$5,000	No material service interruption	Compliance: No noticeable regulatory or statutory impact Legal: Threat of litigation requiring small compensation Contract: No effect on contract performance	Unsubstantiated, low impact, low profile or 'no news' item <i>Example: gossip, online post seen by limited persons</i>	Inconsequential damage	Contained, reversible impact managed by on site response <i>Example: pick up bag of rubbish</i>
Minor (2)	Medical type injuries	\$5,001 - \$15,000	Short term temporary interruption – backlog cleared < 1 day	Compliance: Some temporary non compliances Legal: Single minor litigation Contract: Results in meeting between parties in which contractor expresses concern	Substantiated, low impact, low news item <i>Example: online post seen by the community</i>	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response <i>Example: pick up trailer of rubbish</i>
Moderate (3)	Lost time injury <30 Days	\$15,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Compliance: Short term non-compliance but with significant regulatory requirements imposed Legal: several minor litigations Contract: Receive verbal advice that if breaches continue, a default notice may be issued	Substantiated, public embarrassment, moderate impact, moderate news profile <i>Example: local paper article, online post taken up by people outside of Shire</i>	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies <i>Example: Contractor removal of asbestos sheets</i>
Major (4)	Lost time injury >30 Days	\$50,000 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Compliance: Non-compliance results in termination of services or imposed penalties Legal: Single moderate litigation Contract: Receive written notice from contractor threatening termination if not rectified	Substantiated, public embarrassment, high impact, high news profile, third party actions <i>Example: State wide paper, TV news story, significant online presence</i>	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies <i>Example: truck/train spill of diesel of oil on road reserve</i>
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Compliance: Non-compliance results in litigation, criminal charges or significant damages or penalties Legal: Single major litigation or numerous moderate litigations Contract: Termination of contract for default	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions <i>Example: Au wide paper, TV news,</i>	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

Figure 2- Evaluation of Controls Criteria

Existing Controls Ratings		
Rating	Detailed Description	Description and Action Required
Effective	No control gaps. The control is influencing the risk level and inly continues monitoring is needed	Description: Control addresses risk, is officially documented, in operation and has been tested to confirm effectiveness
Moderately Effective	Few control gaps. The control is influencing the risk level however improvement is needed	Control addresses risk but documentation and/or operation of control could be improved
Partially Effective	Some control gaps that result in the control having limited influence on risk level	Description: Control addresses risk at least partially, but is not documented and/or operation of control needs to be improved Action Required: Must have a treatment plan (action) to improve the control effectiveness to at least 'Moderately Effective'
Inadequate	Signifiant control gaps that result in the control not influencng the risk level.	Description: At best, control addresses risk, but is not documented or in operation, at worst, control does not address risk and is neither documented nor in operation. Action Required: Must have a treatment plan (action) to improve the control effectiveness to at least 'Moderately Effective'

Figure 3- Risk Assessment Criteria- Measures of Likelihood

Measures of Likelihood			
Level	Rating	Description	Frequency
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur at some time	At least once in 3 years
2	Unlikely	The event could occur at some time	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances	Less than once in 15 years

Figure 4- Risk Assessment Criteria- Risk Matrix

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Figure 5- Risk Acceptance Criteria

Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
LOW (1-4)	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
MODERATE (5-9)	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
HIGH (10-16)	Urgent Attention Required	Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	CEO
EXTREME (16-25)	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

1.2.2 RISK MANAGEMENT FRAMEWORK/PROCEDURE

Relevant Council Policy

1.2.2 Risk Management v1

Approval Date: 19 October 2022

Appendix: Nil

Relevant CEO Directive

N/A

Review Date: Biennial

SHIRE OF MINGENEW

Risk Management Framework & Procedures v2

M.Battilana

Approved 21 September 2022 by

Table of Contents

1. Introduction	3
2. Governance	4
2.1 Framework Review	4
2.2 Operating Model	4
2.3 Governance Structure	5
2.4 Roles & Responsibilities.....	6
2.5 Document Structure (Framework).....	7
3. Risk Management Procedures	9
3.1 Scope, Context, Criteria	9
3.2 Risk Identification	10
3.3 Risk Analysis.....	11
3.4 Risk Evaluation.....	15
3.5 Risk Treatment	16
3.6 Communication & Consultation.....	16
3.7 Monitoring, Review and Reporting.....	16
4. Annual Control Assurance Plan	Error! Bookmark not defined.

1. Introduction

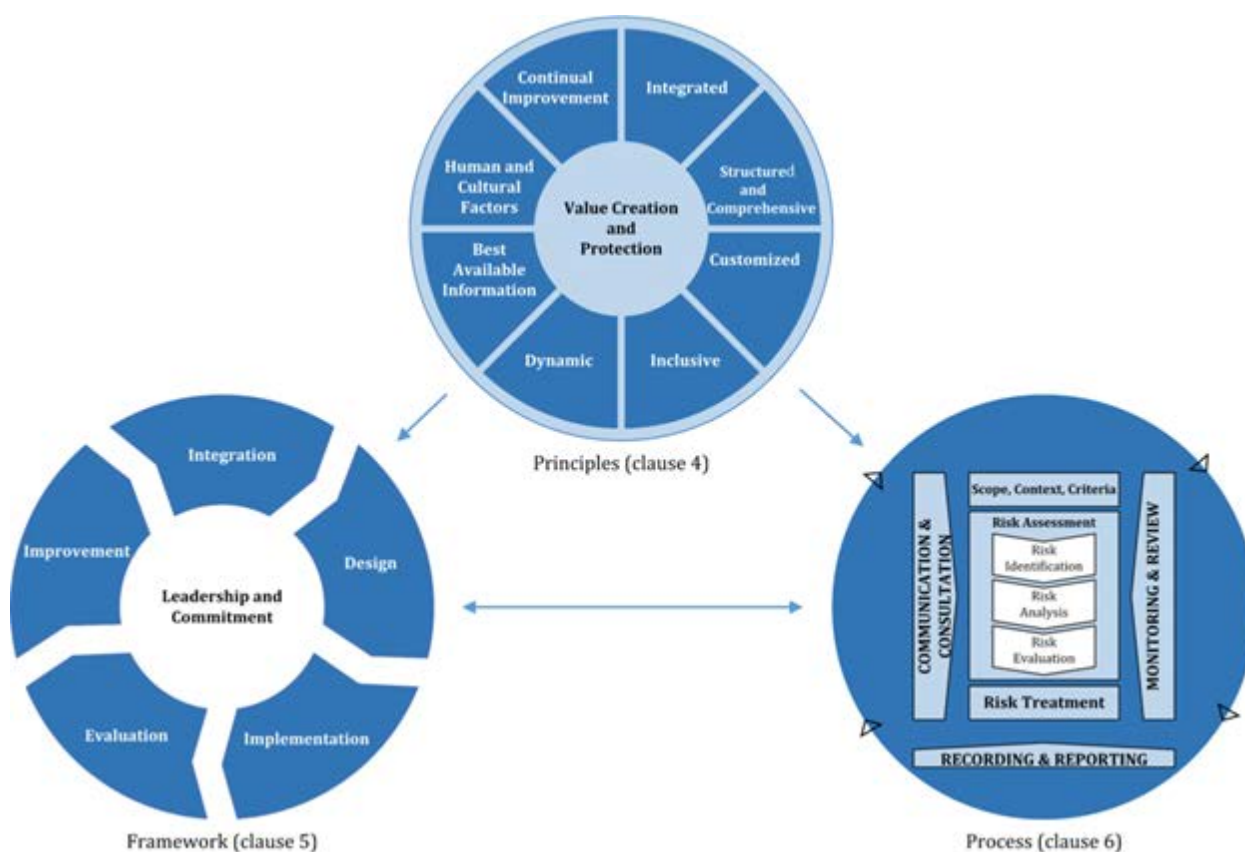
The Shire of Mingenew's (Shire) Risk Management Policy in conjunction with the components of this document encompasses the Shire's Risk Management Framework. It sets out the Shire's approach to the identification, assessment, management, reporting and monitoring of risks. All components of this document are based on AS ISO 31000:2018 Risk Management - Guidelines.

It is essential that all areas of the Shire adopt these procedures to ensure:

- Strong corporate governance.
- Compliance with relevant legislation, regulations and internal policies.
- Integrated Planning and Reporting requirements are met.
- Uncertainty, and its effects, on objectives is understood.

This Framework aims to balance a documented, structured and systematic process with the current size and complexity of the Shire along with existing time, resource and workload pressures.

*Figure 1: Relationship between the risk management principles, framework and process
(Source: AS 31000:2018)*



1.1 Legislation

1. The Local Government Act 1995 (“the Act”) requires Councils to adopt appropriate policies, practices and procedures that ensure their assets are protected through sound administrative management.
2. Section 5.56(1) and (2) of the Local Government Act 1995 - Planning for the Future; Regulation 17(1) (a) of the Local Government (Audit) Regulations: “The CEO is to review the appropriateness and effectiveness of a local government’s system and procedures in relation to risk management”.
3. Under regulation 17 (1) of the Local Government (Audit) Regulations 1996 the CEO is to review the appropriateness and effectiveness of a local government’s system and procedures in relation to – (a) risk management; and (b) internal control; and (c) legislative compliance. 17 (2) the review may relate to any or all of the matters referred to in sub regulation (1) (a),(b) and (c), but each of those matters is to be the subject at least once every 3 financial years. 17 (3) The CEO is to report to the Audit & Risk Committee the results of that review.
4. Under Regulation 17 of the Local Government (Audit) Regulations 1996 it is a responsibility of the Audit & Risk Committee to receive the CEO reviews conducted on the appropriateness of systems and procedures in relation to risk management, internal control and legislative compliance

2. Governance

Appropriate governance of risk management within the Shire provides:

- Transparency of decision making.
- Clear identification of the roles and responsibilities of the risk management functions.
- An effective Governance Structure to support the risk framework.

2.1 Framework Review

The Risk Management Framework is to be reviewed for appropriateness and effectiveness biennially.

2.2 Operating Model

The Shire has adopted a ‘Three Lines of Defence’ model for the management of risk. This model ensures roles; responsibilities and accountabilities for decision making are structured to demonstrate effective governance and assurance. By operating within the approved risk appetite and framework, the Council, Management and Community will have assurance that risks are managed effectively to support the delivery of the Strategic, Corporate & Operational Plans.

First Line of Defence

All operational areas of the Shire are considered ‘1st Line’. They are responsible for ensuring that risks (within their scope of operations) are identified, assessed, managed, monitored and reported. Ultimately, they bear ownership and responsibility for losses or opportunities from the realisation of risk. Associated responsibilities include:

- Establishing and implementing appropriate processes and controls for the management of risk (in line with these procedures).
- Undertaking adequate analysis (data capture) to support the decisioning of risk matters.
- Prepare risk acceptance proposals where necessary, based on level of residual risk.
- Retain primary accountability for the ongoing management of their risk and control environment.

Second Line of Defence

The Governance & Community Manager, supported by the Chief Executive Officer, acts as the primary '2nd Line'. This position owns and manages the framework for risk management. They draft and implement the governance procedures and provide the necessary tools and training to support the 1st line process.

Maintaining oversight on the application of the framework provides a transparent view and level of assurance to the 1st & 3rd lines on the risk and control environment. Support can be provided by additional oversight functions completed by other 1st Line Teams (where applicable). Additional responsibilities include:

- Providing independent oversight of risk matters as required.
- Monitoring and reporting on emerging risks.
- Co-ordinating the Shire's risk reporting for Shire's Management Team and the Audit & Risk Committee.

Third Line of Defence

Internal & External Audit are the third line of defence, providing independent assurance to the Council, Audit & Risk Committee and Shire Management on the effectiveness of business operations and oversight frameworks (1st & 2nd Line).

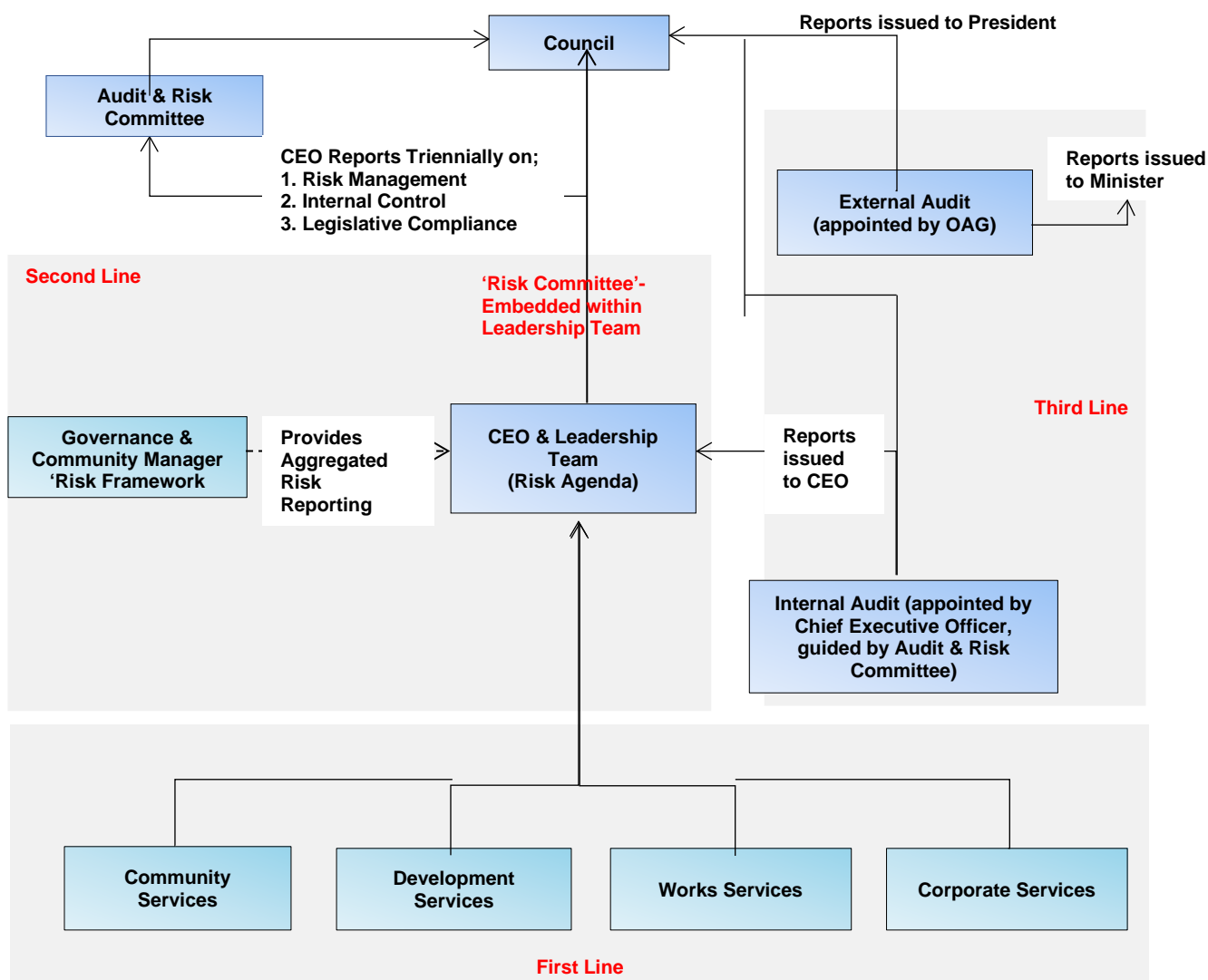
Internal Audit – Appointed by the CEO to report on the adequacy and effectiveness of internal control processes and procedures. The scope of which would be determined by the Audit & Risk Committee with input from the CEO.

External Audit – Appointed by the Office of the Auditor General (OAG) to report independently to the President and CEO on the annual financial statements only.

2.3 Governance Structure

Diagram 2 depicts the current operating structure for risk management within the Shire.

Figure 2: Operating Model



2.4 Roles & Responsibilities

Council

- Review and approve the Shire's Risk Management Policy and Risk Assessment & Acceptance Criteria.
- Establish and maintain an Audit & Risk Committee in compliance with the Local Government Act.

Audit & Risk Committee

- Regularly review the appropriateness and effectiveness of the Framework.
- Support Council to provide effective corporate governance.
- Assist to develop and endorse the Internal Audit Plan.
- Oversight of all matters that relate to the conduct of Internal and External Audits.
- Must be independent, objective and autonomous in deliberations.

CEO / Leadership Team

- Appoint Internal Auditors as required under Local Government (Audit) regulations, based on Audit & Risk Committee guidance.
- Liaise with Council in relation to risk acceptance requirements.
- Approve and review the appropriateness and effectiveness of the Risk Management Framework.
- Drive consistent embedding of a risk management culture.
- Analyse and discuss emerging risks, issues and trends.
- Document decisions and actions arising from 'risk matters'.
- Own and manage the Risk Profiles at Shire Level.

Governance & Community Manager

- Oversee and facilitate the Risk Management Framework.
- Support reporting requirements for Risk matters.

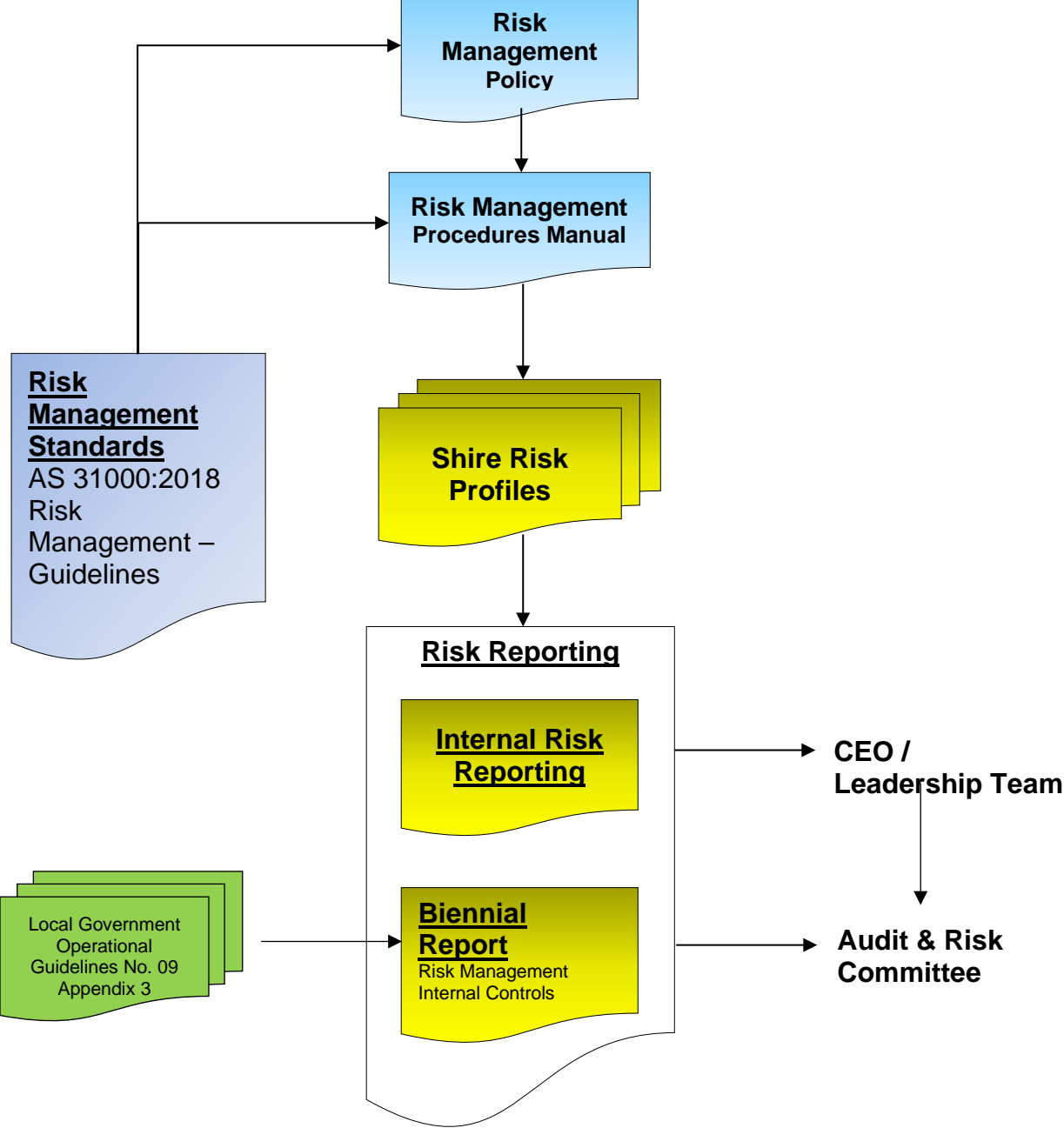
Work Areas

- Drive risk management culture within work areas.
- Own, manage and report on specific risk issues as required.
- Assist in the Risk & Control Management process as required.
- Highlight any emerging risks or issues accordingly.
- Incorporate 'Risk Management' into team meetings, by incorporating the following agenda items;
 - New or emerging risks.
 - Review existing risks.
 - Control adequacy.
 - Outstanding issues and actions.

2.5 Document Structure (Framework)

Diagram 3 depicts the relationship between the Risk Management Policy, Procedures and supporting documentation and reports.

Figure 3: Document Structure



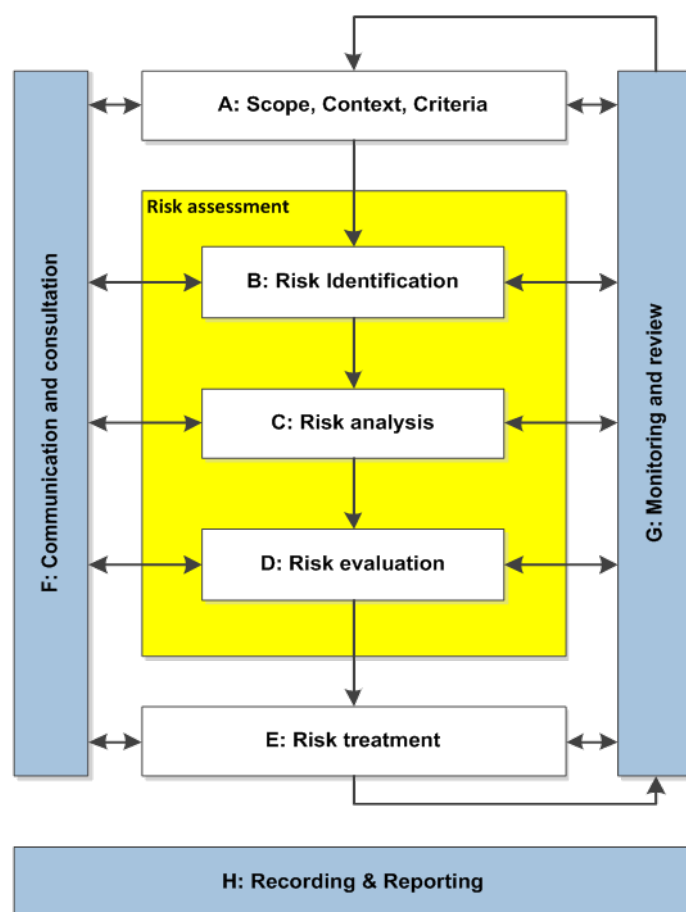
3. Risk Management Procedures

All Work Areas of the Shire are required to assess and manage the Risk Profiles on an ongoing basis. Each Manager, in conjunction with the Governance & Community Manager are accountable for ensuring that Risk Profiles are:

- Reflective of the material risk landscape of the Shire.
- Reviewed on at least a **six-monthly basis**, unless there has been a material restructure or change in the risk and control environment.
- Maintained in the standard format.

This process is supported using key data inputs, workshops and ongoing business engagement. The risk management process is standardised across all areas of the Shire. The following diagram outlines that process with the following commentary providing broad descriptions of each step.

Figure 4: Risk Management Process AS 31000:2018



3.1 Scope, Context, Criteria

The first step in the risk management process is to understand the context within which the risks are to be assessed and what is being assessed, this forms two elements:

Organisational Criteria

This includes the Risk Assessment and Acceptance Criteria (Fig 6-10) and any other tolerance tables as developed.

All risk assessments are to utilise these documents to allow consistent and comparable risk information to be developed and considered within planning and decision-making processes.

Scope and Context

To direct the identification of risks, the specific risk assessment context is to be determined prior to and used within the risk assessment process. Risk sources can be internal or external.

For specific risk assessment purposes, the Shire has three levels of risk assessment context:

I. Strategic Context

These risks are associated with achieving the organisation’s long-term objectives. Inputs to establishing the strategic risk assessment context may include;

- Organisations Vision / Mission
- Stakeholder Analysis
- Environment Scan / SWOT Analysis
- Strategies / Objectives / Goals (Integrated Planning & Reporting)

II. Operational Context

The Shire’s day to day activities, functions, infrastructure and services. Prior to identifying operational risks, the operational area should identify its key activities i.e. what is trying to be achieved.

Project Context

Project Risk has two main components:

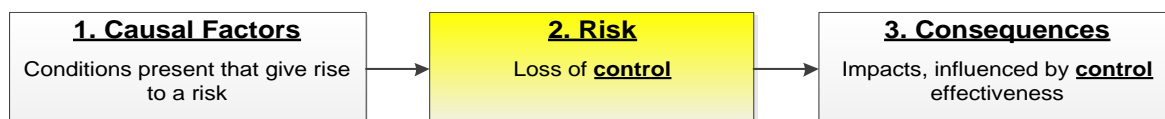
- Direct refers to the risks that may arise as a result of project activity (i.e. impacting on process, resources or IT systems) which may prevent the Shire from meeting its objectives.
- Indirect refers to the risks which threaten the delivery of project outcomes.

In addition to understanding what is to be assessed, it is also important to understand who are the key stakeholders or areas of expertise that may need to be included within the risk assessment.

3.2 Risk Identification

Once the context has been determined, the next step is to identify risks. This is the process of finding, recognising and describing risks. Risks are described as the point along an event sequence where control has been lost. An event sequence is shown below:

Figure 5: Event (risk) sequence



For the ease of management and recordkeeping, risks that are identified are to be classified into the following risk themes for collective risk analysis and documented into the Shire’s Risk Profile:

- I. Misconduct

- II. Errors, Omissions and Delays
- III. Business Disruption
- IV. External Theft and Fraud
- V. IT & Communications Systems and Infrastructure
- VI. Compliance
- VII. Asset Management
- VIII. Document Management
- IX. Procedure / Contract Management
- X. Environment
- XI. Facilities and Events
- XII. Safety and Security
- XIII. Project Management
- XIV. Employment Practices

A new risk theme can be created if the risk cannot be grouped into an existing risk theme.

For each risk theme, or risk theme under review, using the specific risk assessment context as the foundation and in conjunction with relevant stakeholders, consider the below listed questions, capture and review the information. The objective is to identify potential risks that could stop the Shire from achieving its goals:

- I. *Risk What can go wrong? / What are areas of uncertainty? (Risk Description-* describe what the risk is and specifically where control may be lost. They can also be described as an event. They are not to be confused with outcomes following an event, or the consequences of an event).
- II. *How may this risk eventuate? (Potential Causes-* are the conditions that may present or the failures that may lead to the event or point in time when control is lost (risk)).
- III. *What are the current measurable activities that mitigate this risk from eventuating? (Controls-* are measures that modify risk. At this point in the process only existing controls should be considered).
- IV. *What are the potential consequential outcomes of the risk eventuating? (Consequences-* need to be impacts to the Shire. These can be health of staff, visitors or contractors; financial; interruption to services provided; non-compliance; damage to reputation or other assets or the environment. There is no need to determine the level of impact at this stage).

The reviewing of the following materials would assist in risk identification:

1. Internal and external audits
2. Insurance claims
3. Complaints and community feedback
4. Project planning
5. Performance reporting
6. Policy & procedure development
7. Incidents and systems analysis.

3.3 Risk Analysis

To analyse risk, the Shire's Risk Assessment and Acceptance Criteria is applied in the following steps:

Step 1 - Consider the effectiveness of the existing/identified key controls

Based on the documented controls, analyse the risk in terms of the Existing Control Ratings. To do this, the controls need to be reviewed from 3 perspectives:

- I. *Design Effectiveness- This process reviews the 'design' of the controls to understand their potential for mitigating the risk without any 'operating' influences. Controls that have inadequate designs will never be effective, no matter if it is performed perfectly every time.*

There are four components to be considered in reviewing existing controls or developing new ones:

1. Completeness – The ability to ensure the process is completed once. How will the control ensure that the process is not lost or forgotten, or potentially completed multiple times?
2. Accuracy – The ability to ensure the process is completed accurately, that no errors are made, or components of the process missed.
3. Timeliness – The ability to ensure that the process is completed within statutory timeframes or internal service level requirements.
4. Theft / Fraud – The ability to protect against internal misconduct or external theft / fraud-based activities.

It is very difficult to have a single control that meets all the above requirements when viewed against a Risk Theme. It is imperative that all controls are considered so that the above components can be met across several controls.

- II. *Operating Effectiveness- This process reviews how well the control design is being applied. Like above, the best designed control will have no impact if it is not applied correctly.*

As this generally relates to the human element of control application there are four main approaches that can be employed by management or the risk function to assist in determining the operating effectiveness and / or performance management.

1. Re-perform – this is only applicable for those short timeframe processes where they can be re-performed. The objective is to re-perform the same task, following the design to ensure that the same outcome is achieved.
2. Inspect – review the outcome of the task / process to provide assurance that the desired outcome was achieved.
3. Observe – physically watch the task / process being performed.
4. Inquire – through discussions with individuals / groups determine the relevant understanding of the process and how all components are required to mitigate any associated risk.

- III. *Overall Effectiveness- This is the value of the combined controls in mitigating the risk. All factors as detailed above are to be considered so that a considered qualitative value can be applied to the 'control' component of risk analysis.*

Figure 6- Overall Control Effectiveness (extracted from Shire of Mingenew Risk Management Policy-1.1)

Existing Controls Ratings		
Rating	Detailed Description	Description and Action Required
Effective	No control gaps. The control is influencing the risk level and only continues monitoring is needed	Description: Control addresses risk, is officially documented, in operation and has been tested to confirm effectiveness
Moderately Effective	Few control gaps. The control is influencing the risk level however improvement is needed	Control addresses risk but documentation and/or operation of control could be improved
Partially Effective	Some control gaps that result in the control having limited influence on risk level	Description: Control addresses risk at least partially, but is not documented and/or operation of control needs to be improved Action Required: Must have a treatment plan (action) to improve the control effectiveness to at least 'Moderately Effective'
Inadequate	Significant control gaps that result in the control not influencing the risk level.	Description: At best, control addresses risk, but is not documented or in operation, at worst, control does not address risk and is neither documented nor in operation. Action Required: Must have a treatment plan (action) to improve the control effectiveness to at least 'Moderately Effective'

Step 2 – Determine the Relevant Consequence

Determine relevant consequence categories and rate how bad it could be if the risk eventuated with existing controls in place (Consequence). Use Figure 7 (below) to determine which risk rating best fits the risk's consequences.

Figure 7- Risk Consequence Matrix (extracted from Shire of Mingenew Risk Management Policy-1.1)

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Legal & Compliance	Reputational	Property	Environment
Insignificant (1)	First aid injuries	Less than \$5,000	No material service interruption	Compliance: No noticeable regulatory or statutory impact Legal: Threat of litigation requiring small compensation Contract: No effect on contract performance	Unsubstantiated, low impact, low profile or 'no news' item <i>Example: gossip, online post seen by limited persons</i>	Inconsequential damage	Contained, reversible impact managed by on site response <i>Example: pick up bag of rubbish</i>
Minor (2)	Medical type injuries	\$5,001 - \$15,000	Short term temporary interruption – backlog cleared < 1 day	Compliance: Some temporary non-compliances Legal: Single minor litigation Contract: Results in meeting between parties in which contractor expresses concern	Substantiated, low impact, low news item <i>Example: online post seen by the community</i>	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response <i>Example: pick up trailer of rubbish</i>
Moderate (3)	Lost time injury <30 Days	\$15,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Compliance: Short term non-compliance but with significant regulatory requirements imposed Legal: several minor litigations Contract: Receive verbal advice that if breaches continue, a default notice may be issued	Substantiated, public embarrassment, moderate impact, moderate news profile <i>Example: local paper article, online post taken up by people outside of Shire</i>	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies <i>Example: Contractor removal of asbestos sheets</i>
Major (4)	Lost time injury >30 Days	\$50,000 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Compliance: Non-compliance results in termination of services or imposed penalties Legal: Single moderate litigation Contract: Receive written notice from contractor threatening termination if not rectified	Substantiated, public embarrassment, high impact, high news profile, third party actions <i>Example: State wide paper, TV news story, significant online presence</i>	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies <i>Example: truck/train spill of diesel of oil on road reserve</i>
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Compliance: Non-compliance results in litigation, criminal charges or significant damages or penalties Legal: Single major litigation or numerous moderate litigations Contract: Termination of contract for default	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions <i>Example: Au wide paper, TV news,</i>	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

Step 3 – Determine the Likelihood of Occurrence

Determine how likely it is that the risk will eventuate to the determined level of consequence with existing controls in place (Likelihood)

Figure 8- Likelihood of Risk Occurrence (extracted from Shire of Mingenew Risk Management Policy-1.1)

Measures of Likelihood			
Level	Rating	Description	Frequency
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur at some time	At least once in 3 years
2	Unlikely	The event could occur at some time	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances	Less than once in 15 years

Step 4– Determine the Residual Risk Rating

By combining the measures of consequence and likelihood, determine the Residual Risk Rating (Level of Risk). The 'Risk Scores' from both the 'Risk Likelihood' and 'Risk Consequences' are to be multiplied to get the 'Residual Risk Rating' (RL x RX = RR). This is to be determined using Figure 9.

Figure 9- Residual Risk Matrix (extracted from Shire of Mingenew Risk Management Policy-1.1)

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

3.4 Risk Evaluation

Risk evaluation takes the residual risk rating and applies it to the Shires risk acceptance criteria (Figure 10) to determine whether the risk is within acceptable levels to the Shire (Shire's risk tolerance), and what (if any) controls, high level actions or treatments need to be implemented.

The outcome of this evaluation will determine whether the risk is low; moderate; high or extreme.

The Residual Risk rating should be as close as possible to the Council's predetermined Risk Tolerance/Acceptance as defined in Fig 10 ('Acceptable Risk') for that Risk Category. If not, then Risk Treatment needs to occur as per the next step.

Note: Individual Risks or Issues may need to be escalated due to its urgency, level of risk or systemic nature.

Figure 10- Risk Acceptance Criteria (extracted from Shire of Mingenew Risk Management Policy- 1.1)

Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
LOW (1-4)	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
MODERATE (5-9)	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
HIGH (10-16)	Urgent Attention Required	Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	CEO
EXTREME (16-25)	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

3.5 Risk Treatment

If the Residual Risk is outside of Council's risk acceptance levels as quantified by figure 10, then Risk Treatment needs to occur. This involves 2 steps:

1. In all cases, regardless of the residual risk rating; controls that are rated 'Partly effective or Inadequate' in (Step 1 of Part C) must have a treatment plan (action) to improve the control effectiveness to at least 'Moderately Effective'.
2. If the residual risk rating (Step 4 of Part C) is high or extreme, treatment plans must be implemented to either:
 - a. Reduce the consequence of the risk materialising.
 - b. Reduce the likelihood of occurrence.
 (Note: these should have the desired effect of reducing the risk rating to at least moderate)

Risk treatments may involve actions such as avoid, share, transfer or reduce the risk with the treatment selection and implementation to be based on;

- I. Cost versus benefit
- II. Ease of implementation
- III. Alignment to organisational values / objectives

Once a treatment has been fully implemented, the Management Team is to review the risk information and acceptance decision with the treatment now noted as a control and those risks that are acceptable then become subject to the monitor and review process (discussed in 3.7)

3.6 Communication & Consultation

Effective communication and consultation are essential to ensure that those responsible for managing risk, and those with a vested interest, understand the basis on which decisions are made and why particular treatment / action options are selected or the reasons to accept risks have changed.

As risk is defined as the effect of uncertainty on objectives, consulting with relevant stakeholders assists in the reduction of components of uncertainty. Communicating these risks and the information surrounding the event sequence ensures decisions are based on the best available knowledge.

3.7 Monitoring, Review and Reporting

The Shire is to review all Risk Profiles at least six-monthly, or if triggered by one of the following;

- I. changes to context,

- II. a treatment is implemented,
- III. an incident occurs or due to audit/regulator findings.

The CEO (or as delegated) is to monitor the status of risk treatment implementation and report on as per the Risk Management Policy.

The CEO & Leadership Team will monitor significant risks and treatment implementation as part of their normal Team Meeting agenda item on a regular basis with specific attention given to risks that meet any of the following criteria:

- I. Risks with a Level of Risk of High or Extreme
- II. Risks with Inadequate or Partially Effective Existing Control Rating
- III. Risks with Consequence Rating of Major or Catastrophic
- IV. Risks with Likelihood Rating of Almost Certain

The design and focus of Risk Summary report will be determined from time to time on the direction of the CEO & Leadership Team. They will also monitor the effectiveness of the Risk Management Framework ensuring it is practical and appropriate to the Shire.

Each Work Area is responsible for ensuring:

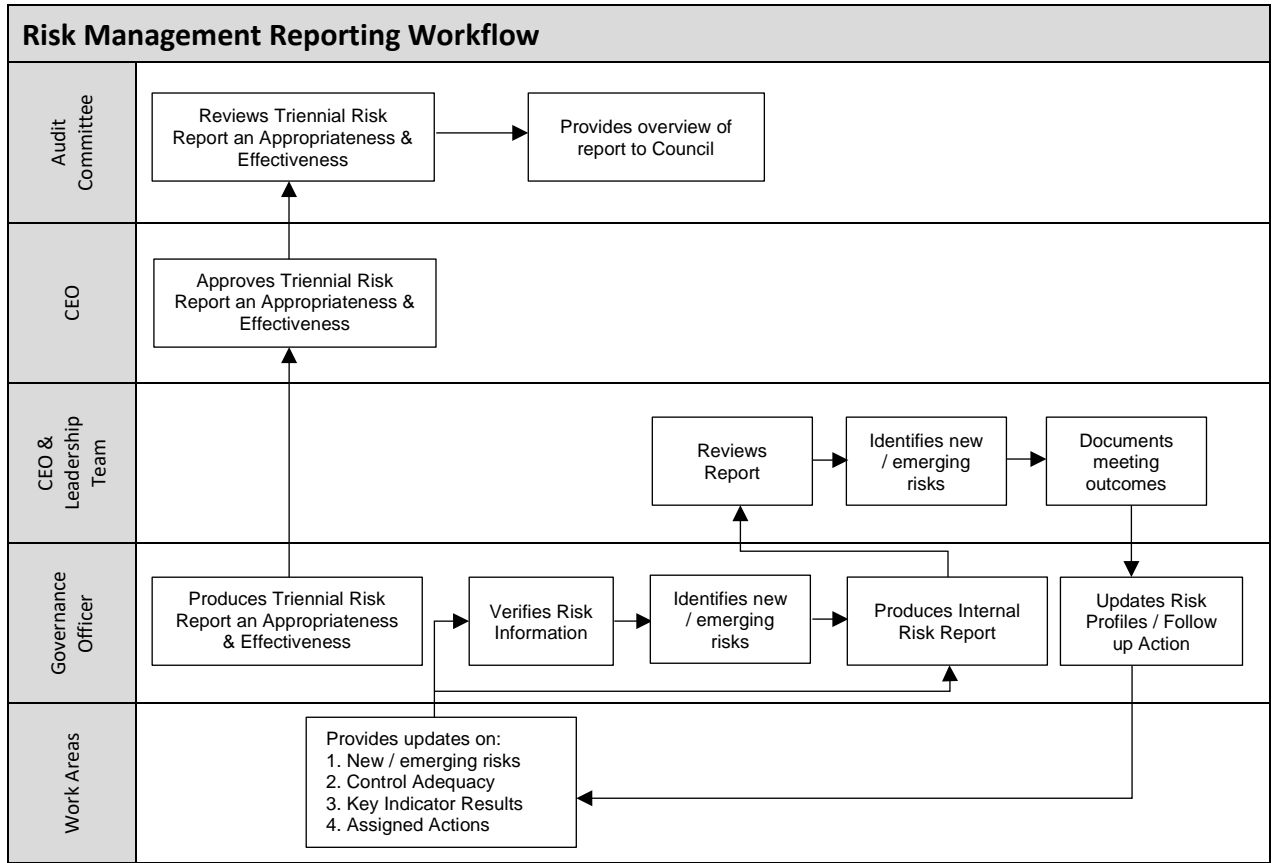
- They continually provide updates in relation to new, emerging risks, control effectiveness and key indicator performance to the Governance Officer.
- Work through assigned actions and provide relevant updates to the Governance Officer.
- Risks / Issues reported to the CEO & Leadership Team are reflective of the current risk and control environment.

The Governance & Community Manager is responsible for:

- Ensuring Shire Risk Profiles are formally reviewed and updated, at least on a six-monthly basis or when there has been a material restructure, change in risk ownership or change in the external environment.
- Regular Risk Reporting for the CEO & Shire Management Team.
- Annual Compliance Audit Return completion and lodgement.

The following diagram provides a high-level view of the ongoing reporting process for Risk Management.

Figure 11- Risk Management Workflow



COUNCIL POLICY

1.2.3

Administration

Title:	1.2.3 LEGAL REPRESENTATION – COSTS INDEMNIFICATION
Adopted:	21 March 2018
Reviewed:	Biennially (last reviewed 14 December 2022)
Associated Legislation:	Local Government Act 1995
Associated Documents:	Shire of Mingenew Code of Conduct for Council Members, Committee & Working Group Members Shire of Mingenew Code of Conduct for Shire Employees
Review Responsibility:	Chief Executive Officer, Governance & Community Manager
Delegation:	Nil.

Previous Policy Number/s 2002

Objective:

To set out the circumstances under which the Shire will indemnify elected members and employees against legal costs

Policy Statement:

The Shire of Mingenew is committed to ensuring that in performing their duties in a fair and objective manner, the interests of council members and staff are protected from civil legal proceedings.

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

1.2.3 LEGAL REPRESENTATION – COSTS INDEMNIFICATION MANAGEMENT PROCEDURE

Relevant Council Policy

Relevant CEO Directive

1.2.3 Legal Representation- Cost N/A
Indemnification

Adoption Date: 16 March 2018

Review: Annual

Appendix:

Objective:

To set out the circumstances under which the Shire will indemnify elected members and employees against legal costs.

Policy Statement:

The Shire of Mingenew are committed to ensuring that in performing their duties in a fair and objective manner, the interests of council members and staff are protected from civil legal proceedings.

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

Legislation:

- a) Section 9.56 of the Local Government Act 1995 (the Act) provides protection from actions of tort for anything a council member or employee has, in good faith, done in the performance or purported performance of a function under the Act or under any other written law.
- b) Section 3.1 of the Act provides that the general function of a local government is to provide for the good government of persons in its district.
- c) Section 6.7(2) provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by the Act or any other written law. Under these provisions, a council can expend funds to provide legal representation for council members and employees, as long as it believes that the expenditure falls within the scope of the local government's function.

Definitions:

Approved Lawyer	Approved lawyer is to be – (a) a 'certified practitioner' under the Professions Act 2008; (b) from a law firm on the Shire's panel of legal service providers, if relevant, unless the council considers that this is not appropriate – for example where there is or may be a conflict of interest or insufficient expertise; and (c) approved in writing by the council or the CEO under delegated authority
Council Member or Employee	Council member or employee means a current or former commissioner, council member, non-elected member of a council committee or employee of the Shire of Mingenew.
Legal Proceedings	Legal proceedings may be civil, criminal or investigative.

Legal Representation	Is the provision of legal services, to or on behalf of a council member or employee, by an approved lawyer that are in respect of (a) a matter or matters arising from the performance of the functions of the council member or employee; and (b) legal proceedings involving the council member or employee that have been, or may be, commenced.
Legal Representation Costs	The costs, including fees and disbursements, properly incurred in providing legal representation.
Legal Services	Includes advice, representation or documentation that is provided by an approved lawyer.
Payment	payment by the Shire of legal representation costs may be either by – (a) a direct payment to the approved lawyer (or the relevant firm); or (b) a reimbursement to the council member or employee

Procedures:

1 Payment Criteria

- a) There are four major criteria for determining whether the Shire will pay the legal representation costs of a council member or employee. These are –
 - I. the legal representation costs must relate to a matter that arises from the performance, by the council member or employee, of his or her functions;
 - II. the legal representation cost must be in respect of legal proceedings that have been, or may be, commenced;
 - III. in performing his or her functions, to which the legal representation relates, the council member or employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
 - IV. the legal representation costs do not relate to a matter that is of a personal or private nature.

2. Examples of Legal Representation Costs that may be Approved

- a) If the criteria in clause 1 of this policy are satisfied, the Shire may approve the payment of legal representation costs –
 - I. where proceedings are brought against a council member or employee in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the council member or employee; or
 - II. to enable proceedings to be commenced and/or maintained by a council member or employee to permit him or her to carry out his or her functions – for example, where a council member or employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the council member or employee; or
 - III. where exceptional circumstances are involved – for example, where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about council members or employees.
- b) The Shire will not approve, unless under exceptional circumstances, the payment of legal representation costs for a defamation action, or a negligence action, instituted by a council member or employee.

3. Application for Payment

- a) A council member or employee who seeks assistance under this policy is to make an application(s), in writing, to the council or the CEO.
- b) The written application for payment of legal representation costs is to give details of –
 - I. the matter for which legal representation is sought;
 - II. how that matter relates to the functions of the council member or employee making the application;
 - III. the lawyer (or law firm) who is to be asked to provide the legal representation;
 - IV. the nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc);
 - V. an estimated cost of the legal representation; and
 - VI. why it is in the interests of the Shire for payment to be made.
- c) An application is to contain a declaration by the applicant that he or she has acted in good faith and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.
- d) As far as possible, the application is to be made before commencement of the legal representation to which the application relates.
- e) The application is to be accompanied by a signed written statement by the applicant that he or she:
 - I. Has read, and understands, the terms of this policy;
 - II. Acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 7 and any other conditions to which the approval is subject; and
 - III. Undertakes to repay to the Shire any legal representation costs in accordance with the provisions of clause 7.
- f) In relation to clause 3.e(III), when a person is to be in receipt of such monies the person should sign a document which requires repayment of those monies to the local government as may be required by the local government and the terms of the policy.
- g) An application is also to be accompanied by a report prepared by the CEO or, where the CEO is the applicant, by an appropriate employee.

4. Legal Representation Costs – Limit

- a) The council in approving an application in accordance with this policy shall set a limit on the costs to be paid based on the estimated costs in the application.
- b) A council member or employee may make a further application to the council in respect of the same matter.

5. Council's Powers

- a) The council may –
 - I. refuse;
 - II. grant; or
 - III. grant subject to conditions, an application for payment of legal representation costs.
- b) Conditions under clause 5.a may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.
- c) In assessing an application, the council may have regard to any insurance benefits that may be available to the applicant under the Shire's council members 'or employees' insurance policy or its equivalent.
- d) The council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.
- e) The council may, subject to clause 5.6, determine that a council member or employee whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved –
 - I. Not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
 - II. Given false or misleading information in respect of the application.
- f) A determination under clause 5e may be made by the council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.
- g) Where the council makes a determination under clause 5e, the legal representation costs paid by the Shire are to be repaid by the council member or employee in accordance with clause 7.

6. Delegation to Chief Executive Officer

- a) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation to the value of \$5,000 provided that the power to make such an authorisation has been delegated to the CEO in writing under section 5.42 of the Local Government Act 1995.
- b) Where it is the CEO who is seeking urgent financial support for legal services the Council shall deal with the application.

7. Repayment of Legal Representation Costs

- a) A council member or employee whose legal representation costs have been paid by the Shire is to repay the Shire –
 - I. All or part of those costs – in accordance with a determination by the council under clause 5.7;
 - II. As much of those costs as are available to be paid by way of set-off – where the council member or employee receives monies paid for costs, damages, or settlement, in respect of the matter for which the Shire paid the legal representation costs.
- b) The Shire may take action in a court of competent jurisdiction to recover any monies due to it under this procedure.

COUNCIL POLICY

1.2.4

Administration

Title:	1.2.4 TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO
Adopted:	15 September 2021
Reviewed:	Biennially (last reviewed 14 December 2022)
Associated Legislation:	Local Government Act 1995 Local Government (Administration) Regulation 1996
Associated Documents:	Nil
Review Responsibility:	Governance & Community Manager
Delegation:	N/A

Objective:

To establish policy, in accordance with Section 5.39C of the Local Government Act 1995 ('the Act'), that details the Shire of Mingenew's processes for appointing an Acting or Temporary Chief Executive Officer (CEO) for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office.

Policy Statement:

1. Definitions:

- (1) **Acting CEO** means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed, but is on planned or unplanned leave.
- (2) **Temporary CEO** means a person employed or appointed to fulfil the statutory position of CEO for the period of time between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

2. Acting and Temporary CEO Requirements and Qualification

- (1) When the CEO is on planned or unplanned leave, or the CEO's employment with the Local Government has ended, an Acting or Temporary CEO is to be appointed in accordance with this Policy to fulfil the functions of CEO as detailed in Section 5.41 of the *Local Government Act 1995*, and other duties as set out in the Act and associated Regulations.
- (2) Through this policy and in accordance with section 5.36(2)(a) of the Act, the Council determines that employees appointed to the substantive position(s) of Finance and Administration Manager, Governance and Community Manager, or Works Manager are considered suitably qualified to perform the role of Acting or Temporary CEO.
- (3) A person appointed to act in the position of Finance and Administration Manager, Governance and Community Manager, or Works Manager is not included in the determination set out in Clause 3 (2).

3. Appoint Acting CEO – Planned and unplanned leave for periods up to 6 weeks

- (1) The CEO is authorised to appoint the Finance and Administration Manager, Governance and Community Manager, or Works Manager in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 6 weeks, subject to the CEO's consideration of the Manager's performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.

- (2) The CEO must appoint an Acting CEO for any leave periods greater than 48 hours and less than 6 weeks.
 - (3) The CEO is to immediately advise all Council Members when and for what period of time the Manager is appointed as Acting CEO.
 - (4) If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with (2), then the following line of succession shall apply:
 - a) The Finance and Administration Manager will be appointed as Acting CEO; or
 - b) If the Finance and Administration Manager is unable to act, the Governance and Community Manager will be appointed as Acting CEO; or
 - c) If the Governance and Community Manager is unable to act, the Manager Works will be appointed as Acting CEO.
 - (5) Council may, by resolution, extend an Acting CEO period under subclause (4) beyond 6 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.
4. *Appoint Acting CEO for extended leave periods greater than 6 weeks but less than 12 months.*
- (1) This clause applies to the following periods of extended leave:
 - Substantive CEO's Extended Planned Leave which may include accumulated annual leave, long service leave or personal leave; and
 - Substantive CEO's Extended Unplanned Leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
 - (2) The Council will, by resolution, appoint an Acting CEO for periods greater than 6 weeks but less than 12 months, as follows:
 - a) Appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
 - b) Conduct an external recruitment process in accordance with clause 5(1)(c)(iii).
 - (3) The President will liaise with the CEO, or in their unplanned absence the Governance and Community Manager to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
 - (4) Subject to Council's resolution, the President will execute in writing the Acting CEO appointment with administrative assistance from the Governance and Community Manager.
5. *Appoint Temporary CEO – Substantive Vacancy*
- (1) In the event that the substantive CEO's employment with the Shire of Mingenew is ending, the Council when determining to appoint a Temporary CEO may either:
 - a) by resolution, appoint Finance and Administration Manager, Governance and Community Manager, or Works Manager as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or
 - b) by resolution, appoint Finance and Administration Manager, Governance and Community Manager, or Works Manager as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
 - c) following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act, appoint a Temporary CEO for the period of

time until the substantive CEO has been recruited and commences employment with the Local Government.

- (2) The President will liaise with the Governance and Community Manager to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
- (3) The President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Councils resolution/s, with administrative assistance from the Governance and Community Manager.

6. *Remuneration and conditions of Acting or Temporary CEO*

- (1) Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at 100% of the cash component only of the substantive CEO's total reward package.
- (2) Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.
- (3) Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

COUNCIL POLICY

1.2.5

Administration

Title:	1.2.5 WORK HEALTH AND SAFETY POLICY
Adopted:	21 March 2018
Reviewed:	Biennially (last reviewed 14 December 2022)
Associated Legislation:	Work Health and Safety Act 2020 Work Health and Safety (General) Regulations 2022 Workers Compensation and Injury Management Act 1981
Associated Documents:	Contractor Management Policy Fitness for Work Policy Health Safety Environment and Quality Policy HSE Consultation, Education & Communication Policy Occupational Rehabilitation and Workers' Compensation Policy Operational Risk Management Policy Approved Codes of Practice
Review Responsibility:	Governance & Community Manager
Delegation:	N/A

Objective:

The Shire of Mingenew is committed to protecting the health and safety of all persons in its workplace including employees, contractors, volunteers and visitors (or any other person defined as a 'worker'). The Shire demonstrates this commitment by providing safe systems of work and work instructions with the aim of creating a safe work and community environment to minimise risk of illness or personal injury.

Policy Statement:

The Shire of Mingenew is committed to providing a safe and healthy workplace for employees, contractors, visitors, volunteers and any other person whose health or safety could be affected. It aims to maintain an effective Safety Management System that incorporates a continuous improvement philosophy and provides as far as is reasonably practicable for maintenance of work, safety and health standards to protect the wellbeing of staff, stakeholders and the environment.

The Shire will endeavour to:

- a) As far as practicable, provide the necessary resources, both human and financial, to achieve safety outcomes and maintain a safe work environment;
- b) Comply with all applicable health and safety laws, regulations, standards and codes of practice where reasonably practical;
- c) Foster a positive health and safety culture;
- d) Continuously review and improve its safety systems and monitor performance;
- e) Provide workers, including contractors and volunteers, with the necessary information, instruction and training to increase knowledge and skills in order to work safely;
- f) Promote reporting mechanisms to identify hazards, assess risk and implement control measures in an effective and timely manner;

- g) Consult and cooperate with workers (including contractors and volunteers) on health, safety and wellbeing matters and systems;
- h) Respond to and investigate incidents, events or issues for the purpose of continuous safety improvement.

The application of this policy is to be in conjunction with the Shire of Mingenew Code of Conduct for Employees (applying to volunteers and contractors).

Responsibilities

Council is responsible for appropriate resourcing of work health and safety through the Annual Budget adoption and establishing strategic direction that is considerate of work health and safety principles.

The Chief Executive Officer is responsible for the implementation and management of this policy.

All senior management (defined as 'officers') are responsible for compliance to this policy by their employees, contractors and volunteers (workers).

All workers are responsible and accountable for the health and safety of themselves and others in the workplace through safety-led behaviour and work practices.

Review Date: 11 December 2024

COUNCIL POLICY

1.2.6

Administration

Title:	1.2.6 GRATUITIES
Adopted:	21 November 2018
Last Reviewed:	Biennially (last reviewed 14 December 2022)
Associated Legislation:	Sections 5.50 of the Local Government Act 1995. Regulations 19A of the Local Government (Administration) Regulations 1996
Associated Documents:	Nil.
Review Responsibility:	Chief Executive Officer
Delegation:	Nil.

Objective:

A gratuity payment, in the form of a monetary payment or gift(s) to an equivalent value may be given as a token of appreciation for an employee's commitment and service to the Shire of Mingenew (Local Government), only when the employee is finishing their employment with the Local Government. This policy outlines the circumstances in which gratuity payments may be made to an employee.

A gratuity payment may be paid in addition to any amount which an employee is entitled to under a contract of employment or industrial instrument. This policy does not form a contractual entitlement for any employee of the Local Government or impact or change an employee's contractual entitlements under legislation or an industrial instrument.

This policy is to be read in conjunction with section 5.50 of the Local Government Act 1995 (WA) (Act) and regulation 19A of the Local Government (Administration) Regulations 1996 (WA) (Administration Regulation).

Policy Statement:

The Shire of Mingenew acknowledges that its employees regularly commit more in their staff roles to supporting the Shire and its community than many employees in larger local government organisations. The Council is therefore committed to suitably recognising that value-add benefit, as provided by its long serving employees.

A gratuity payment entitlement is subject to completed years of continuous service as detailed in clause 4 below and is only payable at the time an employee finishes their employment with the Local Government for one of the following reasons:

- resignation (not as a result of any performance management or investigation or disciplinary process being undertaken by the Local Government)
- retirement, or
- redundancy.

An employee is not eligible to receive a gratuity payment under this policy where an employee:

- has been dismissed for any reason other than redundancy
- resigns following commencement of a disciplinary, investigation or performance management process,
-

The prescribed maximum amounts for Gratuity Payments, and means for their presentation is outlined in the below table:

Number of Years' Service (in either full-time or part time employment only)	Maximum amount of Gratuity and means of presentation
1. Continuous service less than two years	Nil.
2. Continuous service of greater than two completed years, and up to 10 years.	\$25 for each completed year of service (e.g. three years @ \$25/year = \$75).
3. Continuous service greater than 10 completed years and up to 20 years.	\$25 for each completed year of service (e.g. 12 years @ \$25/year = \$300). To be presented to the employee by the CEO or nominated representative at a function to be determined by the CEO.
4. Above 20 completed years of service.	\$25 for each completed year of service (e.g. 22 years @ \$25/year = \$550). To be presented to the employee by the President or nominated representative, at a function to be determined by the CEO.

The value of the calculated gratuity can be in the form of cash, a gift, or shire property, or combination thereof. The employee accepts full responsibility for any taxation payable on a gratuity payment and agrees to fully indemnify the Shire of Mingenew in relation to any claims or liabilities for taxation in relation to the gratuity payment.

An employee who has been dismissed by the Shire of Mingenew for any reason other than redundancy, will not be eligible to receive any Gratuity Payment.

The Chief Executive Officer (CEO) is authorised to approve payments in accordance with the limits prescribed by this policy, and to define continuous service within the accompanying procedure.

Suitable funds will be allocated as part of the Local Government's annual budget.

Payments in addition to this policy

The Council may, by resolution, determine to make a gratuity payment that is greater than prescribed in this policy but does not exceed the amount prescribed in Administration Regulation 19A, subject to Local Public Notice requirements prescribed in section 5.50(2) of the Act.

The Local Government is prohibited by section 5.50 of the Act from making any payment to an employee finishing their employment which exceeds the amount prescribed in Administration Regulation 19A.

Policy Review Communications

This policy may be cancelled or varied from time to time, however, the Shire of Mingenew will take reasonable steps (by the normal correspondence method) to notify employees prior to the variation of this policy or the introduction of any new gratuity policy.

1.2.6 GRATUITY MANAGEMENT PROCEDURE

Relevant Council Policy

1.2.6 Gratuity

Adoption Date: 21 November 2018 - CEO

Appendix:

Relevant CEO Directive

N/A

Review: Biennially

Objective:

To provide clarity around Council's position with regard to the entitlement and calculation methodology for the payment of gratuities to departing employees, and to ensure compliance with the provisions of the Local Government Act and Local Government (Administration) Regulations.

Legislative Provisions:

When an employee leaves the Shire of Mingenew, the Shire may (within the parameters set by the Local Government Act 1995 and the associated Regulations) be given a good or service as a token of appreciation for their commitment and service to the district.

Section 5.50 of the Local Government Act 1995 provides that a Local Government may, but only if it has an adopted policy on the matter, make payments to departing employees in addition to their contract or award. Regulations 19A the Local Government (Administration) Regulations 1996 prescribes the maximum value of payment(s) able to be made.

Procedures:

Introduction - To enable reasonable time for a financial provision to be made, the Policy will come into effect on 1 July 2019.

Employee Service Records - The Payroll Officer is to, for the purposes of this policy, maintain accurate service records of all permanent and part time staff (noting that the policy does not apply to casual or contract staff).

Entitlement - Any gratuity paid is in addition to any amount which an employee is entitled to under a contract of employment or industrial instrument. This policy whilst outlining the intention and circumstances in which a gratuity payment may be made, does not however, form a contractual entitlement for any employee.

The policy entitlement does not apply to casual or contracted staff (irrespective of length of service).

An employee who has been dismissed by the Shire of Mingenew for any reason other than redundancy, will also not be eligible to receive any Gratuity Payment.

Continuous service - shall be deemed to include:

- Any period of absence from duty on annual leave, long service leave, paid compassionate leave, accrued paid personal leave and public holidays;
- Any period of authorised paid absence from duty necessitated by sickness of or injury to the employee up to a maximum of three months in each calendar year, but not including leave without pay or parental leave; or

- Any period of absence that has been supported by an approved workers compensation claim up to a maximum absence of 12 months.

Continuous service shall not include (unless the Shire of Mingenew determines otherwise):

- Any period of unauthorised absence from duty;
- Any period of unpaid leave; or
- Any period of absence from duty on parental leave.

Gratuity Make-up and Taxation - The value of the calculated gratuity can be in the form of cash, a gift, or shire property, or combination thereof. The employee accepts full responsibility for any taxation payable on a gratuity payment, and agrees to fully indemnify the Shire of Mingenew in relation to any claims or liabilities for taxation in relation to the gratuity payment.

Budget - The officer responsible for payroll, in consultation with the Finance and Administration Manager, should calculate a suitable anticipated budget allocation, to be incorporated into each financial year's budget, for anticipated gratuity payments over the coming 12 months.

Coordination of Calculation and Payment – The officer responsible for payroll is to liaise with the relevant staff member (either directly or via their supervisor) upon the notification of an entitled staff member announcing their departure, confirming the calculated amount of the gratuity and seeking confirmation from the employee as to the desired payment make-up. The gratuity would, barring exceptional circumstances, be included within the final payroll payment for that employee.



COUNCIL POLICY
Administration

1.2.8

Title:	1.2.8 Information & Communications Technology (ICT) Usage
Adopted:	18 September 2019
Last Reviewed:	Biennially (last reviewed 14 December 2022)
Associated Legislation:	Local Government Act 1995
Associated Documents:	Code of Conduct
Review Responsibility:	Chief Executive Officer and Finance & Administration Manager
Delegation:	Nil

Objective:

To ensure the security and integrity of the Shire's ICT environment and set out the rights and obligations of Shire staff (including contractors, volunteers and any person performing work for or with the Shire of Mingenew in any capacity).

Policy Statement:

Effective security is a team effort involving the participation and support of every Shire of Mingenew employee who deals with information and/or information systems and devices. Every digital device user must understand this policy and carry out their use of digital devices in accordance with this policy. For the purposes of this policy the term "employee/s" shall extend to cover contractors, volunteers and any person performing work for or with the Shire of Mingenew in any capacity.

General Use of ICT Equipment

- While the Shire of Mingenew's network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the corporate systems remain the property of the Shire. Because of the need to protect the Shire's network, the confidentiality of personal (non-work-related) information stored on any network device belonging to the Shire cannot be guaranteed; and
- A degree of personal use is allowed on the Shire of Mingenew's equipment/devices/systems. Employees should exercise conservative judgment regarding the reasonableness of personal use but should be guided by the following principles:
 - Personal use should be conducted either before or after contracted hours of work or authorised breaks;
 - Personal use should be limited and brief, avoiding excessive download or transmission. An example of acceptable personal use would be conducting brief transactions through internet banking;

- Personal use should not breach anything in this policy, particularly relating to the downloading of offensive or copyrighted materials;
 - Managers/Supervisors will determine the specific acceptable personal use for their respective business areas as this will differ according to the needs of each group; and
 - If there is any uncertainty regarding acceptable personal use then employees should consult their supervisor or manager for guidance.
- For security and network maintenance purposes, authorised individuals within the Shire of Mingenew may monitor equipment, systems and network traffic at any time, according to the specific nature and requirements of their roles.
 - The Shire of Mingenew reserves the right to audit networks and systems on a periodic basis to ensure system integrity and compliance with this policy.
 - All emails sent by Shire of Mingenew staff should include their 'signature' in the format specified by the Shire of Mingenew's style guide or as otherwise advised by the CEO.
 - Computers should be locked when stepping away from the works station to prevent unauthorised access.
 - Computers to be shut down when leaving the workplace for the day.

Security and Proprietary Information

- All information stored on the Shire of Mingenew's corporate systems should be regarded as confidential and care must be exercised before sharing or distributing any information. If there is any uncertainty regarding the level of confidentiality involved then employees should consult their supervisor or manager for guidance;
- Passwords should be kept secure and accounts must not be shared. Authorised users are responsible for the security of their passwords and accounts. Passwords should be changed regularly, in accordance with Shire of Mingenew's advice from the person responsible for ICT (presently the Finance & Administration Manager);
- All devices connected to the Shire of Mingenew's computing systems/networks, regardless of ownership, must be running approved and up to date virus-scanning software; and
- People must use caution when opening files received from unknown senders.

Unacceptable Use

The information in this policy provides a framework for activities which fall into the category of unacceptable use, but do not represent an exhaustive list. Some users are exempted from these restrictions during the course of carrying out responsibilities related to their role. Under no circumstances is any user authorised to engage in any activity that is illegal under local, state, federal or international law while connected to or utilising Shire of Mingenew ICT systems or resources.

System and Network Activities

The following activities are not permitted:

- Violations of the rights of any person or company/organisation protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the duplication, installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the Shire of Mingenew or the end user;
- Unauthorised copying or digitising of copyrighted material and the installation of any copyrighted software for which the Shire of Mingenew or the end user does not have an active license;
- Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws. The appropriate manager should be consulted prior to export of any material where status is unclear;
- Introduction of malicious programs or code into the network or onto devices connected to the network;
- Revealing your account password to others or allowing use of your account by others;
- The Shire of Mingenew's equipment is not be used for the downloading or distribution of any material that could be considered as offensive. If a user receives such material they should notify their supervisor and also the Finance & Administration Manager;
- Making fraudulent offers of products, items, or services, or running private business interests via any Shire of Mingenew equipment, device or account; and
- Undertaking private work.

The following activities are not permitted unless they are within the scope of regular responsibilities for an expressly authorised role/position:

- Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the user is not an intended recipient or logging into a server or account that the user is not expressly authorised to access;
- Executing any form of network monitoring which will intercept data not intended for the user's host;
- Attempting to avoid or bypass Shire of Mingenew's network security measures;
- Interfering with any other user's account, by whatever means; and
- Using the system in a way that could damage or affect the performance of the network in any way.

Email and Communications Activities

The following activities are not permitted:

- Except in the course of normal business notifications, sending or forwarding unsolicited electronic messages, including the sending of "junk mail" or other advertising material, jokes, or chain communication to individuals who did not specifically request such material;

- Any form of harassment via electronic/ICT means;
- Unauthorised use, or forging, of email header information;
- Solicitation of communication for any other electronic address, other than that of the poster's account, with the intent to harass or to collect replies;
- Creating or forwarding "chain letters" or "pyramid" schemes of any type;
- Use of any of the Shire of Mingenew's network or systems for the purpose of generating unsolicited communications;
- Providing information about, or lists of the Shire of Mingenew's employees to parties outside Shire of Mingenew or to personal email addresses;
- Communicating in a manner that could adversely affect the reputation or public image of Shire of Mingenew; and
- Communicating in a manner that could be construed as making statements or representations on behalf of Shire of Mingenew without the Shire of Mingenew's express permission to do so; and

Users should also endeavor to clean out their Inbox, Sent Items, Deleted Items and other email boxes on a regular basis, by either deletion or saving in the central record system. A size limit per mailbox may be implemented to ensure that the system is functioning optimally.

Remote Access

Users with remote access should be reminded that, when they are connected to the Shire of Mingenew's network, their machines are an extension of that network, and as such are subject to the same rules and regulations that apply to the Shire of Mingenew's corporate equipment and systems. That is, their machines need to connect and communicate reliably with the Shire of Mingenew's network and servers to ensure the security and integrity of data and records.

Users are reminded of the following conditions relating to remote access to the Shire of Mingenew's system:

- Family members must not violate any of the Shire of Mingenew's policies, perform illegal activities, or use the access for outside business interests;
- The device that is connected remotely to the Shire of Mingenew's corporate network should be secure from access by external non-Shire of Mingenew parties and should be under the complete control of the user;
- The use of non-Shire of Mingenew email accounts (e.g. Yahoo, Hotmail, Gmail etc.) or other external resources is not permitted for the conduct of Shire of Mingenew business, thereby ensuring official business is not confused with personal business; and
- All devices (whether personal or corporate) connected to the Shire of Mingenew's networks via remote access technologies should have up-to-date anti-malicious-code software.

Provision and Use of Mobile Phones and Information/ Communication Devices

Some people will be supplied with a mobile phone and/or other mobile computing device if it is deemed necessary to their position. All mobile devices supplied remain the property of the Shire of Mingenew and users must not change service providers unless permitted to do so.

Where a mobile device provides an email service, all emails sent or received or otherwise processed via the mobile device that are classified as a record of the Shire of Mingenew should be through the Shire of Mingenew's server, to ensure the integrity of the recordkeeping system.

Where the device includes a digital camera, users are to use the technology in a sensible manner. A failure to do so may lead to disciplinary action including possible termination of employment. Employees may also be held criminally liable for their actions.

It is unlawful for drivers to operate a mobile phone and/or other mobile computing device whilst driving. Phone calls may otherwise be made or received providing the device is accessible while mounted/fixed to the vehicle or does not need to be touched by the user. An employee who operates a mobile phone and/or other mobile computing device whilst driving may face disciplinary action including possible termination of employment. Employees may also be held criminally liable for their actions.

Consequences of Breaching This Policy

- Any user found to have breached this policy may be subject to disciplinary action including possible termination of employment. The Shire of Mingenew may also be obligated to refer any breach of this policy to an external agency where an employee may be held criminally liable for their actions.
- Private/personal or unauthorised use of corporate ICT systems and/or devices may result in the user being obligated to pay any extra costs incurred.

Variation to This Policy

This policy may be cancelled or varied from time to time. All the Shire of Mingenew s employees will be notified of any variation to this policy by the normal correspondence method. All users of the organisations ICT are responsible for reading this policy prior to accessing the organisations ICT.

Title:	1.2.9 PRE-QUALIFIED SUPPLIERS POLICY
Adopted:	18 September 2019
Reviewed:	Biennially (last reviewed 14 December 2022)
Associated Legislation:	Local Government Act 1995 Local Government (Functions and General) Regulations 1996
Associated Documents:	Purchasing Procedure Code of Conduct
Review Responsibility:	Finance and Administration Manager
Delegation:	N/A

Objective:

The Shire will consider establishing a Panel for purchasing activity when all of the following factors apply:

- It determines that a range of similar goods or services are required to be purchased on a continuing and regular basis;
- The purchases are considered vital, but of low value, and may be needed prior to a purchase order being completed;
- There are numerous potential suppliers in the local and regional procurement-related market sector(s) that offer 'value for money';
- The purchasing activity under the intended Panel is considered to be of a low risk;
- The Panel will streamline and improve procurement processes; and
- It has the capacity to establish, manage the risks and achieve the benefits expected of the proposed Panel.

Policy Statement:

The Shire is committed to developing and operating efficient, effective, economical and sustainable procedures for the procurement of all goods and services and adopting a value for money approach, which allows the best possible procurement outcome to be achieved.

The application of this policy is to be in conjunction with the Shire of Mingenew Code of Conduct and in compliance with the Shire's Purchasing Policy.

1.2.9 PRE-QUALIFIED SUPPLIERS PROCEDURES

Relevant Council Policy

1.2.9 Pre-Qualified Suppliers Policy

Approval Date: 14 December 2022

Appendix: Nil

Relevant CEO Directive

N/A

Review: Annual

Objective:

The Shire will consider establishing a Panel for purchasing activity when all of the following factors apply:

- It determines that a range of similar goods or services are required to be purchased on a continuing and regular basis;
- The purchases are considered vital, but of low value, and may be needed prior to a purchase order being completed;
- There are numerous potential suppliers in the local and regional procurement-related market sector(s) that offer 'value for money';
- The purchasing activity under the intended Panel is considered to be of a low and medium risk;
- The Panel will streamline and improve procurement processes; and
- It has the capacity to establish, manage the risks and achieve the benefits expected of the proposed Panel.

Panel Establishment

Should the Shire determine it is advantageous to establish a Panel, it must do so in accordance with Part 4, Division 3 of the *Local Government (Functions and General) Regulations 1996* and its internal procurement procedures.

- A Panel may be established for one supply requirement, or a number of similar supply requirements under defined categories within the Panel.
- Panels may be established for a minimum of 1 year and a maximum of 3 years or other length of time deemed appropriate by the Shire.
- Evaluation criteria must be determined and communicated in the application process by which applications will be assessed and accepted.
- Where a Panel is to be established, the Shire will endeavour to appoint at least three (3) suppliers to the Panel, or to each category within the Panel, on the basis of best 'value for money'.
- In each invitation to apply to become a pre-qualified supplier (through a procurement process advertised through a state-wide notice), the Shire must state the expected number of suppliers it intends to put on the panel.
- Should a Panel member leave the Panel, they may be replaced by the next ranked Panel member determined in the value for money assessment should the supplier agree to do so, with this intention to be disclosed in the detailed information set out under Regulation 24AD(5)(d) and (e) when establishing the Panel.

Panel Purpose

The Shire may establish a Panel for the purpose of:

Trades Panel

to allow sub-contract assistance in operational requirements on an as-needed basis. Establishment of a Panel in this instance negates the requirement for

quotes. A Trades Panel may include such categories as electrician, plumber or similar.

Purchasing from a Panel

Each pre-qualified supplier appointed to the Panel (Supplier) provides a schedule of rates (Schedule) accepted by the Shire as part of their appointment to the Panel. This Schedule will be fixed for the term of the Panel and will ensure that each Supplier has been afforded an identical opportunity to quote for the supply requirements.

The Shire may award any quantity of work to any Supplier on the basis of their schedule and availability. A purchase order will be issued before works commence except urgent purchases for which a purchase order will be issued after works commence.

An urgent purchase is defined as an unanticipated purchase which is required in response to an urgent situation with immediate attention.

Distributing Work Amongst a Support Panel

In considering the distribution of work amongst a Trades Panel, the Shire will consider the Supplier's:

- Accepted Schedule;
- Performance during the term of the Panel;
- Capability relative to the particular item of work;
- Response time and/or availability; and
- Vicinity to the work location.

Panel Communication Agreement

The Shire will ensure clear, consistent, and regular communication between all parties to a Panel.

Panel Record Keeping

All documentation and communication relating to the establishment of, and subsequent procurement from a Panel shall be processed through the Shire's internal record management system, as appropriate, to ensure an identifiable audit trail exists. This will include such items as the initial request for applications, all invitations to quote, clarification correspondence, responses received, and all procurement documentation.

ACCESS AND INCLUSION POLICY

1.2.10

Administration

Title:	1.2.10 Access and Inclusion Policy
Adopted:	15 July 2020
Reviewed:	Biennially (last reviewed 14 December 2022)
Associated Legislation:	Local Government Act (1995) as amended; Disability Services Act 1993 (WA)
Associated Documentation:	Shire of Mingenew Disability Access and Inclusion Plan 2019-2024
Review Responsibility:	Council

Previous Policy Number/s – Nil

Objective:

To ensure that the Shire of Mingenew is an accessible community for people with disability, their families and carers.

Policy:

The Shire of Mingenew is committed to ensuring that the community is an accessible community for people with disability, their families and carers, via the following:

- The Shire of Mingenew believes that people with disability, their families and carers who live in country areas should be supported to remain in the community of their choice.
- The Shire of Mingenew is committed to consulting with people with disability, their families and carers and, where required, disability organisations to ensure that barriers to access are addressed appropriately.
- The Shire of Mingenew is committed to ensuring that its agents and contractors work towards the desired outcomes in the Disability Access and Inclusion Plan.

The Shire is also committed to achieving the seven standards of its disability access and inclusion plan which are as follows:

- People with disability have the same opportunities as other people to access the services of, and any events organised by, a public authority.
- People with disability have the same opportunities as other people to access the buildings and other facilities of a public authority.
- People with disability receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.
- People with disability receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.
- People with disability have the same opportunities as other people to make complaints to a public authority.
- People with disability have the same opportunities as other people to participate in any public consultation by a public authority.
- People with disability have the same opportunities as other people to obtain and maintain employment with a public authority.

ACCESSIBLE INFORMATION POLICY
Administration

1.2.11

Title:	1.2.11 Accessible Information Policy
Adopted:	15 July 2020
Reviewed:	Biennially (last reviewed 14 December 2022)
Associated Legislation:	Local Government Act (1995) as amended; Disability Services Act 1993 (WA)
Associated Documentation:	Shire of Mingenew Disability Access and Inclusion Plan 2019-2024
Review Responsibility:	Council

Previous Policy Number/s – Nil

Objective:

To ensure people with disabilities have the same opportunities as other community members to access public documents and information relating to Council's functions, services and facilities.

Policy:

People with disabilities have the same rights as other community members to access public information about Council's functions, services and facilities. In accordance with existing legislative responsibilities, it is recommended that, wherever possible, Councils provide:

1. printed and electronic public information in clear and easy to understand formats;
2. on request from people with specific communication requirements, information in alternative formats such as audio tape or large print; and
3. accessible public consultation processes and venues for people with disabilities.

REASONABLE ADJUSTMENT POLICY
Administration

1.2.12

Title:	1.2.12 Reasonable Adjustment Policy
Adopted:	15 July 2020
Reviewed:	Biennially (last reviewed 14 December 2022)
Associated Legislation:	Local Government Act (1995) as amended; Disability Discrimination Act (1992),
Associated Documentation:	Shire of Mingenew Disability Access and Inclusion Plan 2019-2024
Review Responsibility:	Council

Previous Policy Number/s – Nil

Objective:

The objectives of this policy and procedure are to:

- a) Ensure that the Shire of Mingenew is inclusive of people with disability in its employment practises;
- b) Enable appropriately skilled people with disabilities to perform the inherent requirements of their positions;
- c) Provide an opportunity for employees who acquire a temporary or permanent disability to continue their employment at the Shire, where possible;
- d) Create an inclusive environment that ensures that equal employment opportunities are available to all staff, including those with a disability;
- e) Provide staff who have a disability with the opportunity to participate in a safe, equitable, discrimination and harassment free working environment;
- f) Actively facilitate the employment of people with a disability in all suitable areas of employment;
- g) Ensure that people with a disability are treated equitably during all stages of employment, including recruitment, selection, promotion, training, and termination;
- h) Ensure that the needs of people with a disability, such as effective interaction, management and supervision, are recognised in the performance management process;
- i) Understand that some people with a disability may choose not to involve their supports in their employment matters;
- j) Ensure that people with a disability have the means to contribute to and participate in the work environment; and
- k) Make reasonable adjustments to the work area to accommodate staff with a disability.

Policy:

People with disabilities have the same rights as other community members to access public information about Council's functions, services and facilities. In accordance with existing legislative responsibilities, it is recommended that, wherever possible, Councils provide:

1. printed and electronic public information in clear and easy to understand formats;
2. on request from people with specific communication requirements, information in alternative formats such as audio tape or large print; and
3. accessible public consultation processes and venues for people with disabilities.

The Shire is committed to ensuring an accessible and inclusive work environment to enable people with disability to participate fully in all aspects of employment in keeping with the requirements of the *Disability Discrimination Act (1992)*.

The Shire seeks to apply the principle of reasonable adjustment to remove barriers to participation in work by people with disability. Reasonable adjustments will be made to enable appropriately skilled people with disabilities to perform the inherent requirements of their positions.

Application

This policy applies to, but is not limited to, the following areas:

- a) Recruitment, selection, and appointment;
- b) Induction and orientation;
- c) Participation in projects and committees;
- d) Training and career development;
- e) Performance management;
- f) Opportunities to enjoy all Shire supported social or recreational activities;
- g) Promotion, transfer, or any other employment benefit.

The rights of people with disability are safeguarded by the *Disability Discrimination Act (1992)* by which the Shire must abide. While this policy provides overall guidance on handling staff with disability, more detailed information is incorporated throughout the policies and procedures of the Shire.

People with disability are obliged to abide by all other policies of the Shire including those relating to bullying and harassment, staff conduct and discrimination. Where exceptions or other considerations apply, detailed information is incorporated throughout other policies and procedures of the Shire.

This policy also applies to those involved in the recruitment and management of staff.

CHRISTMAS PERIOD CLOSURE POLICY
Administration

1.2.13

Title:	1.2.13 Christmas Period Closure Policy
Adopted:	17 March 2021
Reviewed:	Biennially (last reviewed 14 December 2022)
Associated Legislation:	Local Government Act 1995
Associated Documentation:	
Review Responsibility:	Council

Previous Policy Number/s – Nil

Objective:

The objective of this policy is to facilitate efficient management of the Shire's Administration Centre and Depot over the Christmas period and provide guidance on closures to appropriately inform and support the community during times when service levels are suspended or reduced.

Policy:

The Shire of Mingenew shall close operations each year for a maximum two-week period over the Christmas and New Year holiday period commencing no earlier than five working days prior to Christmas Day and up to Christmas Eve (i.e. closure commencing 21 December would require operations to recommence by 5 January).

The CEO is to determine the closure starting and end date and notification must be provided to Councillors and employees at least 8 weeks prior to Christmas Day. Employees shall use annual leave, RDOs, leave without pay or other eligible leave entitlements to cover any ordinary working days during the closure period that are not a public holiday. There will be a maximum of seven ordinary working days during the closure period. The CEO may determine some services to be essential during the closure period and authorise employees to work during the closure or be on call, in accordance with the relevant employee conditions/industry award.

The Shire will comply with Local Public Notice requirements for advertising the Christmas period closure in accordance with the *Local Government Act 1995* to ensure the community is made aware of the shutdown and after hours/emergency contacts, no later than 4 weeks prior to Christmas Day.

COUNCIL POLICY
Administration

1.2.14

Title:	1.2.14 PUBLIC INTEREST DISCLOSURES POLICY
Adopted:	16 February 2022
Reviewed:	Biennially (last reviewed 14 December 2022)
Associated Legislation:	Local Government Act 1995 Public Interest Disclosure Act 2003
Associated Documents:	Shire of Mingenew Code of Conduct for Council Members, Committee Members and Candidates Shire of Mingenew Code of Conduct for Employees PSC Code of Conduct and Integrity
Review Responsibility:	Governance & Community Manager
Delegation:	Chief Executive Officer

Previous Policy Number/s -

Objective:

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

Scope

This policy applies to all employees, elected members, contractors and volunteers.

Policy Statement:

The Shire of Mingenew does not tolerate corrupt or other improper conduct including mismanagement of public resources in the exercise of the public functions of the Shire and its elected members, officers, employees and contractors.

The Shire of Mingenew is committed to the aims and objectives of the *Public Interest Disclosure Act 2003* (PID Act). The Shire recognises the value and importance of contributions of employees to enhance administrative and management practices and strongly supports disclosures being made by employees as to corrupt or other improper conduct.

As a proper authority, the Shire of Mingenew is responsible for:

- receiving disclosures;
- investigating disclosures;
- taking appropriate action; and
- reporting.

The Shire of Mingenew will take all reasonable steps to provide protection to employees who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure. The Shire does not tolerate any of its elected members, employees, contractors or volunteers engaging in acts of victimisation or reprisal against those who make public interest disclosures.

The persons responsible for receiving disclosures of public interest information designated under s. 23(1)(a) of the PID Act will abide by the Public Sector Commission's (PSC) Code of Conduct and Integrity in performing their duties.

The Shire of Mingenew is also committed to responding to the disclosure thoroughly and impartially and will treat all people in the disclosure process fairly, including those who may be the subject of a disclosure.

PID Officer Responsibilities

The Shire of Mingenew's designated PID Officer is the Chief Executive Officer in accordance with s.23(1)(a) of the PID Act.

The PID Officer's responsibilities include:

- Providing protection from detrimental action or the threat of detrimental action for any employee of the Shire of Mingenew who makes a public interest disclosure (s. 23(1)(b)).
- Ensuring the Shire of Mingenew complies with the PID Act and the Code of Conduct and Integrity established by the Public Sector Commissioner (ss. 23(1)(c) and (d)).
- Preparing and publishing internal procedures, consistent with those prepared by the Public Sector Commission, detailing how the Shire will meet its obligations under the PID Act (s.23(1)(e)). May have a role in enabling an investigation to be undertaken or taking disciplinary action against individual.
- Providing information (s. 23(1)(f)) to the Public Sector Commissioner on the:
 - a) Number of disclosures received by the Shire of Mingenew;
 - b) Results of any investigations conducted as a result of the disclosures;
 - c) Action, if any taken, as a result of each disclosure; and
 - d) Any matters as prescribed.
- Providing information to potential disclosers about their rights and responsibilities consistent with the code of conduct and integrity established under s. 20(1).
- Receiving and managing public interest disclosures in accordance with the PID Act (s. 5(3)).
- Notifying the discloser within three months of the disclosure being made about what action is planned in dealing with the disclosure (s. 10(1)).
- Where appropriate, investigating or causing an investigation of, the matters in the disclosures (s. 8(1)).
- Where appropriate, providing information to subjects of a disclosure about their rights, responsibilities, duties and potential offences (s.9(2), s. 14, s. 15, s. 16 and s. 24).
- Where appropriate, taking such action as is necessary and reasonable, within their functions and powers in accordance with s.9.
- Maintaining confidentiality of the identity of the discloser and subject(s) of disclosures, in accordance with the requirements of the PID Act (s. 11 and s. 16).
- Providing progress reports, where requested, and a final report to the discloser in accordance with s. 10.
- Creating and maintaining proper and secure records in relation to the disclosures in accordance with the code of conduct and integrity established under s. 20(1) and the State Records Act 2000.
- Completing a PID Register for each disclosure lodged (s. 23(1)(f)).
- Acting in accordance with the rules of natural justice (s. 9(2) and s.16(1)(b)).
- Acting in accordance with the code of conduct and integrity established by the Public Sector Commissioner (s. 20(1)) and any authority-specific code of conduct established separately from the PID Act.

The PID Officer may engage an appropriately qualified and/or experienced person to assist or conduct an investigation on their behalf. A paid engagement for services must have regard to Budget allocations and approvals, and an appropriate procurement process.

Discloser Responsibilities

- Makes a public interest disclosure to a proper authority or our PID Officer if the matter relates to the Shire of Mingenew (s. 5(1)).
- Believes on reasonable grounds that the information in their disclosure is, or may be, true (s. 5(2)).
- Does not disclose information subject to legal professional privilege (s. 5(6)).
- Does not knowingly and recklessly make a false or misleading disclosure (s. 24(1)).
- Maintains confidentiality of the information disclosed and the identity of the person(s) to whom the information relates, in accordance with the requirements of the PID Act (s. 16 and s. 17(1)(b)).
- Assists any person investigating the matter to which the disclosure relates by supplying the person with any information requested (s.17(1)(a)).

Subject of a Disclosure under the PID Act

- Is afforded the opportunity to make a submission, either orally or in writing, in relation to the matter before preventative or disciplinary action is taken (s. 9(2)).
- Maintains confidentiality of the identity of the discloser, in accordance with the requirements of the PID Act (s. 16(1)).
- Is to be treated in accordance with the rules of natural justice (s.16(1)(b)).
- Does not take or threaten to take detrimental action (defined in s. 3) against a person because they have made or intend to make a disclosure (s. 14(1)).
- Does not incite another person to take detrimental action against another because they have made or intend to make a disclosure (s.14(2)).
- Does not commit an act of victimization by taking or threatening to take detrimental action against the person making or intending to make a disclosure (s. 15(1)).

1.2.14 PUBLIC INTEREST DISCLOSURES PROCEDURE

Relevant Council Policy

1.2.14 PID Policy

Approval Date: 14 December 2022

Appendix – PSC Code of Conduct and Integrity

Relevant CEO Directive

Nil

Review: Biennially

Objective:

For Shire of Mingenew to manage disclosures of public interest information effectively, efficiently and in accordance with the provisions of the *Public Interest Disclosure Act 2003*.

Legislation:

Public Interest Disclosure Act 2003 (PID Act)

Procedures:

Managing Public Interest Disclosures

The following procedures describe how the Shire of Mingenew will manage the public interest disclosure process.

Overarching requirements of the Public Interest Disclosure Act 2003

The PID Act has some overarching requirements for handling disclosures. These requirements separate the public interest disclosure process from other reporting or complaint handling processes. The PID Act does not, however, displace the notification or reporting requirements of the Corruption, Crime and Misconduct Act 2003, which are paramount. The following section outlines how we will meet these requirements, as well as expectations of you, as a discloser, and any subject(s) of your disclosure.

What is 'public interest information'?

The PID Act only applies to disclosures of public interest information (defined in s. 3). Public interest information means information that:

1. Relates to the performance of a public function by a public authority, public officer or public sector contractor (either before or after the commencement of the PID Act); and
2. Shows or tends to show that a public authority, a public officer, or a public sector contractor is, has been or proposes to be involved in:
 - a) improper conduct; or
 - b) an act or omission that constitutes an offence under a written (State) law; or
 - c) substantial unauthorised or irregular use of, or substantial mismanagement of, public resources; or
 - d) an act done or omission that involves a substantial and specific risk of:
 - i. injury to public health; or
 - ii. prejudice to public safety; or
 - iii. harm to the environment; or
 - e) a matter of administration that can be investigated under section 14 of the Parliamentary Commissioner Act 1971 by the Parliamentary Commissioner (Ombudsman Western Australia).

Confidentiality

Maintaining confidentiality is an important part of managing a disclosure. The confidentiality requirements of the PID Act (s. 16) not only protect the discloser, but also any other people affected by the disclosure.

The confidentiality requirements do not apply to all information in a disclosure, although we are committed to maintaining confidentiality around:

1. Any information that may identify the discloser or any person who may be the subject of a disclosure, including the fact a disclosure has been made; or
2. Information relating to a disclosure that, if known, may cause detriment.

Throughout the disclosure process and after its completion, the PID Act provides for the discloser's identity, and the identity of any person that is the subject of the disclosure to be kept confidential except in certain circumstances. Disclosing information which might identify, or tend to identify, the discloser (s. 16(1)) or any person that is the subject(s) (s. 16(3)) of your disclosure, except in accordance with the PID Act, is an offence punishable with a penalty of a \$24 000 fine or imprisonment for two years.

Confidentiality regarding the discloser

Maintaining confidentiality is an important part of protecting the discloser from any detrimental action in reprisal for making or intending to make a disclosure.

If the discloser consents to having their identity revealed to assist us in dealing with the disclosure, our PID Officer will record this using the Consent to Disclosure of Identifying Information form.

Sometimes we may need to identify the discloser without the discloser's consent (s. 16(1) (b)-(f)) but only where:

1. It is necessary to do so having regard to the rules of natural justice;
2. It is necessary to do so to enable the matter to be investigated effectively;
3. We are ordered to do so by a court or any other person or body having authority to hear, receive or examine evidence; or
4. We are required to do so by ss.152 or 153 of the Corruption, Crime and Misconduct Act 2003.

Before we identify the discloser for any of the reasons above, our PID Officer will take all reasonable steps to inform the discloser that this will happen and the reasons why. Our PID Officer will use the Notification of Disclosure of Identifying Information form to do this.

If we need to provide information about the identity of the discloser to another person for the reasons above, our PID Officer will inform the other person that further disclosure to a third person may put them at risk of committing an offence.

Our PID Officer will also consider whether it is necessary to inform any external investigator about the identity of the discloser. Where it is necessary to provide this identifying information, our PID Officer will notify as described above.

Confidentiality Plan

If your confidentiality cannot be maintained, we will develop a plan to support and protect you from any potential risks of detrimental action. You will be involved in developing this plan.

Confidentiality regarding the person that is the subject of the disclosure

The subject of a disclosure may consent to having their identity revealed to assist with the disclosure process s. 16(3)(a). Our PID Officer will use the Consent to Disclosure of Identifying Information form to record this.

Additionally, we may need to reveal identifying information about the subject(s) of a disclosure without their consent (ss. 16(3)(b)-(g)) where:

1. It is necessary to do so to enable the matter to be investigated effectively;
2. It is necessary to do so in the course of taking action under s. 9;
3. There are reasonable grounds to believe that it is necessary to prevent or minimise the risk of injury to any person or damage to any property;
4. We are ordered to do so by a court or any other person or body having authority to hear, receive or examine evidence; or
5. We are required to do so by ss. 152 or 153 of the Corruption, Crime and Misconduct Act 2003.

There is no obligation to advise the subject of a disclosure that identifying information will be released.

Protections

The PID Act provides a range of protections for disclosers (Part 3). It also requires that our Chief Executive Officer provides protection for any employees who make disclosures (s. 23(1)(b)).

[*Don't be Afraid to Speak Up*](#) (a publication issued by the Public Sector Commission) contains general information about the protections provided by the PID Act.

We are committed to ensuring that no detrimental action, including workplace reprisals by managers or other employees, occurs as a result of a person making a disclosure. If any of the above does occur, the discloser can request that we take action to protect them. Tell the PID Officer who is handling the disclosure immediately.

The PID Act also provides that the discloser may lose the protections provided in s. 13 in some circumstances, including where they on-disclose information or fail, without reasonable excuse, to assist any person investigating the matters of the disclosure.

Notification requirements

The Shire's PID Officer will ensure that we complete all reporting in accordance with the legislative and administrative requirements of the PID Act.

Provided it is not an anonymous disclosure, our PID Officer will provide the following reports:

1. Within three months of making a disclosure, the action taken, or proposed to be taken, in relation to the disclosure (s. 10(1)); and

2. When the disclosure process has concluded, the outcome of the investigation and the reasons for taking any action following the investigation (s. 10(4)).

Our PID Officer may also provide a progress report during any investigation, either on their initiative or upon your request (ss. 10(2) and (3)).

Our PID Officer has some limits on what they can include in their reports. Section 11 prevents provision of information that would be likely to adversely affect:

1. Any person's safety (s(1)(a));
2. The investigation of an offence or possible offences (s(1)(b)); or
3. Confidentiality as to the existence or identity of any other person who made a public interest disclosure (s(1)(c)).

Our PID Officer is also prevented from giving any information they must not disclose under ss. 151, 152 or 153 of the Corruption, Crime and Misconduct Act 2003.

Record keeping

During the investigation our PID Officer may make comprehensive and contemporaneous records of any discussions and interviews. These records along with any other documentation or files relating to the disclosure, whether paper or electronic, will be stored securely and only accessed by authorised persons.

PID Register

To assist with annual reporting to the Public Sector Commissioner we will maintain a public interest disclosure register. We will assign a unique register number to each disclosure and record key information about your disclosure, any investigation and the outcome in the public interest disclosure register. This register (paper and/or electronic) is kept strictly confidential and maintained in a secure location.

How to Make a Public Interest Disclosure

Before you make a disclosure

We strongly encourage anyone thinking about making a public interest disclosure to seek advice from our PID Officer ('proper authority') before they do. A disclosure must be made to a proper authority for it to be covered by the PID Act.

A number of other requirements apply to the discloser, so it is important to understand the rights and responsibilities in the process. This information is outlined generally in *Don't be Afraid to Speak Up*, available from the Public Sector Commission website and the Shire of Mingenew website.

At the Shire of Mingenew, the Chief Executive Officer is the designated person responsible for receiving disclosures of public interest information in accordance with s. 23(1)(a). For the purposes of this procedure a PID Officer(s) is the proper authority designated under s. 5(3)(h) for dealing with information that falls within the sphere of responsibility for the Shire of Mingenew.

Their names and contact details are:

Name	Position	Contact Details
Matt Fanning	Chief Executive Officer	(08)9928 1102 0419 647 661 ceo@mingenew.wa.gov.au
Erin Greaves	Governance & Community Manager	(08)9928 1102 0477 287 144 governance@mingenew.wa.gov.au

Initial discussions between the discloser and the PID Officer should be general in nature and should not discuss the specific details of the disclosure until the discloser understands their rights and responsibilities under the PID Act. Our PID Officer will also let the discloser know that they need to make the disclosure voluntarily and consciously – we will never force a person to make a disclosure. This is because they cannot withdraw the disclosure once it is made. Once we receive your disclosure, our PID Officer is obliged to take action and we may continue to look into the matters within your disclosure irrespective of your continued approval.

These initial discussions with our PID Officer may help in deciding whether to make a public interest disclosure and also enable the PID Officer to ascertain if the information would be covered by the PID Act. If the information appears not to be the type covered by the PID Act, our PID Officer will discuss other mechanisms through which issues may be made, for example, our general complaints or grievance resolution process.

You can also contact the Public Sector Commission Advisory Line on (08) 6552 8888 (or 1800 676 607 for country callers) for general information about the disclosure process.

What is 'sphere of responsibility'?

Under s. 5(3)(h) the PID Officer for an authority can receive information relating to a matter which falls within the 'sphere of responsibility' for their public authority. 'Sphere of responsibility' is not defined in the PID Act but may include:

1. Matters that relate to the Shire of Mingenew; or
2. A public officer or public sector contractor of the Shire of Mingenew; or
3. A matter or person that the Shire of Mingenew has a function or power to investigate.

The proper authority to which you need to make the disclosure depends on the type of disclosure information. Where the information is outside of our PID Officer's sphere of responsibility, it may need to be made to another proper authority for it to be considered as a public interest disclosure and for the discloser to receive the protections of the PID Act. A list of proper authorities and the information they can receive is covered in [Don't be Afraid to Speak Up](#).

Making the disclosure

A discloser needs to clearly identify that they are making a public interest disclosure. For the purposes of accountability and certainty, persons wishing to make a disclosure of public interest information under the PID Act are encouraged to do so in writing. As we expect that most disclosures will be made in writing,

the Shire of Mingenew has developed a form which can be used for the purpose of making such a disclosure which is available from the [Shire's website](#). There is no requirement to use the form, but it will help to define the details of the disclosure. It may be completed by the discloser, or our PID Officer may complete the form if they are speaking with the discloser and then have them sign the form to acknowledge they are making a disclosure voluntarily and consciously.

We must accept anonymous disclosures, but if a discloser decides to make an anonymous disclosure they should understand that it may be more difficult for our PID Officer to investigate or take action about the disclosure. This is because they cannot come back to seek any further information. We are also not required to provide any reports about the progress or final outcome of the disclosure if the discloser chooses to remain anonymous.

An anonymous disclosure may not prevent the discloser from being identified during an investigation. Additionally, if our PID Officer does not know who made the disclosure, it will be difficult for them to ensure the discloser is protected and to prevent any reprisal or detrimental action.

Determining whether your matter is an appropriate disclosure

Once our PID Officer has received the disclosure they will assess whether it meets the requirements under the PID Act. It may be that our PID Officer undertakes initial inquiries and decides not to take the matter any further, as it does not constitute an appropriate public interest disclosure.

If the disclosure is not one to which the PID Act applies, our PID Officer will let the discloser know the reasons for their decision (unless you made an anonymous disclosure) and make proper and adequate records about it. Some matters raised within the disclosure may not be matters to which the PID Act applies and the PID Officer may discuss with the discloser other pathways to report these matters.

If the disclosure is one to which the PID Act applies, our PID Officer will ensure proper and adequate records are made and will communicate with the discloser further, unless it is an anonymous disclosure.

Our PID Officer will notify the discloser within three months about what we plan to do in dealing with the disclosure, unless it is an anonymous disclosure.

Determining whether your public interest disclosure will be investigated

After assessing the disclosure as one to which the PID Act applies, our PID Officer will consider whether it will be investigated, guided by the requirements in s. 8. The reasons a PID Officer may not investigate the disclosure include:

1. The matter is trivial;
2. The disclosure is vexatious or frivolous;
3. There is no reasonable prospect of obtaining sufficient evidence due to the time that has elapsed since the matter(s) occurred; or
4. The matter is being or has been adequately or properly investigated by another proper authority (s. 5(3)).

Our PID Officer will make proper and adequate records of their decision and reasons about whether to investigate or not.

Referring public interest matters

Where our PID Officer assesses the disclosure as one to which the PID Act applies, but they do not have the functions or power to investigate one or more matters within the disclosure, they will refer the information to the appropriate authority for investigation as provided for under the PID Act. Alternatively, a discloser may also be able to make a disclosure directly to this new authority, if they wish to receive reports from them about the disclosure. For example, our PID Officer may need to refer an allegation of an offence supported by evidence to the Western Australia Police for investigation.

Investigating the Disclosure

Our PID Officer will investigate, or cause to be investigated, any matters in the disclosure within the sphere of responsibility. Our PID Officer may cause the disclosure to be investigated by engaging a suitably skilled staff member within the Shire of Mingenew or an externally contracted investigator.

If causing the disclosure to be investigated, our PID Officer will ensure that the person undertaking the investigation understands the requirements of the PID Act, in particular the confidentiality requirements and protections for disclosers. Our PID Officer will only provide the name of the discloser and that of the subject of the disclosure to the investigator in accordance with s. 16 of the PID Act.

When investigating the disclosure, our PID Officer or investigator is limited by the functions and powers derived from our operating legislation. The PID Act does not provide for any additional investigative powers.

If you are an employee, you are expected to cooperate with any investigation into the disclosure to maintain the protections under the PID Act. A discloser is also expected to act in accordance with our Code of Conduct at all times.

Employees who are the subject of the disclosure can clarify the process and what to expect with our PID Officer.

Our PID Officer may also decide to discontinue an investigation, in accordance with s. 8(2). If this happens, they will give the discloser reasons for their decision in accordance with s. 8(3), unless they made an anonymous disclosure. The PID Officer may also notify any subject(s) of the disclosure if they discontinue the investigation.

To ensure the disclosure is adequately and properly investigated our PID Officer, or other investigator, will be guided by the procedures below. Internal investigation procedures In conducting an investigation, typical steps may include:

1. Drawing up terms of reference, identifying the key issues in the disclosure;
2. Ensuring the objectives of the investigation include collecting and collating information relating to the disclosure, considering the information collected and drawing conclusions objectively and impartially;
3. Specifying a date by which the investigation should be completed and a report provided to the discloser about the final outcome;
4. Informing the subject of the disclosure about their rights and obligations under the PID Act, the Shire's Code of Conduct and the law;

5. Maintaining procedural fairness for the person who is the subject of the disclosure;
6. The investigator making contemporaneous notes of discussions and interviews and, where practical and appropriate, recording discussions and interviews as an audio or video record; and
7. Ensuring strict security to maintain the confidentiality requirements of the PID Act.

What are your responsibilities if you are the subject of a disclosure?

A subject of a disclosure is a person of interest about whom an allegation of a public interest disclosure has been made.

We will treat the person fairly and impartially throughout the process and inform them of their rights and obligations. We will generally keep the parties involved informed during any investigation, although we cannot release any information to the person that may prejudice our investigation. As an employee it is expected that they will act in accordance with our Code of Conduct at all times.

The PID Act provides the person with some rights and obligations as a person subject to a disclosure. Firstly, the subject has a right to have their identity kept confidential under s. 16(3), unless one of the following conditions apply:

1. You consent to your identity being disclosed;
2. It is necessary to enable the matter to be investigated effectively;
3. It is necessary to do so in taking action within s. 9;
4. There are reasonable grounds to believe that it is necessary to prevent or minimise the risk of injury to any person or damage to any property;
5. A direction to disclose your identity is made in accordance with a court order or other body having authority to hear evidence;
6. Disclosure is required in accordance with ss. 152 or 153 of the corruption, Crime and Misconduct Act 2003.

We will also provide appropriate natural justice. This means that, before we take any disciplinary or other action against the person under s. 9, we will give you the opportunity to:

1. Be informed of the substance of the allegations; and
2. Make a submission either verbally or in writing in relation to the matter.

If you are the subject of a disclosure, you must not identify or tend to identify the identity of the discloser or a person who they think might be the discloser, as they also have rights to confidentiality under the PID Act. It is an offence under s. 16 to identify or tend to identify any person who has made a disclosure under the PID Act.

Also, you must not engage in reprisal action, threaten anyone with reprisal action or have someone else conduct this action on your behalf because someone has made, or intends to make, a disclosure. It is still an offence to conduct this action against any person you believe has made the disclosure even if they were not the individual who actually made the disclosure. This is an offence under s. 14(1) of the PID Act.

Taking Action

Our PID Officer will take action where they form the opinion that a person may be, may have been or may in the future be involved in conduct which may be the subject of a public interest disclosure. Usually, our PID Officer will form this opinion at the conclusion of an investigation, although there may be instances where they need to take immediate action and the PID Act enables them to do this.

Action our PID Officer may take under s. 9 includes, but is not limited to:

1. Preventing the matter disclosed from continuing or occurring;
2. Referring the matter to the Western Australia Police Force or other appropriate body; or
3. Taking disciplinary action against a person responsible for the matter.

The options above are not mutually exclusive. Our PID Officer may take more than one action depending on the circumstances. For example, our PID Officer may seek to terminate the employment of an employee caught stealing and refer the matter to the Western Australia Police Force.

In taking action our PID Officer and/or the Shire of Mingenew is limited by the powers and functions derived from our operating legislation. The PID Act does not provide for any additional powers to take action. We are also guided by what is necessary and reasonable in the circumstances.

Before taking any action we will give the person against whom the action is to be taken (the subject of the disclosure) an opportunity to respond, either verbally or in writing, to ensure procedural fairness.

Confidentiality and record keeping when taking action

We will maintain confidentiality in accordance with the PID Act when taking action.

Our PID Officer will keep appropriate records about any action taken, as well as recording a summary of this action [in the public interest disclosure register].

After the Public Interest Disclosure Process has been Finalised

The PID Act places no further obligations on the Shire of Mingenew or our PID Officer(s) after the disclosure process is complete. The confidentiality requirements of the PID Act, however, continue to apply to you and all other people involved with the disclosure.

The PID Act does not provide for you to appeal the outcome of the disclosure process. You may be able to make another disclosure to another proper authority, if the information relates to their functions or sphere of responsibility (s. 5). See Don't be afraid to speak up for the correct proper authority for your disclosure.

However, this 'new' proper authority may be able to decline to investigate the disclosure under s. 8, if they consider the matter(s) has already been properly or adequately investigated (as a public interest disclosure).

Making a Disclosure to a Journalist

The PID Act provides for certain circumstances where a discloser may be able to make a protected disclosure to a journalist (s. 7A(d)). These circumstances apply where the discloser has first made a

disclosure to the PID Officer or another proper authority named in the PID Act (outlined in How to Make a Public Interest Disclosure (above) or [*Don't be Afraid to Speak Up*](#)).

Importantly, the PID Act states that to attract the privileges and protections of the PID Act when disclosing to a journalist, the discloser must disclose information that is substantially the same as what was disclosed in the original disclosure and it must be the case that the PID Officer who received the original disclosure:

1. Did not notify the discloser within three months of making the disclosure about actions they propose to take or have already taken; or
2. Refused to investigate, or discontinued the investigation of, a matter raised in the disclosure; or
3. Did not complete an investigation within six months of the discloser making the disclosure; or
4. Completed an investigation but did not recommend that action be taken; or
5. Did not provide the discloser with a report stating the outcome of any investigation or any action proposed or taken and the reasons for those actions.

We are committed to ensuring that we provide the notifications required under the PID Act and that the discloser understands the reasons for our decisions and actions. If a discloser is considering making a disclosure to a journalist because they believe their circumstances meet one or more of the requirements outlined above, we would encourage the discloser to discuss this with the PID Officer prior to disclosure to a journalist.

It is also recommended that the discloser seek their own legal advice before taking any action in relation to matters that have been disclosed under the PID Act.

If a discloser makes an anonymous disclosure, they may not be able to demonstrate they meet the above requirements and we are not obliged to provide the discloser with any notifications about what happens to the disclosure.

COUNCIL POLICY
Administration

1.2.15

Title:	1.2.15 USE OF COMMON SEAL POLICY
Adopted:	14 December 2022
Reviewed:	Biennially (NEW 14 December 2022)
Associated Legislation:	Local Government Act 1995
Associated Documents:	Shire of Mingenew Standing Orders Local Law 2017
Review Responsibility:	Governance & Community Manager
Delegation:	

Previous Policy Number/s -

Objective:

The objective of this Policy is to establish, in accordance with the requirements of Part 9, Division 3 of the *Local Government Act 1995* (the Act), protocols and procedures for the execution of documents and the affixing and administration of the Shire of Mingenew's Common Seal.

Scope

This Policy applies to all officers preparing documents for execution and/or who have been authorised to execute documents on behalf of the Shire.

Documents and correspondence which relate to day-to-day routine communications or transactions (Category 3 documents) do not require specific authorisation through Council, as they are the subject of Section 5.41(d) of the Act, which provides that it is the CEO's duty to manage the day-to-day operations of the Shire. Such duties are undertaken by officers "acting through" another person, in accordance with section 5.45 of the Act.

Policy Statement:

This Policy covers four categories of documents as outlined below and is supported by clause 18.1 of the *Shire of Mingenew Standing Orders Local Law 2017*, and any Authorisations made in regard to the Execution of Documents.

The Shire of Mingenew authorises the Shire President and the Chief Executive Officer to sign and affix the Common Seal to documents using the execution clauses shown on page 4 of this policy.

Category 1(A) Documents

Category 1(A) documents require a specific resolution of Council to enter into an agreement as well as an authority to affix the seal. In accordance with s9.49A(2), these documents will be executed by having the common seal affixed under the specific authorisation of Council in the presence of, and attested by, the Shire President (or in their absence the Deputy Shire President) and CEO. Pursuant to s9.49A(3)(b) of the Act, the Shire President and a senior employee (if authorised by the CEO) can also affix and attest the common seal.

The following is a list of Category 1(A) documents:

- Deeds of Agreement and Release in respect to sale or purchase relating to Shire land including equitable interests;
- Town Planning Schemes and Scheme Amendments;

- Local Laws;
- Documents of a ceremonial nature;
- Land transactions, including but not limited to sale, assignments, consent to mortgage, surrenders, transfers and memorials as resolved by Council (this does not include Category 2 land transactions i.e. disposal via leasing or licencing of land or properties and execution of Landgate documents);
- Licensing contracts where the Shire is the Licensor; and
- Documents specified by resolution of Council to be executed by the Common Seal.

Category 1(B) Documents

Category 1(B) documents are those of a general form or category and which may be subject to time constraints for execution. These documents are to be sealed as part of a "class of documents" authorised by Council to be executed under the common seal without a specific Council resolution to affix the seal.

Please note that the document may not require a Council resolution (being a Category 1(B) document) however, the decision to undertake a particular course of action may still require Council approval.

The following list of documents are Category 1(B) documents:

- Agreements relating to grant funding when the funder requires that the agreement be signed under seal;
- Debenture documents for loans which Council has resolved to raise;
- General Legal and Service Agreements not already listed in this policy; and
- Any document stating that the Common Seal of the Shire of Mingenew is to be affixed provided it is not a Category 1(A) document.

In accordance with s9.49A(2), the attachment of the Common Seal requires attesting by both the Shire President (or in their absence the Deputy Shire President) and the Chief Executive Officer (or the person acting in that position). Section 9.49A(3)(b) of the Act, provides that the Shire President and a senior employee (if authorised by the CEO) can also affix and attest the common seal.

Category 2 Documents

Category 2 documents do not require the Common Seal to be affixed.

The execution of a document must not be inconsistent with a Council Policy or resolution.

Documents may only be executed where the funds are available and allocated for the proposed purpose in the approved budget.

The following are examples of Category 2 documents:

- Documents and/or deeds required in the management of land as a landowner or where land is a Reserve vested to the Shire of Mingenew;
- Documents required to enact a decision of Council or the Development Assessment Panel (e.g. contractual documents resulting from a tender process or a memoranda of understanding);
- Documents required to enact a decision made under delegated authority or as a condition or approval given under delegated authority;

- Legally binding contracts (other than tenders) that are required to engage services or purchase products when these documents are inconsistent with the Shire's purchasing and procurement terms and conditions;
- Contracts for incoming grant funding
- Other legally binding contracts outside of the normal course of business (e.g. confidentiality, indemnity, licensing, novation and sponsorship agreements); and
- Documents and/or deeds related to leases and licences of Shire land and properties. This category includes any arrangements relating to the disposal of property via a lease or licence (but not sale), and includes but is not limited to:
 - agreement to lease or licence;
 - variation of lease or licence;
 - assignment of lease or licence;
 - subleases; and
 - surrender of lease or licence.
- The following Landgate documents and/or deeds including lodgement, removal, withdrawal, surrender, cancel or modification:
 - Notifications in accordance with Section 70A of the Transfer of Land Act 1893; Covenants, easements and caveats under the Transfer or Land Act 1893
 - Reciprocal easements and/or parking agreements
 - Rights of carriageway agreements
 - Amalgamations
 - Easements or deeds of easement under the Land Administration Act 1997 and/or Strata Titles Act 1985.

Category 3 Documents

Category 3 documents are documents that are created in the normal course of business to discharge the duties of an Officer's position in a manner consistent with Shire policies and procedures.

Category 3 documents are to be executed by the CEO, a Manager, or a Shire officer, where the authority and accountability has been extended through an authorisation, policy, procedure, or a position description. It is therefore important to have a good knowledge of the documents that relate to the team that is responsible for the document.

These documents include but are not limited to the following:

- Agreements in the normal course of business for the purchase of goods or services identified within the business unit's budget (other than for tenders) and conforming to the requirements of the Shire's Purchasing Policy and other relevant policies (e.g. Contracts for outgoing grant funding);
- General correspondence required to discharge the duties of your position;
- Grant applications;
- Documents to authorise funding allocations for community groups; and
- Regular hire arrangements.

Common Seal Register

1. The Chief Executive Officer shall maintain a register of all documents executed with the Common Seal;

2. The register is to record each Common Seal transaction and include the date, the nature of the document and the parties to the document being executed.

Execution Clauses

If the legislation is silent on the wording of the Common Seal clause, then the following shall apply:

THE COMMON SEAL of)
SHIRE OF MINGENEW)
(ABN 41 454 990 790))
in accordance with the provisions of the)
Local Government Act 1995 (WA))
in the presence of)

Date
by:

Signature of President

Print name of President

Signature of Chief Executive Officer

Print name of Chief Executive Officer

1.2.16 FRAUD AND MISCONDUCT MANAGEMENT POLICY

Administration

1.2.16

Title:	1.2.16 FRAUD AND MISCONDUCT MANAGEMENT POLICY
Adopted:	14 December 2022 (NEW)
Reviewed:	-
Associated Legislation:	Local Government Act 1995 Public Interest Disclosure Act 2003 Corruption, Crime and Misconduct Act 2003
Associated Documentation:	Nil
Review Responsibility:	Governance and Community Manager
Delegation:	Chief Executive Officer

Previous Policy Number/s N/A

Objectives:

The purpose of this policy is to demonstrate and communicate the Council's commitment to the prevention, deterrence, detection and investigation of all forms of fraud and corruption.

Scope:

This policy applies to all Shire employees, contractors, volunteers and elected members.

Policy Statement:

1.1. Fraud

As fraud constitutes a significant risk to any organisation, it is appropriate that a culture of ethical conduct be developed to recognise and avoid fraud and to deal appropriately with any cases of fraud. Fraud can lead to financial loss, reputational damage and loss of public confidence in the way that public money and other resources are being used. It is therefore important that the Shire has robust systems and procedures in place to ensure that the risk of impropriety is minimised, as far as possible, that there is a process in place to enable fraud to be adequately reported and that where instances of fraud do occur, there is a prompt and effective response to them.

- 1.1.1. *Fraud* is defined as "wrongful or criminal deception intended to result in financial or personal gain". Fraud is a deliberate act by an individual or group of individuals and is therefore always intentional and dishonest.
- 1.1.2. *Internal fraud* refers to fraudulent acts undertaken by Councillors and employees. Examples of such fraud would include falsification of expenses and wages claims, theft of cash and alteration of records to conceal the deficiency, falsification of invoices for payment, failure to account for monies collected, falsification of timesheets and timecards, dealing inappropriately with benefits claims of friends or relatives.
- 1.1.3. It is also worth noting that there may, in some instances, be potential for those in positions of trust within the Shire to perpetrate frauds against third parties. The Shire has the responsibility for the integrity of staff employed in such positions of trust.
- 1.1.4. *External fraud* is defined as fraud committed against the Shire by persons outside of the organisation. Examples include false statements in applications for Shire programs and applications for grants or false invoices for goods or services.
- 1.1.5. Fraud and other similar irregularities include:

- Forgery or alteration of cheques, invoices, computer records and other documents;
- Any misappropriation of funds, securities, supplies or any other asset;
- Any irregularity in the handling or reporting of money transactions;
- Misappropriation of furniture, fixtures and equipment;
- Seeking or accepting anything of material value from vendors, consultants or contractors doing business with the Shire;
- Unauthorised use or misuse of Shire property, equipment, materials or records;
- Any computer related activity involving the alteration, destruction, forgery or manipulation of data for fraudulent purposes or misappropriation of Council owned software;
- Any claim for reimbursement of expenses that are not made for the exclusive benefit of Shire;
- The intentional distortion of financial statements or other records by persons internal or external to the organisation which is carried out to conceal the misappropriation of assets or otherwise for gain;
- Providing false or misleading information related to financial interests and disclosure statements;
- Any similar or related irregularity.

1.2. Corruption

Corruption is dishonest activity in which an employee, or contractor of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity.

Corruption may also constitute any behaviour that may involve fraud, theft, the misuse of position or authority or other acts which are unacceptable to an organisation, its clients or the general community. It may also include other elements such as breaches of trust and confidentiality.

Corrupt conduct is demonstrated by a deliberate intent or an improper purpose and motivation and may involve conduct such as:

- undertaking, soliciting or accepting the provision of something of value (a bribe) for the purpose of influencing the action or decision of an official in the discharge of their public or legal duties;
- deliberate failure to perform the functions of office properly;
- the exercise of a power or duty for an improper purpose;
- involves a breach of the trust placed in the person as a public officer, either knowingly or recklessly;
- involves a misuse of official information or material; or
- performance of functions or the exercise of powers for the purpose of providing a benefit either to the person or another person or causing a detriment to another person.

Anyone who tries to corrupt a public sector officer can also be guilty of corrupt conduct if the matter involves a criminal offence.

1.3 Misconduct

Section 4 of the Corruption, Crime and Misconduct Act 2003 (CCM) defines misconduct.

Notwithstanding the specific definition of misconduct set out in the CCM Act, misconduct generally occurs when a public officer abuses their authority for personal gain, causes detriment to another person or acts contrary to the public interest. Misconduct also constitutes inappropriate or improper conduct by a public officer that reflects seriously and adversely on the public service.

The CCM Act characterises misconduct to either be serious or minor misconduct with serious misconduct dealt with by the Corruption and Crime Commission (CCC) and minor misconduct dealt with by the Public Sector Commission (PSC).

1.3.1 *Minor Misconduct*

Section 4(d) of the CCM Act defines minor misconduct for public officers other than WA Police officers.

Minor misconduct is misconduct that is significant enough that it could possibly lead to termination of a public officer's employment if proved. Minor misconduct occurs when a public officer engages in conduct that:

- adversely affects the honest or impartial performance of the functions of a public authority or public officer, whether the public officer was acting in their public officer capacity at the time of engaging in the conduct;
- involves the performance of functions in a manner that is not honest or impartial;
- involves a breach of the trust placed in the public officer; or
- involves the misuse of information or material that is in connection with their functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person; AND
- constitutes, or could constitute, a disciplinary offence providing reasonable grounds for termination of a person's office or employment.

Where the Principal Officer (in the case of the Shire, the CEO) has a reasonable suspicion that an instance of minor misconduct has occurred, the Principal Officer must report to the Public Sector Commission (PSC) as soon as practicable.

1.3.2 *Serious Misconduct*

Serious misconduct refers only to corrupt or criminal conduct as described in sections 4(a), (b) and (c) of the CCM Act.

Serious misconduct is misconduct that involves corrupt intent and/or criminal conduct and occurs when a public officer:

- • acts corruptly or corruptly fails to act in the course of their duties; or
- • corruptly takes advantage of their position for the benefit or detriment of any person; or
- • commits an offence which carries a penalty of two or more years imprisonment.

Where the Principal Officer has a reasonable suspicion that an instance of serious misconduct has occurred, the Principal Officer must report to the Corruption and Crime Commission (CCC) as soon as practicable.

Roles and Responsibilities

1.2.1 *Councillors*

Councillors have a duty to ensure that Shire assets are safeguarded from fraud and abuse and to ensure that Council's powers, duties and responsibilities are exercised in an open, fair and proper manner to the highest standards of probity. These issues need to be borne in mind when considering reports, making decisions and scrutinising Council's activities. Councillors should endorse and support all policies and measures taken to prevent, deter, detect and resolve instances, or suspected instances, of fraud throughout the Shire.

1.2.2 *Chief Executive Officer*

The Chief Executive Officer has primary responsibility for the proper management of the Shire's resources and the development and implementation of systems and practices to minimise the risk of fraud. The Chief Executive Officer, under the Corruption, Crime and Misconduct Act 2003 must notify the Corruption and Crime Commission or the Public Sector commission if misconduct is suspected.

1.2.3 *Leadership Team*

The Leadership Team includes the Chief Executive Officer, Finance and Administration Manager, Governance & Community Manager and Works Manager. The Leadership Team is responsible for implementing fraud control initiatives and in particular:

- Provide leadership, guidance, training and support to employees in preventing fraud and corruption; • Identify high fraud risk areas;
- Participate in fraud and corruption risk assessment reviews which are presented to the Audit Committee to assess and provide assurance that the 3 entity has appropriate processes and systems in place; • Monitor the continued operation of controls;
- Conducting or coordinating investigations into allegations of fraud;
- Complying with legislation and Shire policies and practices;
- Ensuring staff understand their responsibilities through adequate communication, supervision, written procedures and job descriptions;
- Responding positively to matters raised and advice given by internal and external audit. Management need to be vigilant in guarding against fraud, be aware of any circumstances which may indicate that there may be a problem and report any such suspicions to the Directors or Chief Executive Officer for an independent investigation or advice. In carrying out their responsibilities, all managers (and staff) should be conscious of the fact that they are spending public money collected through rates and taxes. This provides an extra responsibility not only to spend it economically and effectively but also fairly

1.2.4. Staff

Staff are responsible for acting with honesty and integrity in all council activities and must:

- Not use their position with the Council to gain personal advantage or to confer undue advantage, or disadvantage, on any other person or entity.
- Safeguard Council assets against theft, waste or improper use.
- Understand what behaviour constitutes fraud and / or corruption.
- Familiarise themselves with and adhere to Council's policies and procedures.

Staff have a duty to make management aware of any concerns they have about the conduct of the Shire's affairs or the use of Shire assets and resources. Any matters raised by them should be taken seriously and properly investigated.

Staff who suspect that fraud has occurred should advise their Line Supervisor, Manager or Director as soon as possible. The Shire has prepared Operating Procedures following the introduction of the Public Interest Disclosure Act 2003 which protects "whistleblowers" from unjust recrimination where they have an honest and reasonable suspicion of malpractice, and they act on it. The Shire, in the interests of probity and good local government, encourages staff to raise matters so that they can be properly investigated.

1.2.5. Audit & Risk Committee

The Audit & Risk Committee a responsibility to:

- Have oversight of risk management, including fraud, misconduct and corruption control;
- Review governance processes to ensure all matters relating to alleged fraud, misconduct and corruption or unethical conduct are dealt with appropriately
- Review the Shire's Risk Management Framework
- Review the Shire's Internal Audit Plan
- Review the Shire's Risk Register

1.2.6. Internal Auditors

Internal Audit Internal Audit has an important role in assisting management in the prevention and detection of fraud by:

- Independently reviewing systems, procedures and controls to ensure that there are adequate safeguards to prevent, deter and detect fraud with particular attention being paid to the review of contracts and computer systems where there is potentially a significant risk;
- Through specific audits and testing of systems, identifying areas of concern;
- Responding to requests for advice from managers on controls to put in systems;
- Independently investigating suspected frauds and irregularities and reporting conclusions to the Audit Committee, management and, where necessary, the Police;
- Producing, and advising on the production, of rules, regulations and policies which deter fraud.

1.2.7. External Auditors

External Auditors certify that the Shire's accounts represent a true and fair view of the Shire's financial position. In reaching this conclusion, they must satisfy themselves that control systems are sound and that measures are being taken to minimise the chances of fraud. 1.3. Induction Process The elements of fraud and the responsibility of all staff to not participate in and report fraudulent activity will form part of Council's induction process.

1.3. Risk Assessment

Fraud, misconduct and corruption risk assessment is an integral part of the Shires overall risk management framework and provides the Shire with an understanding of its fraud, misconduct and corruption vulnerabilities and possible strategies to eliminate or minimise those risks.

Fraud, misconduct and corruption risk assessments are conducted by the Shire at least annually and incorporated into the Shire's Operational and Strategic Risk Register. The Audit & Risk Committee reviews the Register Annually and the Leadership Team is accountable for monitoring risks and actioning any required controls to remove or reduce the risk.

The Internal Audit Plan is another tool for which more specific risk areas are assessed to determine the effectiveness of risk controls.

1.4. Response to Allegations and Concerns

1.4.1. Allegations and concerns about fraudulent or corrupt activity may come from different sources e.g.

- Members of the public, sometimes anonymously
- Other local authorities
- Councillors
- Council managers or staff
- Internal or external audit reviews

1.4.2. Allegations and concerns about fraudulent activity can be reported to the Chief Executive Officer, Directors, Managers and Line Supervisors and those persons making and/or raising allegations and concerns must be either willing to put this in writing and/or have supported evidence to avoid those persons who maliciously and knowingly create a false allegation.

1.4.3. Wherever these concerns come from they must be treated seriously and confidentiality will be respected as far as possible. A thorough investigation will be made of all concerns but the level of resources applied to this will be dependent on the nature of the concern e.g. sums or resources involved, sensitivity of the area, source of concern, evidence provided or available, risk inherent in that area.

1.4.4. For cases of internal fraud, investigations should be closely managed and documented in accordance with Shire procedures.

- 1.4.5. At all times confidentiality must be maintained and information disclosed only to those who need to know it, in order not to prejudice any disciplinary or criminal action.

1.5. Actions to be taken when Fraud is Uncovered or Suspected

- 1.5.1. Investigations into suspected fraudulent activity will be comprehensive and will be based on the principles of independence, objectivity and the rules of natural justice.
- 1.5.2. Investigations will be conducted by an appropriately skilled and experienced person who is independent of the area in which the alleged fraudulent conduct occurred.
- 1.5.3. Where there is sufficient evidence of fraud, or there is strong suspicion but internal investigations are unable to obtain further evidence required, the Police should be involved where it is considered in the "Council or public interest".
- 1.5.4. Determination of the "Council or public interest" will include factors such as the sums or resources involved, the strength of the evidence obtained or available, the potential cost to the Council of pursuing the matter, the sensitivity of the area concerned. Referral to the Police will be the normal course of action unless there is a strong case not to do so.
- 1.5.5. Where involvement of the Police is not appropriate, the strongest action possible should be taken. This may involve disciplinary action including dismissal and the recovery of any sums of money or resources misappropriated.
- 1.5.6. At the conclusion of any fraud investigation, systems and procedures will be reviewed and any remedial actions implemented, whether or not there was sufficient evidence to prove any wrongdoing.
- 1.5.7. Any remedial actions identified from this process shall be recorded in the Shire's Risk Register and allocated to the relevant manager through his/her Risk Plan.
- 1.5.8. Monitoring of remedial actions will be undertaken by the Shire's Internal Auditors on an annual basis.
- 1.5.9. A fraud, integrity and conduct register will be maintained by the Governance and Community Manager.

1.6. Training

Biennial training will be given to all staff in the principles of fraud, the reporting of fraud and the process involved in investigating suspected fraud.

1.7. Insurance

The Shire shall maintain a fidelity guarantee insurance policy that provides insurance against the risk of loss arising from internal fraudulent conduct.

COUNCIL POLICY

1.3.1

Finance

Title:	1.3.1 PURCHASING POLICY
Adopted:	20 April 2020
Reviewed:	Annually (last reviewed 14 December 2022)
Associated Legislation:	Local Government Act 1995 s5.42, s5.44, s5.46, s6.2(4a), s6.8 Local Government (Functions and General) Regulations 1996 Part 4 Local Government (Financial Management) Regulations 1996 Part 4 State Records Act 2000
Associated Documentation:	Shire of Mingenew Delegations Register Shire of Mingenew Code of Conduct
Review Responsibility:	Governance Officer Finance and Administration Manager
Delegation:	Chief Executive Officer

Last Adopted: April 2020

POLICY STATEMENT

The Shire of Mingenew (the Shire) is committed to applying the objectives, principles and practices outlined in this Policy, to all purchasing activity and to ensuring alignment with the Shire's strategic and operational objectives.

1. PURCHASING

1.1 OBJECTIVES

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's Policies and procedures;
- g) Ensure purchasing outcomes contribute to efficiencies (time and resources) for the Shire;
- h) Identify and manage risks arising from purchasing processes and purchasing outcomes in accordance with the Shire's Risk Management framework;
- i) Ensure records evidence purchasing activities in accordance with the State Records Act 2000 and the Shire'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's Codes of Conduct apply 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 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:

- a) 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;
- b) The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality. 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.
- c) 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;
- d) A strong element of competition by obtaining a sufficient number of competitive quotations consistent with this Policy, where practicable;
- e) 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;
- f) 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 Policy including Local Economic Benefit; and
- g) 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 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.

Strategic Purchasing Value Assessments

The Shire will periodically review recent past purchasing activity across its operations to identify categories of supply for which the Shire 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.

The assessment of aggregated expenditure for the same category of supply capable of being supplied by a single supplier will determine the Purchasing Value threshold applicable to future purchasing activity.

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

Supplier Order of Priority

The Shire will consider and apply, where applicable, the following Supplier Order of Priority:

Priority 1:	Existing Prequalified Supplier Panel or other Contract Current contracts, including a Panel of Prequalified Suppliers or contracted supplier, must be used where the Shire's supply requirements can be met through the existing contract. If the Shire does not have a current contract relevant to the required supply, then a relevant WALGA PSA may be used.
Priority 2:	Local Suppliers Where the Purchasing Value does not exceed the tender threshold and a relevant local supplier is capable of providing the required supply, the Shire 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. If no relevant local supplier is available, then a relevant WALGA PSA may be used.
Priority 3:	Tender Exempt - WALGA Preferred Supplier Arrangement (PSA) Use a relevant WALGA PSA regardless of whether or not the Purchasing Value will exceed the tender threshold.

	<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> <ul style="list-style-type: none"> i. Local supplier availability (that are not within the PSA); or, ii. Social procurement – preference to use Aboriginal business or Disability Enterprise. <p>If no relevant WALGA PSA is available, then a relevant State Government CUA may be used.</p>
Priority 4:	<p>Tender Exempt - WA State Government Common Use Arrangement (CUA) 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 no relevant CUA is available, then a Tender Exempt [<i>F&G Reg. 11(2)</i>] arrangement may be used.</p>
Priority 5:	<p>Other Tender Exempt arrangement [<i>F&G Reg. 11(2)</i>] Regardless of whether or not the Purchasing Value will exceed the tender threshold, the Shire 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>
Priority 6:	<p><u>Other Suppliers</u> 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>

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's purchasing activities.

Purchase Value Threshold (<i>ex GST</i>)	Purchasing Practice
Up to \$10,000 (<i>ex GST</i>)	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).

Purchase Value Threshold (<i>ex GST</i>)	Purchasing Practice
	The purchasing decision is to be evidenced in accordance with the Shire's internal procedures and its Record Keeping Plan.
From \$10,001 and up to \$50,000 (<i>ex GST</i>)	<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 one (1) written quotations are to be obtained.</p> <p>The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest price. <p>The purchasing decision is to be evidenced in accordance with the Shire's internal procedures and its Record Keeping Plan.</p>
From \$50,000 and up to \$250,000 (<i>ex GST</i>)	<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 supplier's response to:</p> <ul style="list-style-type: none"> • a detailed written specification for the goods, services or works required; and • pre-determined selection criteria that assesses all best and sustainable value considerations. <p>The procurement decision is to be evidenced in accordance with the Shire's internal procedures and its Record Keeping Plan.</p>
Over \$250,000 (<i>ex GST</i>)	<p>Tender Exempt arrangements (i.e. WALGA PSA, CUA or other tender exemption under <i>F&G Reg. 11(2)</i>) require 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><u>OR</u></p> <p>Public Tender undertaken in accordance with the <i>Local Government Act 1995</i> and relevant Shire Policy and procedures.</p> <p>The Tender Exempt or Public Tender purchasing decision is to be based on the supplier's response to:</p> <ul style="list-style-type: none"> • A detailed specification; and • Pre-determined selection criteria that assesses all best and sustainable value considerations.

Purchase Value Threshold (<i>ex GST</i>)	Purchasing Practice
	The purchasing decision is to be evidenced in accordance with the Shire's internal procedures and its Record Keeping Plan.
Emergency Purchases (<i>Within Budget</i>) 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 <u>OR</u> 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.</p> <p>The rationale for policy non-compliance and the purchasing decision must be evidenced in accordance with the Shire's internal procedures and its Record Keeping Plan.</p>
Emergency Purchases (<i>No budget allocation available</i>) Refer for Clause 1.4.3	<p>Where no relevant budget allocation is available for an emergency purchasing activity then, in accordance with s.6.8 of the <i>Local Government Act 1995</i>, the President must authorise, in writing, the necessary budget adjustment prior to the expense being incurred.</p> <p>The CEO is responsible for ensuring that an authorised emergency expenditure under s.6.8 is reported to the next ordinary Council Meeting.</p> <p>The Purchasing Practices prescribed for Emergency Purchases (within budget) above, then apply.</p>
LGIS Services Section 9.58(6)(b) Local Government Act	<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-base 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>

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 and 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 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'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:

- a) Unable to sufficiently scope or specify the requirement;
- b) There is significant variability for how the requirement may be met;
- c) 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;
- d) Subject to a creative element; or
- e) 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 permitted where the:

- a) purchasing value is estimated to be over \$5,000 ~~why a fixed amount?~~; 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 requirement; and

- d) market testing process and outcomes of supplier assessments have been evidenced in records, inclusive of a 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 for a period not exceeding one (1) year. For any continuing purchasing requirement, 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 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 of 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

- a) The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
- b) 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 is required to review the purchasing requirements and commence a new competitive purchasing process in accordance with this Policy.

2. SUSTAINABLE PROCUREMENT

The Shire 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 will 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 Procurement 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 Quotation and Tenders may 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 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 will:

- a) consider buying practices, procedures and specifications that encourage the inclusion of local businesses and the employment of local residents;
- b) consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- c) 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;
- d) 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;
- e) avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid;
- f) 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
- g) 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, or substantially demonstrate a benefit or contribution to the local economy.

The Shire has adopted a Regional Price Preference Policy, which will be applied when undertaking all tendering activities.

2.2. SOCIALLY SUSTAINABLE PROCUREMENT

The Shire 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's strategic and operational objectives.

A qualitative weighting may 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.

Aboriginal Businesses

Functions and General Regulation 11(2)(h) provides a tender exemption if the goods or services are supplied by a person on 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 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.

Where the Shire 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 \$50,000 (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's Record Keeping Plan.

Australian Disability Enterprises

Functions and General Regulation 11(2)(i) provides a tender exemption if the goods or services are supplied by an Australian Disability Enterprise.

The Shire will first consider undertaking a quotation process with other suppliers (which may include other Australian Disability Enterprises) to determine overall value for money for the Shire.

Where the Shire makes 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 Aboriginal business. The rationale for making the purchasing decision must be recorded in accordance with the Shire's Record Keeping Plan.

2.3. ENVIRONMENTALLY SUSTAINABLE PROCUREMENT

The Shire will 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:

- a) demonstrate policies and practices that have been implemented by the business as part of its operations;
- b) generate less waste material by reviewing how supplies, materials and equipment are manufactured, purchased, packaged, delivered, used, and disposed; and
- c) 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's Record Keeping Plan.

In addition, the Shire 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 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'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 Finance and Administration Manager

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:

- a) an opportunity for additional training to be provided;
- b) a disciplinary matter, which may or may not be subject to reporting requirements under the Public Sector Management Act 1994; or
- c) 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. The Shire of Mingenew (the "Shire") is committed to delivering the objectives, principles and practices outlined in this Policy, when purchasing goods, services or works to achieve the Shire's strategic and operational objectives.

This policy complies with the *Local Government (Functions and General) Regulations 1996* (The Regulations).

COUNCIL POLICY

1.3.2

Finance

Title:	1.3.2 ASSET MANAGEMENT
Adopted:	21 March 2018
Reviewed:	Annually (last reviewed 14 December 2022)
Associated Legislation:	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Government of WA, Department of Local Government, Sport and Cultural Industries,
Associated Documents:	Department of Local Government, Sport and Cultural Industries - Integrated Planning and Reporting, Asset Management Guidelines September 2016. Strategic Community Plan 2019 - 2029 Corporate Business Plan 2019-2023 Long Term Financial Plan to 2012 - 2022 Asset Management Plan 2019 - 2034 Disability and Access Inclusion Plan
Review Responsibility:	Finance & Administration Manager
Delegation:	

Previous Policy Number/s 3011

Objective:

To outline the Shires commitment to sustainable management of Shires assets and its commitment in delivering service levels.

Policy Statement:

The Shire of Mingenew delivers a variety of services to the community and in doing so, must ensure that the assets supporting these services are:

- a) Managed in a way that promotes maximum performance for the most cost-effective 'Life Cycle' cost;
- b) Meeting community expectations of time, quality, and value for money.

Achieving this objective in an affordable and sustainable manner requires a strategic and long-term approach to asset planning and management. The Shire aims to deliver this through:

- a) Agreed levels of service that are cost effective and relevant;
- b) The adoption of a continuous improvement approach to asset management;
- c) Community and key stakeholder consultation in regard to expected levels of service; and
- d) Endeavouring to achieve Asset Ratio benchmarks as set by the Department of Local Government, Sport and Cultural Industries (although these ratios are no longer required to be included in the Annual Financial Statements)

1.3.2 ASSET MANAGEMENT PROCEDURE

Relevant Council Policy

1.3.2 Asset Management

Adoption Date: 16 March 2018

Appendix:

Relevant CEO Directive

N/A

Review: 8 November 2022

Objective:

To outline processes and procedures associated with the Shires assets delivering of service levels.

Legislation:

- a) Local Government Act 1995 (WA), Section 5.56(1) and (2) stipulates that the local government is to plan for the future of the district and ensure that such plans are carried out in accordance with any regulations made about planning for the future of the district.
- b) WA Local Government (Administration) Regulations 1996 specify that matters relating to resources, such as asset management, must be developed and integrated into the districts corporate business plan.
- c) Local Government Financial Management Regulations 1996 state that Efficient systems and procedures are to be established by the CEO of a local government... to ensure proper accounting for municipal or trust - ...iii) assets and liabilities;

Definitions:

Asset	A physical item which has value and enables services to be provided and has an economic life of greater than 12 months. Items considered assets include Plant, Equipment, Property, Buildings, Facilities, Commercial Investments, Natural and Heritage items owned or controlled by Council.
Asset Management Plan	A plan developed for the management of an infrastructure asset or asset category that combines multi-disciplinary management techniques (including technical and financial) over the lifecycle of the asset.
Life Cycle	The cycle of activities that an asset goes through while it retains an identity as a separately identifiable asset.
Life Cycle Cost	The total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, and renewal and disposal costs.
Agreed Level of Service	The defined service quality for a particular service against which service performance can be measured, agreed upon by both community and Shire.
Asset Register	A record of asset information considered worthy of separate identification including inventory, historical, financial, condition, construction, technical and financial information about each.

Responsibilities

Councillors

- Adopt the Asset Management Policy
- Adopt the Asset Management Strategy
- Adopt the Asset Management Plans
- Support the use of asset management planning throughout the organisation
- Make decisions regarding assets in accordance with the Asset Management Policy, Strategy and Plans.

Chief Executive Officer

- Develop and maintain the Asset Management Policy
- Develop and maintain the Asset Management Strategy
- Develop and maintain the Asset Management Plans
- Ensure alignment between the Asset Management Policy, Strategy and Plans and other policies and processes in the organisation
- Ensure compliance with legislative requirements
- Ensure assets are managed in accordance with Asset Management Policy, Strategy and Plans
- Support the use of asset management planning throughout the organisation
- Facilitate best practice asset management

Procedures:

As part of the Shire's consideration of asset management, the following key steps will be undertaken:

- a) Ensuring assets are accounted for in accordance with the Local Government (Financial Management) Regulations 1996.
- b) Develop and maintain an infrastructure, property and plant asset management strategy and plan, ensuring results inform the Shire's Long Term Financial Plan (LTFP), Corporate Business Plan and align with the Shire's Strategic Plan.
- c) The Asset Register is to be reviewed in accordance with 17A (4) of Local Government (Financial Management) Regulations 1996.
- d) Assets shall be shown at fair value or at the carrying amount, depending on the category, in each financial report. Assets, other than plant and equipment or right-of-use assets, are to be revalued at intervals of not less than 5 years or when the value is likely to be materially different from its carrying amount.
- e) As part of a continuous improvement process, the Shire will continually monitor, audit and review its asset register to ensure it is responsive to service delivery needs and it meets the goals and targets set by Council.
- f) Asset renewals will be prioritised and implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.
- g) Asset renewals required to meet agreed service levels and identified in infrastructure and asset management plans and long-term financial plans, will be reflected in the annual budget estimates.
- h) Decisions regarding asset operations and maintenance, renewal, disposal and acquisitions will be based on the "life cycle" cost and take into consideration the levels of service and affordability.
- i) Continually seek opportunities for multiple uses of assets.

- j) Prior to consideration of any major works for renewal or improvement to an asset, undertake a critical review of the need for that asset.
- k) Ensure assets are managed in accordance with the Asset Management Policy, Strategy and Plans.
- l) Where appropriate, involve and consult with the community and key stakeholders on determining levels of service. Annual budget estimates will fully reflect the cost to deliver the agreed service levels.

COUNCIL POLICY

1.3.3

Finance

Title:	1.3.3 INVESTMENT OF SURPLUS FUNDS
Adopted:	21 March 2018
Reviewed:	Annually (last reviewed 14 December 2022)
Associated Legislation:	Local Government Act 1995 (s.14) Banking Act 1995, The Trustees Act 1962 (s18) Local Government (Financial Management) Regulations 1996 (r19, 19C, r28 and r49)
Associated Documents:	Code of Conduct
Review Responsibility:	Finance and Administration Manager
Delegation:	Chief Executive Officer

Previous Policy Number/s 3002

Objective:

To ensure that there are effective and accountable systems in place to safeguard the Shire's financial resources whilst taking advantage of the interest earning potential from its surplus funds.

Policy Statement:

To satisfy its fiduciary duty under the Local Government Act 1995 the Shire is committed to the development of proper systems to authorise, verify and record the investment of surplus monies into appropriate financial institutions. The Shire will also ensure that there are effective and accountable systems in place to:

- a) Safeguard the Shire's financial resources;
- b) Satisfy all legislative requirements, in particular those provided by The Local Government (Financial Management) Regulations 1996 and The Trustees Act 1962.
- c) Take advantage of the interest earning potential of its surplus funds while reducing its exposure to risk and ensuring sufficient funds are kept available to meet cash requirements and preserve capital investment.

The application of this policy is to be in conjunction with the Shire of Mingenew Code of Conduct.

1.3.3 INVESTMENT OF SURPLUS FUNDS MANAGEMENT PROCEDURE

Relevant Council Policy

Relevant CEO Directive

1.3.3 Investment

N/A

Approval Date: 16 March 2018

Review Date: 8 November 2022

Appendix-

Objective:

To ensure that there are effective and accountable systems in place to safeguard the Shire's financial resources whilst taking advantage of the interest earning potential from its surplus funds.

Legislation:

- a) Section 6.14(1) of the Local Government Act 1995 provides that "Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds under the Trustees Act 1962 Part III".
- b) Regulation 19 of the Local Government (Financial Management) Regulations 1996 (FMR) requires a local government to establish and document internal control procedures to be followed by employees to ensure control over investments.
- c) Regulation 19C provides that a local government can only invest money:
 - I. With an authorised deposit taking institution or the WATC –
 - II. For a fixed term of no more than 3 years–
 - III. In bonds guaranteed by the Commonwealth, State or Territory governments –
 - IV. In bonds for a term on no more than 3 years –
 - V. In Australian currency but not in foreign currency •
- d) Regulations 28 and 49 of the FMR prescribe the disclosure requirements for investments in the annual budget and annual financial report.
- e) Local governments when investing are to follow the provisions under the Trustees Act 1962 and exercise the care, diligence and skill of a "Prudent Person" (s 18).

Procedures:

1. Principles and Ethics

- a) Whilst exercising the power to invest, consideration is to be given to the preservation of capital, liquidity and the return on investment.
- b) Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes management of credit and interest risk within identified thresholds and parameters.
- c) The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash-flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.
- d) The investment will be managed with the care, diligence and skill that a prudent person would exercise. Officers are to manage the investment portfolio to safeguard the portfolio in accordance with the spirit of this Investment Policy and not for speculative purposes.
- e) Officers shall refrain from personal activities that would conflict with the proper executive and the management of the Shire's Investment portfolio. Officers are required to disclose any conflict of interest to the CEO.

2. Investments

2.1 Approved Investments

- a) Without approval from Council, investments are limited to:
 - I. State/Commonwealth Government Bonds with a term of maturity not exceeding three years;
 - II. Fixed term deposits placed with an authorised institution* for a term not exceeding 3 years; and
 - III. Interest-bearing deposits placed with an authorised institution*. (*Authorised Institution as defined in the Bank Act 1959 (Commonwealth) section 5.

2.2 Prohibited Investments

- a) Any investment carried out for speculative purposes is prohibited
- b) The use of leveraging (borrowing to invest) of an investment is prohibited.
- c) In accordance with the Local Government (Financial Management) Regulations 1996, Reg 19C, the following is also prohibited:
 - I. Deposits with any institution other than an authorised institution*;
 - II. Deposits for a fixed term of more than 3 years;
 - III. Investment in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
 - IV. Investment in bonds with a term to maturity of more than three years; and
 - V. Investment in a foreign currency.*Authorised Institution as defined in the Bank Act 1959 (Commonwealth) section

2.3 Quotations

Not less than three quotations shall be obtained from authorised institutions when an investment is proposed. The best quotation will be accepted after allowing for banking, administrative and transactional costs as well as limitations set for each borrower.

3. Risk Management

3.1 Risk Management Controls

- a) Risk Management Controls include:-
 - I. Authority to invest;
 - II. Development of investment control frameworks- portfolio credit framework, counterparty credit framework and term to maturity framework;
 - III. Documented investment procedures;
 - IV. Investment Register;
 - V. Monthly statements from counterparties;
 - VI. Monthly bank reconciliations for each account;
 - VII. Fraud- 2 signatories required to authorise investment as per CD1/CEOD1 Apply money from the Municipal Account delegation.
 - VIII. Monthly report to Council

3.2 Investment Control Frameworks-

Investments are to be made in accordance with the following frameworks:

- a) **Portfolio Credit Framework** – limits overall credit exposure of the portfolio. The following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %
AAA	A-1+	100%
AA	A-1	100%
A	A-2	60%

- b) **Counterparty Credit Framework** - limits exposure to individual counterparties/institutions.

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %
AAA	A-1+	45%
AA	A-1	35%
A	A-2	20%

- c) **Term to Maturity Framework** - limits based upon maturity of securities.

Overall Portfolio Term to Maturity Limits	
Portfolio % < 1 year	100% Max. And 40% Min.
Portfolio % 1- 3 years	60%

3.3 Investment Advisor

- a) It may be appropriate to seek external advice from an investment advisor and if so this person must be:
- I. An independent person who has no conflict of interest in relation to investment products recommended,
 - II. Approved by Council, and
 - III. Licensed by the Australian Securities and Investment Commission.

4. Liquidity

In determining how much liquidity is “sufficient”, management will give regard to:

- a) Historical seasonality in the Shire’s cash flow;
- b) Known or projected major capital expenditure;
- c) Holding contingency reserves adequate to cover a major unexpected short-term demand on the Shire.

5. Separate and Common Accounts

- a) Separate accounts must be established for the following purposes: —
 - Money required to be held in the municipal fund;
 - Money required to be held in the trust fund; and
 - Money required to be held in reserve accounts.
- b) Money from different accounts may be placed in a common account for investment purposes.
- c) Interest earned on each individual "Reserves/Restricted Assets" will be applied to that particular account

6. Reporting and Review

- a) Documentary evidence must be held on file for each investment and an investment register maintained by filing the monthly investment report to council in the Register.
- b) A monthly report must be provided to council detailing the investment portfolio. This report will include (among other things): the total value of the portfolio; net investment income for the month; and a complete schedule of all investments within the total portfolio with maturity dates.
- c) The annual financial report is to include information on earnings from investments as specified by Financial Management Regulation (FMR) 49.
- d) The investment policy will be reviewed annually or as required in the event of legislative changes, or marked change in the economic landscape affecting financial markets and interest rates.

7. Reference Material

S&P Global Ratings- Short Term Credit Ratings	
A-1+	extremely strong degree of safety regarding timely payment
A-1	a strong degree of safety for timely payment
A-2	a satisfactory capacity for timely payment

S&P Global Ratings- Long Term Credit Ratings	
AAA	an extremely strong capacity to repay
AA	a very strong capacity to repay
A	a strong capacity to repay
BBB	adequate capacity to repay

COUNCIL POLICY
Finance

1.3.4

Title:	1.3.4 SIGNIFICANT ACCOUNTING POLICIES
Adopted:	21 March 2018
Reviewed:	Annually (last reviewed 14 December 2022)
Associated Legislation:	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Australian Accounting Standards
Associated Documentation:	Annual Report Finance Reports
Review Responsibility:	Finance and Administration Manager
Delegation:	-

Previous Policy Number/s 3007, 3008

Objective:

To provide direction for the preparation of financial transactions and financial reporting.

Policy Statement:

- 1. The Local Government Reporting Entity.**
In accordance with Australian Accounting Standards, for the purposes of budgets and financial reports, the reporting entity includes all activities of the Council and any other entities controlled by the Council.
- 2. Basis of Preparation of the Annual Financial Report**
The annual financial report is a general purpose financial report and has been prepared to comply with applicable Australian Accounting Standards (as they apply to local governments and not for profit entities) and disclosure requirements of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996. The financial report has been prepared on the accrual basis under the convention of historical cost accounting as modified by the accounting treatment relating to the revaluation of financial assets and liabilities at fair value through profit and loss and certain classes of non-current assets.
- 3. Significant Accounting Policies**
All significant accounting policies are included in the annual financial report and are updated each year in accordance with applicable Australian Accounting Standards and the Local Government (Financial Management) Regulations 1996.

COUNCIL POLICY
Finance

1.3.5

Title:	1.3.5 CORPORATE CREDIT CARD
Adopted:	22 August 2018
Reviewed:	Annually (last reviewed 14 December 2022)
Associated Legislation:	Local Government Act 1995 Local Government (Financial Management) Regulation 11(1) (a)
Associated Documents:	Corporate Credit Card Management Procedure Code of Conduct Purchasing Policy
Review Responsibility:	Finance and Administration Manager
Delegation:	N/A

Previous Policy Number/s 3010

Objective:

To ensure effective controls, policies and procedures are in place with respect to the issue and use of corporate credit cards to reduce the risk of fraud and misuse of the corporate credit card.

Policy Statement:

The Shire is committed to operating effective and transparent procedures for the procurement of all goods and services via credit card.

To achieve transparency, accountability and reduce associated risk the Shire will:

- Ensure that effective and accountable systems are in place to mitigate risks associated with procurement via credit card and review, report and monitor the potential risks in accordance with the Shire's Risk Management Framework;
- In accordance with the Shire's Risk Management Framework, submit to the Audit & Risk Committee a biennial report of the Shire's accounting and internal control procedures, with corporate credit card use to be included;
- Submit itemised credit card statements to Council on a monthly basis with accompanying explanation as to the expense incurred; and
- Limit the Shire's credit card facility to \$14,500 or less, with any increase to be via Council resolution.

The issue of corporate credit cards and use shall be strictly in accordance with this Policy and the associated Management Procedure

The procurement of goods and services on corporate credit cards shall be in accordance with the Shire's Procurement Management Procedure.

The application of this policy is to be in conjunction with the Shire of Mingenew Code of Conduct and in compliance with the Shire's Purchasing Policy.

1.3.5 CORPORATE CREDIT CARD MANAGEMENT PROCEDURE

Relevant Council Policy

1.3.5 Corporate Credit Card Policy

Approval Date: 09 August 2018

Appendix-

1. Corporate Credit Card User Agreement

Relevant CEO Directive

Nil

Review: Biennial – 8 November 2022

Objective:

To ensure effective controls, policies and procedures are in place with respect to the issue and use of corporate credit cards.

Legislation:

- a) The use of Corporate Credit Cards is not specifically mentioned in the Local Government Act 1995. However, the impacts of the use and control of corporate credit cards are related to the following sections of the Local Government Act 1995;
 - I. Section 2.7(2)(a) and (b) requires the council to oversee the allocation of the local government's finances and resources and determine the local government policies.
 - II. Section 6.5(a) requires the CEO to ensure that there are kept, in accordance with Regulations, proper accounts and records of the transactions and affairs of the local government.
- b) Local Government (Financial Management) Regulation 11(1) (a) requires local governments to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained.

Procedures:

1. Authorised Use and Limits

- a) Corporate Credit Cards may be issued to any Level 2 Officer, if it is the view of the CEO, that an Officer would benefit from using this payment method;
- b) All cardholders must be authorised by the CEO to incur liabilities and expenses;
- c) Maximum credit limits are to be based on the cardholder's need, as determined by the CEO.
- d) The Local Government Act 1995 does not allow for the issue of Corporate Credit Cards to elected members. There are no provisions within the Act which allow an elected member to incur a debt, as would be the case with a credit card.

2. Purchasing

- a) The procurement of goods or services using corporate credit cards shall only occur in instances when the standard methods of raising purchase orders/invoices and/or manual EFT/cheque practices are not available from the preferred supplier;

- b) Corporate Credit Cards are only to be used for purchasing goods and services on behalf of the Shire which is authorised in the current budget.
- c) Cardholders must follow the Shire of Mingenew Management Procedure;
- d) Personal expenditure is prohibited;
- e) Corporate Credit Cards are not to be used for cash withdrawals;
- f) Where the purchase has been made via facsimile, telephone, or over the internet an invoice or receipt is required in all circumstances and must contain details of the purchase; and
- g) For Fringe Benefits Tax purposes, any expenditure for entertainment must include the number of people who were in attendance and the full names of any Shire staff.

3. Financial Institution

- a) The Shire's Corporate Credit Cards are to be issued by the financial institution that municipal transactions are made (referred to as transaction account).

4. Cardholders breaching Corporate Credit Card Management Procedure and Code of Conduct

- a) Any officer that believes a cardholder is entering into transactions that seem to be in breach of the Credit Card Policy and/or Code of Conduct, is to report their concerns to the Chief Executive Officer. In the case of the CEO, it is to be reported to the President.
- b) Any breach by a cardholder of the Corporate Credit Card Policy and/or Code of Conduct will require an investigation into activities. Possible actions taken by the Chief Executive Officer in such instances include:
 - Withdrawal of both the credit-card and all financial delegations or authorisations issued;
 - Commencement of a formal Disciplinary Process;
 - The reporting of breach to relevant government departments (Public Sector Commission / Corruption and Crime Commission); and/or
 - Termination of employment.

Advisory note to Staff - In the case of the President receiving reports of the suspected breaches by the CEO, the President is authorised to consult (confidentially) with either the Manager Finance or the Governance Officer for the sole purpose of collected relevant confirmatory information. The President would then give consideration as to whether a report to either the Public Sector Commission or the Corruption and Crime Commission was required.

- c) A cardholder who is found guilty of misuse or fraudulent use of a corporate credit card is liable for prosecution under the Criminal Code Act Compilation Act 1913, the Public Sector Management Act 1994, the Corruption and Crime Commission Act 2003 or by action under all of these Acts. Cardholders must be aware that prosecution may be the consequence of fraudulent misuse of the card.

5. Ethics & Integrity Code of Conduct

All officers and employees undertaking purchasing activities must have regard for the Code of Conduct requirements and shall observe the highest standards of ethics and integrity. All officers and employees of the Shire of Mingenew must act in an honest and professional manner at all times which supports the standing of the Shire.

6. Insufficient Documentation to Substantiate Expense Claims

- a) If supporting documentation is lost the cardholder will provide a declaration detailing the nature of the expense and must state on that declaration 'all expenditure is of a business nature'.
- b) Approval of this expense is referred to the Chief Executive Officer or in the case of the CEO, the Shire President, for a decision.
- c) Should a lack of detail be a regular occurrence for a particular cardholder, the cardholder may be refused access to a credit card in the future. Use of a statutory declaration is for exceptional cases rather than the norm.

7. Roles, Responsibilities and Obligations

7.1 Cardholders Responsibilities and Obligations

- a) Cardholder's must;
 - I. Refer to and follow the guidelines for use that are provided by the financial institution at the time of the card issue;
 - II. Keep their card in a safe place and not permit another person to use their card to make a purchase (unless a Credit Card Purchase Request Form has been completed and signed) or use the card for cash advances;
 - III. Make payments that are within their card limit, budget, and authority to do so;
 - IV. Only make purchases over the internet on secure sites after the approval by the Chief Executive Officer or relevant Manager and must be accompanied by a signed purchase order and purchase print out;
 - V. Report immediately any lost or stolen credit card to the financial institution issuing the card and to Council's Finance & Administration Manager;
 - VI. Adhere to Policies and Management Procedures in relation to Corporate Credit Card Use and Purchasing;
 - VII. Ensure all receipts and tax invoices are kept and submitted to the Administration Officer with credit card statements, within seven (7) days of receipt;
 - VIII. Costing accounts must be against each item of the credit card statements.
 - IX. In the event of a cardholder ceasing employment, taking an extended period of leave, or they move to a position which does not require the use of a Corporate Credit Card, the cardholder must notify Finance & Administration Manager two weeks before termination date, to arrange cancellation and to ensure all receipts and their account has been settled;
 - X. Cardholders cannot transfer the Corporate Credit Card account to other users. An account number will only be assigned to one cardholder.

7.2 Finance & Administration Manager Responsibilities

- a) The Finance & Administration Manager must;
- I. Arrange the issue and cancellation of Corporate Credit Cards when requested by the Chief Executive Officer;
 - II. Arrange for all cardholders to sign the Corporate Credit Cardholder Agreement (refer to Appendix) on receipt of the issue of the new card and ensure the signed agreement is placed on the employee's personnel file. This agreement must set out the cardholder's responsibilities and legal obligations when using the Corporate Credit Card and the actions that will be taken in the event that the cardholder fails to comply with the terms and conditions of the Agreement.
 - III. Maintain a register of all cardholders which includes, card number, expiry date of the credit card, credit limit and details of goods and services the cardholder has authority to purchase; the signature of the cardholder when issued and returned.
 - IV. Provide of copy of the Corporate Credit Card Policy and Management Procedure when amended to cardholders.
 - V. Process payments of Corporate Credit Cards. This includes ensuring all receipts and tax invoices have been attached and the relevant authorising officers have signed off on the statements;
 - VI. Reconcile the corporate credit card statements to the total monthly payment made to the Shire's financial institution.
 - VII. Review the transactions and supporting documents on each corporate credit card statement, and report any irregularities or discrepancies to the CEO.
 - VIII. The Finance & Administration Manager is to review six monthly the operation of the credit card payment process and report to the CEO as to the level of compliance of the cardholders to the conditions of use and the credit card provider's level of performance.
 - IX. Ensure under no circumstances, the reward scheme or cash withdrawal feature be used on Council Corporate Credit Cards.
 - X. On cessation of a cardholders employment the Finance & Administration Manager is to cancel the account with the financial institution, and destroy the card.
 - XI. destroy all surrendered cards by cutting them diagonally in half (including any chip on the card).

Appendix 1

AUTHORITY FOR ISSUE OF CORPORATE CREDIT CARD

Name of Cardholder	
Position	
Date of Authorisation	
Signature of Chief Executive Officer	

CORPORATE CARD USER AGREEMENT

As the Chief Executive Officer, I have authorised the issue of a Shire of Mingenew Corporate Credit Card in line with your official duties as a Shire officer. The following conditions apply;

1. You have been authorised a card limit of \$_____. Credit limits are not to be exceeded.
2. Purchases on the corporate credit card are to be made in accordance with Shire of Mingenew's Purchasing Procedures.
3. The card is issued in your name, however it is a corporate credit card and all transactions must be official transactions on behalf of the Shire of Mingenew. Under no circumstances must the card be used for private purposes.
4. At any time, the Chief Executive Officer can call an inquiry into the use of the card, and any findings of transactions that are unauthorised, excessive or unreasonable will result in disciplinary action.
5. Ensure corporate credit cards are maintained in a secure manner and guarded against improper use.
6. Under no circumstances can cash can be withdrawn from the card.
7. All tax invoices and receipts must be kept to validate transactions. Note, a credit card statement or EFTPOS receipt is not acceptable (GST cannot be claimed as it does not meet GST requirements to claim a refund). Cardholders must ensure tax invoices and receipts contain the following:
 - I. Suppliers Name.
 - II. Suppliers ABN.
 - III. Brief description of goods and services supplied.
 - IV. Identifies transactions where GST applies.
 - V. If the transaction relates to entertainment, the cardholder must document how many people they entertained, and the names of Shire officers that attended (for Fringe Benefit Tax purposes).
8. If no supporting documentation is available the cardholder will provide a declaration detailing the nature of the expense and must state on that declaration 'all expenditure is of a business nature'. Approval of this expense is referred to the Chief Executive Officer, or in the case of the CEO the Shire President, for a decision. Should a lack of detail be a regular occurrence for a particular cardholder, the cardholder may be refused access to a credit card in the future. Use of a statutory declaration is for exceptional cases rather than the norm.

9. Cardholders must mark next to all transactions the costing accounts and ensure all tax invoices and receipts are attached to the monthly statement. The cardholder must certify that the transactions on the statement are correct and has seven (7) working days, from receipt of statement, to return to Finance Services.
10. Should approval of expenses be denied by the Chief Executive Officer or the Finance & Administration Manager recovery of the expense shall be met by the cardholder.
11. If the card is lost or stolen, you must immediately contact the Financial Institution Provider. The Finance & Administration Manager must also be notified in writing to arrange replacement card.
12. If your employment is terminated, you card and all tax invoices and receipts must be submitted to the Finance & Administration Manager, two (2) weeks before employment is ceased to ensure account is settled.

Failure to comply with any of these requirements could result in the card being withdrawn from the employee. In the event of loss or theft through negligence or failure to comply with the Shire of Mingenew Corporate Credit Card Management Procedure any liability arising from the use of the card may be passed to the cardholder.

The use of a Shire of Mingenew Corporate Credit Card is subject to the provisions of the Code of Conduct of Shire of Mingenew. Serious transgression of the above listed responsibilities or the Code of Conduct may result in an appropriate referral under the Corruption and Crime Commission Act 2003 and/or termination of employment.

If you agree to abide by the terms above and all other conditions set out in Council Policy – Corporate Credit Cards please sign and return this statement to the Finance & Administration Manager.

I _____ acknowledge and accept the aforementioned conditions which govern the use of the Shire of Mingenew Corporate Credit Card.

Signature

Date

Western Australia

Oaths, Affidavits and Statutory Declarations Act 2005

Statutory Declaration

I, _____ {name of person making declaration}
of _____ {address of person making declaration}
occupation _____ {occupation of person making declaration}

sincerely declare as follows:

{insert above the content of the statutory declaration; use numbered paragraphs if content is long}

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

At _____ {place}

On _____ {date}

By _____ {Signature of person making the declaration}

In the presence of

_____ {Signature of authorised witness}

_____ {Name of authorised witness}

_____ {Qualification as such a witness}

***Important - This Declaration must be made before any of the following persons:**

Academic (post-secondary institution)	Local government councillor
Accountant	Loss adjuster
Architect	Marriage Celebrant
Australian Consular Officer	Member of Parliament
Australian Diplomatic Officer	Minister of religion
Bailiff	Nurse
Bank Manager	Optometrist
Chartered secretary	Patent Attorney
Chemist	Physiotherapist
Chiropractor	Podiatrist
Company auditor or liquidator	Police officer
Court officer (magistrate, registrar or clerk)	Post Office manager
Defence Force officer	Psychologist
Dentist	Public Notary
Doctor	Public Servant (State or Commonwealth)
Electorate Officer (State – WA only)	Real Estate agent
Engineer	Settlement agent
Industrial organisation secretary	Sheriff or deputy Sheriff
Insurance broker	Surveyor
Justice of the Peace (any State)	Teacher
Lawyer	Tribunal officer
Local government CEO or deputy CEO	Veterinary surgeon

Full descriptions of these professions are available via the following website link
http://www.courts.justice.wa.gov.au/files/Professions_witness_statutory_declarations.pdf

Or

any person before whom, under the *Statutory Declarations Act 1959* of the Commonwealth, a Statutory Declaration may be made.

Any authorised witness for the State of Western Australia may also witness a Commonwealth Statutory Declaration, as long as they are in Western Australia at the time of witnessing - Schedule 2, item 231 of the *Statutory Declarations Regulations 1993 (Commonwealth)*.

Further information on witnessing documents is available at
www.courts.justice.wa.gov.au.

Last updated on 31 October 2017

COUNCIL POLICY

1.3.6

Finance

Title:	1.3.6 RELATED PARTIES DISCLOSURE
Adopted:	21 November 2018
Last Reviewed:	Annually (last reviewed 14 December 2022)
Associated Legislation:	Australian Accounting Standard AASB124
Associated Documents:	Related Party Disclosures- Procedure Related Party Disclosures- Declaration Form Code of Conduct Declarations of Interest
Review Responsibility:	Finance and Administration Manager
Delegation:	Nil

Objective:

The objective of the policy is to ensure that the Shire of Mingenew's financial statements disclose dealings with related parties and transactions and outstanding balances, including commitments, with such parties that may have affected its financial position and profit or loss.

Policy Statement:

The Shire is committed to ensuring its financial operations are conducted with the highest of ethical integrity and in an open and transparent environment. To evidence this, and to comply with the Australian Accounting Standard AASB 124 Related Party Disclosures (AASB 124), the Shire will:

1. Establish, review and maintain a list of Key Management Personnel (KMP);
2. Establish, review and maintain a Related Party Transactions Register for the Shire; and will
3. Disclose related party relationships, transactions and outstanding balances, including commitments, in the Shire's annual financial statements.

For the purposes of implementing this policy, individuals who meet the definition of a Key Management Personnel (KMP) will include:

- I. The President, Deputy President & Councillors;
- II. The Leadership Team, comprising of Chief Executive Officer, Finance and Administration Manager, Governance and Community Manager and Works Manager .

Council requires temporary appointments to KMP positions or persons acting as KMP in their absence, to be considered as KMP for that duration if the appointment is for three or more months in the financial year. For appointments of less than three months, the assessment is a matter of judgment based on facts, that is to be made by the Chief Executive Officer, such as that person's participation in key decisions made in that period.

For the purposes of implementing this policy, the related parties for nominated KMP will include:

- I. Their spouse or domestic partner (including married, de-facto, civil union partnership, but excluding separated or divorced spouse or partner);
- II. Their children, including children of their spouse/partner (whether step, adopted, dependant/non-dependant, adult children living/not living at home);

- III. Their dependants, including dependants of their spouse/partner (i.e. family members financially supported by them or their spouse/partner and may include siblings, elderly parents/grandparents or disabled family members); and
- IV. Entities (including sole proprietors, partnerships, companies and trusts) in which KMP and/or his/her close family members have control or joint control (i.e. hold 50% or more of the shares or 50% or more voting power).

For the purpose of implementing this policy Ordinary Citizen Transactions (OCT), that is transactions that occur on terms and conditions no different to those applying to the general public and are of an immaterial nature, include:

- I. Attending Shire functions that are open to the public;
- II. Fines on normal terms and conditions;
- III. Paying rates and other statutory fees or charges for applications, licences, approvals or permits;
- IV. Using Shire services and accessing Shire facilities; and
- V. Making a development application.

These aforementioned OCT's that meet the definition as stated, do not require disclosure. As such they will not be captured by the Shire within its Related Party Register.

For all other transactions, Key Management Personnel will be required to make a declaration in the *Related Parties Disclosure - Declaration* form (appendix 1).

All KMPs must provide their declarations to the period 30th June, annually, within 30 days.

Information (including personal information) provided by a key management person in a Related Party Transaction Notification and personal information contained in a register of related party transactions is classified as confidential, and will not be available for inspection by or disclosure to the public.

The Related Party Disclosure Management Procedure provides the guidelines by which the CEO will implement the Related Party Disclosure Policy.

1.3.6 RELATED PARTIES DISCLOSURE MANAGEMENT PROCEDURE

Relevant Council Policy

1.3.6 Related Parties Disclosure

Adoption Date: 21 November 2018 - CEO

Appendix: Related Parties Disclosure Form

Relevant CEO Directive

N/A

Review: 8 November 2022 (no change)

Objective:

This procedure provides the basis on which to implement the Related Parties Disclosure Policy, which outlines what is expected of elected members and staff of the Shire of Mingenew in relation to Australian Accounting Standard AASB 124 Related Party Disclosures (AASB 124).

Legislation:

In July 2015, the scope of Australian Accounting Standards Board - Accounting Standard 124 (AASB124) "Related Party Disclosures" was extended to include application by not-for-profit entities, including local governments. Effective 1 July 2016 in accordance with Australian Accounting Standard AASB 124 Related Party Disclosures, local governments were required to disclose certain related party relationships and related party transactions together with information associated with those transactions in its Annual Financial Statements. First disclosures were required for year ended 30 June 2017.

Definitions:

Arm's length terms	Terms between the parties that are reasonable in the circumstances of the transaction that would result from: <ul style="list-style-type: none"> neither party bearing the other any special duty or obligation, and the parties being unrelated and uninfluenced by the other, and each party having acted in its own interest.
Close Family Member	Family members of Key Management Personnel (KMP) who may be expected to influence, or be influenced by, that person in their dealings with the entity. This includes, but is not limited to, that person's spouse or domestic partner; and the children and dependents of that person or that person's spouse or domestic partner.
Control of an Entity	You control an entity if you have: <ol style="list-style-type: none"> power over the entity; exposure, or rights, to variable returns from involvement with the entity; and the ability to use your power over the entity to affect the amount of your returns.
Joint control of an entity	To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.
Key Management Personnel (KMP)	Persons having authority and responsibility for planning, directing and controlling the activities of the Shire of Mingenew, directly or indirectly. This includes the President, other Councillors, the Chief Executive Officer and senior officers as outlined in the policy.
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 Compensation	All employee benefits. Employee benefits are all forms of consideration paid, payable or provided by the Shire of Mingenew, or on behalf of the Shire of Mingenew, in exchange for services rendered to the Shire. Compensation includes: <ul style="list-style-type: none"> I. Short Term Employee Benefits: short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit-sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for current employees; II. post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care; III. other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit-sharing, bonuses and deferred compensation; and IV. termination benefits.
Ordinary Citizen Transactions (OCTs)	Transactions that an ordinary citizen would undertake with the Shire of Mingenew are usually not material to related party disclosure requirements. OCTs do not apply however, if the terms and conditions are different to those offered to the general public.
Related Party Transaction	A transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.

Procedures:

1. Identifying Key Management Personnel and Related Parties

- a) The Governance and Community Manager will establish, review and maintain a list of Key Management Personnel for the Shire. Key Management Personnel (KMP) are defined within the Council Policy;
- b) 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 (Appendix 1). The annual declaration process will be coordinated by the Governance and Community Manager
- c) It is the responsibility of the Chief Executive Officer to seek declaration upon a change of KMP;
- d) All KMPs will be asked to provide their declarations to the period 30th June, annually, within 30 days.
- e) It is the responsibility of all identified KMP to update their declaration should they become aware of a change, error or omission.
- f) Should a KMP have any uncertainty as to whether a transaction may constitute a related party transaction they should contact the Chief Executive Officer or the Governance and Community Manager for clarification.

- g) Disclosure by personnel who are temporarily appointed to KMP positions is to be guided by the Related Party Disclosure Policy. Judgement decisions on disclosures of such personnel to determine if they meet the definition of a KMP are:
- Did the acting KMP fill a vacant role or did they just act while the position holder was on leave?
 - Did the acting KMP only complete the operational tasks of the KMP position holder while they were on leave?
 - Did the acting KMP attend key meetings such as monthly executive management team meetings?
 - Was the acting KMP involved in operational / strategic planning?
 - Was the acting KMP involved in determining the budget?
 - Did the acting KMP approve anything above their 'normal' delegation?
 - Did the acting KMP just fill-in for someone for a few weeks over Christmas when no key meetings / decisions were made?

2. Identification of Related Party Transactions:

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 (the Ordinary Citizen Transactions, as adopted by Council in its policy, have been excluded from this list):

- Employee compensation whether it is for KMP or close family members of KMP;
- Application fees paid to the Shire of Mingenew for *non* statutory approvals or permits;
- Lease agreements for housing rental (whether for a Shire of Mingenew 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 of Mingenew 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 of Mingenew (trading arrangement);
- Sale or purchase of any motor vehicles, buildings or land, or other property owned by the Shire of Mingenew, to a person identified above;
- Sale or purchase of any motor vehicles, buildings or land, or other property owned by a person identified above, to the Shire of Mingenew;
- Loan Arrangements;
- Contracts and agreements for construction, consultancy or services;
- Non-monetary transactions such as use of facilities, peppercorn rents;
- Provision of guarantees or collateral; and
- Settlement of liabilities on behalf of the Shire, or by the Shire or on behalf of that related party.

3. Register of Related Party Disclosures and Transactions

- a) Officers will use the declarations of KMP to establish a list of related parties for the purposes of identifying transactions and reporting under AASB 124.
- b) Maintain the Register
- I. The Finance and Admin Manager is responsible for maintaining and keeping an up to date register of related party transactions that captures and records the

information for each existing related party transaction (including ordinary citizen transactions assessed as being **material** in nature) during a financial year.

c) Contents of a Register

- I. The contents of the register of related party transactions must detail for each related party transaction the following:
 - i. The description of the related party transaction;
 - ii. The name of the related party;
 - iii. The nature of the related party's relationship with the Shire of Mingenew; and
 - iv. A description of the transactional documents that are the subject of the related party transaction.
- II. The Governance and Community Manager and Finance and Admin Manager are jointly responsible for ensuring that the information is disclosed in the Shire's annual Financial Statements to the extent, and in the manner stipulated, by AASB 124.

5. Related Party Disclosures and Annual Financial Statements

Each year the Shire must declare the following related party transactions in its annual financial statements:

a) As per AASB124.17, Key Management Personnel compensation in total and for each of the following categories:

- I. short-term employee benefits;
- II. post-employment benefits;
- III. other long-term benefits; and
- IV. termination benefits;

Key management personnel (KMP) are not named – disclosure is on an aggregate basis only. Short-term employee benefits include non-monetary benefits.

b) As per AASB124.18 for Related Party Transactions, the Shire must disclose the:

- I. Nature of the relationship with the related party, as well as sufficient information about the transactions and outstanding balances, including commitments, necessary for users to understand the potential effect of the relationship on the financial statements.
- II. Types of Transactions:
 - Purchase or sales of goods;
 - Purchase or sales of property and assets;
 - Rendering or receiving of services;
 - Leases;
 - Transfers under licence agreements;
 - Transfers under financial arrangements (including loans and equity contributions in cash or in kind);
 - Provision of guarantees or collateral; and
 - Settlement of liabilities on behalf of the entity, or by the entity or on behalf of that related party.

III. The following information, at a minimum, is to be disclosed:

- I. the amount of the transactions;

- II. the amount of outstanding balances, including commitments, and terms and conditions (i.e. secured or unsecured) and the nature of consideration to be provided in settlement; and details of guarantees given or received;
 - III. provisions for doubtful debts related to the amount of outstanding balances; and
 - IV. the expense recognised during the period relating to bad or doubtful debts due from related parties.
- c) As per AASB124.19, separately disclose all the information required by Paragraph 18 of the AASB124 at the following levels:
- I. subsidiaries;
 - II. associates;
 - III. joint ventures in which the entity is a joint venturer;
 - IV. key management personnel of the entity or its parent; and
 - V. other related parties.
- d) As per AASB124.24, items of a similar nature in aggregate, except when separate disclosure is necessary for an understanding of the effects of related party transactions on the financial statements of the entity.
- e) If a KMP or close associate is named individually in disclosure reports, the KMP will be given a copy of intended disclosure for review and information purposes. Feedback must be provided within 7 days.

6. Frequency of disclosures:

Councillors and KMP will be required to complete a *Related Party Disclosures - Declaration* form annually. Furthermore, all Councillors must make disclosures immediately prior to any ordinary or extraordinary election. Disclosures must be made immediately prior to the termination of employment of/by a KMP.

7. Materiality

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

When assessing whether such transactions are significant the following factors will be taken into consideration:

- Significance in terms of size;
- Was it carried out on non-market terms;
- Is it outside normal day-to-day council operations;
- Was it subject to council approval;
- Did it provide a financial benefit not available to the general public;
- Was the transaction likely to influence decisions of users of the Annual Financial Statements.

Regard must also be given for transactions that are collectively, but not individually significant.

The Shire does not have to disclose transactions in the audited annual financial statements that are not material.

8. Confidentiality:

All information contained in a disclosures return, will be treated in confidence. Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified. Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and the materiality. Individuals may be specifically identified, if the disclosure requirements of AASB 124 so demands.

RELATED PARTIES DISCLOSURE – POLICY 1.3.6, FORM 1
RELATED PARTIES DISCLOSURE – DECLARATION

As per requirements of AASB 124 Related Party Disclosures, and Business Operating Procedure – Related Party Disclosures. For additional information to assist you in making a declaration, please refer to the Appendices to this form.

The following declaration must be completed by all Council members, the CEO and staff reporting directly to the CEO of the Shire of Mingenew who were elected or employed at any time during the financial year.

Disclosure Period (financial period)	
Person making disclosure	
Position held by person	

NOTE: As you are an elected member or officer, you do not need to specifically declare your Councillor fees/employee benefits details. This information will be collected separately by the Shire's Finance Team, for a separate declaration inclusion within the annual financial statements.

1. CLOSE MEMBERS OF THE FAMILY

(If there has been no change since your last declaration, please complete by stating "No Change".)

Name of Family Member	Relationship to you

2. ENTITIES THAT I, OR A CLOSE FAMILY MEMBER CONTROLS OR JOINTLY CONTROLS

(If there has been no change since your last declaration, please complete by stating "No Change".)

Name of Entity	Name of person who has control/nature of control

3. ORDINARY CITIZEN TRANSACTIONS – NOT PROVIDED AT ARMS LENGTH

Did you or any member of your close family use facilities provided at Recreation Centre, attend any event at the Civic Centre, or use any other council provided facility AND you received a discount or special terms that would not otherwise be offered to any other member of the public?

Name of person using the Service/facility	Service/facility used	Nature of transaction	Nature of discount or special conditions received

4. LEASING AGREEMENTS – DOMESTIC RESIDENTIAL

Did you, a close family member or related entity, enter into a lease agreement with the Shire of Mingenew, (either as lessee or lessor) for the provision of a domestic rental property (Includes properties owned by the Shire of Mingenew and privately owned properties sub-leased through the Shire from a real estate agent)? Did you receive or provide a discount or special terms that would not otherwise be offered to any other member of the public?

Name of person party to the lease	Property Address	Term of Lease & Weekly Rent	Detail of any non-arm's length conditions

5. LEASING AGREEMENTS – COMMERCIAL

Did you, a close family member or related entity, enter into a commercial leasing agreement with the Shire of Mingenew for the provision of a commercial property? Did you receive a discount or special terms that would otherwise not be offered to any other member of the public?

Name of person party to the lease	Property Address	Term of Lease & Weekly Rent	Detail of any non-arm's length conditions

6. TRADING ARRANGEMENTS

Were you or a close family member (as defined above) the owner of any business (or in a position to substantially control the business) that provided goods or services to the Shire of Mingenew? Were those goods or services provided on the same terms and conditions as those available to any other customer? If not, please provide details of the specific terms provided to the Shire of Mingenew.

Business Name	Goods or services provided	Approximate value for the reporting period	Terms and conditions

7. OTHER AGREEMENTS (CONSTRUCTION, CONSULTANCY, SERVICE CONTRACTS)

Did you, a close family member or related entity, enter into any other agreements /arrangements with the Shire of Mingenew (whether or not a price was charged)? This may include (but is not limited to): construction, contracts, consultancy services, service contracts such as cleaning, maintenance, security).

Name of person or business/company	Nature of agreement	Value of agreement	Terms and conditions

8. PURCHASE OF PROPERTY

Did you, a close family member or related entity, purchase any property or other assets from the Shire of Mingenew? (This may include vehicles or other plant items, land or buildings). Was the purchase made at arm's length (for e.g. at public auction), and on terms and conditions available to any other member of the public? If not, please provide details of the specific terms provided to you.

Name of person or entity	Property purchased	Value of purchase	Terms and conditions

9. SALE OF PROPERTY

Did you, a close family member or related entity, sell any property or other assets to the Shire of Mingenew? (This may include vehicles or other plant items, land or buildings). Was the sale made at arm's length, and on terms and conditions available to any other member of the public? If not, please provide details of the specific terms provided.

Name of person or entity	Property sold	Value of sale	Terms and conditions

10. FEES AND CHARGES

Did you, a close family member or related entity, make an application to Council for a trading, building, planning or development application, licence or approval, or any other type of permit or licence?

Name of person or entity	Application Type	Application and/or receipt number

11. SELF-SUPPORTING LOANS

Did you, a close family member or related entity, enter into a loan agreement with the Shire of Mingenew? For e.g. a club for which you have control.

Name of person or entity	Loan details	Value of loan	Terms and conditions

12. OTHER AGREEMENTS

Please list any other agreement or arrangement you believe is a related party transaction and should be declared.

Name of person or entity	Nature of agreement	Value of agreement	Terms and conditions

DECLARATION

I declare that all information and details provided in this form are true and correct to the best of my knowledge and belief and that no known relevant information has been omitted.

I have made this declaration after reading the information supplied by Council which details the meaning of the definitions to which this declaration relates.

OPTION 1 – HANDWRITTEN SIGNATURE

Signed: _____ Date: _____

OR

OPTION 2 – ELECTRONIC SIGNATURE

This form can be sent by email to the Governance and Community Manager Officer (governance@mingenew.wa.gov.au) provided the email is sent by the person making the disclosure from their work or personal email account.

(tick appropriate option)

option)

COUNCIL POLICY
Finance

1.3.7

Title:	1.3.7 REGIONAL PRICE PREFERENCE
Adopted:	<2009
Reviewed:	Annually (last reviewed 14 December 2022)
Associated Legislation:	Local Government Act (1995) as amended; State Records Act 2000 Local Government (Functions and General) Regulations 1996, Part 4A
Associated Documentation:	Shire of Mingenew Code of Conduct Shire of Mingenew Policy 1.3.1- Purchasing Shire of Mingenew Management Procedure 1.3.1- Purchasing
Review Responsibility:	Council

Previous Policy Number/s – 3008

Objective:

- To ensure Shire of Mingenew residents and all relevant stakeholders are provided a fair and meaningful opportunity to participate and contribute to problem solving, planning and decisions made by the Council and its staff.
- To provide effective stakeholder engagement for productive relationships, improved dialogue and deliberation, and ultimately, better democracy.

Policy:

In order to promote sub-regional development, the Shire of Mingenew will provide a price preference to regional suppliers (located within the stipulated areas) when evaluating and awarding contracts with Council via the Tendering Process.
Any price preference provided will comply with part 4A of the Local Government (Functions and General) Regulations 1995 as amended.

Price preference will be given to all suppliers submitting conforming tenders for the supply of goods and services (including Construction (building) Services) to the Shire of Mingenew, unless Council resolves that this policy does not apply to a particular tender.

The following price preference will be given to suppliers submitting tenders assessed in relation to this policy:

Goods and Services – up to a maximum price reduction of \$50,000 unless a lower amount is stipulated in the tender document.

Stipulated Area-

1. 10% to all suppliers located within the Shire of Mingenew
2. 5% to all suppliers located within the Shires of Coorow, Carnamah, Perenjori, Three Springs, Morawa and Irwin
3. 2.5% to all suppliers located within the Midwest Region that are not listed in 2. Above.

Construction (building) Services – up to a maximum price reduction of \$50,000 unless a lower amount is stipulated in the tender document.

Stipulated Area-

1. 5% to all suppliers located within the Shire of Mingenew
2. 2.5% to all suppliers located within the Shires of Coorow, Carnamah, Perenjori, Three Springs, Morawa and Irwin.
3. 1% to all suppliers located within the Midwest Region that are not listed in 2. above.

Goods and Services, including Construction (building) Services tendered for the first time where Council previously supplied the Goods or Services – up to a maximum price reduction of \$500,000 unless a lower amount is stipulated in the tender document.

Stipulated Area-

1. 10% to all suppliers located within the Shire of Mingenew
2. 5% to all suppliers located within the Shires of Coorow, Carnamah, Perenjori, Three Springs, Morawa and Irwin
3. 2.5% to all suppliers located within the Midwest Region that are not listed in 2. Above.

The Midwest Region incorporates the following 17 local governments: Carnamah, Chapman Valley, Coorow, Cue, Greater Geraldton, Irwin, Meekatharra, Mingenew, Morawa, Mount Magnet, Murchison, Northampton, Perenjori, Sandstone, Three Springs, Wiluna and Yalgoo.

Regional Price Preference will only be given to suppliers located within the stipulated areas for more than six months prior to the advertising date of the tender.

Located within the stipulated areas is defined as having a physical presence in the way of a shop, depot, outlet, headquarters or other premises where the goods or services specifically being provided are supplied from. This does not exclude suppliers whose registered business is located outside the stipulated area but undertake the business from premises within the stipulated area. An example is a franchisee of a multinational company.

Only those goods and services identified in the tender as being from a source located within the stipulated area will have the price preference applied when assessing the tender.

Price is only one factor that Council considers when evaluating a tender. There is nothing contained within this policy that compels Council to accept the lowest tender or any tender based on price offered.

Title:	1.3.8 EMPLOYEE SUPERANNUATION
Adopted:	20 March 2019
Reviewed:	19 October 2022 (Amended)
Associated Legislation:	Superannuation Guarantee Contribution (Administration) Act 1992
Associated Documents:	Shire of Mingenew – Authority to Deduct From Pay Form Shire of Mingenew – Induction Documentation Shire of Mingenew – Contract of Employment
Review Responsibility:	Finance and Administration Manager
Delegation:	-

Objective:

To detail the arrangements and contributions the Shire will make to employee superannuation

Policy Statement:

- This Policy applies to all employees whether full time, part time or casual.
- Employees will have freedom of choice over the complying fund that their Superannuation Guarantee Contributions (SGC) are paid in to.
- Employees may elect to contribute additional superannuation, either as a deduction (after tax) or as a salary sacrifice (before tax).
- The Shire will pay:
 1. The statutory SGC amount, and
 2. Match an employee's contribution to a maximum of 5% of the employee's gross salary;
- Employees can voluntarily contribute more than the threshold but will not receive a further contribution from the Shire.
- The additional contribution and the voluntary contribution can be deposited into the employee's fund of choice.

COUNCIL POLICY

1.3.9

Finance

Title:	1.3.9 DEBT COLLECTION POLICY
Adopted:	9 October 2019
Reviewed:	Annually (last reviewed 14 December 2022)
Associated Legislation:	Local Government Act 1995 Local Government (Financial Management) Regulations
Associated Documents:	Code of Conduct
Review Responsibility:	Finance and Administration Manager
Delegation:	Chief Executive Officer

Previous Policy Number (2.3.2 – CEO Directive)

Objective:

To ensure proper records are maintained of debts owed to the Shire as required by the Local Government Act 1995 and to provide guidance to Council in determining efficient, effective and economical procedures for debt collection.

Policy Statement:

The Shire of Mingenew will exercise its debt recovery powers in order to reduce the overall debt burden on ratepayers and it will be guided by the following principles:

- Providing the Shire of Mingenew with an effective method for the collection of any and all outstanding debts;
- Ensuring that debt collection procedures are carried out in a fair and equitable manner;
- Making the process used to recover outstanding debts clear, simple to administer and cost effective;
- Transparency, by making clear the obligations of it's Ratepayers and Sundry Debtors to the processes used by the Shire is assisting them to meet their financial obligations;
- Ensuring that the Shire of Mingenew is compliant with all regulatory obligations; and
- Promoting effective governance of the Shire's finances.

1. Sundry Debtors

The Shire of Mingenew's credit terms are stated on the issued tax invoice. The recovery of outstanding sundry debtor accounts will be collected in a fair and timely manner.

- Where a payment is not received within 35 days from the date of the initial invoice, a Final Notice shall be issued requesting full payment within 14 days, unless the debtor has agreed to enter into a special repayment arrangement.
- Interest will be applied on balances that are over 35 days unless otherwise specified in a special repayment arrangement. The percentage interest charged is the percentage as approved by Council when the Annual Budget is adopted, in accordance with Section 6.13(1) of the Local Government Act 1995. The rate as set is not to exceed the maximum rate of interest as prescribed within Regulation 19A of the Local Government (Financial Management) Regulations 1996.

- Where amounts remain outstanding for more than 60 days from date of invoice, recovery action will commence, based upon a risk management approach as determined by the value and type of debt. This action may include referral to a debt collection agency.

2. Rates Arrears

The recovery of outstanding rates will be collected in a fair and timely manner.

- Where a payment is not received within 35 days from the date of the initial Rates Notice, a Final Notice shall be issued requesting full payment within 14 days, unless the debtor has agreed to enter into a special repayment arrangement or is on an instalment plan.
- Interest will be applied on balances that are over 35 days. The percentage interest charged is the percentage as approved by Council when the Annual Budget is adopted, in accordance with Section 6.13(1) of the Local Government Act 1995. The rate as set is not to exceed the maximum rate of interest as prescribed within Regulation 19A of the Local Government (Financial Management) Regulations 1996.
- Once the debt is overdue for more than 90 days, then a letter of demand is sent requesting payment within 14 days and notifying the debtor that further action will be taken.
- After 14 days from the date of the letter of demand, legal action may be taken, including handing over to a debt collection agency. All associated legal costs are passed on to the debtor.
- In cases where the owner of a leased or rented property on which municipal rates are outstanding cannot be located or refuses to settle rates and service charges owed, notice may be served on the lessee or tenant to pay to the Shire the rent due under the lease/tenancy agreement as it becomes due until the amount in arrears has been paid.
- If rates and service charges remain unpaid for at least 3 years a caveat may be registered on the title for the land under the provisions of Section 6.64(3) of the Local Government Act 1995, and the Shire may take possession of the land. Before this course of action is to be taken, approval is to be obtained from Council.

3. Bad Debts

Where a Sundry Debtor has accounts unpaid for a period exceeding 6 months and the debtor has provided documentary evidence of having filed for bankruptcy or insolvency, or the debtor has proven untraceable; the debt may be written off under Delegated Authority by the Chief Executive Officer or the Finance and Administration Manager. Any amounts above the Delegated Authority shall be referred to Council for a decision.

COUNCIL POLICY

1.3.9

Finance

Title:	1.3.9 FEES AND CHARGES POLICY
Adopted:	August 2019
Reviewed:	Annually (last reviewed 14 December 2022)
Associated Legislation:	Local Government Act 1995 Local Government (Financial Management) Regulation
Associated Documents:	Code of Conduct Fees and Charges Procedure Fees and Charges list
Review Responsibility:	Finance & Administration Manager
Delegation:	N/A

Objective:

The purpose of this policy is to establish a fair and equitable fee structure which reflects actual reasonable costs for services and goods provided by the Shire.

Policy Statement:

The Shire, in accordance with s6.16 of the Local Government Act 1995 (Act), may impose and recover a fee or charge for any goods or services it provides or proposes to provide, other than a service for which a service charge is imposed.

The Shire will impose Fees and Charges for:

- Providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the Shire;
- Supply a service or carrying out work at the request of a person;
- Subject to section 5.94 of the Act, providing information from Shire records;
- Receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
- Supplying goods; and
- Such other services or goods as may be prescribed.

In setting the level of a fee or charge (s6.17 of the Act) for a service or for goods the Shire is required to take into consideration the following factors:

- a) The cost to the local government of providing the service or goods;

- b) The importance of the service or goods to the community; and
- c) The price at which the service or goods could be provided by an alternative provider.

A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.

In addition to this, the National Competition Policy requires that the local government review its fees, charges and services with a view to identifying whether these should be adjusted to ensure they are not unfair and uncompetitive when compared with the private sector. While many of the services provided by the Shire are specific to local government, there are others, which may be provided by the private sector.

The provision of services and goods additional to those provided as core business operations require resourcing and have an inherent cost. The Shire adopts a 'user contributes' approach to the provision of services and goods in order that the cost burden is fairly set and spread more equitably amongst customers.

The basic principles considered in establishing Shire fees and charges will be:

- Charges which reflect the true cost of providing a facility;
- Compliance with the Local Government Act 1995 and associated Regulations;
- Fees for service on a cost recovery basis;
- Importance of the service to the Community; and
- Compliance with Goods and Services Tax (GST).

Costs associated with the provision of services and goods will be reviewed annually as part of the annual budget development process.

1.3.9 FEES AND CHARGES PROCEDURE

Relevant Council Policy

1.2.9 Fees and Charges Policy

Approval Date: To be confirmed

Appendix - Nil

Relevant CEO Directive

Nil

Review: 9 November 2022 (no change)

Objective:

To ensure effective controls, policies and procedures to the imposition and setting of fees and charges for services and goods provided by the Shire.

Legislation:

Local Government Act 1995 s5.94, s6.16 and s6.17

Local Government (Financial Management) Regulation

National Competition Policy

Procedures:

1. Use of and Admission to Shire Property or Facilities

Fees and charges shall apply to the use and or hire of Shire owned, controlled, managed or maintained facilities for a specific period such as:

- Campgrounds and Caravan Park;
- Cemeteries;
- Community Centres, Halls and Venues;
- Community Bus;
- Library;
- Museums;
- Residence;
- Ovals;
- Parks and Gardens;
- Roads;
- Reserves;
- Sporting Grounds;
- Thoroughfares;
- Recreational Venues.

Hire charges will be determined on a venue or facility basis, and will consider the following criteria:

- Peak or off-peak seasons;
- Permanent, temporary or one-off booking;
- The type of use;
- The age and condition of the venue.

Indoor Hire Charges will aim to recover 100% cost recovery of operating costs to maintain premises and provide for future additional replacement premises.

Outdoor Hire Charges will aim to recover 100% of the annual maintenance cost for all outside Shire owned, controlled, managed or maintained facilities.

2. Supplying a Service

Services may include but are not restricted to the provision of the following;

- Admission and use of Shire owned, controlled, managed or maintained facilities;
- Assessment of approvals: receiving an application for approval and granting an approval;
- Carrying out works at the request of a person;
- Giving or supply of information;
- Granting and issue of a certificate, license or permit;
- Installation of signs;
- Making an inspection;
- Providing written advice;
- Undertaking private works and construction.

Fees for the provision of services shall aim at recovering the full economic cost of providing the service.

3. Information from Shire Records

The giving or supply of information may include the provision of the following;

- Copies of Council documents including, Council Agendas/Minutes, Electoral Rolls, reissue of Rate Notices, Inspection of Plans.

4. Applications for Approval, Inspections, Licence, Permit, Authorisation or Certificate

Community Events, Sporting Events, Markets, Stalls etc, may require applications for:

- Approvals;
- Assessment;
- Authorisation;
- Certificates;
- Licences;
- Inspections;
- Permits.

5. Goods

Includes the provision of anything, which may be tangible, such as:

- Issuing of documents including approval, certificates, licenses and permits;
- Installation of Signs;
- Use of Plant and Equipment;
- Sale of Materials.

Fees for the provision of goods will aim at recovering the full economic cost of producing the goods.

6. Infringements

Includes the provision of non-compliance breaches, such as:

- Dog;
- Cat;
- Fire Break.

Infringements will aim at recovering the full economic cost of non-compliance breach.

7. Sporting Clubs

Given the importance to the community and local social fabric, it is not expected that full cost recovery will be realistically achievable from our sporting clubs for use of the Shire's recreation facilities.

Instead, the Shire will seek to enter into agreements with the relevant clubs which outline their annual fees and the mutually expected obligations of both parties.

1.3.11 FINANCIAL HARDSHIP POLICY

Finance

1.3.11

Title:	1.3.11 FINANCIAL HARDSHIP POLICY
Adopted:	15 April 2020
Reviewed:	Annually (last reviewed 14 December 2022)
Associated Legislation:	Local Government Act 1995
Associated Documentation:	1.3.9 Debt Collection Policy
Review Responsibility:	Finance and Administration Manager
Delegation:	Chief Executive Officer

Previous Policy Number/s N/A

Objectives:

- To give effect to the Shire's commitment to support the whole community to meet the unprecedented challenges arising from declared State of Emergencies, the Shire of Mingenew recognises that these challenges may result in financial hardship for ratepayers or debtors of the Shire.
- This Policy is intended to ensure that the Shire offers fair, equitable, consistent and dignified support to ratepayers or debtors suffering hardship, while treating all members of the community with respect and understanding at these difficult times.

Scope:

This policy applies to:

1. Outstanding rates, debtors and service charges as at the date of adoption of this policy; and
2. Rates and service charges levied during any period where a declared State of Emergency is in force.

It is a reasonable community expectation, as the Shire deals with the effects of any declared State of Emergency, that those with the capacity to pay rates will continue to do so. For this reason, the Policy is not intended to provide relief to ratepayers or debtors 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.

Policy Statement:

- 1 Payment difficulties, hardship and vulnerability

Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants. The Shire of Mingenew recognises the likelihood that a declared State of Emergency will increase the occurrence of payment difficulties, financial hardship and vulnerability in our community. This policy is intended to apply to all ratepayers or debtors experiencing financial hardship.

- 2 Financial Hardship Criteria

While evidence of hardship is required, the Shire recognises that not all circumstances are alike, and 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
- Loss of primary source of income
- Unanticipated circumstances such as caring for and supporting extended family

Ratepayers or debtors are encouraged to provide as much information as possible to support their individual circumstances, which will be taken into consideration during the assessment process. Preference will be for ratepayers or debtors to enter into a reasonable payment proposal. The Shire will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying statutory responsibilities.

3 Payment Arrangements

Payment arrangements facilitated in accordance with Clause 2 of this Policy, and Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:

- That a ratepayer or debtor has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable;
- The ratepayer or debtor will be responsible for informing the Shire of Mingenew of any change in circumstance that jeopardises the agreed payment schedule.

In the case of severe financial hardship, the Shire reserves the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

4 Interest Charges

A ratepayer or debtor 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.

5 Deferment of Rates

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:

- remains as a debt on the property until paid;
- becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

6 Debt recovery

Debt recovery processes may be suspended whilst negotiating a suitable payment arrangement with a ratepayer or debtor. Where a ratepayer or debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises the Shire and makes an alternative plan before defaulting on the 3rd due payment, then the Shire will continue to suspend debt recovery processes.

Where a ratepayer or debtor has not reasonably adhered to an agreed payment plan, then for any Rates, debtors and Service Charges that remain outstanding on 1 July of any financial year, the Shire may offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of that financial year.

Rates, debtors and service charges that remain outstanding at the end of the said financial year, may be subject to the rates debt recovery procedures prescribed in the Local Government Act 1995, and Council Policy 1.3.9.

7 Review

The Shire will advise ratepayers or debtors of all decisions made under this policy and advise them of their right to seek a review by the full Council.

8 Communication and Confidentiality

The Shire will maintain confidential communications at all times and undertakes to communicate with a nominated support person or other third party at the ratepayer's or debtor's request.

The Shire recognises that applicants during the times of a declared State of Emergency are experiencing additional stressors, and may have complex needs, and will provide additional time to respond to communication and will communicate in alternative formats where appropriate. All communication with applicants is to be clear and respectful.

9 Conflict of Interest

Where the ratepayer or debtor has a close relationship with any staff member, or Councillor, that staff member or Council must remove themselves from any decision-making process.

COUNCIL POLICY
Community

1.4.1

Title:	1.4.1 COMMUNITY ENGAGEMENT
Adopted:	21 March 2018
Reviewed:	14 December 2022
Associated Legislation:	AA1000 Stakeholder Engagement Standard 2015:
Associated Documents:	The International Association for Public Participation Framework
Review Responsibility:	Community Development Officer
Delegation:	

Previous Policy Number/s -

Objective:

- To ensure Shire of Mingenew residents and all relevant stakeholders are provided a fair and meaningful opportunity to participate and contribute to problem solving, planning and decisions made by the Council and its staff.
- To provide effective stakeholder engagement for productive relationships, improved dialogue and deliberation, and ultimately, better democracy.

Policy:

The Shire of Mingenew is committed to providing good governance and the delivery of high quality local services by fostering democratic representation, social inclusion and meaningful community engagement with its residents and stakeholders.

Furthermore, The Shire of Mingenew commits to being open and accountable in its community engagement processes and will endeavour to undertake and continuously improve its various forms of engagements to:

- Inform the community on matters of community interest;
- Encourage informed discussion and input into decision making; and
- Assist open and transparent decision making.

1.4.1 COMMUNITY ENGAGEMENT MANAGEMENT PROCEDURE

Relevant Council Policy

1.4.1 Community Engagement

Adoption Date: 16 March 2018

Appendix:

Relevant CEO Directive

N/A

Review: Biennial

Objective:

- To ensure Shire of Mingenew residents and all relevant stakeholders are provided a fair and meaningful opportunity to participate and contribute to problem solving, planning and decisions made by the Council and its staff.
- To provide effective stakeholder engagement for productive relationships, improved dialogue and deliberation, and ultimately, better democracy.

Legislation:

- a) AA1000 Stakeholder Engagement Standard 2015:

Definitions:

Community	<ul style="list-style-type: none"> • People who live in Mingenew Shire • People and organisations who are ratepayers in Mingenew Shire; and • People and organisations who conduct activities in Mingenew Shire
Community Engagement	Any process that involves the public in problem solving or decision making and uses public input to make decisions
IAP2	The International Association for Public Participation
Inform	A level of community engagement in the IAP2 Spectrum for Public Participation in which an organisation provides the community with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.
Consult	A level of community engagement in the IAP2 Spectrum for Public Participation in which an organisation seeks community feedback on alternatives, drafts or proposals.
Involve	A level of community engagement in the IAP2 Spectrum for Public Participation in which an organisation works with the community to ensure that their concerns and aspirations are directly reflected in the alternatives developed.
Collaborate	A level of community engagement in the IAP2 Spectrum for Public Participation in which an organisation partners with the community through the whole process of making a decision
Empower	A level of community engagement in the IAP2 Spectrum for Public Participation in which an organisation shares some or all of its authority to make decisions with the community

Procedures:

1. Background

Community engagement is a collaborative process that connects Council with the community in a mutually beneficial sharing of new ideas, skills, knowledge, expertise and experience. Effective community engagement has real benefits for both Council and the community.

Better identifying the priorities, needs and aspirations of our community will assist Council to improve its planning and service delivery. A regular two-way conversation ensures Council is transparent, accountable and informed in its decision making which will demonstrate integrity and build trust within the community.

Where appropriate, engagement should go above and beyond legislative requirements. The information and knowledge gained through hearing a range of community perspectives assists Council to make informed decisions; develop strong partnerships and create sustainable outcomes.

The community also benefit from participating in engagement activities. Participating in engagement on matters that impact them can create a sense of belonging and connection; increase community involvement; unite and empower individuals and communities; and lead to a greater community ownership and resilience.

The knowledge, expertise and experience gained also provides Council with a foundation to advocate to other relevant parties, including Federal and State Government bodies, on issues of community importance which are out of its direct control.

Community engagement at the Shire of Mingenew is influenced by the following factors:

- A growing expectation by stakeholders, the community and customers that they will have an opportunity to influence government decisions that affect their lives;
- Our commitment to continuously improve the services, infrastructure and programs we provide so that East Gippsland is the most liveable region in Australia;
- Best practice industry standards as outlined by IAP2 in the Spectrum of Public Participation, and exhibited by government bodies, authorities and private enterprise;
- Contemporary communication channels, including digital and social media, audience diversity and expectations;
- Our commitment to be a leading local government that works together with our communities and provides excellent customer service; and

2. Principals

2.1 International Association of Public Participation (IAP2) Core Values of Public Participation

- a. The Shire is committed to the International Association of Public Participation (IAP2) Core Values of Public Participation and will utilise these principles during stakeholder and community engagement activities by:

- I. Recognising that those who are affected by a decision have a right to be involved in the decision-making process;
- II. Seeking out and facilitating the involvement of those potentially affected by or interested in a decision;
- III. Seeking input from participants in designing how they participate;
- IV. Providing participants with the information they need to participate in a meaningful way;
- V. Communicating to participants how their input affected the decision.

2.2 AA1000 Stakeholder Engagement Standard 2015:

- a. The Shire also commits to the Accountability Principles as defined in the AA1000 Stakeholder Engagement Standard 2015:
 - I. Inclusivity – people should have a say in the decisions that impact on them
 - II. Materiality- decision makers should identify and be clear about the issues that matter. A material issue is an issue that will influence the decisions, actions and performance of an organization or its stakeholders
 - III. Responsiveness – organisations should act transparently on material issues

3. Engagement

3.1 When to engage

- a) At a minimum, community engagement should take place when:
 - I. Council resolves formally to engage;
 - II. There is a requirement to understand the expectations, needs and priorities of the community;
 - III. Planning for the development of Council's Annual Budget and Council Plan;
 - IV. A decision or plan will substantially impact the community and there is some part of the decision or plan that is negotiable;
 - V. Community members have expressed an interest or could be interested in a plan or decision that is negotiable;
 - VI. Community input can enhance decision-making, project outcomes or future opportunities; or
 - VII. There is legislation, policy or agreement requiring community engagement.
- b) In some instances, Council is legislatively and/or legally required to engage with the community. In these cases, the Shire will treat the legally required level of community engagement as the minimum standard.
- c) Delivery of community engagement beyond legally required levels will depend on the decision to be made (or project/service to be delivered), the community's interest to participate, the need to understand the community's view, and the opportunity for the community to influence the decision.

3.2 Engagement via Committees and Organisations

- a) The Shire shall appointment Elected Members and Staff to serve on the following Committee's and Community Organisations to enhance and facilitate relationships with Community and Stakeholders.
 - I. Tourist and Promotions Committee
 - II. Sportsground Advisory Committee
 - III. Silver Chain Branch Committee
 - IV. Community Resource Centre Management Committee

- V. Wildflower Country Inc
- VI. Local Emergency Management Committee
- VII. Main Roads Western Australia Regional Road Group
- VIII. WALGA Northern Country Zone

4 Approach

- a) The Shire's approach to community engagement is based on the spectrum of engagement as established by the International Association for Public Participation (IAP2). The five (5) levels of engagement are shown in the table below with relevant examples:

Public Participation	Goal Engagement tool or channels	Shire example
<p>Inform: Council will keep you informed.</p>	<p>Fact sheets Websites Displays Media (social and print) Public meetings</p>	<p>Road closure Bush fire Location Rubbish collection dates</p>
<p>Consult: Council will keep the community informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.</p>	<p>Surveys Online forums on Council's engagement website, Face-to-face at community engagement events Drop-in information sessions Pop-up stands at community spaces Feedback and submission forms</p>	<p>Annual Budget Local Laws Planning Permit Applications Development Plans Council Plans</p>
<p>Involve - Council will work with the community to ensure that their concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.</p>	<p>Focus groups Workshops Public meetings Some reference groups</p>	<p>Integrated Planning</p>
<p>Collaborate - Council will work together with the community to formulate solutions and incorporate their advice and recommendations into the decisions to the maximum extent possible</p>	<p>Community panels Focus groups Workshops Some reference groups</p>	<p>Integrated Planning</p>
<p>Empower - Council will implement what the community / consulted group advise.</p>	<p>Council Advisory Groups Community Panels</p>	<p>Allocation of grants or specific funds</p>

COUNCIL POLICY
Community

1.4.2

Title:	1.4.2 SUPPORTING THE COMMUNITY
Adopted:	21 March 2018
Reviewed:	14 December 2022
Associated Legislation:	Local Government Act 1995
Associated Documents:	Delegation Register- CD02 Debts, Waiver, Concessions, Write Off and Recovery
Review Responsibility:	Community Development Officer
Delegation:	Chief Executive Officer

Previous Policy Number/s 3004

Objective:

To support community groups, volunteers and individuals to maximise the impact of their contributions to enhancing the liveability and vibrancy of our community.

Policy Statement:

The Shire acknowledges its role as a facilitator and partner in the development and sustainable management of local community-based organisations and to support the aspirations and achievements of its residents. To fulfil these roles and to enable the continued provision of a broad range of projects, activities and events, the Shire supports:

- a) The annual allocation of funding towards community projects that are consistent with the values and strategies contained within the Shire of Mingenew Strategic Community Plan; and
- b) Where able, will endeavour to provide facilities and services that increase opportunities for inclusion, participation, social wellbeing and physical activity, as the Shire recognises the value of accessibility and community involvement; and
- c) In exceptional circumstances and when financial circumstances permit, will consider self-supporting loans to provide community organisations with an opportunity to raise loan funds through the Shire at competitive rates.

To acknowledge the role the Shire of Mingenew plays in supporting the community, recipients of Shire funding for the delivery of community activities and events are to acknowledge the Shire of Mingenew in any advertising and promotional material relating to the activity or event for which the funding has been provided.

Community Assistance Scheme (CAS)

Council will allocate 1.5% of the value of rates per financial year to the Community Assistance Scheme (CAS). The allocated funding will be distributed between the three funding categories within the Scheme in line with the following:

1. 70% is to be allocated to Annual Community Grants Program and is to be allocated via a competitive grants process and in line with Management Procedures, and
2. 25% is to be allocated to the Quick Response Fund and is to be allocated via delegated authority in accordance with this Policy.
3. 5% is allocated to the Waiver of Fees and Charges and is to be allocated via delegated authority in accordance with this Policy.

	Quick Response Fund	Annual Community Grant Scheme
Purpose	Allocation to support the timely delivery of projects, programs, events and activities, and the purchase of small equipment, not led by an established sporting group or organisation.	To support community organisations in delivering projects that strengthen inclusivity and resilience and are innovative in meeting the needs of the community.
Value	Up to \$3,000	Up to \$8,000
	Up to 100% of the total project cost	Up to 100% of the total project costs for projects valued \$5,000 or under. Up to 75% of total project cost for projects valued over \$5,000 (including in-kind contributions)
Availability	Open year round	1 September – May 31
Applications Open	Upon formal adoption of Shire Budget	1 September
Applications Close	Upon full allocation of Shire Budget	Upon full allocation of Shire Budget or by 31 May (whichever occurs first)
Decision	Within 7 business days – under CEO Delegation	Within 6 weeks of application – CAS Panel Review
Project Delivery	Within 6 months of funding approval	Within 12 months of grant approval
Acquittal	Nil	Within 6 weeks of project completion
Supporting documents required	As stipulated within the Application Form	Certificate of Incorporation Public Liability Insurance Quotes for goods and/or services (if applicable)

Quick Response Fund

For projects and events that support and promote social, economic, recreational, art and cultural development of persons living within the Shire of Mingenew, the Chief Executive Officer is authorised to commit funds of up to the \$3,000 per project, subject to the confinements of the budgetary allocation as set by Council.

This fund allows flexibility in being able to deliver projects and action community initiatives that may arise throughout the year, that has not been considered as part of the annual Budget preparation and cannot be funded through other means.

Funds may be granted to a third party or expended by the Shire as the project leader, in accordance with this policy.

Funds may be utilised for the following:

- Support for community development programs not provided through an existing organisation or group;
- Purchase of community art and installations to improve public spaces;
- Small Business start-ups;
- Marketing assistance for local small businesses

- Training programs or professional development programs to be delivered in support of volunteers and not-for-profit groups
- Individuals (aged 18 years or under and still attend school) who have qualified to participate in a recognised State, National or International level event to fund travel costs
- Minor asset or equipment purchases to respond to an urgent need or community safety concern
- Sundry Donations

Funds cannot be utilised for employee costs and must demonstrate community value.

Annual Community Grant Scheme

For Community-led projects and events that support the achievement of community objectives outlined within the Shire's Strategic Community Plan and/or the organisation's strategic plan, the Chief Executive Officer is authorised to commit funds of up to the \$8,000 per application (project), subject to the confinements of the budgetary allocation as set by Council.

All community grants will be considered by a Panel, comprising of the Community Development Officer, the Chief Executive Officer and two Councillors, who are to assess and prioritise the applications in accordance with the above listed criteria.

Criteria to award grant/commit Shire funds:

1. Applicants must be incorporated, not-for-profit, community-based organisations, groups and event organisers.
2. Local state and federal government departments, private companies, private and public schools including employees of these bodies acting on behalf of their employers are ineligible (excluding relevant community purpose representative bodies, such as P&C Associations).
3. The activity, event, competition, project or celebration must be offered within the Shire of Mingenew local government boundaries and open for attendance by the local community;
 - a. Where Shire funds are used towards an event, it is preferable that entry for locals be free of charge
4. The activity, event, competition, project or celebration must demonstrate alignment with the Shire's Strategic Community Plan;
5. The Community Organisation is not to have already received funding from the Shire by way of a Sponsorship, Donation, Community Assistance Scheme funding or Council Contribution or received financial assistance from the Shire for the project for which the application has been made under any existing written agreement during the relevant financial year.
6. Applicants acknowledge that funding is subject to an Acquittal and Evaluation Form being completed and submitted to the Shire within 6 weeks of the stated completion date. Failure to complete this step will result in disqualification for the next round of funding.

Waiver of Fees and Charges

Waivers will be considered for local clubs and not-for-profit organisations to conduct activities that support the Shire's Strategic Community Plan.

Applications for waiver of fees and charges shall be made via written application to the Chief Executive Officer and shall not exceed a value of \$500 per application. Applications above \$500 are to be made via the Community Grants process.

Bonds are not permitted to be waived.

The decision to waive fees and charges shall be at the discretion of the Chief Executive Officer. All waivers shall be within the limits of Council's Delegation to the Chief Executive Officer- *CD02 Debts, Waiver, Concessions, Write Off and Recovery* and is subject to the confinements of the budgetary allocation as set by Council.

Sponsorship

All applications for financial sponsorship, beyond the scop of this Policy, shall be referred to Council for a decision.

Self-Supporting Loans

Self-supporting loans are loans taken out by the Shire on behalf of clubs or organisations who undertake to meet the capital, interest and loan guarantee payments.

The Shire of Mingenew will only provide access to self-supporting loans in exceptional circumstances, when financial circumstances permit, and when there is compelling evidence of positive benefits to the community. Council will only consider providing self-supporting loans to community or sporting groups in the following circumstances:

- a) In exceptional circumstances to mitigate serious risks and/or meet urgent capital requirements that will deliver substantial benefits to the community consistent with the Shire's Strategic Community Plan and priorities identified in the Corporate Business Plan.
- b) Where the self-supporting loan forms part of a matching community grant component
- c) Where, in the view of Council, the use of Shire borrowings for the intended purpose will deliver benefits to the community materially outweighing likely benefits from the alternative purposes from which the said borrowings would have to be diverted.
- d) Where in the view of Council there is compelling justification for the Shire to act as lender instead of a bank or other financial institution.

Organisations seeking assistance from Council to raise a loan shall:

- a) Be an incorporated body that leases or occupies land and/or buildings owned or vested in the Shire.
- b) Provide a copy of the last three years' audited trading and balance sheet statements.
- c) Agree to enter into a Deed of Agreement for the period of the loan repayments.
- d) Provide whatever security or guarantees that Council considers appropriate to ensure that the loan is repaid.
- e) Insure and keep insured premises where the premises are security over repayment of a loan.
- f) Pay all costs associated with the preparation and stamping of legal documents concerned with the raising of the loan.
- g) Provide a copy of the minutes of a legally constituted meeting of the organisation showing the formal resolution agreeing to the raising of the loan.
- h) Provide any other information that Council requires.

All applications for self-supporting loans shall be referred to the Council for review and decision.

COUNCIL POLICY
Community

1.4.3

Title:	1.4.3 COMMUNITY BUS HIRE
Adopted:	21 December 2016
Reviewed:	15 December 2022
Associated Legislation:	Local Government Act 1995
Associated Documents:	Community Assistance Scheme 2019/20 Supporting the Community Procedures Delegation Register- CD02 Debts, Waiver, Concessions, Write Off and Recovery
Review Responsibility:	Community Development Officer
Delegation:	Chief Executive Officer

Previous Policy Number/s 3004

Objective:

To set out the Terms and Conditions of the hire and usage of the Shire of Mingenew Community Bus.

Policy Statement:

The Shire of Mingenew Community Bus Hire Policy applies to all users and managers of the Shire of Mingenew Community Bus.

User groups will be divided into three categories and defined as follows:

User Categories

Category 1 – Mingenew Primary School & Seniors

The Shire recognises that the Mingenew Primary School and Autumn Centre are the two most common users of the Community Bus, and the social benefits that arise from the activities that the bus can facilitate. As such, the Shire waives any fees and charges associated with the community bus for these two groups.

Category 2 – Mingenew Community, Sporting Groups and Mingenew Ratepayers

This category applies to local organisations, sporting groups and businesses, where the organisation's registered address is within the Shire of Mingenew. It also includes Shire of Mingenew ratepayers. This category will be charged a daily rate hire fee as per the annual Fees and Charges set by Council. Hire fees shall be at a discounted rate to category 3.

Category 3 – Non-local Businesses / Commercial Entities / Private Groups / Other

This category captures all users not covered by Category 1 or 2. Fees will be charged as per the annual Fees and Charges set by Council.

Terms and Conditions of Hire

Driver's Licence – a minimum 'MR' class licence is required to drive the Shire of Mingenew Community Bus. If the driver is seeking a reward to drive the bus on behalf of the hirer then the driver must hold/obtain an 'F' Endorsement

Nominated Driver – a copy of the nominated driver's current Drivers Licence (valid) must be provided prior to an application for hire being considered. Only nominated drivers are authorised to operate the Bus. A nominated driver may be added to an application prior to use, providing a valid driver's licence has been provided and sighted by the authorising officer at the Shire of Mingenew. A copy of the driver's licence will be held by the Shire for insurance purposes and validating users as per this policy.

Insurance – Shire insurance only covers community and not-for-profit groups. All businesses must hold the appropriate liability cover and provide a Certificate of Currency upon application. The hire of the Bus is conditional on such.

Fuel – the Community Bus must be returned with a full tank of fuel unless waived by prior approval of the Chief Executive Officer. If the bus requires re-fuelling, the shire will transport the vehicle to a fuel outlet to refill the vehicle. Any fuel costs will be deducted from the vehicle bond.

Bond – regular users of the Community Bus may elect to have their bond held by the Shire in a trust account and returned after an agreed time. For example, a sporting group may request that the bond be held until the cessation of the current season.

Accidents/Damage – should the Bus be involved in a motor vehicle accident/incident, the CEO is to be contacted as soon as practical. Details of any incident must be recorded in the book provided on the Bus and reported to the Shire Office immediately on return. In an emergency please call '000'

Indemnity – the Hirer indemnifies the Shire for any loss or damage that is caused to the bus either by negligence, unskilful or improper use by any person.

First Aid – a First Aid Kit is provided on the Bus. Please report the use of any contents to the Shire upon return of the Bus to ensure that it can be replenished for the next user.

Cleaning – The bus is to be cleaned inside and out before returning it to the Shire Depot (or nominated drop off point). It is expected that the bus be returned in the same clean condition as when it was picked up. Any cleaning costs will be deducted from the vehicle bond.

Footwear – enclosed footwear is to be worn when picking up and dropping off the Community Bus at the Shire Depot and at all times while driving the vehicle.

Alcohol and Drugs - The nominated driver is to maintain a zero (0) blood alcohol level at all times while in control of the vehicle. They must also not be under the influence of drugs for the duration of time as driver.

Travel on unsealed roads - Any requirement to use of the bus off sealed roads must be approved by the CEO before hire.

COUNCIL POLICY
Community

1.4.4

Title:	1.4.4 CHILD SAFE AWARENESS
Adopted:	18 October 2023
Reviewed:	NEW
Associated Legislation:	Local Government Act 1995 Child Care Services Act 2007 Children and Community Services Act 2004
Associated Documents:	Nil
Review Responsibility:	Community Development Officer
Delegation:	Nil

Previous Policy Number/s: Nil

Objective:

To set out Council's position and responsibilities in building child safety awareness within the community.

Policy Statement:

The Shire of Mingenew supports and values all children and young people. Shire of Mingenew makes a commitment to support the safety and wellbeing of all children and young people, including protection from abuse. This Child Safe Awareness policy is one of the ways the Shire of Mingenew demonstrates its commitment to being child safe and a zero-tolerance approach to child abuse.

This policy aims to reduce the risk of harm and child sexual abuse in our communities by encouraging child safe environments to be created and maintained. The Shire of Mingenew is committed to encouraging local organisations to be child safe and ensure children are safe and empowered.

This Child Safe Awareness policy has been developed in response to recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse and recognises that the Shire of Mingenew is uniquely placed within the local community to demonstrate leadership by supporting organisations to be child safe and to protect children and young people from harm and/or abuse. The Shire of Mingenew will promote the safety and wellbeing of children across the community.

Consistent with the National Principles for Child Safe Organisations and Commonwealth Child Safe Framework, this policy provides a framework that outlines the role of Shire of Mingenew in supporting local organisations to be child safe through access to resources, awareness raising and sharing relevant information.

Scope:

The safety and wellbeing of children is everyone's responsibility. This Child Safe Awareness policy applies to all, employees, volunteers, trainees, work experience students, interns, and anyone else who undertakes work on behalf of the Shire of Mingenew, regardless of their work related to children or young people. It applies to occupants of Shire of Mingenew facilities and venues, including visitors, contractors and suppliers.

DEFINITIONS

Abuse: Abuse is an act, or a failure to act, towards or on behalf of a child that may result in harm. It can occur on one occasion or multiple occasions. Sometimes the impact of multiple events leads to harm that becomes cumulative in nature. Types of abuse include physical, emotional and sexual abuse, and neglect.

Child/Children: Means a person under 18 years of age, and in the absence of positive evidence as to age, means a person who appears to be under 18 years of age.

Child Safe Organisation: is defined in the Royal Commission Final Report as one that:

- creates an environment where children's safety and wellbeing are at the centre of thought, values, and actions
- places emphasis on genuine engagement with and valuing of children and young people
- creates conditions that reduce the likelihood of harm to children and young people
- creates conditions that increase the likelihood of identifying any harm, and
- responds to any concerns, disclosures, allegations, or suspicions of harm.

Note: in the context of local governments, this would involve referring concerns to the Department of Communities or WA Police to respond as appropriate.

Implementation of the National Principles for Child Safe Organisations give effect to the above.

Child safe: For the purpose of this policy, child safe means protecting the rights of children and young people to be safe by taking actions that can help prevent harm and abuse.

Harm: Harm, in relation to a child, means any detrimental effect of a significant nature on the child's wellbeing, whether caused by a single act, omission or circumstance; or a series or combination of acts, omissions or circumstances.

Wellbeing: Wellbeing of children and young people includes the care, development, education, health and safety of children and young people.

Policy Principles:

- The rights of children and young people are upheld.
- Children and young people are respected, listened to, and informed about their rights.
- Children and young people have the fundamental right to be safe and cared for.
- Children and young people have the right to speak up, be heard and taken seriously without the threat of negative consequences.
- The safety and best interests of children and young people are a primary consideration when making decisions that concern them.
- Access to trusted and reliable information, including the National Principles for Child Safe Organisations, helps support organisations to understand what they must do to help reduce the risk of harm and abuse.
- Communities are informed and involved in promoting the safety and wellbeing of children and young people including protection from harm.
- Collaboration with the community and our partners promotes the safety, participation and empowerment of all children and young people.

Policy Functions:

The Shire of Mingenew will ensure the following functions of this policy are resourced and assigned to the relevant officers for implementation.

- Developing a process to deliver child safe messages (for example at Shire of Mingenew venues, grounds and facilities or events).
- Connecting and supporting local community groups, organisations, and stakeholders to child safe resources (including culturally safe and inclusive resources).

Responsibilities:

The Shire of Mingenew has a leadership role in our community to support relevant organisations to be child safe and promote child safe practices.

Although Shire of Mingenew is not legally responsible for providing oversight of compliance with child safe practices, it will take any reasonable steps to engage with persons who utilise Shire of Mingenew facilities to operate in alignment with the Child Safe Awareness policy.

The Shire of Mingenew will determine which roles across the organisation will directly support the implementation of the Child Safe Awareness policy.

COUNCIL POLICY

1.5.1

Works

Title:	1.5.1 ROAD BUILDING MATERIAL ACQUISITIONS
Adopted:	20 June 2018
Reviewed:	19 October 2022 (Amended)
Associated Legislation:	Local Government Act 1995
Associated Documents:	
Review Responsibility:	Works Manager

Previous Policy Number/s-

Objective:

To ensure that the Shire of Mingenew provides fair and equitable compensation to all landowners for the acquisition of road building material.

Policy Statement:

The Shire will, when materials for construction and maintenance purposes need to be sourced from private land, obtain such material in consultation with the landowner or his/her authorised representative. Where such negotiations are successful the Shire will:

- a) Satisfactorily rehabilitate pit areas if requested, including drainage, upon completion of extraction;
- b) Construct where necessary and repair affected haul roads, gates, fences or other structures; and
- c) Negotiate compensation with the landowner for materials extracted from within the Shire district, up to a rate of \$2.00 (ex GST) per cubic metre .
- d) Negotiate compensation with the landowner for materials extracted from properties outside of the Shire district, up to a rate of \$2.00 per cubic metre.

The Shire will not pay a water gratuity to private landowners to obtain water for road construction and maintenance projects.

The Shire of Mingenew will not pay for road building material acquisitions by way of private works in lieu, on behalf of the landowner. However, the Shire is prepared to undertake private works for the landowner in accordance with the private works rate set by Council and at a time best suited for the Shire. Landowners will be invoiced for private works undertaken and payment made to the Shire as per all other private works activities.

Should an agreement for the removal of gravel not be reached with the landowner and the Chief Executive Officer (CEO) considers the acquisition of these materials in the best interest of the public, the CEO is to provide such notices, and take such actions, as are prescribed by the Local Government Act 1995 to secure these materials.

The compensation rate this policy sets extends to all landowners whose properties lie outside the boundaries of the Shire.

1.5.1 ROAD BUILDING MATERIAL ACQUISITIONS MANAGEMENT PROCEDURE

Relevant Council Policy

1.5.1 Road Building Material Acquisitions

Adoption Date: 19 October 2022

Appendix:

Relevant CEO Directive

N/A

Review: Biennial

Objective:

To ensure that the Shire of Mingenew provides fair and equitable compensation to all land owners for the acquisition of road building material.

Legislation:

- A. Section 3.27 of the Local Government Act 1995 states:
Particular things a Local Government can do on land that is not Local Government Property-
 1. *A Local Government may, in performing its general functions, do any of the things prescribed in Schedule 3.2 even though the land in which it is done is not Local Government property and Local Government does not have consent to do it;*
 2. *Schedule 3.2 may be amended by Regulation; and*
 3. *If Schedule 3.2 expressly states that this subsection applies, subsection (1) does not authorise anything to be done on land that is being used as a site or curtilage of a building or has been developed in any other way, or is cultivated.*
- B. Schedule 3.2 of the Local Government Act 1995 states:
Take from land any native growing or dead timber, earth, stone, sand or gravel that, in its opinion, the Local Government requires for making or repairing a thoroughfare, bridge, culvert, fence or gate.
- C. Schedule 3.6 of the Local Government Act 1995 states:
[The Local Government may] Deposit and leave on land adjoining the thoroughfare any timber, earth, stone, sand, gravel and other material that persons engaged in making or repairing a thoroughfare, bridge, culvert, fence or gate do not, in the Local Government's opinion, require.
- D. Schedule 3.22 of the Local Government Act 1995 stipulates that an owner or occupier of land is to be compensated by the Local Government for any damages sustained through the performance of its functions under this Act.

Procedures:

1. Acquisition Guidelines

Staff will abide by the following procedures when attempting to secure road building materials from private lands:

- a) The Chief Executive Officer and/or Works Manager shall approach landowners and request acquisition from their property by way of right of entry to search for materials.
- b) If suitable materials are located a written agreement (as attached) is to be reached with the landowner for compensation for materials removed. The written agreement is to be signed by both parties and a copy is to be provided to the landowner.
- c) Payment for road building materials acquired from the landowner will be in accordance with Council's schedule of payments and negotiated between the land owner and the Works Manager.

- d) Should agreement for the removal of road building materials not be reached with the landowner, procedures to take such materials in accordance with the Legislation detailed in the Local Government Act, 1995 will be considered by the CEO prior to commencement.
- e) Once gravel has been pushed it legally becomes the property of the Shire and will be paid for in accordance with the measurements undertaken by the Works Manager at the time gravel is removed from the property.

2. Excavation

- a) All existing internal tracks, where possible, are to be utilised and will be maintained for the duration of the works and on its completion.
- b) Excavation is not to encroach any closer than 10 meters from any fence line and any damage to fences, gates, access roads etc is to be repaired.

3. Rehabilitation

If requested by the land owner, Staff will rehabilitate burrow pits according to the following specifications:

- a) Cross rip the pit floor at 1 metre spacing prior to reinstating overburden, etc.
- b) Level/batter the pit with sides no steeper than a gradient of 1 in 4.
- c) Reinstating overburden.
- d) Reinstating topsoil.
- e) Cross rip again at 1 metre across contours.
- f) Reinstating stock piled vegetation (if any).

Other Property Rehabilitation

- a) Internal haul roads will be reinstated.
- b) All fences disturbed will be reinstated.

ABN 41 454 990 790
ROAD BUILDING MATERIAL ACQUISITIONS – POLICY 1.5.2, FORM 1
AGREEMENT BETWEEN THE SHIRE OF MINGENEW AND LANDOWNER FOR THE ACQUISITION OF ROAD BUILDING MATERIALS

NAME:		
ADDRESS:		
PHONE:		
MATERIALS REQUIRED:		
ESTIMATED VOLUME:		
FROM LOCATIONS:		
COMPENSATION REQUIRED:	Yes/No	
REGISTERED FOR GST:	Yes/No	
PAYMENT: If registered for GST, the landowner must issue the shire of Mingenew with a Tax Invoice, on receipt of an official purchase order which will detail the quantity removed and price per m ³ . If not registered for GST, tax will be withheld from payment at the statutory rate. Council will immediately pay the landowner on receipt of the tax invoice.	Gravel compensation rate is \$ _____ m ³ (GST exclusive)	
ADDITIONAL REHABILITATION CONDITIONS AGREED TO (OTHER THAN THOSE LISTED IN COUNCILS POLICY):		

Landowners Consent

I/we hereby give consent to the Shire of Mingenew to remove road-making materials as detailed above in accordance with Council Policy and conditions outlined.

Signature: Date: / /

Signature: Date: / /

Acceptance

The shire of Mingenew hereby undertakes to ensure that the requirements as noticed in this form and in Council's policy are adhered to.

Signature: Date: / /

CHIEF EXECUTIVE OFFICER / WORKS MANAGER

COUNCIL POLICY
Works

1.5.2

Title:	ROAD CLOSURES
Adopted:	17 July 2019
Reviewed:	
Associated Legislation:	Local Government Act 1995, Section 3.50
Associated Documents:	
Review Responsibility:	Works Supervisor
Delegation:	Chief Executive Officer

Previous Policy Number/s: Nil

Objective:

To manage road closures in a manner that preserves the safety of road users and lifespan of the Shire's road transportation network.

Policy Statement:

Section 3.50(1) of the Local Government Act 1995 provides for a local government to close any road it manages, wholly or partially for a period not exceeding four weeks.

If, in the opinion of the delegated officer, there is a risk of damage to Shire road infrastructure, due to inclement or persistent wet weather, or road conditions present an unacceptable hazard to road users, the Chief Executive Officer may close roads:

- a) for all vehicles with a Gross Vehicle Mass of 4.5 tonnes or greater; and/or
- b) for all vehicles without four wheel drive; or
- c) for all vehicles

The Chief Executive Officer may close:

- a) A single road, or section of road; in the case of very localised risk; and/or
- b) All unsealed roads within an area of the Shire; in the case of somewhat localised risk; or
- c) All unsealed roads in the Shire of Mingenew; in the case of widespread risk

Permits to Travel on Closed Roads:

Those with legitimate and pressing reasons for travel and/or in emergency situations may apply to the Chief Executive Officer for permission to traverse closed roads.

In issuing such a permit, the Chief Executive Officer may give consideration to:

1. Any potential road damage that may arise from the permitted use
2. Weather forecasts
3. Planned road maintenance activities
4. Animal welfare of livestock, including livestock in transit

The following activities may be considered for such a permit:-

- food and grocery supplies to community stores

- fuel supplies to power stations
- building supplies for urgent housing projects
- access for businesses to ensure continuity of essential work processes
- funerals or other significant personal or cultural reasons
- emergency services response
- such other activities which may be determined from time to time by the CEO

The permit may be cancelled at any time by the CEO if circumstances warrant.

The following exemptions apply:

- Local residents seeking to access their homes, providing they do not enter any hazard, give consideration to their own personal safety and the safety of others
- Emergency services vehicles

Notification of Road Closures:

As soon as practicably possible after the decision has been made to close a road or roads, the Shire shall:

- a) Send a text message to the Road Notifications database
- b) Place notice of closures on the Shire website
- c) Post notice of closures on relevant social media channels

Road Closed signs will also be erected where it is safe and practicable to do so.

A mandatory review time is to be provided with a notification of a road closure.

COUNCIL POLICY
Works

1.5.3

Title:	1.5.3 CROSSOVERS
Adopted:	19 May 2021
Reviewed:	N/A
Associated Legislation:	Schedule 9.1(7) of the Local Government Act (1995); Regulation 12-15 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>
Associated Documentation:	Shire of Mingenew Standard Vehicle Crossover Specifications Crossover Application Form Crossover Reimbursement Form
Review Responsibility:	Council

Previous Policy Number/s – N/A

Objective:

To provide appropriate standards for the construction of crossovers in the Shire of Mingenew and to outline Council's contribution to crossovers.

Definitions:

The **crossover** (or crossing) is the section of driveway that extends from the road kerb to the front or side property boundary line, across the verge.

In accordance with Regulation 15(2) of the *Local Government (Uniform Local Provisions) Regulations 1996* Council defines a **standard crossover** as having the following features:

1. Concrete or brick paved;
2. Width at the property boundary of 3.0 metres
3. 1.5 metre tapers or wings at the crossover entrance;
4. Where constructed in concrete, the crossover shall be standard grey in colour;
5. Brick paved crossovers to have a 1.0-metre-wide concrete apron at the crossover entrance.

Policy:

All new crossovers are to be constructed in accordance with the Shire of Mingenew's '*Standard Vehicle Crossover Specifications*'. Written approval must be granted by the Shire prior to construction of a new/additional crossover commencing.

The Shire's Works Manager is authorised to consider applications and approve based on compliance with this Policy and the Shire's '*Standard Vehicle Crossover Specifications*'.

In accordance with Regulation 15 of the *Local Government (Uniform Local Provisions) Regulations 1996*, the Shire of Mingenew will reimburse 50% of the cost, as estimated by the local government, of the first standard crossing per single / individually titled lot. To be eligible for a standard crossover reimbursement, the crossover must meet or exceed the set Shire specifications and an application is received within 6 months of the crossing being constructed. Payment will be made based on 50% of a standard crossover only; the Shire is not obliged to bear the costs for a superior standard.

The property owner is responsible for the cost of construction and all future maintenance and repairs to the crossover, including any damage resulting from the roots of street trees. The Shire will not undertake any maintenance or repairs to the crossover or accept any liability as a result of poorly constructed or maintained crossovers.



Standard Vehicle Crossover Specifications

TABLE OF CONTENTS

PART 1 - GENERAL

1	Objective	4
1.1	Definitions	4
1.2	Statutory Requirements	4
1.2.1	Council Subsidy	4
1.2.2	Standard Crossing	5
1.3	How To Apply For a Crossover	5
1.3.1	Contacts.....	6
1.4	Type & Method of Construction	6
1.5	Building Application	6
1.6	Maintenance Responsibility	6
1.7	Protection of Existing Services, Street Trees & The Public	6
1.8	Levels, Shape & Drainage	7
1.9	Excavation, Filling and Compaction	7
1.1	Removal of Existing Kerb & Footpath	7
1.10.1	Kerbing	7
1.10.2	Cutting of Kerb.....	8
1.10.3	Existing Footpath.....	8
1.10.4	Path Reinstatement.....	8
1.12	Crossing Entrance.....	8
1.13	Wide Crossings.....	9
1.14	Protection of Works & Public.....	9
1.15	Damage to Existing Facilities.....	9

PART 2 – TECHNICAL SPECIFICATIONS- CONCRETE CROSSOVERS

2	Concrete Specifications	9
2.0.1	Residential Crossovers.....	9
2.0.2	Commercial & Industrial Crossovers	9
2.1	Placing Concrete.....	10
2.2	Placing Concrete in High Temperatures	10
2.3	Finishing Concrete	11
2.4	Jointing Concrete	11
2.5	Curing Concrete	11
2.6	Aesthetics	11

PART 3 – TECHNICAL SPECIFICATIONS – BRICK PAVED CROSSOVERS

3	Paver Type & Thickness	12
3.1	Base Layer Preparation	12
3.2	Edge Restraint	12
3.3	Bedding Layer	12
3.4	Layer of Pavers	12
3.5	Compaction & Joint Filling	13

PART 4 – SUMMARY OF MAIN REQUIREMENTS

4	Residential Crossovers	14
ATTACHMENTS		
1	ATTACHMENT 1 – Standard paved crossover- Plan view 1.0	15
2	ATTACHMENT 2 – Standard paved crossover - Section A – A	16
3	ATTACHMENT 3 – Standard concrete crossover - Plan view 2.0.....	17
4	ATTACHMENT 4 – Standard concrete crossover - Section A – A.....	18

PART 1 - GENERAL

1.0 OBJECTIVE

The purpose of this specification is to ensure that vehicle crossings are constructed and maintained to a safe and efficient standard in accordance with the requirements of the Shire of Mingenew (hereinafter referred to as the Shire).

This document contains comprehensive technical information on crossovers, installation procedures, permissible materials, guidelines and specifications applicable to the construction of crossovers in the Shire.

1.1 DEFINITIONS

Applicant means the person who makes application to the Shire to construct a crossover;

Shire means the Shire of Mingenew;

Contractor means the person or company who will be responsible for construction of the crossover;

Crossing has the same meaning as Crossover;

Crossover means that section of the 'drive in' to a property that replaces the verge and footpath or will ultimately form part of the future footpath;

Footpath means the paved or made portion of a thoroughfare used or intended for use by pedestrians and cyclists;

Local Government means the local government of the Shire of Mingenew;

Local Government Act means the Western Australian Local Government Act 1995;

Subsidy means the contribution that the Shire is prepared to make towards the cost of an approved crossover;

Verge means that portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property boundary but does not include a footpath.

1.2 STATUTORY REQUIREMENTS

Under the provisions of Schedule 9.1, Clause 7 of the Local Government Act 1995 and Regulation 12, 13 and 15 of the Local Government (Uniform Local Provisions) Regulations 1996, all landowners within the Shire of Mingenew must make application to Council to construct a vehicle crossover.

All crossovers must be constructed to the satisfaction of the Shire's Works Manager or his/her nominated representative.

1.2.1 Council Subsidy

Schedule 9.1, Clause 7(4) of the Local Government Act 1995 states:

Regulations may provide for the local government to bear some of the cost of making a crossing in certain circumstances.

Regulation 15 of the Local Government (Uniform Local Provisions) Regulations 1996 states:

(1) *Where -*

(a) *a local government -*

(i) *under regulation 12 constructs or approves the construction of; or*

- i. (ii) *under regulation 13(1) requires the construction of, a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land;*

(b) the crossing is the first crossing in respect of the land; and

(c) the crossing is a standard crossing or is of a type that is superior to a standard crossing, the local government is obliged to bear 50% of the cost, as estimated by the local government, of a standard crossing, but otherwise the local government is not obliged to bear, nor prevented from bearing, any of the cost.

(2) In sub regulation (1) -

“first crossing” in respect of land, means the first crossing to the land or a private thoroughfare serving the land constructed under regulation 12 or section 358 2 of the Local Government Act 1960 as in force at any time before 1 July 1996;

“standard crossing” means, subject to any local law as to what is or is not a standard crossing, a crossing of a kind that the local government, by resolution, decides is a standard crossing.

1.2.2 Standard Crossing

Council has resolved that a **standard crossing** has the following features:

- (1) concrete or brick paved;
- (2) width at the property boundary of 3.0 meters; and
- (3) 1.5 metre wide tapers or wings at the crossover entrance;
- (4) where constructed in concrete, the crossover shall be standard grey in colour; and
- (5) brick paved crossovers to have a 1.0 metre wide concrete apron at the crossover entrance.

1.3 HOW TO APPLY FOR A CROSSOVER

If it is the first vehicle crossing constructed to the premises, the Shire of Mingenew may contribute 50% towards the construction cost of a residential crossover. The contribution is determined at the time of the inspection and is calculated on a standard 3.0 metres wide crossover. Currently, only crossovers constructed to residential properties are eligible for a Council contribution of 50%.

Written approval by the Shire of Mingenew **must** be obtained prior to construction of a new/additional crossover commencing. To obtain written approval complete a **Crossover Application** form and lodge it with the Shire. Crossover Application forms received after construction has commenced will not be eligible for a subsidy and may be subject to removal, if deemed by the Works Manager to be dangerous in location, design or construction.

To claim Council contribution, complete a **Crossover Reimbursement** form, attach all receipts for the labour and materials and lodge it with the Shire after completion of the crossover. Application for a contribution must be made in writing and submitted within six (6) months of the date that the crossing was constructed.

Upon receipt of the crossover reimbursement form, a site inspection will be undertaken by an Officer from the Works Department to verify that the crossing has been constructed in accordance with the specification. Should the constructed crossover comply with all of the Shire’s requirements, then the subsidy payment will be forwarded to the property owner by mail. **1.3.1 Contacts**

Queries on all matters related to crossovers, including requests for information, application forms, notification for inspections and as otherwise described in this document should be directed to: Shire of Mingenew Administration Office on 9928 1102 or emailed to enquiries@mingenew.wa.gov.au.

1.4 TYPE AND METHOD OF CONSTRUCTION

Crossovers to residential properties must be constructed in either concrete or brick paving. For commercial and industrial properties, crossovers may only be constructed in asphalt, concrete, or brick paving. Bitumen sealed crossovers are discouraged for commercial and industrial properties. The construction of crossovers shall be executed in accordance with this specification and any variance must first be approved in writing by the Works Manager or their representative.

Crossovers can be constructed in either the following ways:

1. Privately constructed –
 - a) The applicant constructs the crossover; or
 - b) The owner/agent arranges for a private contractor to construct a concrete or brick paved crossover.

1.5 BUILDING APPLICATION

A Building Application is for construction works inside the property boundary and does not include approval for the construction of a crossover. Hence, a separate application is required for the construction of a crossover within the road verge, which is vested with the Shire of Mingenew. A Crossover Application will be considered once a Building Permit has been issued for related works.

1.6 MAINTENANCE RESPONSIBILITY

The crossover is that section of driveway that extends from the road kerb to the front or side property boundary line, across the verge. The property owner is responsible for the cost of construction and all future maintenance and repairs to the crossover, including any damage resulting from the roots of street trees. The Shire will not undertake any maintenance or repairs to the crossover or accept any liability as a result of poorly constructed or maintained crossovers.

1.7 PROTECTION OF EXISTING SERVICES, STREET TREES AND THE PUBLIC

- (1) Existing services within the vicinity of the proposed crossover shall be protected at all times. The owner or authorised representative may be contacted to provide advice in relation to the protection of services;
- (2) Where damage is caused to the Shire's infrastructure (i.e. kerb, pathway, road etc) as a result of the construction of the crossover, the infrastructure shall be repaired to the satisfaction of the Works Manager.
- (3) Conflicting public utility services shall be adjusted or relocated at the applicant's expense, subject to formal approval from the relevant authority;
- (4) The Shire's existing drainage structures (i.e. pits) that conflict with the location of the proposed crossover are to be adjusted by the Shire's Works Department and all costs associated with this work shall be borne by the Applicant;

- (5) The removal, adjustment, or reinstatement of reticulation is the responsibility of the Applicant;
- (6) Street trees shall not be removed without the prior approval of the Shire's Works Manager or his/her nominated representative. Crossovers shall be located a minimum of 1.5 metre from a tree and removal will only be undertaken where it can be demonstrated that this is the only option available. All costs associated with the removal of the street tree shall be borne by the Applicant;
- (7) The Applicant shall be responsible for the protection of the public at all times. Signage, lighting, barricades, and/or any other protection measure deemed necessary shall be provided by the applicant to ensure that the public are protected during the execution of the works;
- (8) Safe access for pedestrians on the verge shall be maintained at all times. The Shire will not permit pedestrians being forced to walk on the road pavement unless appropriate measures are put in place for the protection of pedestrians; and
- (9) Vehicle crossings abutting State-controlled roads shall be subject to the approval of Main Roads WA in conjunction with the Shire of Mingenew.

1.8 LEVELS, SHAPE AND DRAINAGE

The levels and shape of the crossover shall be as shown in Attachments 2 and 4. The standard longitudinal slope shall be positive 2% (1:50) from the top of kerb. However for the verges having natural gradients above 2%, the first 3.0m of the crossing from the top of the kerb or road edge shall have positive 2% and the remainder of the crossing to the property boundary line and beyond shall be formed as shown in Attachments 2 and 4.

Where the house finished floor level is considerably lower than the road level, grated drains are to be installed at the property boundary connected to a soakwell. The soakwell shall be placed inside the property boundary and not on the verge unless authorised by the Works Manager or his/her representative.

In no case shall the crossover junction at the property boundary be stepped unless specifically authorised by the Works Manager or his/her authorised representative.

1.9 EXCAVATION, FILLING AND COMPACTION

Excavation shall be cleanly and evenly executed, watered and vibrator rolled to give a compaction of 95% maximum dry density as determined by modified compaction test under 12A or SAA Standard A89 – 1996 to provide for a sound base free of depressions, soft spots and any deleterious materials to accommodate a minimum 100mm thick concrete pavement (residential crossing), minimum 150mm thick concrete pavement (commercial / industrial crossing) or 190mm for brick paving (100mm deep base layer, 30mm sand and 60mm brick). The sub-grade, including any filling shall be moistened and thoroughly compacted using a 300mm plate compactor over a minimum of two passes.

All surplus material resulting from site preparation and construction of the crossing is deemed to be the property of the Contractor and shall be completely removed from the site at the expense of the Contractor.

1.10 REMOVAL OF EXISTING KERBING AND FOOTPATH

1.10.1 Kerbing

Where kerbing is in place at the crossing entrance, the length of kerbing equal to the appropriate entrance width of the crossing shall be removed and replaced with a 1.0 metre wide concrete apron in accordance with Attachments 1 and 3.

1.10.2 Cutting of Kerb

Where kerbing is to be removed, it shall be neatly cut and removed carefully so as to not disturb the wearing surface and road pavement. Where any doubt exists regarding the removal of kerbing, advice shall be obtained from the Works Manager or his/her nominated representative and such work shall meet his/her satisfaction.

1.10.3 Existing Footpath

Generally, an existing footpath should be left in place if it is in situ concrete, is in good condition, and is a minimum of 100mm thick adjacent to the property boundary line or kerb, and is not a slab footpath. Where slab footpaths exist they shall be completely removed and disposed of at the contractor's expense.

Where deemed absolutely necessary and approved by the Works Manager or his/her nominated representative, existing footpaths may be removed by neatly saw cutting the existing footpath to allow construction of the new crossover. The footpath shall be cut perpendicular to the existing footpath alignment and 12mm expansion joints shall be constructed either side of the crossover.

Where the footpath is damaged on respective sides of the proposed crossover, the footpath shall be removed back to the nearest construction/expansion joint and the section of path relayed to meet the requirements of the specification and satisfaction of the Works Manager or his/her nominated representative.

The expansion joint shall be continuous from 'form to form' and extend vertically for the full depth of the slab. The joint shall not protrude above the surface of the crossover or abutting kerb.

1.10.4 Path Reinstatement (Concrete and Brick Paved)

Where the existing footpath or dual use path (DUP) is pre-cast concrete slabs, these may be discarded or otherwise disposed of to the satisfaction of the Shire. The slabs shall be replaced by the crossover and the junction with the path made good to the satisfaction of the Works Manager or his/her nominated representative.

Where the existing footpath or DUP is in situ concrete, is in good condition, and is a minimum of 100mm thick adjacent to the property boundary line or kerb, the crossover shall be constructed either side of the concrete path and match up with it provided the grade of the crossover from the property boundary to road channel does not exceed 4%.

Where the existing footpath or DUP is in situ concrete, is in poor condition, or less than 100mm thick adjacent to the property boundary line or kerb, the pathway shall be neatly sawn cut along the alignment of the crossover to provide the necessary opening. The section of redundant path shall then be removed and reinstated up to the edge and level of the new crossing.

The path shall be kept in a safe condition at all times until reinstatement work is completed and appropriate signage installed warning pedestrians of construction works. All surplus material resulting from the removal of concrete pathway is deemed to be the property of the Contractor and shall be completely removed from the site at the expense of the Contractor.

1.12 CROSSING ENTRANCE

Where kerbing has been removed to permit the construction of a crossing, the water channel shall be restored by constructing a crossing entrance shown on Attachment 1 and 3.

A lip 25mm high shall be created between the road surface and the top of the front edge of the crossing entrance to allow for the future resurfacing of the road. Brick pavers shall not be permitted on the crossing entrance. Instead a one (1) meter concrete apron must be installed as shown on Attachment 1.

Any damage caused to the edge of the road surface shall not be corrected with concrete. The Works Manager shall be advised of the damage and such damage will be repaired by the Shire with all of the costs associated with the repair to be met by the Contactor.

1.13 WIDE CROSSINGS (CONCRETE AND BRICK PAVED)

Where two residential crossings abut each other, they may be combined, providing that the combined width does not exceed 8.0 meters. Where the combined width is likely to exceed 8.0 meters, a pedestrian refuge of 2.0 metres minimum width shall separate the two (2) crossings.

1.14 PROTECTION OF WORKS AND PUBLIC

All signage installed to manage the traffic and pedestrians must comply with the current Australian Standards. Care shall be taken during construction of the crossing to protect the public from any accident and the works from damage.

1.15 DAMAGE TO EXISTING FACILITIES

Care shall be taken to avoid damage to any public facilities located in the verge. Therefore, the Contractor should contact "Dial Before You Dig" to obtain information about the location of all services in the area prior to undertaking any excavation.

The constructor shall repair any damage caused during construction to a standard acceptable to the owner of the facility.

PART 2: TECHNICAL SPECIFICATION - CONCRETE CROSSOVERS

2.1 RESIDENTIAL CROSSOVERS

Ready mixed concrete shall comply with AS1379-1997.

All concrete used in the crossing shall develop a minimum compressive strength of 20 Megapascals (Mpa) at 28 days and shall have high early strength additive to give rapid hardening. All concrete used shall have a maximum slump of 75mm delivered by transit truck from an approved mixing plant.

The concrete thickness shall be a minimum of 100mm. However, commercial/industrial crossovers shall be designed to meet the requirements of traffic loads and suitable access; therefore the thickness and reinforcing noted above are only the minimum standards.

Hand or machine mixing of concrete on site **is not** permitted. Documentation on the concrete used for the construction of the vehicle crossing shall be made available to the Works Manager or his/her appointed representative when requested.

The minimum and maximum widths at the property boundary (excluding splays or wings) for residential crossovers are 3.0 metres and 6.0 metres respectively.

2.2 COMMERCIAL AND INDUSTRIAL CROSSOVERS

Ready mixed concrete shall comply with AS1379-1997.

All concrete used in the crossing shall develop a minimum compressive strength of 25 Megapascals (Mpa) at 28 days and shall have high early strength additive to give rapid hardening. All concrete used shall have a maximum slump of 75mm delivered by transit truck from an approved mixing plant.

The concrete thickness shall be a minimum of 150mm, with F72 reinforcing mesh. However, commercial/industrial crossovers shall be designed to meet the requirements of traffic loads and suitable access; therefore the thickness and reinforcing noted above are only the minimum standards.

Hand or machine mixing of concrete on site **is not** permitted. Documentation on concrete used for the construction of the vehicle crossing shall be made available to the Works Manager or his/her appointed representative when requested.

The minimum and maximum widths at the property boundary (excluding splays or wings) for commercial crossovers are 6.0 metres and 10.0 metres respectively, for one and two way traffic flow.

2.3 PLACING CONCRETE

The base shall be thoroughly and evenly moistened, but not saturated, prior to placing the concrete. In addition, deleterious material shall be removed from the base before pouring the concrete.

The concrete shall be evenly placed to the depth specified in one continuous operation, and shovelled into position continuously and spaded, or vibrated, especially at the edges, to give maximum density. No break in operations shall be permitted from the time of placing to finishing except as authorised by the Works Manager or his/her nominated representative.

2.4 PLACING CONCRETE IN HIGH TEMPERATURE

Concrete shall not be placed on days for which the official forecasted temperature is higher than 35 degrees Celsius, unless the following requirements are adhered to:

- (1) The formwork shall be continuously sprayed with water in advance of the placement of concrete. Excess water shall be removed from the inside of the formwork immediately prior to the placement of concrete.
- (2) Steel reinforcement and metal formwork shall be suitably protected from the effects of excessive temperature.
- (3) Suitable barriers shall be provided to protect the freshly placed concrete from the environment, until the concrete has hardened sufficiently to allow curing to begin.
- (4) The concrete shall be held to a temperature not higher than 32 degrees Celsius when placed by:
 - a. Using chilled water for mixing; or
 - b. Spraying the coarse aggregate with cold water; or
 - c. Covering the container in which the concrete is transported to the formwork;
or
 - d. Using any combinations of these methods.
- (5) The concrete shall be mixed, transported, placed, compacted and finished as rapidly as possible, and then immediately curing shall begin. Concrete shall not be allowed to dry out before curing begins.
- (6) Curing compounds shall not be used as an alternative to the requirements of (3) and (4) above.

2.5 FINISHING CONCRETE

The finish shall be obtained by screeding to the correct levels and wood floating to provide a non-slip dense surface free of any depressions, float marks, irregularities, honeycomb sections or slurry liable to cause excessive surface wear.

A steel trowel finish is not permitted on a vehicle crossing. The surface shall be treated with a transverse brooming tool to provide a non-slip, dense surface free of any depressions, marks, jointing marks, honeycomb sections or accumulation of fine dusty accretions liable to excessive surface water. The final surface finish shall be to the entire satisfaction of the Works Manager or his/her nominated representative who reserves the right to require the removal of or the correction of any surface deficiencies or finish.

Colouring and texturing of the surface is permissible at full cost to the owner, that is, Council will not subsidise the cost of surface colouring or texturing.

Concrete edges shall be finished with a 100mm wide edging tool.

Light vehicles should refrain from traversing the concrete for at least three (3) days and heavy vehicles for seven (7) days.

2.6 JOINTING CONCRETE

- (1) Contraction joints shall be made with an approved jointing tool. The distance either laterally or longitudinally between contraction joints shall not exceed 2.0 metres.
- (2) Expansion joints shall be full depth joints of a minimum 14mm width and shall be filled with bitumen-impregnated canite or similar approved material and located at the property boundary and at the ends of existing kerbing where kerbing has been removed. Long crossing shall have expansion joints at 6.0 metre maximum spacing.

2.7 CURING CONCRETE

The concrete crossing shall be cured either by water sprayed on the exposed concrete surface after setting or be covered with plastic film immediately after finishing and be cured for at least 3 days.

As stated in clause 2.5, light vehicles should refrain from traversing the concrete for at least three (3) days and heavy vehicles for seven (7) days.

2.8 AESTHETICS

If due to the alignment of the road or boundary or any other reason the installation of a standard crossover shape is difficult or would result in a shape that detracts from the specification, the Contractor must make immediate contact with the Shire and must not proceed with the work until the crossover alignment has been approved by the Works Manager or his/her nominated representative.

PART 3: TECHNICAL SPECIFICATION - BRICK PAVED CROSSOVERS

3.0 PAVER TYPE AND THICKNESS

All materials used in the construction of brick paved crossovers shall be concrete or clay pavers in accordance with the manufacturer's specifications and any materials used which is inferior to those specified or directed by the Shire shall be liable to rejection and replacement at the Contractor's costs.

Minimum 60mm heavy duty rectangular or square concrete or clay pavers are to be used.

3.1 BASE LAYER PREPARATION

The base layer shall comprise minimum 100mm deep limestone, gravel or road base and compacted to provide a consolidated, sound base free of depressions, soft spots and any deleterious materials.

The base material shall be loosely spread in a single layer to the required level and compacted using overlapping passes of a vibrating plate compactor or suitable vibrating/pedestrian roller.

The base finished surface shall be trimmed so that it does not deviate by more than 10mm from the base of a 2.0m long straight edge placed in any direction.

3.2 EDGE RESTRAINT

The perimeter of the crossover shall be provided with concrete restraining barriers. Restraints shall be robust enough to withstand vehicle impact and prevent the lateral movement of bricks as such movement could cause pavement failure. Visible concrete edge restraints shall be installed to the **same** level as the brick pavement.

The Contractor must construct a 1.0 metre wide concrete apron at the crossover entrance as per attachment 1 and 2. The concrete shall be parallel to the roadway and blend into the existing kerbing at respective ends or blend back into the road surface. Paving bricks shall be laid commencing from the rear face of the concrete apron.

The perimeter of all paved areas shall be provided with a header course laid on a solid brick or concrete footing to prevent lateral movement of the bricks. Header bricks shall be mortared to the footing.

3.3 BEDDING LAYER

The bedding material needs to be well graded sand passing a 5mm sieve or blue metal dust. Bricklayers sand and single sized dune sands are not suitable for use. The bedding sand shall be non-plastic and free from deleterious materials such as stones, tree roots, clay lumps and excessive organic material.

At the time of placing, the sand should have uniform moisture content. The sand must be screed slightly ahead of laying and protected from the compaction. The pre-depth of the sand bedding layer shall be 30mm minimum (+/- 5mm) just before the laying of bricks.

3.4 LAYING OF PAVERS

Bricks can be either clay or concrete, rectangular or interlocking. Bricks shall be placed on the bedding by hand with 2 to 4mm gaps between adjacent bricks. All full bricks shall be laid first. Closure bricks shall be cut with a saw and fitted subsequently. It is desirable that bricks be laid to the herringbone pattern as superior strength is obtained, however, other patterns that achieve the necessary interlocking characteristics are acceptable.

3.5 COMPACTION AND JOINT FILLING

The bricks shall be immediately compacted and brought to level by not less than three (3) passes of the vibrating plate compactor. The plate should have sufficient area to simultaneously cover twelve (12) bricks. To prevent damage to pavers, sheets of plywood of 12mm minimum thickness should be laid on the bricks to prevent the compactor coming into contact with the paved surface.

As soon as possible after compaction, dry sand for joint filling shall be broomed over the pavement and into the joints. Excess sand shall be removed as soon as the joints are filled.

Ideally, the sand used for joint filling should be finer than the bedding layer with a nominal maximum particle size of 2mm. Sand used for joint filling should be free from salts or contaminants likely to cause efflorescence. However, the use of bricklayer's sand or the addition of a small amount of silty material to the joint filling sand can be of benefit in reducing water penetration in the early life of the pavement.

PART 4 - SUMMARY OF MAIN REQUIREMENTS

4.0. RESIDENTIAL CROSSOVERS

Concrete & Brick Paved Crossovers

- Written approval by the Shire of Mingenew must be obtained prior to construction of a new/additional crossover
- To obtain written approval complete a Crossover Application form and lodge it with the Shire
- To claim Council contribution, complete a Crossover Reimbursement form, attach all receipts and lodge it with the Shire after completion of the crossover
- Application for a contribution must be made in writing and submitted within six (6) months of the date that the crossing was constructed
- Standard width of crossover at front boundary - 3.0 meters
- Maximum width of crossover (unless written permission has been obtained) at front boundary - 6.0 meters
- Grated drains to be installed at the property boundary connected to a soakwell
- The soakwell to be placed inside the property boundary and not on the verge
- Concrete wings to be 1.5m wide on both sides of crossover

Concrete Crossovers

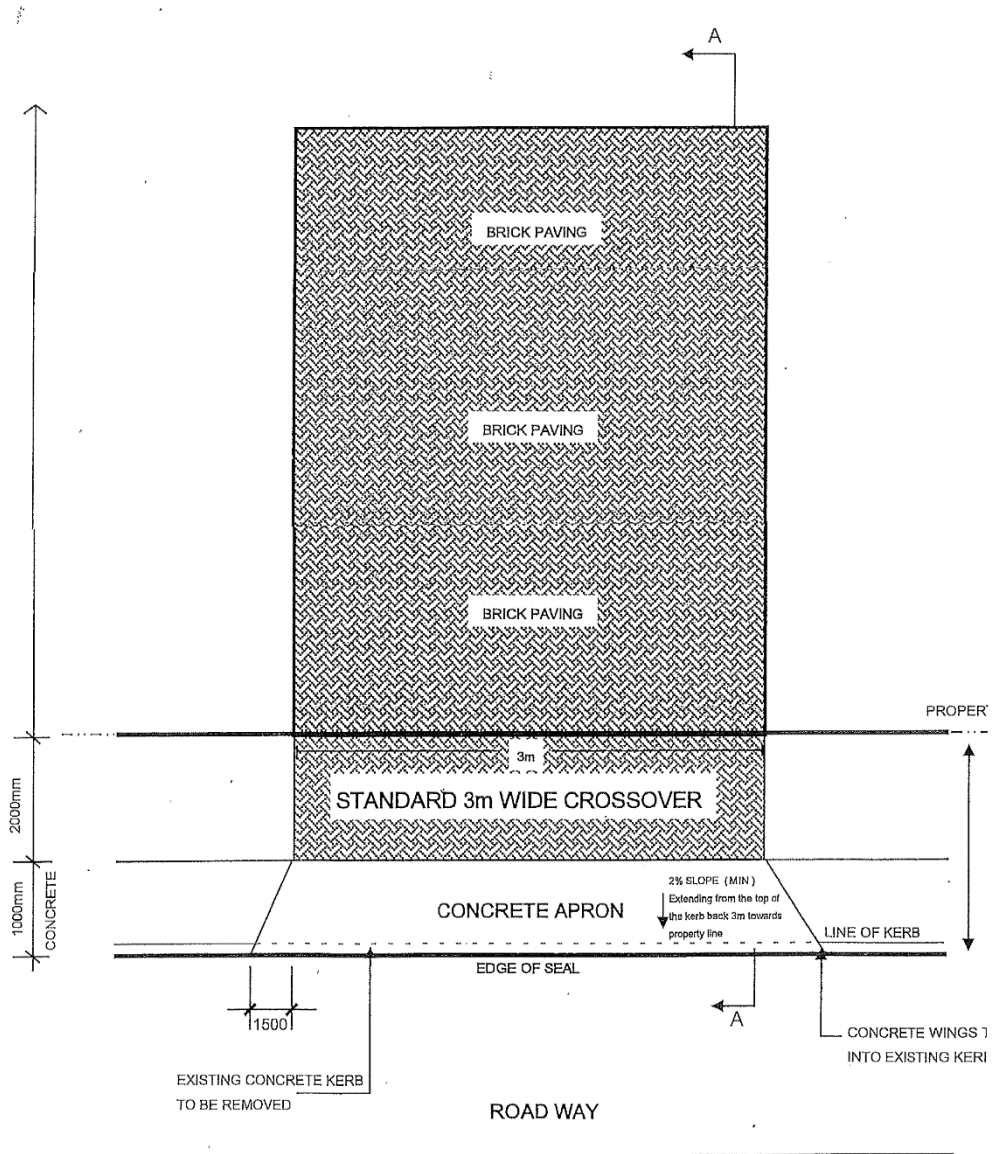
- Concrete depth minimum 100mm
- Surface finish - Transverse broomed

Brick Paved Crossovers

- 60mm thick bricks and classified as heavy duty by the manufacturer
- 1.0 meter wide concrete apron at the entrance to the crossover
- Visible concrete edge restraints to the same level as the brick pavement to prevent lateral movement

Standard Paved Crossover Specifications

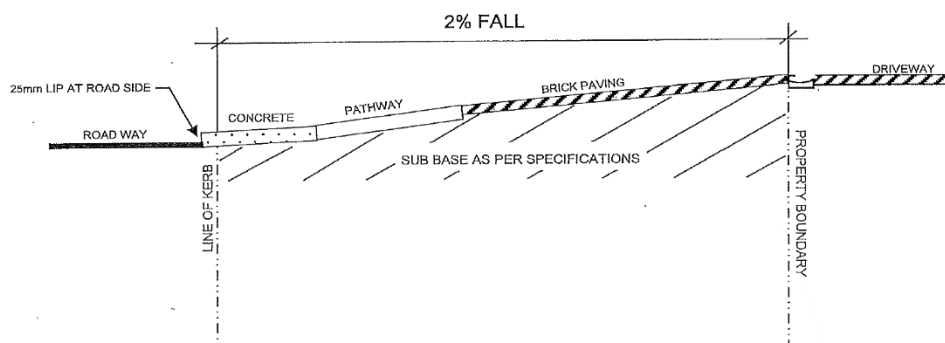
Attachment 1



PLAN VIEW 1.0

Standard Paved Crossover Specifications

Attachment 2

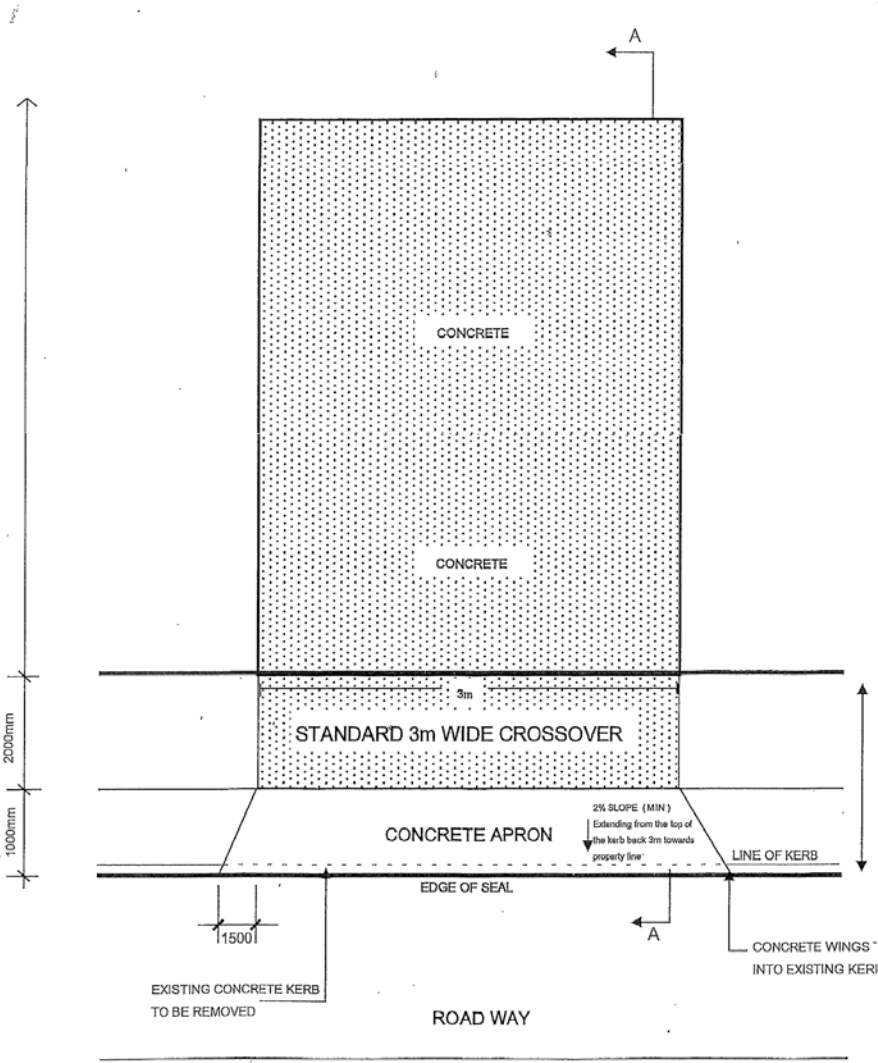


2% Fall taken from the top of the paving at the property boundary to the top of the kerb at the road side.

SECTION A - A
OF
PLAN VIEW 1.0

Standard Concrete Crossover Specifications

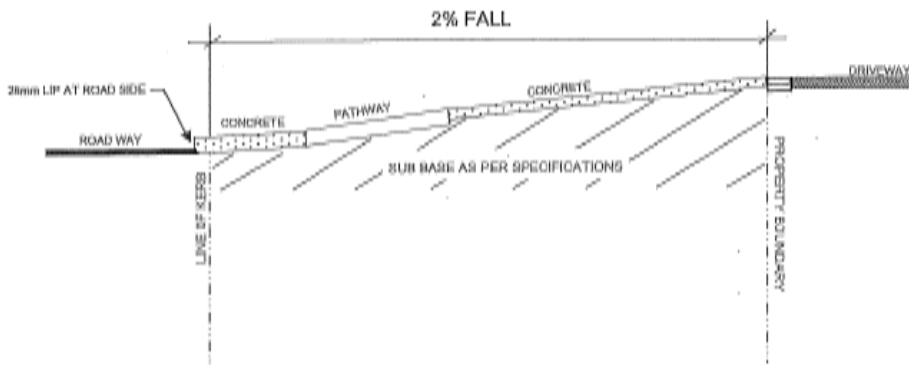
Attachment 3



PLAN VIEW 2.0

Standard Concrete Crossover Specifications

Attachment 4



2% Fall taken from the top of the paving at the property boundary to the top of the kerb at the road side.

SECTION A - A
OF
PLAN VIEW 2.0

Title:	1.5.4 RURAL ROAD VERGE VEGETATION MANAGEMENT
Adopted:	19 May 2021
Reviewed:	-
Associated Legislation:	Environmental Protection Act 1986 Environmental Protection (Clearing of Native Vegetation) Regulations 2004
Associated Documents:	N/A
Review Responsibility:	Works Manager
Delegation:	-

Previous Policy Number/s: Nil

Objective:

To provide guidelines for the effective management of native vegetation contained within rural road verges under the care, control and management of the Shire of Mingenew.

Policy Purpose:

The purpose of this policy is to allow for the construction and maintenance of rural roads while acknowledging the importance of the protection and conservation of native vegetation. Although conservation of roadside vegetation is an objective of this policy, road safety and road asset protection are the principal considerations.

Designated Maintenance Corridor

The *Environmental Protection Act 1986* and other legislation, in particular the Item 22 of the Table forming part of Regulation 5 (Clearing for maintenance in existing transport corridors) of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* provides that local government can carry out activities to maintain and protect the integrity of road infrastructure within the designated 'maintenance corridor' as demonstrated in Diagram 1.



Diagram 1: Maintenance Corridor

Clearing of vegetation within the maintenance corridor which is older than 10 years will require a Clearing Permit.

Road Construction Activities

All works shall be planned to minimise clearing and prevent damage to native vegetation outside the limits of clearing specified under the Clearing Regulations. Works will take into consideration the preservation of roadside vegetation utilising relevant environmental tools.

Where required, the Shire will apply for the appropriate Clearing Permit from the Department of Water and Environmental Regulation prior to undertaking any road construction.

Any cleared vegetation will be removed from site if it is not chipped and used on site. It will not be pushed or heaped onto adjacent un-cleared native vegetation.

Road Maintenance

The Shire's road maintenance program includes grading, slashing, herbicide application, pruning, drain cleaning, drainage improvements, bitumen resealing, bitumen shoulder grading and gravel re-sheeting. Road maintenance activities will be contained within the 'maintenance corridor', which comprises the running surface, shoulder, table drains, offshoot drains and batters to the top of the back slope.

When major weed control works are to be undertaken, including areas outside the 'maintenance corridor', consultation may occur with the Department of Biodiversity, Conservation and Attractions, Department of Water and Environmental Regulation and local natural resource management groups.

As part of the Shire's annual road program, unsealed shoulders on sealed roads that are subject to significant traffic will require periodic grading and/or gravel re-sheeting. During this process, all grasses and vegetation will be removed from the shoulders prior to work commencing. Some maintenance grading may require clearing of native vegetation to accommodate the machine and ensure road safety.

Drains, including table drains and offshoot drains, are usually mechanically cleared and maintained using a grader, and/or slashed if covered with grass. Drains that are inaccessible to mechanical equipment may require maintenance with hand tools or approved herbicides. In the cases where these practices will not provide for an acceptable level of drainage, the use of excavation equipment may be required.

Management of Works

All personnel undertaking road works on behalf of the Shire will have appropriate training. This can include training provided by, through or in conjunction with WALGA or the Roadside Conservation Committee in roadside vegetation management and maintenance.

Removal of Dangerous Vegetation

Occasionally it is necessary to remove a dangerous tree/vegetation that poses an imminent threat to public safety, such as impeding sight lines along the roadway or a tree that has been subject to storm damage and is threatening to fall over a fence line or a roadway. Following inspection by Shire staff, tree removal will be in accordance with *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

Services and Utilities

Alignment of services is encouraged to minimise impact on roadside native vegetation where possible. Under the Utility Providers Code of Practice for Western Australia, utility providers are to liaise with the Shire of Mingenew regarding the positioning of services and the reinstatement and rehabilitation of disturbed areas. If clearing of vegetation is required, it is the responsibility of the service providers to obtain a valid Clearing Permit from Department of Water and Environmental Regulation.

All materials are to be removed from the road verge, by the utility providers, on the completion of works. All trenches, if relevant, are to be backfilled, adequately compacted and trimmed to ensure they are safe. Where clearing of vegetation has been undertaken, it is the responsibility of the utility service provider to revegetate the disturbed area with local native flora either by spreading seed, brush or chipped vegetation of similar composition from nearby areas, or by planting tube stock.

Unauthorised Clearing and/or Activities within Rural Road Reserves

Clearing of a rural road verge or unmade road reserve without the relevant approvals and/or permit is prohibited. Penalties may also apply in accordance with the *Environmental Protection Act 1986*.

No works shall be undertaken in rural road reserves without prior approval from the Shire. This includes planting (including native species), drainage work, fencing, spraying, burning off, clearing vegetation or seed collection.

Fence Line Clearing

Clearing of up to 1.5 meters from a fence line to provide access to construct or maintain a boundary fence is exempt under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

Landowners wishing to remove vegetation from within the road reserve to allow them to construct or maintain an existing boundary fence should seek the approval of the Shire before undertaking such works.

Restoration and Revegetation

Where roadworks by the Shire results in the creation of un-vegetated areas no longer being required to be incorporated into the 'maintenance corridor', the area will be revegetated with local, native flora either by re-spreading topsoil, spreading seed, brush or chipped vegetation of similar composition from nearby areas, or by planting tube stock.

Where native vegetation has been inadvertently cleared during roadworks or any other activities by the Shire or others, the vegetation will be restored either by re-spreading topsoil, spreading seed, brush or chipped vegetation of similar composition from nearby areas, or by planting tube-stock of local, native flora.

Weed Management

Weeds within the 'maintenance corridor' will be controlled and managed as part of the Shire's routine roadside spraying.

Following construction and maintenance works, weeds will be regularly controlled by the most effective manual, mechanical or chemical means, considering site characteristics, types of weed, weed life cycle, climatic season and the presence of native species.

Relevant Legislation

The *Environmental Protection Act 1986* and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* govern the activities that will impact on native vegetation. This legislation is relevant to the Shire, setting limitations and requirements on road infrastructure works, and landowners who wish to undertake work in road reserves.

Stakeholder Consultation

The Shire will inform those parties that might be affected by road clearing proposals through appropriate and timely communication methods.



OUTBUILDINGS

LOCAL PLANNING POLICY

PURPOSE

Local Planning Policies assist the local government in making decisions under the Scheme.

It is not intended that a policy be applied rigidly, but each planning application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, will be limited to the policy provisions and that mere compliance will result in an approval.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances, the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

SCOPE

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination. The Scheme prevails should there be any conflict between this Policy and the Scheme.

OBJECTIVES

1. To provide development standards for outbuildings specific to the Shire of Mingenew, as appropriate.
2. To provide a clear definition of what constitutes an “outbuilding”.
3. To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling building size and location.
4. To limit the visual impact of outbuildings.
5. To encourage the use of outbuilding materials and colours that complement the landscape and amenity of the surrounding areas.
6. To ensure that the outbuilding remains an ancillary use to the main dwelling or the principle land use on the property.

DEFINITIONS

‘Outbuilding’ means an enclosed non-habitable structure that is detached from any dwelling. For the purpose of this policy an open sided, roofed patio completely detached from the dwelling is also considered an outbuilding. For the purpose of this policy a non-enclosed addition to an existing outbuilding (e.g. veranda, patio, lean-to or carport etc.) shall constitute an extension to that outbuilding.

‘Front Building Line’ means the closest point of a house to the front boundary, drawn parallel to the that boundary. In the case of a corner lot, the front building line applies to both streets.

POLICY PROVISIONS

General

1. Pre-fabricated garden sheds, “cubby houses”, kennels and other animal enclosures (such as aviaries, stables) less than 9m² in total aggregate area and less than 2.5m in height (measured from natural ground level) are exempt from this policy provided they are located to the rear of the house, and of a design and colour considered in keeping with the amenity of the area by the local government.
2. Other than for general storage and/or agricultural purposes an outbuilding shall not be used for any commercial or industrial use without prior approval from Council.
3. The storage of accumulated personal items and any items in connection with a commercial or industrial operation (e.g. building materials, earthmoving equipment etc.) is considered contrary to the objectives of this policy and is therefore not considered sufficient justification for an increase in the maximum standards prescribed.

Height, Size and Setbacks

Outbuildings within the Residential, Rural Townsite or Tourism zones shall;

- (a) be single storey;
- (b) be located behind any dwelling on site;
- (c) meet all setback requirements set out in the Local Planning Scheme and this policy;
- (d) not be approved by the local government on a lot not containing a dwelling;
- (e) be attached to, or setback 1.8m from any dwelling and 1.2m from any septic tank.

The following maximum standards apply to outbuildings:

Zone / Lot Size	Maximum area (m ²)	Maximum wall length (m)	Maximum wall height (m) <i>(to be measured at natural ground level)</i>	Maximum roof height (m)
Rural, Rural Residential	Exempt from the area and height requirements of this policy			
All other zones - on lots under 1,500m ²	80	10	4	5
All other zones - on lots over 1,500m ²	200	N/A	4	5

(Table 1 – Site layout requirements)

Materials

The use of uncoated metal sheeting (i.e. zincalume or corrugated iron) is only permitted upon land zoned ‘Rural Residential’ or ‘Rural’.

Consultation

Applications that propose variation to any part of the Policy may require consultation with effected owners and/or occupiers, by means of the Shire writing directly to the surrounding landowners inviting comment, and placement of an advisory sign on-site for a period of not less than 14 days, prior to the application and any received submissions being placed before a meeting of Council for consideration.

Note: The advertising of a received application that proposes variation to any part of the Policy is undertaken to make the proposal available for inspection in order to provide opportunity for public comment and it should not be construed that final approval will be granted.

The local government in determining the application will take into account the submissions received but is not obliged to support those views.

ADMINISTRATION

REFERENCES

Shire of Mingenew Local Planning Scheme No.4
Residential Design Codes Western Australia
Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015

ADOPTION

VERSION	STATUS	DATE	REFERENCE
DRAFT V1	Advertising	21/2/18	Minute Ref: 9.4.1
FINAL	Adoption	17/4/19	Minute Ref: 17041908
REVISION 1	Adoption	21/8/19	Minute Ref: 11.1

REVIEW

Review timeframe: Annually
Review responsibility: Chief Executive Officer



HERITAGE LIST

LOCAL PLANNING POLICY

1 Introduction

1.1 Statutory Background

This policy is adopted under deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which enables the Shire of Mingenew to prepare local planning policies for any matter related to the planning and development of the Scheme area. The local planning policy can only have effect where consistent with the deemed provisions and local planning scheme.

1.2 Purpose

To provide guidance on the assessment of development proposals which affect heritage protected places.

1.3 Objective

The objectives of the policy are:

- To conserve and protect places of cultural heritage significance that are identified on the Heritage List.
- To ensure that developments do not adversely impact the significance of heritage places on the Heritage List.
- To ensure that heritage significance is given due weight in local planning decision making.
- To provide certainty to landowners and community about the planning processes for identification and protection of places identified in the Heritage List.

2 Application

- a) This Policy applies to any places of Exceptional Significance (Category 1- the Heritage Council of Western Australia's Register of Heritage Places) and Considerable significance (Category 2) as identified in the Heritage List in the Local Heritage Survey (LHS) as adopted by Council.
- b) The Deemed Provisions apply to the property, or portion thereof as defined in the Local Heritage List. Where this refers to a specific object then the Deemed Provisions apply only to that object.
- c) The Deemed Provisions do not apply specifically to the interior of the buildings listed in the Local Heritage List as they are integral to the relevant places.

3 Definitions and Terms

Unless otherwise noted, terms used in this policy have common meanings and include those defined in the *Planning and Development Act 2005*, *Planning and Development (Local Planning Schemes) Regulations 2015*, and the *Heritage Act 2018*.

Deemed Provisions

Are the -provisions contained in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Heritage Area

Means an area designated as a heritage area under clause 9 of the Deemed Provisions.

Heritage Agreement

A contract under Part 7 of the *Heritage Act 2018* is undertaken on a voluntary basis by the owners of a heritage place. The agreement binds current and successive owners to a set of conservation conditions and may provide compensating benefits in some circumstances. The purpose of a Heritage Agreement is to secure the long-term conservation of a heritage place.

The Heritage Agreement can be terminated or varied in accordance with s.94 of the *Heritage Act 2018*.

Heritage Assessment

A systematic assessment that describes a place and its setting and states its significant heritage values in terms of the criteria adopted by the Heritage Council of Western Australia (HCWA). These criteria are the aesthetic, historic, social and scientific values of the place.

Heritage Impact Statement

A Heritage Impact Statement (HIS) describes and evaluates any potential impact of proposed development on the significance of a heritage place and its setting, or on the heritage area within which it is situated. The report may also outline measures by which any detrimental impact may be minimised. The Heritage Council of Western Australia (HCWA) provides guidelines for the preparation of Heritage Impact Statements.

Heritage List

A list of heritage places that has been adopted under the Local Planning Scheme includes places of the highest levels of cultural heritage significance (Categories 1 and 2) that have been included within the Local Heritage Survey and assessed as being worthy of conservation, by inclusion on the Heritage List.

Heritage Place

The Burra Charter (Article 1 Definitions)

- 1.1 states **Place** means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.
- 1.2 states **Cultural significance** means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects.
- Places may have a range of values for different individuals or groups.

4 Policy Statement

The Local Planning Strategy for the Shire of Mingenew highlights the importance of heritage places to the amenity of the Shire's built environment.

The Shire has a significant collection of heritage assets as identified in the Local Heritage Survey (LHS). The Heritage List identified in the Local Heritage Survey calls for the conservation and protection of those identified heritage assets.

This policy:

- Builds on the heritage conservation objectives in the Heritage List.
- Applies the development control principles contained in the State Planning Policy 3.5 Historic Heritage Conservation.
- Provides guidance for the proposed development of places in the Heritage List.
- Details procedures for making applications for approval of heritage-related developments.

5 Development control principles

5.1 Development Application

In considering any planning applications in relation to a place in the Heritage List, the Shire of Mingenew will apply and have regard to the development control principles set out in sections 6.5 and 6.6 of *State Planning Policy 3.5 Historic Heritage Conservation (2007)* and in particular:

- a) Whether the proposed development will adversely affect the significance of any heritage place or area, including any adverse effect resulting from the location, bulk, form or appearance of the proposed development.
- b) Measures proposed to conserve the heritage significance of the place and its setting.
- c) The structural condition of a place, and whether a place is reasonably capable of conservation.

5.2 Levels of Significance

The level of heritage significance of a place is one of the matters considered in determining an application.

The following levels of significance (Categories 1 and 2) have been assessed as the most significant in the Shire of Mingenew Local Heritage Survey, and therefore form the Heritage List.

This Policy is relevant to places of Exceptional Significance (Category 1- Register of Heritage Places) and Considerable significance (Category 2) as identified in the Heritage List in the Local Heritage Survey (LHS).

LEVEL OF SIGNIFICANCE	DESCRIPTION	DESIRED OUTCOME
Exceptional significance HERITAGE LIST <u>Category 1</u>	Essential to the heritage of the locality Rare or outstanding example.	The place should be retained and conserved unless there is no feasible and prudent alternative to doing otherwise. Any alterations or extensions should reinforce the significance of the place and be in accordance with a Conservation Plan (if one exists).
Considerable significance HERITAGE LIST <u>Category 2</u>	Very important to the heritage of the locality. High degree of integrity/authenticity.	Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place.

5.3 Applications for development approval – accompanying material

An applicant may be required to provide one or more of the following reports to assist in the determination of a development application. This is additional to the requirement for accompanying material set out in the Local Planning Scheme and the Model Scheme Text.

- a) Where an application relates to a place on the Heritage List, it must make a response to the heritage values of the place.
- b) Minor works will need to demonstrate that the development will not have an adverse effect on the cultural heritage significance of the place, at the discretion of the Shire.

5.4 Register of Heritage Places (Category 1)

If a proposal affects a place that is entered in the Register of Heritage Places, the Shire will refer the development application to the Heritage Council of Western Australia, together with a Heritage Impact Statement at the applicant's expense.

5.5 Heritage Impact Statement (HIS)

A Heritage Impact Statement (HIS) describes and evaluates the likely impact of a proposal. It is a clear and concise account of the proposed work that addresses three basic questions:

- How will the proposed development affect the significance of the place?
- What alternatives have been considered to minimise any adverse impacts?
- Will the proposal result in any heritage conservation benefits that might offset any adverse impacts?

A determination of the proposed development, supported by a Heritage Impact Statement, will be a Shire Council decision with regard to the impact on the heritage place.

5.6 Proposed demolition

A structural condition assessment may be required in the case of proposed demolition if structural failure is cited as a justification for the demolition of a place in the Heritage List.

The structural evidence should be provided by a registered structural engineer to substantiate that the structural integrity of the building has failed and cannot be rectified without removal of a majority of its original fabric that would impact the significance of the place.

5.7 Archival recording in the case of demolition

If a demolition application is proposed for a place included on the Heritage List a condition of approval may require the applicant to submit an archival record of the place, prior to the commencement of development.

The archival record is to be in accordance with the Heritage Council's standard for archival recording. Completed archival records are to be submitted to the Shire of Mingenew in electronic format and will form part of the local government historical records.

5.8 Conditions of approval

Where a development application for a heritage place is approved with conditions, those conditions may be used to secure positive heritage outcomes, in addition to any standard condition.

Any condition of approval must have planning purpose, and be relevant and reasonable, and may include an archival record or entry into a heritage agreement.

5.9 Shire owned/managed property

The Shire of Mingenew will seek to lead by example by conserving and managing its own property in accordance with this policy.

6 Review

6.1 Amendments to the Heritage List

The procedures for adding, deleting, or amending entries to the Heritage List are set out in the Local Planning Scheme.

The Heritage List should include, as a minimum, all those places identified in the Local Heritage Survey as being of Exceptional Significance: Category 1 (Register of Heritage Places) or Considerable Significance: Category 2.

The Shire may amend the Heritage List in the following situations:

- Consider inclusion of a place in the Heritage List if the findings of a reviewed Local Heritage Survey support it.
- A place is nominated for inclusion by the owner or a member of the public if assessment documentation to the required standard is provided by the nominator.
- If not, consideration will be deferred until a review of the Heritage List is scheduled.

- The inclusion of a place may be considered if a heritage assessment is prepared as part of a Heritage Impact Statement submitted by an applicant.
- Consider removing a place from the Heritage List if it is demolished or is damaged or destroyed, to the extent that its significance is significantly impacted or lost.

The Shire will retain a record of all places destroyed, demolished and/or removed from the Heritage List, to monitor the rate of losses over time.

6.2 Review Position and Date

A review of the Heritage List is to be undertaken as a minimum, every four years or as otherwise prescribed.

6.3 Associated Documents

- Local Heritage Survey 2022
- Heritage List 2022
- Burra Charter 2013
- Burra Charter Practice Note (2013)
- Heritage Act 2018
- State Planning Policy 3.5 Historic Heritage Conservation
- Heritage Council's 'Criteria for the assessment of local heritage places and areas'
- Heritage Impact Statement - a guide 2019
- Guide to preparing an Archival record